By Mr. FREE: Joint resolution (H. J. Res. 334) to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Washington: Resolution (H. Res. 418) for the consideration of H. R. 11796, a bill to provide for the deportation of certain aliens, and for other purposes; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of Nevada, favoring an appropriation being made for the construction of the Spanish Springs extension to the Newlands project; to the Committee on Appropriations.

By Mr. RICHARDS: Memorial of the Legislature of the State of Nevada, petitioning Congress for the passage of the Gooding bill, designated as S. 2327; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Nevada, petitioning Congress to the effect that Congress give its approval to the Spanish Springs appropriation; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CHINDBLOM: A bill (H. R. 11981) for the relief of Thomas A. Moore; to the Committee on Claims.

By Mr. COLE of Ohio: A bill (H. R. 11982) granting an increase of pension to Isabell Cory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11983) granting an increase of pension to Lovina E. Willoughby; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 11984) granting a pension to Mary Jane Trinkle; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11985) granting an increase of pension to William Cunagim; to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 11986) for the relief of Abraham Nachmann; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 11987) granting an increase of pension to Elizabeth M. Kerr; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 11988) granting an increase of pension to James A. Galloway; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 11989) granting an increase of pension to Mary C. Parker; to the Committee on Pensions.

By Mr. RAGON: A bill (H. R. 11990) permitting the sale of the northwest quarter of the northeast quarter, section 5, township 6 north, range 15 west, 40 acres, in Conway County, Ark., to Luvenie Reece, Abraham Reece, Correne Reece, Powell Reece, Arlington Reece, Brvee Reece, Mayola Reece, Usieus Reece, Odessa Reece, and Jessie Reece, heirs of M. C. Reece; to the Committee on the Public Lands.

By Mr. RUBEY: A bill (H. R. 11991) for the relief of Morgan L. Atchley; to the Committee on Military Affairs.

By Mr. SHREVE: A bill (H. R. 11992) for the relief of Willard H. Shedd; to the Committee on Military Affairs.

By Mr. SPEAKS: A bill (H. R. 11993) granting a pension to Amelia A. Keith; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 11994) granting a pension to Lydia J. Hall; to the Committee on Invalid Pensions.

By Mr. TAYLOR of West Virginia: A bill (H. R. 11995) for the relief of Silas L. Lawson; to the Committee on Military Affairs.

By Mr. WOODRUFF: A bill (H. R. 11996) granting a pension to Supremia Gatehouse; 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:

3569. By Mr. BERGER: Petition of residents of West Allis, Wis., and Milwaukee, Wis., opposing the enactment of Senate bill 3218, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3570. Also, petition of residents of Milwaukee, Wis., opposing the enactment of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3571. Also, petition of 900 residents of Milwaukee, Wis., opposing the enactment of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3572. Also, memorial of the Federated Trades Council of Milwaukee, Wis., opposing the enactment of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3573. Also, petition of Hugh J. McGrath Camp, No. 4, United Spanish War Veterans, Milwaukee, Wis., urging the enactment of House bill 5934, to pension soldiers and sailors of the war with Spain, the Philippine insurrection, and the China relief expedition; to the Committee on Pensions.

3574. By Mr. CULLEN: Petition of Indian relief committee of Minneapolis, urging the Congress to act with favor and promptness upon the bill now pending for the relief of the Chippewa Indians of Minnesota out of funds now held by the Government belonging to those Indians; to the Committee on Indian Affairs.

3575. By Mr. DAVEY: Petition of 37 residents of Ravenna, Ohio, protesting against the proposed compulsory Sunday observance bill (S. 3218) or any other religious legislation which may be pending in Congress; to the Committee on the District of Columbia.

3576. By Mr. HUDSON: Petition of the Real Estate Board of the city of Pontiac, Mich., protesting against the so-called rent bill (H. R. 11708); to the Committee on the District of Columbia.

3577. By Mr. SWING: Petition of residents of Anaheim, Calif., protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3578. By Mr. TILLMAN: Petition of G. E. Norwood and others, all of Fayetteville, Ark., opposing the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *January 28, 1925*

(Legislative day of Monday, January 26, 1925)

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

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near, Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. No. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McKENZIE, Mr. MORIN, and Mr. QUIN were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 27) requesting the President to return to the Senate the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry.

The message further announced that the House had passed a bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills:

S. 51. An act for the relief of the owner of the schooner *Itasca;*

S. 1199. An act authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army;

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.; and

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

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

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

Ashurst	Ernst	Kendrick	Ransdell
Ball	Fernald	Keyes	Reed, Pa.
Bayard	Ferris	King	Sheppard
Bingham	Fess	McCormick	Shields
Borah	Fletcher	McKellar	Shipstead
Brookhart	Frazier	McKinley	Simmons
Broussard	George	McLean	Smith
Bruce	Gerry	McNary	Smoot
Bursum	Glass	Mayfield	Stanfield
Cameron	Gooding	Moses	Sterling
Capper	Greene	Neely	Swanson
Caraway	Hale	Norbeck	Trammell
Copeland	Harreld	Norris	Underwood
Couzens	Harris	Oddie	Wadsworth
Cummins	Heflin	Overman	Walsh, Mass.
Curtis	Howell	Owen	Warren
Dale	Johnson, Calif.	Pepper	Watson
Dill	Johnson, Minn.	Phipps	Weller
Edge	Jones, N. Mex.	Pittman	Wheeler
Edwards	Jones, Wash.	Ralston	Willis

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Eighty Senators have answered to their names. A quorum is present.

PETITION AND MEMORIAL

Mr. WILLIS presented resolutions of the Cleveland (Ohio) Bar Association, favoring the passage of legislation granting increased compensation to Federal judges, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Ravenna, Cuyahoga Falls, and Kent, all in the State of Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. EDGE:

A bill (S. 4110) granting a pension to Bud Evering; to the Committee on Pensions.

By Mr. BALL:

A bill (S. 4111) to provide for the elimination of Lamond grade crossing in the District of Columbia, and for the extension of Van Buren Street; to the Committee on the District of Columbia.

By Mr. WELLER:

A bill (S. 4112) for the relief of the Sanford & Brooks Co. (Inc.); to the Committee on Claims.

By Mr. BURSUM:

A bill (S. 4113) granting a pension to Anna M. Benham;

A bill (S. 4114) granting a pension to Mary E. Harris;

A bill (S. 4115) granting a pension to Anna M. E. Purse;

A bill (S. 4116) granting a pension to Anna K. Brown;

A bill (S. 4117) granting a pension to Gavino Bernal;

A bill (S. 4118) granting a pension to Mary J. Wells; and

A bill (S. 4119) granting an increase of pension to Maria Rosario Maxsam; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 4120) to promote the production of sulphur upon the public domain; to the Committee on Public Lands and Surveys.

By Mr. WALSH of Montana:

A bill (S. 4121) for the relief of Nick Masonich, Isaia Fabbro, and John Disarri; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4123) to authorize the Secretary of War to secure for the United States title to certain private lands, now used as an Artillery range, adjoining Schofield Barracks, Hawaii; to the Committee on Military Affairs.

By Mr. McCORMICK:

A bill (S. 4124) for the relief of Mary Davis; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 4125) to regulate the interstate transportation of black bass, and for other purposes; to the Committee on Interstate Commerce.

By Mr. WILLIS:

A bill (S. 4126) legalizing certain taxes imposed by the Philippine Legislature; to the Committee on Territories and Insular Possessions.

By Mr. KING:

A joint resolution (S. J. Res. 176) for the creation of a city planning commission for the District of Columbia; to the Committee on the District of Columbia.

AMENDMENT OF AGRICULTURAL CREDITS ACT OF 1923

Mr. McLEAN. Mr. President, I introduce a bill and ask for its reference to the Committee on Banking and Currency.

I want to say with regard to this bill that I introduce it at the instance of the Agricultural Commission recently appointed by the President to investigate agricultural conditions in this country, and report such remedial legislation as they deem to be wise. In view of the importance of this measure I ask that it be printed in the RECORD. It is a very short bill, only one page in length.

The bill (S. 4122) to amend section 202 of the act of Congress approved March 4, 1923, known as the "Agricultural credits act of 1923," was read the first time by its title and the second time at length, and referred to the Committee on Banking and Currency, as follows:

Be it enacted, etc., That paragraph 1 of section 202 of the agricultural credits act of 1923, approved March 4, 1923, be amended by inserting after the word "State," in line 5 of said paragraph, the words "or of the Government of the United States," so that the paragraph as amended will read:

"(1) To discount for or purchase from any national bank and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, cooperative bank, cooperative credit or marketing association of agricultural producers organized under the laws of any State or of the Government of the United States, and/or any other Federal intermediate credit bank, with its indorsement, any note, draft, bill or exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock;"

AMENDMENT TO RIVER AND HARBOR BILL

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

FIREARMS IN THE MAILS

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (H. R. 9093) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty, which was ordered to lie on the table and to be printed.

LANDS, ETC., FOR NAVAL PURPOSES

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3863) to authorize the Secretary of the Navy to proceed with the construction of certain public works and to provide for the disposition of lands no longer needed, and the acquisition of other lands required for naval purposes, which was referred to the Committee on Naval Affairs and ordered to be printed.

POSTAL SALARIES AND POSTAL RATES

Mr. STANFIELD submitted an amendment intended to be proposed by him to the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which was ordered to lie on the table and to be printed.

HOUSE BILL REFERRED

The bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MUSCLE SHOALS

Mr. UNDERWOOD. Mr. President, I ask the Chair to lay before the Senate the action of the House on House bill 518, regarding Muscle Shoals.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam-power plant to be located and constructed at or near Lock and Dam No. 17, on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. No. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. UNDERWOOD. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to.

Mr. UNDERWOOD. Now, I want to explain the motion that I intend to make. It is rather unusual. I did not include in my previous motion that the Chair appoint the conferees on the part of the Senate. I think in a case of this kind the conferees should reflect the sentiment of the Senate in regard to the bill. In fact, on page 205 of the Senate Manual, in discussing the question, this statement is made:

> Of course, the majority party and the prevailing opinion have the majority of the managers.

Unfortunately the senior members of the committee are not in favor of the bill or the view of the Senate as the bill passed, and as the rules of the Senate authorize or require the election of conferees, except by unanimous consent, and desiring to have conferees to reflect the viewpoint of the Senate with reference to the bill, without in any way intending to reflect on the other members of the committee who have expressed their own views, and solely with the purpose of having Senate conferees respond to the House and see if they can work out a conclusion satisfactory to both Houses, I move that the Senator from New Hampshire [Mr. KEYES], the Senator from Illinois [Mr. MCKINLEY], and the Senator from Mississippi [Mr. HARRISON] be appointed the conferees on the part of the Senate.

Mr. SMOOT. Mr. President, I will say to the Senator that that is rather an unusual move.

Mr. UNDERWOOD. I have just said so.

Mr. SMOOT. What the Senator has said is correct, but it is always understood in the Senate that when the Senate appoints conferees the conferees shall take the judgment expressed by the majority vote in this body. They are to stand for the Senate amendments or, if it is a Senate bill, they are to stand against the House amendments to the bill. It seems to me that it is going outside the usual course, as the Senator admits, to make a motion to appoint conferees rather than to follow the general custom.

Mr. UNDERWOOD. I will say to the Senator that of course my motion is strictly within the rule. It is a rule of the Senate. The custom of the Senate, of course, has been that the proposer of a bill or the chairman of a committee, when it comes to the point where a conference is asked, shall move that the Senate insist on its amendments, agree to a conference, and that the Chair appoint the conferees on the part of the Senate, and the Chair usually says, "Without objection, it is so ordered"; otherwise the Senate would always elect conferees.

It happens in this case that there is a very distinct line of determination in regard to the bill. One side is in favor of a Government corporation operating the plant. There is no dispute about that at all. That side is represented by the chairman of the Committee on Agriculture and Forestry, who very sincerely and earnestly represents that particular view and has not yielded a particle on it. Knowing him as I do, I know full well that he will not yield, because he is earnest and sincere and is going to stand for what he believes. His position is that we should have Government operation of the plant.

Mr. SMOOT. Does the Senator mean to say that if the chairman of the Committee on Agriculture and Forestry was appointed a member of the conference committee and if the House conferees would yield upon the Senate provisions, he would not yield?

Mr. UNDERWOOD. I do not know. The chairman of that committee is sitting just behind the Senator from Utah and if he desires to answer the question I will yield that he may do so.

Mr. SMOOT. I suppose the Senator from Nebraska will have something to say about it, and I shall not ask any more questions now, but will let the chairman of the committee speak for himself.

Mr. UNDERWOOD. In making the motion I am not attempting at all to reflect on the Senator from Nebraska. Such a motion has been made before. The precedents show that under conditions similar to those now existing it has been made previously.

I realize that the chairman of the Committee on Agriculture and Forestry did not make his fight against the bill which I proposed just simply to be fighting a bill that I proposed. He was fighting for an idea and a principle in which he believed, and he so announced many times. He announced it in his concluding speech on the floor of the Senate. It is not necessary for me to go further than his own concluding speech unless the Senator from Nebraska now desires to make a different statement in regard to the measure. I assume that is his position until he announces otherwise himself.

Mr. GLASS. Mr. President——

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

Mr. UNDERWOOD. I yield.

Mr. GLASS. The Senator from Alabama did not conclude his discription of the line of demarkation between those who favor and those who oppose the bill.

Mr. UNDERWOOD. I intend to do so.

Mr. GLASS. He stated that the chairman of the committee, the Senator from Nebraska, is in favor of Government ownership and operation. What is the distinction in the bill of the Senator from Alabama?

Mr. UNDERWOOD. I intended to come to that before, but was interrupted by the Senator from Utah. I will come to that point now.

The bill that I introduced, and which is in accord with the message of the President of the United States, is primarily in favor of leasing the property if a lessee can be obtained. It does provide that if a lease can not be made then there shall be Government operation, and that is solely because this is a national defense plant and must be operated by the Government if it can not be operated by an individual. But the real line of demarkation is that Senators on the other side of the question, as represented by the chairman of the Committee on Agriculture and Forestry, believe primarily that it should be operated by the Government. They have been perfectly sincere in their argument and they have made that argument to the last moment that the question was before the Senate. I do not doubt their sincerity at all.

The position I take is that it is the part of wisdom to attempt to get a lessee to operate the plant on a contract made by the President, and that was the viewpoint expressed by the last vote of the Senate, which was 50 to 30. The House has asked for a conference and I think it is no reflection whatever on Senators who view it the other way that the Senate should send to the conference conferees who believe in the idea of operating the plant under lease rather than under Government ownership and operation as a primary object

Of course, this is not the final vote. The conferees will meet and if they reach a conclusion they must bring it back to the Senate. When it comes back the Senate will then have an opportunity to express its view as to whether it agrees to the report of the conferees. But according to the rules and the precedents I think we are entitled to conferees who reflect the last vote of the Senate in passing the bill. That is all I am asking, that they go to the conference reflecting the viewpoint of the Senate. If I am wrong about the other Senators not reflecting that viewpoint and if they will say so, of course I will withdraw what I have said. I think they were sincere in their attitude with reference to the bill.

Mr. McKELLAR. Mr. President——

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

Mr. UNDERWOOD. Certainly.

Mr. McKELLAR. The Senator said his motion is in accord with the precedents of the Senate. Does the Senator recall a single incident of this kind during his service in the Senate where conferees were appointed because of their favoring or not favoring the particular bill that had been agreed upon by the Senate?

Mr. UNDERWOOD. There are other incidents. It does not happen very often, I agree, but when the Teller amendment was attached to the declaration of war against Spain a distinguished Senator from my State was about to be left off the committee, although he was the senior Democrat, on the ground that he was not in favor of the Teller amendment. He would

have been left off except that he took the floor and stated that in conference he would support the Teller amendment, as it was the viewpoint of the Senate, and waive his own viewpoint, I recall that very well.

Mr. McKELLAR. Was he the chairman of the committee?

Mr. UNDERWOOD. No; but he was the senior Democrat.

Mr. GLASS. Mr. President, how does the Senator from Alabama know that he would have been left off?

Mr. UNDERWOOD. Because the suggestion had been made in the Senate to leave him off.

Mr. GLASS. Oh! We frequently have suggestions made here which the Senate does not confirm.

Mr. UNDERWOOD. And I think he would have retired if it had not been agreed to unanimously. I do not have to go to the precedents, however. If the Senator will turn to the Senate Manual and look at page 204, in speaking of the conferees it says:

> They are usually three in number, but on important measures the number is sometimes increased. In the selection of the managers the two large political parties are usually represented, and also care is taken that there shall be a representation of the two opinions which almost always exist on subjects of importance.

Here is what I wish to call to your attention:

> Of course, the majority party and the prevailing opinion have the majority of the managers.

"The majority party and the prevailing opinion." That is just exactly what I have moved. I do not care to call names on the Senate floor. The three able gentlemen who are the senior members of this committee are not in accordance with the viewpoint of the bill that was passed. They very candidly said so, and when the question was on the passage of the bill they voted against it. I do not reflect on them. I merely say that we should have conferees meet the House who are in favor of the viewpoint that the Senate voted, and then, when the bill comes back, if you want to renew the fight, you have the right to renew it on the conference report. When we go to the conference, however, I say we are entitled to have conferees who reflect the viewpoint of the Senate, and that is in entire accord with the rules and precedents of the Senate.

Mr. GLASS. Mr. President——

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

Mr. UNDERWOOD. Yes.

Mr. GLASS. Aside from the merits of the issue raised by the Senator's motion, I am not willing now, as I have not been willing heretofore, to have the country understand that one side of this question represents primarily Government ownership and that the other side represents primarily individualism or operation by a private concern. I do not think the Senator's bill represents primarily operation by private contract. It represents that contingently; and unless the Senator or somebody else is sure that under his bill we will get an acceptable bid from a private corporation, we shall have under his bill Government ownership in any event, and Government ownership and operation in the contingency I have cited.

Mr. UNDERWOOD. As far as ownership is concerned, I say there never has been any difference on the floor about that matter. I never have contended that the Government ought to part with title to this property. I do not think it should. It is a matter of war defense, and I do not think anyone here is contending that the title should be parted with. It is a question of operation; but that is not material on this question, I will say to the Senator.

Mr. GLASS. No; it is not.

Mr. UNDERWOOD. It is my viewpoint, however.

Mr. GLASS. I just do not want the country to have a misconception of the differences between the two bills.

Mr. UNDERWOOD. To be sure. I am perfectly willing to have the Senator express his viewpoint. The other was mine. There can be no dispute, however, that there was a battle of six weeks and clearly a distinct difference between the two sides that voted on this bill and sent it to the House; and there can not be any dispute that the Senators I have named in my motion are the first three Senators on the committee who indicated a favorable attitude toward the bill as it passed the Senate.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. I yield.

Mr. SIMMONS. I think the Senator from Alabama is entirely right in his contention that the conferees appointed by the Senate should reflect, in their action as conferees, the action of the Senate upon the matter committed to them; but I think in the first instance the Senator should trust to the good faith of those who, according to our customs, are entitled to expect and to receive designation as conferees.

Mr. UNDERWOOD. That position is entirely contrary to the rule I have just read to the Senate, which says that that is not to be done.

Mr. SIMMONS. It is our rule, heretofore observed, so far as I know, to appoint as conferees the ranking members of the majority and ranking member of the minority. What I desire to say is that the Senate ought in the first instance to rely upon the good faith of those gentlemen, without any regard to their attitude when the matter was before the Senate, to carry out in conference the will of the Senate as expressed in its ultimate action. I know of no precedent against that; but we came very near establishing such a precedent at the last session of Congress, when the situation was, I think, identical with the situation which the Senator now presents to the Senate.

In the consideration of the revenue bill passed during the last session the majority members of the Senate—all of them, I think, except one—had opposed very strenuously the ultimate action of the Senate as to certain very important and vital phases of that bill, just as in the case before the Senate to-day.

The chairman of the committee and some of the other members of the committee, who under the ordinary practice of the Senate would have been entitled to appointment as conferees, strenuously opposed the action which was finally taken by the Senate. The contention of the minority having been adopted by the Senate in the revenue bill, I was concerned then, as ranking member of the minority, as the Senator from Alabama now is concerned, about what might be the attitude of the chairman of the committee, the distinguished Senator from Utah [Mr. SMOOT], and his two associates who would have been entitled under the rules to appointment as conferees with him. I was concerned with the course they might pursue in the conference, because of their strenuous opposition to the action of the Senate; and I considered, together with my colleagues on this side and those on the other side who had acted with us in the incorporation into the bill of these provisions that were so much opposed by the majority on the other side, as to what course we should pursue; whether or not we should do exactly what the Senator proposes to do now, and make a demand that the Senate in the first instance name the conferees, and name only such conferees as were favorable to the bill in the form in which it passed the Senate.

Mr. President, in those conditions we seriously took into consideration the fact that the majority of the conferees who under our rules would be appointed might probably be opposed to the action of the Senate in the conference as they had been upon the floor of the Senate. We finally resolved that by deciding it to be good policy, as well as in the interest of harmony in the Senate, that we should not by our action express distrust of the sincerity and good faith of those gentlemen, but that we should assume, as a matter of course, that they would discharge their obligation to the Senate, and in conference, whatever might have been their attitude when the measure was pending in the Senate, would stand by the final action of the Senate upon those vital matters.

I do not know whether it was expressed openly in the Senate—although it was expressed in conversation among Senators—I know that I expressed it, and I know that it got into the press, and I think probably I was responsible for its getting into the press—that while we would make no objection to appointing in the regular way the chairman and his two ranking associates representing the majority, because we felt bound to assume that they would recognize their obligation to the Senate and would perform their duties with reference to that obligation in conference, still if after their appointment it appeared that they were not faithful and did not carry out the intention of their appointment and support the action and attitude of the Senate, we would either make a motion before the report of the conferees was submitted to remove them and substitute for them other Senators upon that committee who were in sympathy with the Senate's action, or that we would wait until they reported, and then if they had violated their obligation in this regard we might send the measure back to the conference and ask for the appointment of new conferees. That was my attitude then and that would be my feeling now.

I am in sympathy in the pending matter with the position of the chairman of the committee and with the two members of the minority who will likely, under the rule, be appointed as conferees if that rule shall be adhered to; but I have the greatest faith that they will carry out the ultimate action of

the Senate. If they should not, if they should disregard their obligations in that respect, notwithstanding my sympathy with their position on the floor of the Senate and my opposition to the action of the Senate, I would join with the Senator from Alabama in sending the report back to conference and appointing new conferees.

However, I do not think it is wise policy, Mr. President—and I say that frankly to the Senator from Alabama—for us to be asked to assume that because members of the committee opposed here the action that was ultimately taken by this body they will not, if put on the conference committee, honestly and faithfully stand for the action of the Senate as against the counteraction of the House of Representatives. I will not believe that the conferees will not faithfully discharge their duty until such a thing has happened. It did not happen in the case which I have mentioned, because when there was brought up in conference the most vital feature of all the controversy, namely, the substitution of what was known as the Simmons schedule of rates for the Mellon schedule, the conferees on the part of the Senate, those representing the majority as well as those representing the minority of the committee, stood for that position.

There was another vital controversy upon which the alignment in the Senate had been the same, and that was with regard to the publicity of income-tax assessments. Not a member of the conference representing the majority had supported the action of the Senate, but in conference, recognizing the action of the Senate, they stood for it as against their former position in the Senate.

Mr. SMOOT. Mr. President——

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

Mr. SIMMONS. Yes.

Mr. SMOOT. The Senator from North Carolina will also remember that before ever the conferees were appointed I made a statement to the effect that if the time came when I could not as a conferee support the action of the Senate I would ask the Senate itself to make the change.

Mr. SIMMONS. The Senator's statement is correct. While I felt then that we must trust and did trust those Senators, and must rely upon their sense of obligation to the Senate in the first instance, if they should, however, violate that obligation, we could then call in question their action. I think to do it in advance, in violation of the unbroken practice of the Senate, would place a reflection upon those honorable Members which would result in engendering bad feeling in this body. I trust the Senator from Alabama will not insist upon that course.

Mr. UNDERWOOD. Mr. President, I was glad to yield to the Senator from North Carolina.

Of course, I disclaim now, as I disclaimed in the beginning, any desire or intention on my part to reflect on the honor and integrity of the senior members of the committee, but this is a business proposition. I have been a member of conference committees, and many times have sat in conference for many weeks with the distinguished Senator from North Carolina. I know the limitations on conferees, and I know that a conferee has to reflect the sentiment of the body which he represents rather than his own sentiment, and he should do so. That, however, is not the question in this instance. The distinguished senior Senator from Utah [Mr. SMOOT] pointed to the solution of the whole problem when he said, referring to the time the revenue bill went to conference, that before he was appointed a conferee he gave assurances that if he could not agree with the viewpoint expressed by the Senate as represented by the Senator from North Carolina he would resign, and retire from the conference committee. That solved the whole question in that instance; but I have heard no indication from any of the senior members of the committee that they have changed their viewpoint or intend to fight for the viewpoint of the Senate. As a matter of fact so far as I am concerned under similar conditions, it would be embarrassing for me to represent the Senate, and I have not assumed that the senior members of the committee desired to do so. They have not expressed any such desire to me, and my motion certainly does not reflect on the honor or integrity of any of them.

There is, however, a very grave difference between this case and sending to conference a revenue bill, containing many hundreds or thousands of items, and appointing conferees, some of whom may disagree with the action of the Senate on some of the points involved. They may be major points; they may be important points, as they were in the case to which the Senator from North Carolina refers, but those items did not make up the entire revenue bill; there was much more involved in that bill than the provisions contained in any one item. But here is a case where there was a distinct line of demarcation. One side represented the view of the committee, while I represented a viewpoint entirely different. It was a hard fight; six weeks were consumed in the consideration of the measure, and there were many changes, but finally the Senate by the decisive vote of 50 to 30 decided in favor of the bill as it is now going to conference.

As I say, although there are many precedents for the Chair appointing the senior members of the committee as conferees, I am not so sure that that has always been a good rule, and it is not maintained in some of the great committees of the Senate now. The Appropriations Committee takes the newer members that have come to it from other committees rather than the senior members to act as conferees on certain of the appropriation bills.

I have served on conference committees for the Appropriations Committee at times when I was not a senior member. It is true there was no question raised; I was asked to do so; but there ought not to be a hard and fast rule; there ought not to be a rule in the Senate—or a precedent, because it is not a rule—even if it may have grown up in the lapse of time—that because a Senator has grown old with honors and experience in this body he is the only one who can represent the Senate as a conferee and express the viewpoint of the Senate. The rule does not say so; the rule distinctly says that the majority party shall be represented by the majority, and the prevailing sentiment of the Senate shall be represented. That is what the rule is; that is the governing rule.

Of course, these precedents have grown up because nobody raised any question, and in the majority of cases in the future nobody will raise any question. If the bill reported by the Agricultural Committee had prevailed, and I had been a member of the Committee on Agriculture I should not have desired to become a conferee, because that measure did not express my viewpoint and my sentiment, and I should much have preferred to have a member of the committee appointed as conferee whose viewpoint and sentiment were with the committee. It is idle to say that my motion reflects on the honor of any Senator. As a matter of fact, if the conditions were reversed, I would not want to serve, and it would not be any reflection on my honor if I were not appointed to serve. If I were in disagreement with the Senate as evidenced by its final vote on a bill, I should much prefer, so far as I am concerned, to have the Senate represented by a Senator who was in accord with the viewpoint of the Senate. So far as I know the Senators who are opposed to the bill adopted by the Senate are not in disagreement with the views I have expressed. This bill, I think, is entitled to be represented on the conference committee not merely by Senators who are going to vote for it, but by Senators who believe in the theory of the bill which the Senate passed.

They are much more likely to get a satisfactory conference report, and that does not foreclose the opposition. If they still want to make their fight on the question of some other disposition of this property, they can do it when the conference report comes back. But I have made this motion. I would not have moved to send the bill to conference if it had not been the bill I introduced and for which I had made the fight. It was not the committee bill. It was, technically speaking, the bill I had introduced, and that was the only justification I had in making the motion which has been passed. Otherwise I would have yielded to the chairman of the committee. But his bill did not prevail; it was my bill which prevailed, and now I think the Senate's viewpoint should be represented in conference by men who believe in that viewpoint.

I do not understand that the chairman of the committee, or the Senators who would ordinarily go to conference with the bill, are in accord with the bill as it passed the Senate. Their last words were in absolute contravention of it. They stated their opposition candidly. They have been perfectly sincere in what they have said, and I am not asking the Senate to decline to send these gentlemen for any reason in the world that is personal, but as an affirmative proposition I am asking the Senate to send men who represent the viewpoint of the Senate of the United States. Then if anything goes wrong no criticism can come; but if the Senate sends men who do not represent the viewpoint of the Senate of the United States, and admit they do not, and this bill fails of action because of disagreements of the conferees, then the criticism will come right back to the method used in sending the bill to conference, especially as it is in contravention of the real rules of the Senate.

Mr. NORRIS. Mr. President, I want to discuss this question from two aspects. First, I want to discuss the general and

fundamental proposition of parliamentary law which applies to conference reports generally. As far as I know, in a general way there is no exception to the doctrine that in legislative bodies, or other parliamentary assemblies where there is more than one branch, and the concurrence of both branches is necessary for the enactment of a law or for any other action, the fundamental principle underlying the appointment of conferees by either body is that those shall be appointed who represent the action taken by the body from which they are appointed. As a fundamental proposition, I think no one can dispute the justness of that.

When the Senate and the House have taken action on a legislative proposition, and a conference committee is necessary, we ought to appoint conferees who believe in the action the Senate has taken and are in sympathy with it. It may not always be possible to get conferees who fully agree with the measure as it passes, because as a rule various amendments are adopted.

This bill that was passed by the Senate—the Coolidge-Underwood bill—was opposed by me almost in its entirety. If we follow what I think we should follow—the right kind of an honest rule—then when the conferees are appointed I should not be on the conference committee from the Senate. The Senator from Alabama should head the conferees from the Senate in this case, it seems to me, instead of myself.

Rumors commenced to fly around the Senate Chamber and the corridors of the Capitol that there was some suspicion that I was not sufficiently honest and candid to represent the Senate in this case; that somebody else ought to be put on the conference committee in my place; and when those rumors started to reach me I thought I would see how far the farce would go; but in order to make my record straight I told several persons, not all of them Members of the Senate, that under no circumstances would I serve as a member of the conference committee from the Senate. I said I did not believe I ought to be on the conference committee, that somebody should be appointed who believed in the action of the Senate, and that I thought the Senator from Alabama, who had led the fight and who, although belonging to the minority party, had represented the President in the action taken more nearly than had anybody else, ought to be on the conference committee. I cautioned those to whom I expressed that opinion that I wanted that to remain confidential until the matter had been disposed of, because I was curious to see how far this would be carried.

I have been a Member of the Senate for several years, and for 10 years before I came to the Senate was a Member of the House, and am somewhat familiar, in a very weak way, with the rules of the House, as well as with the rules of the Senate, and the practice in both bodies. I have seen conference committees come and go. I have seen them appointed, and I think I know how they are appointed as well as anyone else knows how they are appointed.

Now, I want to discuss this proposition as it is related to the custom of the Senate. I knew that if the custom of the Senate prevailed I would be appointed to head the conferees on the part of the Senate on this bill. I was somewhat surprised when I discovered that there was quite a movement on foot to prevent my being appointed. If I had been appointed and had served, I would have done just what the Senator from North Carolina has said another Senator did against whose appointment there was opposition. I would have represented the Senate and would have done all I could honorably to have the action of the Senate prevail in the conference. I would not accept a place on a conference committee with any other idea. But, as I have said, I had determined, even before any suggestions had been made, that I would not accept appointment on the conference committee, because, to my mind, I would almost have to stultify myself. I did not believe in the bill; I had no faith in the action taken by the Senate; I was sincerely bitterly opposed to it, and it seemed to me that I should eliminate myself and ought to stay off the committee.

I would not have accepted appointment on the committee under any other condition than the understanding that I represented not myself, but the Senate, and I would have felt it my duty to back up the action of the Senate, just as an attorney must look after the interests of his client; and if he can not do it, he should not take the case. He has a right in the beginning to refuse to be retained. I had the right to refuse to be appointed, and would exercise it. But I was sent for; I was talked to by leading Senators, I was asked to come to the room of the Presiding Officer of the Senate, and it seemed that there was a movement on foot to eliminate me from the conference committee in some way, and I refused to state my attitude. I wanted to see how far it would go.

This bill passed the Senate on the 5th day of January and went to the House. Under the rules of the House, it would have gone to the Committee on Military Affairs, but it remained on the Speaker's desk until yesterday, 22 days. It was kept there for that length of time, those 22 days, to see if some plan could not be devised by which I could be eliminated from the conference committee without breaking the customs of the Senate, and I suppose, although I do not know—I can not understand why the Presiding Officer sent to me and talked it over with me otherwise—that those who are in charge of this legislation, both in the Senate Chamber and out of it, were trying to have him act as the goat and take the bull by the horns, and, when the motion was passed authorizing him to appoint the conferees, for him to eliminate me. He did not want to do that, evidently, and did not get any assurance from me that that course would be agreeable to me; hence that course was not taken.

I was told of various Senators who had been to see him about it, including the Senator from Alabama. I was talked with by other Senators, and I still maintained an attitude of silence on the subject, so far, at least, as letting the interviewers know what position I was going to take. I wanted to see if the Senate was going to break its custom, never broken before. I wanted to know whether the Senate was going to assume that if I were put on the conference committee I would violate the duty of a conferee and refuse to abide by the action of the Senate. I wanted to see if it could be carried that far.

I knew that if that doctrine had been applied to any other standing committee of the Senate the chairman of that committee would have been insulted. You would not have heard the last of it for years. I knew that those who were trying to eliminate me from this conference committee were afraid that if they did it by the method which they had a perfect right to adopt the chicken some day would come to roost, and the precedent would return to plague them when the rule which they had established by taking that course would not suit them.

Personally I do not believe in that custom of the Senate. I think the fundamental proposition that those friendly to legislation should be appointed on conference committees is correct. I do not believe I ought to be on the conference committee. It did seem to me just a little queer, however, that there should be a Member of this body who had known me as long as I have been here and as long as I have been in the House who would hold the opinion that if I went on this conference committee I would violate my solemn duty as a conferee.

The Senator from North Carolina has told things about the appointment of another conference committee which were new to me; how they debated it in secret and finally decided to follow custom, discovering, after all, that the man was honorable, and stood by the action of the Senate. I could have consistently accepted appointment on the conference committee, because technically this is the proposition which goes to the conference: The House passed the so-called Ford bill, to which I was opposed. The Senate, in place of the Ford bill, passed the Underwood bill. There is a great deal of difference between those bills.

I said very frankly that as between the two—and this is what they would have to do in conference—I preferred the Underwood bill. I think it is better than the bill that passed the House. There we gave a lease for 100 years; in the case of the Underwood bill, for 50 years. In the Ford bill we gave away about 75 per cent of the property of Uncle Sam at Muscle Shoals by an absolute warranty deed passing title forever. That does not occur under the Underwood bill. Much as I dislike it, I think the Underwood bill is better than the House bill.

Technically those are the two bills in dispute between the two Houses. As a matter of fact and as a practical proposition that is not true at all, because the Ford bill is dead. Nobody in the House is going to back up the Ford bill. Everybody knows that there is only one bill, and that is the Senate bill. There is no House bill. There was no action of the House taken except to reject the Underwood bill formally and ask for a conference.

We have this proposition as a matter of real fact: We have a bill passed through the Senate that has never been considered by a standing committee of the Senate. It goes to the House. It has never been considered by a standing committee of the House. It has never even been considered by the House itself, one of the most remarkable occurrences that has ever occurred anywhere in the history of legislation. A law giving away $140,000,000 worth of Government property is going to be put on the statute books without a standing committee of either legislative body ever giving it a moment's consideration and without one House ever reading the bill, without ever giving an opportunity even to the House itself to discuss the

legislation. Technically, that is not true, because, as I said, the House has passed another bill. As a matter of practical application, that is the absolute truth and that is what we are asked to do. I do not want to take any more part in that than I can help.

If we had had here the custom that I think we ought to have of appointing conferees on bills who are in favor of the action of the Senate rather than taking the chairman and the ranking members of the committee and naming them as conferees, it would have gone on and the Chair would probably have selected, and I think ought to have selected in making his appointments, the Senator from Alabama [Mr. UNDERWOOD] as chairman of the conferees and then take two others with him who are favorable to the action of the Senate. That is the way we ought to legislate, but that is the way we never have legislated.

If it had taken its regular course and a suspicion had not been created by quite a large number of the membership of the Senate as to the honesty of myself and the Senator from Oregon [Mr. MCNARY], who would have been the next conferee appointed, and the Senator from South Carolina [Mr. SMITH], who has served longer than any of us in this body on that committee—if it had not happened that our fidelity to the action of the Senate and our honesty as men were brought into question by all these maneuvers that have gone on for 22 days, part of them taking place in the White House, part of them over in the other body, and part of them with Members here, by which this legislation was held up and prevented from taking its regular course—I say, if all that had not happened and we had gone on in the regular way and the matter had come back from the House the next day, as it probably would have done under ordinary circumstances, it would all have been eliminated so far as I am concerned by a statement that I would not go on the conference committee, and we might have gone on in the regular way.

Why has the bill been held up? Why have the Members of the House of Representatives been denied the right to consider the bill that is conceded now by the powers that be is going to be enacted into law? Why is it that the history of a generation is laid aside in order that this bill may be put across and put upon the statute books? Twenty-two days it lay upon the Speaker's desk while between the Capitol and the White House various conferences took place to see how we could get it off of that desk and put on the statute books without permitting it to run its regular legislative course.

Why, Mr. President, the Senator from Alabama [Mr. UNDERWOOD] said in his argument, "If these Senators had expressed themselves that they would not go on the conference committee, then we would have taken the regular course." He said, "They have not made such an expression to me." Does the Senator from Alabama think that it was my duty to hunt him up and say, "I understand you are a party here to trying to keep me off the conference committee, and I want to tell you that I will not go on it, or if I do go on it, I will stand by the Senate"? Why could not we have assumed in this case, like the Senator from North Carolina [Mr. SIMMONS] said, at least that these men were going to do their duty as Senators until the contrary was apparent? That is the reason, it seems to me, why this action, culminating in all kinds of conferences lasting for 22 days, is one that casts reflection upon the members of the Committee on Agriculture and Forestry and never happened to any other committee. But we are used to it. You ride over us whenever the machine feels so disposed, and it does not make much difference with us.

If this was a common occurrence, we would not think anything of it, but it is an uncommon occurrence. Is it true that I and the other two I have mentioned have sunk so low in the confidence and in the estimation of our fellow Senators that we can not be trusted as conferees to carry out the action of this body? Is our reputation such in this body that our reputations are of no avail and that Senators, before we take any action, are suspicious that we are going to do a dishonorable thing; that they must turn the whole Government upside down to prevent us from getting on a conference committee by which we might tear the earth from under the Senate, the House, and the White House? Is this the only committee that lacks the faith and the confidence of the Senate? Can any man recall when it has happened to any other committee? If we have assumed all along during the many years in the past that what the Senator from North Carolina said is true, that "we will assume these men will do their duty until the contrary appears," that is the rule which prevails at all times except in this case, where it is proposed to put on the statute books something that has never run the gantlet of a standing committee of either body of Congress?

Mr. President, I want to call attention now, particularly of the Senator from Alabama [Mr. UNDERWOOD]—I think it must have escaped his attention; I just noticed it myself—to the fact that during the closing hours of the consideration of the bill the Senator from Alabama, the last time he offered his bill as a substitute, included in it one section that was also in the other bill. He put it in as a substitute for his section 4. Originally I called attention to a couple of things that seemed to me were jokers in the Underwood bill. They had been in the Ford bill. It was a provision by which, I believe, if the Ford offer had passed, the Ford corporation would have been able to crawl out and never make any fertilizer. There were two of them. But the Senator from Alabama explained how he got them. He took them from the Ford bill, and therefore it is perfectly excusable, in my judgment, for letting them remain; but I called attention to them, and he himself struck them out. They were not in the bill then; but in the bill as the RECORD shows it passed the Senate one of those jokers still remains, and that joker comprises the words "according to demand."

The Senate will remember that I called attention to it and that it was debated and conceded that those words ought to go out, and they were taken out, but they appear again now as being in the bill that the Senate has passed. The Senate did not think it had passed any bill with those words in it, and it must have been a misprint or something of the kind.

Mr. UNDERWOOD. Mr. President——

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

Mr. NORRIS. I yield.

Mr. UNDERWOOD. The Senator and I have both made a similar mistake. Section 4, as the Senator is reading it, was put in the second bill by me so that it would not be exactly the same bill that I had offered before, and is an amendment offered by the Senator from Tennessee [Mr. MCKELLAR]. I sent the printed form to the desk. The Senator from Nebraska had previously accepted the same amendment as an amendment to his bill.

Mr. NORRIS. No; the Senator is wrong about that.

Mr. UNDERWOOD. I took the printed form.

Mr. NORRIS. In offering his substitute at the time he stated that he had taken the last section in my bill, if you may call it my bill, and put it into his bill.

Mr. UNDERWOOD. It was the amendment of the Senator from Tennessee [Mr. MCKELLAR].

Mr. NORRIS. If the Senator will read the section as it was in my bill, he will find those words stricken out. They were stricken out every time when they appeared in my bill. They never were in there afterwards. They were always stricken out. If the Senator had taken it just as we had it, he would not have had those words in his bill.

I do not want the Senator to think that I am even intimating that he intended to have the words in or that it was done with any intention to deceive, but the Senator did state to the Senate that section 4 was just the same as I had in my bill. Of course, there he was wrong. It was not the same and he did not know it at the time, I suppose, and I know I did not know it and I do not think the Senator knew it. As a matter of fact, it was not the same.

Mr. UNDERWOOD. The reason why I said so was that the Senator from Tennessee [Mr. MCKELLAR] had offered the amendment, and I heard the Senator from Nebraska say he accepted the amendment. I suppose he afterwards or at the time, without my knowledge, struck out those words.

Mr. NORRIS. They were out at the time.

Mr. UNDERWOOD. They were in the printed amendment that I offered.

Mr. NORRIS. Yes; and the Senator took the amendment as it was printed.

Mr. UNDERWOOD. I assumed the words were out. I will say to the Senator, so far as I am concerned, that I was not prepared to defend the punctuation in that clause of the bill, so when he raised the point some weeks ago I yielded to him and had those words stricken out. I think the purpose of some people in having those words in the bill was that it meant on demand of the farmers; but the grammar and punctuation were not such that I was willing to defend, so when the Senator raised the point I struck them out. I had no intention of putting them in, and I have no doubt the conferees will correct the matter.

Mr. NORRIS. I do not think the Senator had any intention of putting them in, but I call attention to the fact that they are there, whether intentionally or unintentionally. The other words were left out. They were in the original print of the amendment of the Senator from Tennessee [Mr. MCKELLAR].

If the Senator had sent that to the desk, and had it read as a part of the substitute unchanged, they would have appeared here also, but they did not appear; they are out; or, at least, from a hasty reading of the bill, I judge they are out. I have not read the measure carefully.

Mr. UNDERWOOD. I will say to the Senator that I took the amendment of the Senator from Tennessee, made it apply to a lessee as well as to a corporation, and sent it to the desk as it was printed. I do not know about it otherwise.

Mr. NORRIS. Mr. President, I wish to say in conclusion, as I practically said in the beginning, if I had been making the motion, and if nothing had happened, as I have narrated, to indicate, as it seems to me, that Members of this body and others out of the body were suspicious that I would not do my duty, I intended when the time came in the very best of faith to urge the appointment of the Senator from Alabama to head the Senate conferees. I think that would be the proper action for the Senate to take. The bill that he championed, with some few modifications, has been passed by the Senate, and while, perhaps, there ought to be conferees on the committee who favor some amendments that were put on the bill, for we desire to make it fair all around, the Senator from Alabama is the man who should head the conferees on the part of the Senate.

Mr. McCORMICK rose.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. NORRIS. I will yield in just a moment. Nobody on the Republican side can object to that. We can not go back to the old custom and say, "Why, he is not on the committee which reported the bill; he is not a Republican, and we must put Republicans on." You followed the Senator from Alabama in this fight; he was your leader. The Senator from Kansas [Mr. CURTIS] was nothing but a lieutenant. The Senator from Alabama led you, and he led you well, and you followed him well and obediently. You won your fight and you ought not to change horses in the middle of the stream. He ought still to be the leader. That would have been the proper course to pursue. I have no objection to the conferees whom the Senator from Alabama has indicated in his motion, but it does not seem to me to be quite right that he himself should not head the conference committee.

I now yield to the Senator from Illinois. For the moment I had forgotten to do so.

Mr. McCORMICK. Do I understand that the Senator from Nebraska, by implication, suggests that if the motion of the Senator from Alabama shall be defeated he will not serve as a conferee?

Mr. NORRIS. I will not.

Mr. McCORMICK. Because, for one, I wish to bear witness to my unbending belief in the integrity of the Senator from Nebraska and his sense of duty. I do not see why the Senator should yield his place as a conferee.

Mr. NORRIS. Of course, I very highly appreciate what the Senator from Illinois has said, but I gave—I do not know whether or not the Senator heard me—at the beginning of my speech the reasons why it seemed to me I ought not to be on the conference committee. I know what my duty as a conferee would be, and if I went on the committee I would perform it to the best of my ability. I felt before the question was raised, that, as a matter of fact, the fundamental theory of a conference committee is more righteous than is our custom, and that I ought not to be placed on the committee. We ought to have Senators on the committee who believe in the bill which was passed, who supported it, and voted for it. However, no matter what I might have thought, when it became apparent that quite a large number of Members of this body, a number of those who are in positions of leadership in the House and the President were all holding conferences, and that one of the objects was to see how they could eliminate me from the conference, I would not then have consented to represent the Senate under any circumstances, because if I had to start in to represent the Senate lacking the faith and confidence of a good share of the Senate, they believing that I was not going to do my duty——

Mr. McKELLAR. Or be called upon in advance to make a promise that you were going to do it.

Mr. NORRIS. Or if I had to go around and hunt Senators up and say, "If you will let me serve on this committee, I will back the Senate up, and here is my resignation; whenever you feel as though I am not doing it, just file it." I would not have consented to serve on the committee of conference under any circumstances. I would not accept a commission with that kind of a string to it.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from Illinois?

Mr. NORRIS. I again yield to the Senator from Illinois.

Mr. McCORMICK. Let me ask the Senator from Nebraska how the issue is to be joined? If the motion of the Senator from Alabama does not prevail, or if it shall prevail, is a substitute therefor to be presented?

Mr. McKELLAR. Mr. President, will the Senator from Nebraska yield to me?

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

Mr. NORRIS. Yes.

Mr. McKELLAR. Will the Senator yield to me in order that I may offer a substitute at this time for the motion of the Senator from Alabama?

Mr. NORRIS. I had rather the Senator would wait until I yield the floor.

Mr. McCORMICK. Will not the Senator from Nebraska permit the proposed substitute of the Senator from Tennessee to be read so that we may understand its purport?

Mr. NORRIS. Very well.

Mr. McKELLAR. I offer the following motion: I move, as a substitute for the motion of the Senator from Alabama [Mr. UNDERWOOD], that, in accordance with the usual custom of the Senate, the Chair be requested to appoint as conferees on the part of the Senate on H. R. 518 the chairman of the Committee on Agriculture and Forestry [Mr. NORRIS] and Mr. McNARY, the next Republican on the committee, and Mr. SMITH, of South Carolina, the ranking Democrat on the committee.

Mr. UNDERWOOD. Mr. President, I make the point of order against the motion of the Senator from Tennessee.

Mr. NORRIS. The motion has not been offered; it has merely been read for the information of the Senate.

The PRESIDING OFFICER. The Chair understands that the motion has merely been read for the information of the Senate.

Mr. UNDERWOOD. I wish to reserve the right to make the point of order against it.

Mr. NORRIS. I want to say to the Senator from Tennessee that if his motion should prevail I could not accept the place of conferee.

Mr. McKELLAR. I understand that; but I think the Senate ought to elect. The question having come up in this way, I think the Senate owes it to the committee to elect its three ranking Members. I understand that a point of order is about to be made against my motion. I do not know whether it can be submitted according to the rules, but, if it can be so submitted, I intend to submit it, and the Senator can afterwards resign if he sees fit so to do.

Mr. UNDERWOOD. I will say to the Senator from Tennessee, if the Senator from Nebraska will allow me——

Mr. NORRIS. I yield.

Mr. UNDERWOOD. That I will make the point of order against the form of his motion, which provides that the Chair shall appoint. That is contrary to the rules, of course. If the Senator wants to propose three other Senators, he can propose in a substitute motion that three other Senators shall be appointed for the conferees proposed by myself.

Mr. NORRIS. Mr. President, unless some Senator desires to ask me a question I have nothing further to say, and I yield the floor.

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

Mr. UNDERWOOD. Mr. President, it is not necessary for me to say again what I said in the beginning, that my motion is not personal; nor do I for a moment think that the Senator from Nebraska is one who concerns himself about breaking down old laws or old precedents, for, if I remember rightly, some 20 years ago the Senator cooperating with myself and others, or we cooperating with the Senator, broke down a precedent and a rule, thus changing the legislative status of the Congress of the United States. The Senator then thought that action was right; and he has just said that he does not believe in rules that seek to shackle men's hands instead of aiding the representative quality of legislative bodies. The Senator ran true to himself in his statement; he has always occupied that position, and I expected him to do so; but I will say to the Senator that I am not surprised at his statement that he will not serve as a conferee, for I think it comports with his parliamentary career.

In conference with the President pro tempore of the Senate I asked if I, as the author of the bill, would, as usual, be recognized to suggest the conferees, but I received no definite reply from him. Representing the majority opinion of the Senate, I could not afford to take any chance about the matter;

it was up to me to move for conferees friendly to the bill, and it is no reflection to the Senator or his colleagues that I have done so.

The Senator says that he knows of no precedent. In March, 1906, Mr. Teller, of Colorado, a very distinguished Senator and a member of the Republican Party, when a question similar to this was involved, said:

Mr. President, the right to appoint the members of a conference committee belongs to the Senate. I am not going to find any fault with the withdrawal of the motion made by the Senator from Ohio; I agreed to its withdrawal last night. But I wish to say that it is no reflection upon a committee, nor is it any reflection upon the Chair, because he recognized that without a motion to that effect the Chair has not the right to appoint a committee. The right to appoint the members of a conference committee is with the body that creates the committee. That is not always done, because it is convenient generally—and the custom has grown up to that effect—for the chairman of the committee to designate certain members of the committee having charge of the measure to act at the conference. The conferees of the two Houses are then supposed to represent the Senate or the House, as the case may be. I understand also there is a feeling on the part of some members of the committee that to select anyone off of the committee or to select anyone even on the committee who had not been favorable to the first proposition perhaps would be a reflection on the committee. Whenever a conference committee is created it is created to bring the mind of the other body to that of this body, and to bring them together. It is not to represent the view of the minority but to represent, if possible, the majority. Upon that theory the majority of the proposition that passes this body is entitled by custom and usage and on principle to name the committee. A majority only of this body can pass a bill. If the bill is different from what came from the House, the bill as it leaves this body is supposed to represent the sentiment of this body, and this body then is entitled to have a friendly committee.

I could go on—there is nearly a page more of this—but I shall not take up the time of the Senate with it. That statement is made by one of the most distinguished Republicans who ever served in this body, Senator Teller, of Colorado. It clearly sustains the position I am taking here to-day, and that position is merely that the Senate is entitled to have conferees go to conference who represent the viewpoint of the Senate in the vote it has taken.

Mr. NORRIS. Mr. President——

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

Mr. UNDERWOOD. I do.

Mr. NORRIS. The quotation from Senator Teller meets with my most hearty approval. He does not say anything there that I disagree with; but that does not give the Senate an instance where the Senate took action along that line. The Senator does not even claim that the Senate has ever taken such action.

Mr. UNDERWOOD. It only failed to take action in this case because—if the Senator heard the statement read—it was agreed by unanimous consent that what Senator Teller contended for should be carried out.

Mr. NORRIS. Yes; but the Senate did not take action upon which those remarks were based, as I understand. What Senator Teller said I think was fundamentally right, and is just what I have tried to say here to-day.

Mr. CURTIS. Mr. President——

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

Mr. UNDERWOOD. I yield.

Mr. CURTIS. In view of the discussion that has been going on, I suggest that the Senator modify his motion and provide that the Chair shall name the conferees.

Mr. UNDERWOOD. Mr. President——

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

Mr. UNDERWOOD. Yes.

Mr. NORRIS. I hope the Senator will not do that. After I have made the statement that I would not go on the committee, and that if I had consented to go on the committee I would do the fair thing, I do not like to see the Senate back up now. It has started on a course. Go ahead with it and finish it.

Mr. CURTIS. The Senate has backed up before in a similar case, and I do not think it would hurt itself any to back up again.

Mr. McKELLAR. I do not think the Senate ought to back up.

Mr. NORRIS. I do not think it is fair that the Senate now should withdraw. Let us "bust" this old custom that we have had here. Let us make a precedent now. Let us not stop, after the man that you are after has eliminated himself, and say that we will not make a precedent of it. Go ahead. Drive on! Let us have something out of the action of the Senate to-day that we can point to to-morrow and next day and say, "Here is this same hen come home to roost; now take your medicine!"

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. The Senator spoke of Senator Teller being a distinguished Republican. I want to know if he was not also a distinguished Democrat, and if he was not for quite a while on the Democratic side of the Chamber? My recollection is that he can be quoted with equal force both as a Republican and as a Democrat.

Mr. UNDERWOOD. I yield for that suggestion, although I think he called himself a silver Republican at that time.

Mr. McKINLEY. Mr. President——

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

Mr. UNDERWOOD. I do.

Mr. McKINLEY. When the Senator from Alabama made his motion I was not in the Senate Chamber and I did not know until just now that my name had been mentioned. I desire to say that I should prefer not to serve on this committee.

Mr. UNDERWOOD. Mr. President, I named the Senator from Illinois because he was the second member of the committee who was friendly to the bill. I think the Senator from Nebraska is right. After the Senator's statement I should have been very glad to come to some understanding about this matter, that we might have friendly conferees. I had been unable to find out anything that would have brought it about. I could not have avoided the responsibility of making this motion without knowing that the Chair was going to appoint conferees that were friendly to my bill. Not knowing that, I made the motion. The motion I made was not directed against the Senator from Nebraska. It was directed against the position that the Senator occupied.

The Senator, however, says that he desires to insist on this motion, and that he has a right to insist on it. If I did not make the motion to elect the conferees, somebody else could say that we must have the conferees selected by the Senate. He is right. The motion can not be withdrawn; and, more than that, it is not in order for the Chair to appoint the conferees.

Before I take my seat, as the Senator from Illinois does not desire to serve, it will be necessary for me to amend my motion. I move that the committee consist of the Senator from New Hampshire [Mr. KEYES], the Senator from North Dakota [Mr. LADD], and the Senator from Mississippi [Mr. HARRISON]. I name those Senators in their order because they were the Senators on the committee who favored the bill in the form in which it passed.

Mr. McKELLAR. Mr. President, I move to substitute for the names of Senators KEYES, LADD, and HARRISON the names of Senators NORRIS, McNARY, and SMITH.

Mr. NORRIS. I hope the Senator will not put my name on the committee. I hope he will not do that.

Mr. McKELLAR. Mr. President, it seems to me that we should have a fair, square vote on what is proposed to be done here. The Senator from Nebraska can refuse to serve; he can resign as a member of the committee, and that will end it; but it can not be determined in any other way fairly and squarely except by putting the two ranking Republicans and the one ranking Democrat on the committee.

I want to say to the other three gentlemen whose names have been mentioned that, of course, I have nothing in the world against them in any way. I know that they would make good conferees. That is not the question. The question is whether we are going to stand by the rules of the Senate and the custom of the Senate from time immemorial. My understanding is that there has never been a violation of that rule except when Senators refused to serve, but invariably that custom has been carried out. The statement that Senator Teller may have made about the matter 20 or 30 years ago is not applicable to anything that occurs here. The rule of the Senate has been uniform.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. JOHNSON of California. May I suggest to the Senator from Tennessee that the determination of the particular question can come up upon the motion that is presented by the motion of the Senator from Alabama. The substitute presented by the Senator from Tennessee simply confuses the

issue, because there may be Senators among those whose names he suggests who may not want to serve ultimately; but the whole problem can be settled, I think, by a direct vote upon the proposition presented by the Senator from Alabama. Upon that, of course, I am in accord with the Senator from Tennessee and with the Senator from Nebraska; but the substitute of the Senator from Tennessee is going to confuse the particular issue, and he can not get a real vote upon it.

Mr. HARRIS. Mr. President, I am one of those who voted for the Underwood bill on the last vote, and I voted for the Underwood bill as against the Jones amendment, which would have delayed the whole matter at least a year. Except for the vote of myself and the junior Senator from Florida [Mr. TRAMMELL] and two or three others who had consistenly voted for the Norris bill with the McKellar fertilizer amendment the Underwood bill would not have passed this body. A change of three votes would have defeated it. I discussed the matter with others, who told me they voted for the Underwood bill for the same reason that I did; not that they liked the provisions of that bill any better than the provisions of the Norris bill, because we did not like the provisions of either in their entirety. We liked some things in one and some things in another; but the Jones amendment postponed action for at least a year, and we wanted immediate action on this matter so as to get cheaper fertilizers for the farmers as soon as possible. We voted to get action rather than voting for the Underwood bill as against the Norris bill.

The Senator from Alabama, whom I esteem highly, states that the vote was 50 to 30 on his bill. That was not the deciding vote at all. The real deciding vote was on the Jones amendment, providing for a commission to report to Congress a year from now, which was defeated by five votes, and a change of three votes on the part of those of us who had been voting for the Norris bill made it possible for the Underwood bill to get a majority. It was that vote, rather than the 50 to 30 vote, that brought about the result, and we voted to get action.

I am sorry the Senator from Alabama has offered this amendment. I have not forgotten the time when the Senator from Nebraska [Mr. NORRIS] the Senator from Oregon [Mr. MCNARY] and a few others on the other side of the Chamber, saved Muscle Shoals from being scrapped. I have not forgotten the time when the Senator from South Carolina, in framing this legislation in the beginning, did so much for Muscle Shoals legislation so as to protect the farmers of my section; and I am not going to vote to humiliate those men. As far as the Senator from Oregon [Mr. MCNARY] is concerned, I do not believe there is a man in public life in the United States who will endeavor to do his duty more nearly in accordance with the interests of the people than the Senator from Oregon when he takes action in this body; and I shall vote against the Underwood motion, which changes the long established seniority custom of the Senate in naming conferees.

Mr. SMITH. Mr. President, of course everyone realizes that if we did not know the conditions in the Senate so clearly this motion might be embarrassing, and, in a way, humiliating to some of us whose names, by virtue of the rules of the Senate, are connected with this matter.

I am utterly amazed that the Senator from Alabama, in his zeal to see that the measure for which he stands sponsor shall have an open road, is willing to go to the point of aspersing the integrity and honor of colleagues that he knows are not liable to any such suggestions, or are not guilty or liable to be charged with the implication that goes with his action in this matter. The public does not know, except by custom, what are the rules of the Senate; and when an old custom is broken over, as it is proposed to do here, as a matter of course it carries an implication that those affected thereby are not to be trusted as others have been trusted.

The Senator from Alabama knows that he was not justified in taking the procedure that he has taken.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me, I am perfectly willing for the Senator from South Carolina to state his own position in regard to a matter of this kind; but I must ask the Senator not to say that I know a certain thing, because I think my position is entirely in accord with the rules, and just as much in accord with the rules as when I voted at the beginning of this Congress to elect the Senator chairman of a committee to which position we would have elected, if we had followed the precedents and the custom, the senior Republican member.

Mr. SMITH. Mr. President, the question of whether or not that vote was cast does not carry with it what the Senator from Alabama, with his intelligence, knows that this action on his part carries. He knows that the Senator from Nebraska [Mr. NORRIS] and the Senator from Oregon [Mr. MCNARY] would do as we have always done had they been willing to go on the committee under the circumstances. If they had gone on the committee they would have represented the rule of the majority expressed in that vote.

So far as I am concerned, I had fully made up my mind as to just what course I would take. In this matter, after it took the course it did in the House, as a matter of course I could not have afforded to allow myself to go on the conference committee.

I agree with the Senator from Nebraska that when the majority have expressed themselves touching the principle of any legislation, those in sympathy with it ought, if possible, to go on the conference committee to meet the objections to that principle which come from the other House. But we have not followed that practice. If the Senator from Alabama had had due regard for his colleagues on the other side and on this side he would at least have allowed the precedent to be followed, and then trusted to the feelings and the sentiments of those affected as to what course, as honorable men, they would take.

I rose merely for the purpose of protesting and expressing my disappointment that my colleague from Alabama, in his zeal to have a measure passed, could get the consent of his mind to do this thing. Disrobe it of everything else, his relation to his colleagues here and their good name are worth all the water power in the world. He knows that the Senator from Nebraska would have done his duty and that the Senator from Oregon would likewise have done his duty.

Now, Mr. President, with one word as to the matter at issue I am done. The Senator brought into the Senate a bill containing two features, one covering private operation under Government control, the other Government operation under Government control. The House had previously passed a bill which had provided practically for Government control and private operation, the Ford measure. So that the issue involved was the choice between those two, the House, technically speaking, standing for private operation and Government control, under the Ford plan, duplicating the first part of the Senator's bill. The other was the proposition of Government control. Now, the Senator seeks to put those of us who vote against his measure in the position of being in favor of Government ownership and control, as contradistinguished to private operation and Government control, when he knows that there were those on this side who believed in Government operation and control until the final development of the plant.

With the issue as it now stands, the Senator has practically affirmed that the last proposition in his bill was never in the minds of those who are backing up the legislation which he proposes to put through; that he is willing to go to the extent of indirectly aspersing the integrity of Members of this body and of breaking a precedent of all these years' standing in order that he may force through a provision for leasing the property under the terms of his particular measure.

Of course, I do not know what action the Senate may take upon the monstrous proposition he has brought here to-day, but I had made up my mind, and I still stand on the conclusion, that I would not put myself in a position where, even as the agent of this body, I would be a party to a contract which I did not believe justifiable from any standpoint, and I was not going to put my name to a conference report and put my Government in the attitude of giving to private individuals the means by which 110,000,000 people have hoped to solve one of the great economic problems of this country.

Mr. UNDERWOOD. Mr. President, I do not want to occupy the time of the Senate unduly, but I can not let the remarks of the Senator from South Carolina [Mr. SMITH] go by without expressing myself on the record.

I have served in this body for a great many years. I have always endeavored to attribute proper motives to my colleagues, and I think I have done so. I have endeavored to treat them with courtesy, and I think I have done so. I realize that there may be an appeal to other Senators when a Senator tries to put himself in the position of having been abused by somebody, but if anything has been said in this debate which might leave a yellow streak across the back of the Senator from South Carolina, I have not said it; it has not come from me. I have said from the beginning that I attributed no improper motives to the men who may be senior on the committee, but that I did not desire to have them serve on a conference committee considering a bill in which I was interested, because they were not friendly to the bill. The Senator from South Carolina has just reasserted his position.

The rules of the Senate stating that conferees must be chosen from Senators friendly to the legislation, and giving me the right, as a Senator, to move the election of conferees, I think that others in reach of my voice clearly understand, even if the Senator from South Carolina can not, that I have not made this motion for the purpose of making personal reflections or attributing to men improper conduct. I have only said that I wanted conferees on this bill whose attitude was friendly to its becoming a law. Senators whose names I have not mentioned, and especially the Senator from South Carolina, have distinctly said that they were opposed to the legislation. The Senator from South Carolina has gone so far as to say that he would not sign a conference report on the bill. How, under those circumstances, he can attribute to me an effort to besmirch his private personal character is beyond my comprehension, when I merely owe it to those whose views I represent to try to have conferees appointed who reflect a legislative view, and have nothing to do with the personal characters of these men.

Mr. SMITH. Mr. President, if the Senator had listened carefully to what I said, he knows that I did not attribute to him any belief that the conferees who would normally have been appointed were other than men of integrity—the Senator from Oregon and the Senator from Nebraska—that they were other than what he knew them to be; but that in order to put through his bill and take no chances he was willing to invoke a rule which had never been invoked, and by the very invoking of the rule he did the thing to which I have taken exception.

Mr. UNDERWOOD. Mr. President, I differ with the Senator from South Carolina and with those others who have said that this rule has never been invoked before. It has been, though I concede it is rarely invoked. I read from statements in regard to it.

That rule is the law of the Senate, and it is a proper law. It is perfectly proper and right that when the Senate reaches a conclusion and is about to send a bill to conference, in all honesty to itself, without any reflection whatever on the men who hold the other viewpoint, it is entitled to have men who desire to have the legislation passed to which the Senate has agreed as its ambassadors to the conference committee. I recognize that in the matter of great supply bills and revenue bills that is often impossible as to many items, but it is not impossible with regard to this bill. The only thing I have attributed to the Senator from South Carolina or to the Senator from Nebraska in this matter is that they were in entire disagreement with the viewpoint as expressed by the vote of the Senate itself.

More than that, I am perfectly willing to say that, whether the rule is invoked now or not, in the interest of the American people, in the interest of legislation which reflects the viewpoint of their representatives, the rule is perfectly right; and it is the proper position for any legislative body to take; it is in accord with the fundamental principles of the American Government that men who go on a committee to represent a viewpoint should be men selected who actually at heart believe in the position they go to represent, and there would be far less misrepresentation in the Government if that rule were observed all the time instead of merely being observed by its breach.

Mr. EDGE. Mr. President, this situation appeals to me as being a very contradictory one. Practically all of the Senators who have spoken have agreed with the sentiments expressed by the Senator from Nebraska, and also those expressed by the Senator from Alabama, that in the very nature of things conferees should be friendly to the legislation they are supposed to represent; but Senators at the same time are opposing the motion of the Senator from Alabama.

So far as I am concerned, speaking entirely apart from the legislation at issue, it appeals to me that the rule of seniority, so far as it applies to the naming of conferees, is a very unfortunate one. It means, generally speaking, that the same Senators on either side are always chosen as conferees. I do not question at all their knowledge or ability to carry out their work and to do it without being influenced by their personal viewpoints.

I believe conferees appointed on any measure should be Senators convinced that the measure they are to consider in conference is correct and is right. They know it represents necessarily the will of the majority, or it would not have been passed, and they should go into conference with the enthusiasm of believing the measure should become a law. This view is not a reflection on the desire of any Senator to represent the majority, even though he may have disagreed with them during the debate or the consideration of the measure.

But this particular situation, with the Senator from Nebraska, the Senator from South Carolina, and the Senator from Georgia all taking the position that the conferees should be friendly to the legislation as passed and then assailing the Senator from Alabama because he is endeavoring to put through that very motion, is unusual. Any time such a motion is made, if a Senator desires to so take it, it will be a possible reflection on the senior Senator who might not be named. Any time the effort is made the same explanations will be necessary.

I am speaking, as I said at the outset, from the general standpoint. I believe in the rule of seniority within reasonable limits. I disagree with it absolutely as a definite commitment that certain members of committees are supposed to represent the Senate in conferences on legislation that is passed. For that reason, when the matter comes to a vote on the motion made by the Senator from Alabama, without in any way considering it the slightest reflection on any Member who may be senior to those he has suggested, I shall consider that it simply establishes a precedent, a precedent which should be established, a precedent which perhaps never has been established, but which we agree should be established. The mill will not run with water that has passed, and we will never establish a precedent unless by a vote of the Senate. It seems to me this is a good opportunity to meet a modern condition and to have Members of the Senate represent it who are selected primarily with the thought that they believe in the measure and that they can argue for the measure in a conference of representatives of the two Houses.

Mr. McNARY. Mr. President, I have never had any intention of permitting myself to serve as a conferee in this particular conference, but not by being disqualified; indeed, I am sure that I could render service such as is required by the rules of the Senate. I am conscious of the fact that the chairman of the committee and the ranking Democrat and even myself would have conformed to the rules of the Senate and the precedents to which reference has been made.

I have had enough of Muscle Shoals. I think it was in 1918, when a very dear friend now passed beyond these limits, former Senator Gronna, was chairman of the Committee on Agriculture and Forestry, that I as one of the members of the committee started to hold hearings on Muscle Shoals. I have been wedded to it with fidelity. At this particular juncture, while I have no particular complaint against the Underwood bill, I do not think it is the best species of legislation that could be fashioned. I do not feel under the circumstances that it would be a pleasure for me to serve as a member of the conference committee. I see nothing personal in the whole situation.

Entertaining that view I am wondering how I can get out from this tremendous honor that has been thrust upon me by the Senator from Tennessee [Mr. McKELLAR] including my name in his motion. Heretofore I have had to seek my honors and the task has not always been an easy one. Now, as a serious parliamentary situation, this is one honor that I want to escape. I decline to serve. I decline to be a candidate. What I need is some little help and assistance to get out from under the situation, and I appeal to the Chair.

Mr. President, a parliamentary inquiry. I want to have my name taken off of the list which has been presented.

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair is helpless in the matter. It is a matter for the Senate to decide.

Mr. McNARY. Then I move, if the amendment is not in the third degree, that the name of the senior Senator from Oregon be eliminated from the amendment offered by the Senator from Tennessee.

Mr. HEFLIN. The Senator from Tennessee is not present, but so far as I am concerned I will accept the amendment of the Senator from Oregon.

Mr. McNARY. I thank the Senator from Alabama. I understand the motion has been unanimously agreed to.

The PRESIDING OFFICER. The question is on agreeing to the substitute offered by the Senator from Tennessee [Mr. McKELLAR].

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

The PRESIDING OFFICER. The Clerk will call the roll.

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

Ashurst	Bruce	Cummins	Fernald
Ball	Bursum	Curtis	Ferris
Bayard	Cameron	Dale	Fess
Bingham	Capper	Dill	Fletcher
Borah	Caraway	Edge	Frazier
Brookhart	Copeland	Edwards	George
Broussard	Couzens	Ernst	Glass

Gooding	McKellar	Pittman	Stanfield
Hale	McKinley	Ralston	Stanley
Harreld	McLean	Ransdell	Sterling
Harris	McNary	Reed, Mo.	Swanson
Heflin	Means	Reed, Pa.	Trammell
Howell	Moses	Sheppard	Underwood
Johnson, Calif.	Neely	Shields	Wadsworth
Johnson, Minn.	Norris	Shipstead	Walsh, Mass.
Jones, N. Mex.	Oddie	Shortridge	Walsh, Mont.
Jones, Wash.	Overman	Simmons	Warren
Kendrick	Owen	Smith	Weller
Keyes	Pepper	Smoot	Wheeler
King	Phipps	Spencer	Willis

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

Mr. HEFLIN. Mr. President, I merely want to say a word. I do not regard the motion of my colleague as any reflection upon the Senators who are the ranking members of the Committee on Agriculture and Forestry. I am a member of that committee. I am personally very fond of all three of the Senators who are the ranking members, the ranking Democrat on our side, the Senator from South Carolina [Mr. SMITH], the ranking Republican, the chairman of the committee [Mr. NORRIS], and the Senator from Oregon [Mr. MCNARY]. But there is no doubt that the dominant thought of the Senate is entitled to be represented on the conference committee, and when we seek to get Senators who represent that thought and have to disregard Senators who are bitterly antagonistic to the view of the Senate we make no reflection upon those latter Senators. There is nothing of that sort involved here, because I know that the Senator from South Carolina [Mr. SMITH], able and strong man that he is, man of deep convictions, is earnestly and honestly against the Underwood bill. I am sincerely for the bill, which has the Ford fertilizer provision in it, and I would rather have somebody on the conference committee who is for the bill, who will represent the thought and action of the Senate on the bill. That is all that we are trying to get. I hope the Senator from South Carolina and the other Senators mentioned will not feel that they are reflected upon in the matter.

Mr. UNDERWOOD. On the substitute of the Senator from Tennessee, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MCNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MCNARY. The Chair did not rule upon my motion of a few moments ago, nor did the Chair answer the parliamentary inquiry I propounded; namely, if, under the rules, I am forced to be an unwilling candidate. I now desire to withdraw my name.

The PRESIDING OFFICER. The Chair would state that it is within the power of the Senate to permit the withdrawal of a Senator's name, and not in the power of the Senator himself to withdraw his name. The only thing the Chair could suggest would be cooperation with the Senator who offered the motion. If the Senator from Oregon could persuade him to withdraw the Senator's name, it would be all right. The Chair is helpless in the matter.

Mr. WALSH of Massachusetts. Can not the Senator ask unanimous consent to have his name withdrawn?

The PRESIDING OFFICER. Yes; the Senator's name may be withdrawn by unanimous consent.

Mr. MCKELLAR. I hope the Senator will not do that. Let us have a fair and square vote on the proposition. The Senator can resign his place on the committee, but I hope he will not do so.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

Mr. MCNARY. Mr. President, my resignation is to take effect immediately following the vote. [Laughter.]

Mr. HEFLIN. I wish to make this inquiry: What use is there to take up the time of the Senate to go through the form of voting for a candidate who has stated that he does not desire to be voted for and will not serve if elected?

The PRESIDING OFFICER. That is not a parliamentary inquiry. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], but on this vote I am at liberty to vote, and I vote "nay."

Mr. MCNARY (when his name was called). On this motion I am paired with another candidate for the position of conferee, the Senator from Mississippi [Mr. HARRISON]. Not knowing how he would vote, I withhold my vote.

Mr. OWEN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. TRAMMELL (when his name was called). On this vote I am paired with the junior Senator from Massachusetts [Mr. BUTLER]. I understand that if he were present he would vote "nay," and if I were at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. PHIPPS. On this vote I am paired with the junior Senator from South Carolina [Mr. DIAL]. I am informed that if he were present he would vote as I intend to vote. Therefore I am at liberty to vote. I vote "nay."

Mr. FERNALD (after having voted in the negative). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I had supposed he was in the Chamber, but I find that he has not voted. I transfer my pair to the junior Senator from Rhode Island [Mr. METCALF] and will let my vote stand.

The result was announced—yeas 35, nays 33, as follows:

YEAS—35

Borah	George	Kendrick	Simmons
Brookhart	Glass	McKellar	Smoot
Broussard	Gooding	McLean	Stanfield
Capper	Harreld	Neely	Swanson
Copeland	Harris	Overman	Wadsworth
Couzens	Howell	Ralston	Walsh, Mass.
Dale	Johnson, Calif.	Ransdell	Walsh, Mont.
Dill	Johnson, Minn.	Sheppard	Wheeler
Frazier	Jones, Wash.	Shipstead	

NAYS—33

Ball	Edwards	Moses	Stanley
Bayard	Ernst	Oddie	Sterling
Bingham	Fernald	Owen	Underwood
Bruce	Ferris	Pepper	Warren
Bursum	Fess	Phipps	Weller
Caraway	Fletcher	Pittman	Willis
Cummins	Hale	Reed, Pa.	
Curtis	Heflin	Shields	
Edge	Means	Spencer	

NOT VOTING—28

Ashurst	Harrison	McCormick	Reed, Mo.
Butler	Jones, N. Mex.	McKinley	Robinson
Cameron	Keyes	McNary	Shortridge
Dial	King	Mayfield	Smith
Elkins	Ladd	Metcalf	Stephens
Gerry	La Follette	Norbeck	Trammell
Greene	Lenroot	Norris	Watson

So Mr. MCKELLAR's motion was agreed to.

Mr. CURTIS and Mr. UNDERWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. CURTIS. Has the vote been completed on the alternative proposition? As I understood, the vote was taken only on the substitute amendment of the Senator from Tennessee [Mr. MCKELLAR].

The PRESIDING OFFICER. The Chair wishes to state that on inquiry of the parliamentarian the Chair was informed that there was but one vote necessary. The occupant of the Chair would think that the vote was simply a preference of the substitute over the original motion, but the practice of the Senate, the Chair understands, requires only a vote on one motion. Therefore the Chair has ruled that the substitute having been agreed to, the appointment of the conference committee is already made.

Mr. SMOOT. Is it not a fact that there could be another amendment offered at this time? Suppose a Senator wished to offer an amendment?

Mr. NORRIS. Mr. President, it seems to me that some one has misinformed the Chair in reference to the practice of the Senate.

The PRESIDING OFFICER. The present occupant of the chair is very willing to leave the matter open. It is his judgment that there ought to have been another vote. However, the Chair has been informed that such is not the practice of the Senate.

Mr. NORRIS. Mr. President, I was called out of the Chamber for a moment——

The PRESIDING OFFICER. The Chair will make short work of it and will regard the adoption of the substitute as being only a preference over the original motion made by the Senator from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. We had a record vote; the Senate decided the question; and I accept the decision of the Chair. There are no technicalities to be raised. There were 33 votes one way and 35 votes the other way, and there is no use to waste time about the matter.

Mr. NORRIS. Mr. President, I was called out of the Chamber during the debate and came back while the calling of the roll was taking place. Was the motion of the Senator from Tennessee [Mr. MCKELLAR] modified in any way during my absence?

The PRESIDING OFFICER. It was not.

Mr. NORRIS. Who are the conferees on the part of the Senate.

The PRESIDING OFFICER. The conferees on the part of the Senate are the Senator from Nebraska [Mr. NORRIS], the

Senator from Oregon [Mr. McNARY], and the Senator from South Carolina [Mr. SMITH].

Mr. NORRIS. Mr. President, for the reasons which I previously gave during the debate, I must decline to act as one of the conferees on the part of the Senate.

Mr. BRUCE. Mr. President, may I express the hope that the Senator from Nebraska will not decline?

Mr. NORRIS. I do decline.

Mr. BRUCE. I desire to say that if we are to have as conferees Members of the Senate who were originally opposed to the bill, I do not know any Member of the Senate whom I had rather see one of the conferees than the Senator from Nebraska, because it is my opinion, from what I have seen of him in parliamentary action, that as a conferee he will discharge his full duty to the bill and present the case of the Senate as effectively as it could be expected to be presented.

Mr. McNARY. Mr. President, agreeably to my statement while an unwilling candidate, I, too, must decline to serve as a conferee, and I am serious in my refusal so to act.

The PRESIDING OFFICER. The statements of the two Senators are before the Senate.

Mr. McNARY. I ask unanimous consent to be relieved from service as a conferee on the matter now pending before the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the Senator is relieved.

Mr. NORRIS. A parliamentary inquiry. Does not the declination of a Senator relieve him from service?

The PRESIDING OFFICER. The Chair thinks not.

Mr. NORRIS. Then, if that be the ruling of the Chair, I ask unanimous consent that I also may be relieved from service on the conference committee.

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

Mr. UNDERWOOD. Mr. President, I recognize the decision of the Senate. I compliment the Senators on the position they have taken. It is playing true to form.

I desire to move the election of Senators KEYES and LADD to fill the vacancies on the conference committee.

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

Mr. UNDERWOOD. Yes.

Mr. WADSWORTH. In examining the list of the members of the Committee on Agriculture and Forestry it would seem that Senator CAPPER and Senator KEYES are the next in the order of seniority, following Senators NORRIS and McNARY. Is there any objection to following the rule and selecting Senator CAPPER and Senator KEYES?

Mr. UNDERWOOD. I will say to the Senator that my motion was to have, and I still think we ought to have, on the committee Senators who voted for the bill. The Senate by one vote has taken the other position; and, as that is the viewpoint of the Senate I will simply conclude the matter by asking unanimous consent that Senator KEYES and Senator CAPPER be elected to fill the vacancies on the conference committee.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. McKELLAR. Mr. President, as I understand, it is Senators CAPPER and KEYES, Senator CAPPER being first in order on the list.

Mr. UNDERWOOD. Whichever is the senior Senator.

Mr. McKELLAR. That is entirely satisfactory to me.

Mr. SIMMONS. Mr. President, I simply want to inquire of the Senator from Alabama if he is proposing to appoint two or three conferees, Senator SMITH not having signified his acceptance or rejection of the designation?

Mr. UNDERWOOD. Senator SMITH stated a while ago that he would not sign the conference report; but he is elected, and it is up to him to decline if he wants to.

Mr. SIMMONS. Then the Senator has named only two?

Mr. UNDERWOOD. Two; that is all.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and the conferees are elected accordingly.

Mr. CAPPER. Mr. President, I shall have to decline to serve as a conferee on this matter.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to be relieved from service on the committee. Is there objection? The Chair hears none.

Mr. UNDERWOOD. Mr. President, it has been called to my attention that Senator LADD is out of the city. Senator McKINLEY a while ago declined to serve. Is he in the Chamber? I think he is the next member. I ask unanimous consent that Senator McKINLEY be put on the committee to fill the vacancy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the conferees are Senators KEYES, McKINLEY, and SMITH.

Mr. MOSES obtained the floor.

Mr. SMITH. Mr. President, will the Senator yield to me? I want to keep up the connection between the various actions of the Senate in reference to the famous Muscle Shoals proposition, so that there will not be a break which might lead to some misunderstanding.

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

Mr. MOSES. I yield to the Senator from South Carolina for that purpose only.

Mr. SMITH. Mr. President, all of us know that the action of the Senate in passing the Underwood bill in its present form is practically the only thing that is going to be before the conference committee. In view of the action of the Senate in its vote a moment ago, which I felt sure would take place, and in its majority expression, in which it has reaffirmed, as it had a right to reaffirm, its confidence in its Members, I ask unanimous consent that my name be withdrawn as one of the conferees.

The PRESIDING OFFICER. Is there objection to this request? The Chair hears none.

Mr. UNDERWOOD. Mr. President, will the Senator from New Hampshire yield to me for just a moment?

Mr. MOSES. I yield.

Mr. UNDERWOOD. I ask unanimous consent that Mr. HARRISON be appointed to fill the vacancy.

Mr. MOSES. Mr. President, I can not yield the floor for that purpose, because I wish to ask unanimous consent that the senior Senator from Alabama [Mr. UNDERWOOD] be named as the third conferee.

Mr. UNDERWOOD. I would rather not. I will state to the Senator that I prefer to have Senator HARRISON chosen.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. MOSES. Mr. President, having listened to the argument presented by the senior Senator from Alabama in favor of the proposal that friends of the measure should constitute the conferees, I do not think I can yield for that purpose.

Mr. UNDERWOOD. I will ask the Senator to yield. I should be glad to serve, of course; but, while I do not like to say so, I really have been half sick and half well for the past two or three weeks, half the time in bed, and I should very much prefer to have Senator HARRISON chosen.

Mr. MOSES. Mr. President, I am so well advised by one of the conferees just chosen by the Senate with reference to this matter that I can not yield to the Senator for that purpose, and therefore I must insist upon presenting my own unanimous-consent request. Of course, if the Senator from Alabama wishes to object, he can prevent himself from being a conferee.

Mr. UNDERWOOD. I shall have to object on that account, Mr. President.

Mr. MOSES. Very well.

Mr. UNDERWOOD. I now ask unanimous consent that Mr. HARRISON be appointed to fill the vacancy.

The PRESIDING OFFICER. Is there objection to that request?

Mr. McKELLAR. Mr. President, the Senate has just decided that these conferees should be chosen in the regular order of their standing on the committee. Mr. HARRISON is one of the most devoted and splendid friends I have or ever have had. There is no man in this body that I like any better than PAT HARRISON; but in view of the action taken by me in standing by the rules of the Senate and in view of the action of the Senate I shall object, and I ask unanimous consent that JOSEPH E. RANSDELL, of Louisiana, the next man on the committee, be made one of the conferees.

The PRESIDING OFFICER. Objection is heard to the request of the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, this is a very disputed question. The vote of the Senate was 35 one way and 33 the other. Senator RANSDELL is a man of eminent ability. I suggested Senator HARRISON because I had originally moved Senator HARRISON'S appointment. If Senator RANSDELL is willing to serve and carry out the purpose of the Senate, of course I raise no objection to him.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. NORRIS. Mr. President——

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

Mr. NORRIS. Why does the Senator from Alabama first propound to the Senator from Louisiana a question that he did not propound to the other Senators who were to be appointed? He did not ask them to testify.

Mr. UNDERWOOD. I correct myself. The Senator is probably right. I should not have expressed myself in that way. I should have said, being assured, as I know Senator RANSDELL, that he will carry out the viewpoint of the Senate, I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and Senator RANSDELL is chosen a member of the conference committee.

Mr. RANSDELL. Mr. President——

Mr. MOSES. I yield to the Senator from Louisiana.

Mr. RANSDELL. I do not believe any Member of this body would conceive that I would fail to obey any law adopted by Congress; but I am not in sympathy with the principles of the Underwood bill as it was passed here by a very small majority, and it has not yet become a law, and I respectfully ask to be excused from serving on this committee.

The PRESIDING OFFICER. Is there objection to this request? The Chair hears none.

Mr. MOSES. Mr. President——

Mr. McKELLAR. Will the Senator yield to me?

Mr. MOSES. No, Mr. President, I can not yield to anybody, because in view of all the circumstances I now renew my request for unanimous consent that the senior Senator from Alabama [Mr. UNDERWOOD] shall be the remaining conferee on this committee.

The PRESIDING OFFICER. Is there objection to this request?

Mr. UNDERWOOD. Mr. President——

Mr. MOSES. I implore the senior Senator from Alabama not to object.

Mr. UNDERWOOD. I do not care to serve, and do not wish to serve, and had no intention of serving; but as the Senate is going around in a circle some solution will have to be made of this question, and if every man in the Senate desires me to go to conference and represent my viewpoint on it I shall not object.

Mr. NORRIS. Mr. President——

Mr. MOSES. I yield to the Senator.

Mr. NORRIS. I think the Senator from Alabama ought to be on the conference committee. The only objection I could have to the procedure is that the Senator from New Hampshire in putting him on did not first put him on the stand and ask him whether, if he was appointed, he would follow out the wishes of the Senate.

Mr. MOSES. Mr. President, that being a perfectly pertinent question, I now ask the Senator from Alabama if he will stand by the decision of the Senate as recorded in its vote on the Muscle Shoals measure?

Mr. UNDERWOOD. Although not desiring to go on the conference committee, I can give the Senator from New Hampshire my assurance that I will stand by it as long as there is any standing to be done.

Mr. McKELLAR. Mr. President——

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

Mr. MOSES. I yield to the Senator.

Mr. McKELLAR. I desire to request unanimous consent that the next man on the committee, Senator JOHN B. KENDRICK, be selected as a conferee.

Mr. MOSES. I can not yield for that purpose, Mr. President. Therefore I now press my request for unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. I object.

Mr. MOSES. Very well; I still maintain the floor, and I yield to the Senator from Tennessee.

Mr. McKELLAR. I now ask unanimous consent that the next man on the committee, Senator KENDRICK, of Wyoming, be selected as a conferee.

The PRESIDING OFFICER. The Senate has heard the request. Is there objection? The Chair hears none.

THE FRENCH DEBT

Mr. McKELLAR. Mr. President, just a few moments ago I had to object to a unanimous-consent request in reference to the Senator from Mississippi [Mr. HARRISON]. Last night, Mr. President, the Senator from Mississippi delivered one of the most eloquent and one of the best speeches I have read in a long time; and I now ask unanimous consent that part of it be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none.

The matter referred to is here printed, as follows:

SENATOR HARRISON'S SPEECH, IN PART, BEFORE NATIONAL FOOD PRODUCERS' ASSOCIATION AT CINCINNATI, OHIO, JANUARY 27, 1925

There is no foreign country the happiness and welfare of which calls for our sympathy more than France. Her long and continued friendship, evidenced in her graciousness during the dark days of the Revolution by loaning to America her immortal Lafayette, and rendering substantial assistance to us in a thousand other ways, has drawn the two peoples into the closest friendship. Those incidents that have emblazoned our history and redounded to our credit should not be forgotten, and the more recent common cause, in which the boys of France and those of America fought side by side for humanity and civilization, should retain that mutual sympathy and elicit always a common admiration. But the heart of a nation is not always reflected in the movements of its leaders.

No people sympathized with France, not only in her struggle during the dark days of the recent great World War but in the many complex problems resulting from that war, more than did our own. With the attitude of Germany written in the destruction of her cities and the loss of her splendid manhood, it was natural that immediately following the war France should have felt some anxiety about her future and to have exercised proper caution—to have seen proper guaranties for her protection maintained. But six years have now passed since the signing of the armistice—quite a sufficient time for war convalescence and economic readjustment. Without minimizing in the least the high price paid by France in that great struggle, the sacrifices made by her allies must be considered.

What is the situation to-day? True, every other allied country following that feverish condition of militarism, adopted a policy of readjustment, finding relief in the cutting down of large standing armies and the curtailment of naval construction. Not so with France. From the armistice up to this good hour she has expended lavishly in the maintenance of large armies and in the preparation of other war activities. No other country has adopted or pursued a like policy. It is not the province of one government to criticize the domestic policies of another. It might not be in good taste for a citizen of one country to voice strictures upon the domestic program of another government; but when the domestic policies of France are so interwoven with the domestic welfare of this country, the cause justifies the means.

It can not be forgotten that in the prosecution of the great World War not only did we send our boys to France to fight and die and render substantial assistance in every way but when the finances of the world were shot to pieces and the interest rates upon the loans to France, Great Britain, Italy, and the other allied countries ranged from 7 to 8 per cent, and often could not be obtained even at those rates, it was this Government that loaned to those countries in fixed terms billions of dollars to prosecute the war and make victory certain. At the time these loans were made for which the American taxpayer was obligated, there was not a man or woman in this country who did not believe that if victory crowned the efforts of the Allies, that every farthing would be paid. What is the result? To-day the American people are being taxed at the rate of 4¼ per cent annually, or approximately $11,000,000,000, with no payments yet being made by France, Italy, Belgium, and other of the smaller allied countries.

Great Britain, acting with the usual promptness that has marked the progress of her history, and zealous of her credit and the maintenance of her national integrity, has in high faith funded her debt to us. There can be little doubt that her financiers and statesmen represented well and creditably that great Government in the negotiations with our commissioners. They did not pay all that the promise exacted, but what they have agreed to pay and what they are annually paying met the approval not only of our commissioners but of our Government as well. Instead of the 5 per cent interest rate obligated, it is quite true that we are only receiving 3 per cent until 1932 and for 50 years thereafter 3½ per cent. But every year, because of the promptness of Great Britain in funding that debt, the American taxpayer is being relieved from taxes of approximately $175,000,000.

France to-day owes this Government upward of three and three-fourths billions of dollars. Italy owes us approximately $2,000,000,000, and other European countries totaling approximately $2,000,000,000. With the exception of Great Britain and four other small countries, none of these governments has made a move or exhibited any inclination toward funding its debts.

Of all the questions to-day confronting the American people, none is more important than that of tax reduction. That being true, the early funding of the European debt, bringing with it the beneficial results of reduced taxes to the American people, is a question in which the American people should feel deeply interested and one which this administration should exert its every effort to promote.

I would not say that the failure of these Governments to fund their debts is the failure of our Government to prosecute the matter. I have great confidence in the high statesmanship and practical business qualities of the State Department and the commissioners appointed by this Government to carry on its negotiations. They may have done everything possible. No doubt they have; but the

more they have done and the greater the efforts extended to adjust the matter makes the guilt the greater of those Governments that have failed to act. The publication recently of the French budget and the failure to disclose therein any mention of its debt to the United States, as well as the speech of Louis Marin in the French House of Deputies recently, has made it an issue legitimate for discussion, not only here, but abroad. The interest that the publication of the budget aroused in America and the strong criticisms that it called forth from practically every source has brought to the front the remarkable statement that the Minister of Finance has made a tentative proposal that France was willing to fund the debt, but only upon an 80-year time limit with an interest at the expiration of 10 years of one-half of 1 per cent. It seems there is in France another element bent upon repudiation and total cancellation. If I should express to you my feelings, and I am sure your feelings, over the ungrateful sentiments and unwise statements of Marin, you would think me encroaching upon the proprieties of the occasion, and indulging too freely in unparliamentary language. Suffice it to say the speech was unwise, imprudent, and unworthy of a Frenchman.

It must not be forgotten in the consideration of these questions that the national wealth of Great Britain is only about twelve billions greater than that of France, while the per capita tax in Great Britain in 1923 was approximately three times as great as that in France. The average tax borne by the citizenship of Great Britain in 1923 was $76.32 and the per capita tax in France in 1923 was $28.23.

It will be seen, therefore, that the burden of taxation in France to-day is not near so heavy as it is in Great Britain, and no country in all the world at this time is blessed with a higher degree of prosperity than is France. In these circumstances, what reason can be advanced why greater partiality and better treatment should be extended to her than was extended by our Government to Great Britain and four other smaller countries in the funding of their debts?

What reason could be advanced why the interest rate upon the loan to Great Britain should be 3½ per cent and that to France one-half of 1 per cent? What reason should there be that the time of making payments by France should be extended to 80 years while Great Britain, Finland, Poland, Lithuania, and Hungary are granted 62 years?

From the reparations settlement no country fared quite as well as France, and the long delay in the final settlement of that question is due to France more than any other country. If I interpret correctly the feelings of the American Congress, and understand the sentiments and heart throbs of the American people, I am quite sure that it is not only against the cancellation of one cent of the European debt to us but that the terms of payment should be the same to all European countries, and no better treatment accorded to France and Italy and Belgium than to Great Britain, Poland, Finland, Lithuania, and Hungary.

It must not be forgotten that if the people of America had exacted every cent that was due by the promise—upward of three billions of dollars—more than the amount finally agreed upon would have been paid by Great Britain alone. And if, upon the same terms that the debt was funded to Great Britain, the debts should be funded by the other European countries, we will have then surrendered approximately $7,000,000,000 less than there would be due us.

I have discussed these matters for the reason that the question of taxation is all important, and if we are ever able to relieve business and the overburdened taxpayer of America it must come in large measure from the prompt funding of our European indebtedness. The time was, and it was only a few years ago, when in one of the national campaigns the issue was made that the party in power had made possible a billion-dollar Congress. In this great and growing country of ours we have reached in normal times the place where it is necessary for approximately a three-and-one-half-billion-dollar budget. The Government to-day is doing everything it can to reduce these large expenditures, but we all must realize that, because of the many agencies created by the Federal Government and the obligations incurred, the Budget is about cut to the quick. It, of course, must be conceded that it will be reduced as our national debts are redeemed and the interest charges are removed.

If the national debt is to be reduced and the interest eliminated and taxes correspondingly reduced, then the most practical and appropriate means is through the immediate funding of the European indebtedness. How great would be the restrictions on business removed and the burdens of the American taxpayer lifted if under similar terms written in our agreement with Great Britain we could fund the balance of the European indebtedness and receive every year from that source upwards of $400,000,000. By such a policy not only would a part of the interest annually collected from the American taxpayer upon our Government's bonded indebtedness be paid, but the amount annually being received applied to the redemption of our bonds would bring an era of debt payments increasing annually until a bright day of economic freedom and social contentment would shine upon us.

If upwards of $400,000,000 a year could be received by this Government from the funding of the whole European indebtedness, the American Congress on that item alone would be able immediately to reduce income and corporation taxes practically one-third. And in the succeeding years, due to less requirements of interest charges, these taxes could be reduced until within a very reasonable time they could be negligible. The crystalized public opinion of America should let those who control the affairs of this Government know, and they in turn should let our foreign debtors know that immediate action should be taken touching this very important question, that good understanding shall not be marred and international financial stability and world economic understanding may be promoted.

Under the growing tendencies of the times the American people have forgotten the philosophy of the fathers and the theories upon which this Government was founded. For everything and in every way the Federal Government is petitioned and expected and too often assumes responsibilities and performs duties for which it was never contemplated. The old philosophy that those least governed are the best governed is as true to-day as when it was enunciated 125 years ago.

Instead of permitting honest business to follow its natural course, unshackled by unnecessary regulations and restrictions, the Federal Government in late years has constituted itself the wet nurse to every legitimate business in America. Of course, there are times when illegitimate and dishonest business becomes so tyrannical and selfish that it must be shown and the way must be pointed out in which it must travel, with signs posted against trespass under penalties against encroachments upon the rights of others. But too often are laws so radically written that in order to detect the dishonest we unnecessarily destroy the legitimate rights of the honest. It is not the spirit of our insitutions that honest endeavor should be checked, that legitimate enterprise should be shackled, or that business freedom should be molested. The constant growth of American industries and their dominant position in the economic affairs of the Nation came not through favors granted by the Government nor policies adopted by it. Of course, some interests and some industries profit by certain governmental policies that permit inequitable advantage over other interests and other industries, but in a broad sense the growth of industries in this country and their present dominant position came through the genius and efficient management of those who direct them. No enterprise can possibly succeed unless it is managed by those who are familiar with that business and understand its difficult and many perplexing operations. No Government employee, working upon a small salary, such as our Federal Government pays, is competent to tell those of large affairs, who have made a success of their business, the wisest manner in which to conduct it. There was never a more auspicious time than now to follow that practice proclaimed by a former President, of "Less government in business and more business in government."

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia [Mr. GEORGE].

Mr. WALSH of Massachusetts. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 39, it is proposed to strike out from line 5 to line 14, both inclusive, of the committee amendment, and in lieu thereof to insert the following:

> In the case of the portion of such publications devoted to advertisements the rates per pound or fraction thereof for delivery within the several zones applicable to fourth-class matter shall be as follows (but where the space devoted to advertisements does not exceed 5 per cent of the total space, the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements): For the first and second zones, 1½ cents; for the third zone, 2 cents; for the fourth zone, 3 cents; for the fifth zone, 3½ cents; for the sixth zone, 4 cents; for the seventh zone, 5 cents; for the eighth zone, 5½ cents.

Mr. MOSES. Mr. President, the pending question being the amendment presented by the Senator from Georgia [Mr. GEORGE] to section 203 of the pending bill, I simply wish to call the attention of the Senate to certain facts.

The average rate per pound through all the zones on advertising matter subject to the second-class privilege in postal rates is 5½ cents. The bill as it came to us, with the recommendations of the Post Office Department, provided for an average rate through all the zones of 6.625 cents per pound. The recommendations of the subcommittee and of the full com-

mittee present a rate of 5.625 cents per pound; in other words, a reduction of 1 cent per pound from the rates proposed by the Post Office Department. The rates proposed in the pending amendment are 3.25 cents per pound, on an average, for the eight zones, or 3 cents per pound less than the rates proposed by the department, 2½ cents less than the rates now existing, and 2 cents per pound less than the rates proposed by the committee. Therefore, upon any consideration, it is manifest that the adoption of the pending amendment would most seriously curtail the increase in revenue which this bill looks to bringing about.

It is my own opinion that the argument of the Senator from Georgia is fallacious in that it reduces the average rate per pound through the whole of the eight zones to a point where it can not possibly produce the result which the Senator thinks will be produced. To my mind it is not possible to reduce the rates to so low a point as that proposed by the Senator from Georgia without seriously diminishing the revenue from this class of postal matter.

It will be observed that the rates reported by the subcommittee, and contained in the amendment which the committee proposes, and which is found on page 39 of the printed bill, represent a mean between the higher rates now existing and the rates which the Senator from Georgia would now institute, and it is my opinion, and I think it must be the opinion of Senators generally, that in dealing with a question of this sort it is much better to strike a mean of the rates than to take either extreme, whether high or low.

The argument presented by the Senator from Georgia yesterday was one which carried a considerable personal appeal to me, first of all because I was one of the Senators who once voted for these rates as an amendment to a tax bill; but I voted for those rates at a time when we were not confronted by the necessity of producing $68,000,000, or as near to that amount as we could approximate, in postal revenue.

The Senator from Georgia fortified his general argument with many specific instances of newspapers and periodicals which would suffer, in some degree at least, if the proposed rates should be applied. With that phase of the argument I sympathize thoroughly, because I happen to have passed the greater portion of my years in connection with small daily newspapers, which probably are affected by the proposed rates. If I may take the one newspaper upon which the Senator from Georgia seemed to lay the greatest emphasis, I hope I may be permitted to speak out of my own experience and say that any newspaper with a circulation of 30,000 which can not earn more than $6,300 a year must be very badly managed. I chance to know of many daily newspapers with circulations of no more than a third of 30,000 which earn much more than $6,300 a year.

The point is, however, that if we wait for the change in postal rates until every publication has reached a place where it can submit to the increase, we will never have legislation. It must be that somebody will bear a burden whenever increases in the rates of taxation or of postage or of anything else take place. Consequently I can not think that if we wish to deal sincerely with the subject matter of this legislation we shall undertake to write our rates about any one newspaper or about any class of newspapers.

We have already adopted a proviso to this measure which strikes out, as I believe, certainly $2,000,000 from the revenue which we hope to derive. I can not but believe that the amendment proposed by the Senator from Georgia would strike out at least $3,000,000 more, and because I do not wish to see these rates so mutilated that we can not go forward with the good purpose which we had in mind when, by an overwhelming majority, seven months ago we voted for these increases in postal salaries—because of my firm conviction on that point, I urge the Senate to disagree to the amendment proposed by the Senator from Georgia.

Mr. EDGE. Mr. President, supplementing the viewpoint presented by the Senator from New Hampshire [Mr. MOSES], this legislation was inaugurated for the purpose of righting an admitted wrong by increasing the salaries of postal employees throughout the country. I served on the committee preparing the bill which was vetoed by the President, whose veto was sustained by the Senate.

The amendment offered by the Senator from Georgia on its own merits may be in every way justified. I have contended many times, on the floor of the Senate and elsewhere, that the question of postal rates was not necessarily related to the question of salaries; that the men were entitled to fair salaries; that it was generally admitted, almost universally admitted, that the postal employees were not receiving fair salaries, and that therefore those salaries should be adjusted, irrespective of the revenue.

Mr. STANFIELD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Oregon?

Mr. EDGE. I yield.

Mr. STANFIELD. I am heartily in accord with the Senator's remarks, may I say. But I rose to ask the Senator if he would yield to me to propose an amendment, which I want to have printed and to lie on the table.

Mr. EDGE. I yield for that purpose.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 49, line 16, the Senator from Oregon proposes to insert the following: "(b) The pay for collect-on-delivery service shall be 10 cents for collections not to exceed $10; 15 cents for collections not to exceed $25; 25 cents for collections not to exceed $50; and 35 cents for collections not to exceed $100." Also strike out all of lines 16, 17, 18, and 19 on page 49.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. EDGE. Mr. President, I was about to observe that either the employees in this great branch of the Government service are entitled to the raises in salaries purposed under the pending measure, and which are exactly the same as were provided in the measure vetoed, or they are not entitled to such raises. By an overwhelming vote the Senate decided that they were entitled to the increase. The President took exception to the failure of the Senate to provide the revenue necessary to meet the raises, and the pending bill is presented for the purpose of endeavoring to meet his objections.

I see considerable merit, from my viewpoint, in the amendment offered by the Senator from Georgia. I do not believe in high postal rates. I believe that more can be accomplished for the country, generally speaking, by giving the people low rates of postage on all classes of matter—on parcel post, on newspapers, magazines, periodicals, even on first-class matter, developing, as it does, the business of the country. I believe we could well afford to meet deficits in the Post Office Department through other forms of taxation, because of the great encouragement, the great contribution to business development, made possible through reasonable postal charges.

In this case, however, if we are sincerely interested in raising the salaries of the postal employees, we must meet the condition which is presented to us. We have already had the experience of passing a bill without providing for raising the revenue necessary to carry out the purposes of the bill. The Senate passed upon that matter, and the veto of the President has been sustained. If we are to raise the salaries of postal employees we must make an effort to meet the objections of the President, as evidenced by the recorded vote of this body.

I am so much interested in seeing this wrong righted, in seeing the postal employees given what I consider to be a fair wage in comparison with the wages in other industries, that I am ready to accept, in great part at least, the suggestions of the committee for raising revenue, hoping that such a bill will pass and receive the approval of the President, and that the salaries of the postal employees will be raised. Therefore, fundamentally agreeing in principle that postal rates should be low, especially on periodicals disseminating information, and because of the educational value accruing, yet I believe it is a mistake at this time to deliberately invite another reversal and thus put that much further off an advance in wages in favor of which the Senate has overwhelmingly gone on record.

For that reason, under existing conditions, facing the situation we all know we are facing, I must oppose at this time at least the pending amendment.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed acts and a joint resolution of the following titles:

On January 26, 1925:

S. 625. An act to extend the time for the construction of a bridge across the White River at or near Batesville, Ark.;

S. 3292. An act 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.;

S. 3428. An act authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky.;

S. 3610. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 3611. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 3621. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La.;

S. 3642. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.;

S. 3643. An act authorizing the construction of a bridge across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa.; and

S. J. Res. 61. Joint resolution authorizing the Director of the United States Veterans' Bureau to grant a right of way over United States Veterans' Bureau hospital reservation at Knoxville, Iowa.

On January 27, 1925:

S. 3036. An act to amend the law relating to timber operations on the Menominee Reservation in Wisconsin; and

S. 3416. An act to authorize the appointment of Thomas James Camp as a major of Infantry, Regular Army.

On January 28, 1925:

S. 698. An act for the relief of the Great Lakes Engineering Works;

S. 2089. An act for the relief of the First International Bank of Sweetgrass, Mont.;

S. 3733. An act to enlarge the powers of the Washington Hospital for Foundlings and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick; and

S. 3792. An act to amend section 81 of the Judicial Code.

THE OWNBEY CASE

Mr. BAYARD. Mr. President, on yesterday the junior Senator from Alabama [Mr. HEFLIN], in his personal explanation on the criticism made of him in the papers, took occasion—and, I am sure, mistakenly, because he was misinformed—to say several things about the Delaware courts and Delaware justice. I desire to call attention to those and to correct the errors.

On page 2509 of this morning's RECORD, beginning at the fifth paragraph in the last column, the Senator is reported as having said:

> What do you suppose occurred in Delaware when appeal was taken from the lower court to the supreme court of Delaware? The same judges who tried the case in the court below and who denied him the right to be heard went up and sat with the other judges and helped to write the judgment against him for the second time.

As I stated a moment ago, the Senator from Alabama has been hopelessly misinformed. That is a physical and legal impossibility. No judge in the Delaware courts who sits in the court below can or may sit in the court above. I have talked with the Senator from Alabama; I have seen the sources of his information, and there has been a mistaken statement on the part of his informant, and while it is quite true that the Senator from Alabama would not make a mistake in regard to Delaware justice, nevertheless it is a matter of public record that he has made this statement, and on behalf of my State and of the people of my State I desire to correct that error.

Again, in the same speech in the second column, page 2594, after referring to the fact that the statute in question under which Colonel Ownbey had claimed that he was aggrieved and had suffered hardships was repealed, the Senator from Alabama went on to say:

> Then what happened? This man went before the same court under that amended statute and tried to have the judgment opened in order that he might then tell the truth and produce his testimony and be permitted to answer the complaint filed against him. But the same court again denied him the right to be heard, upon the ground that the retroactive amendment affected a judgment which had been already rendered by the court, and again they refused to hear him.

Any lay person reading that language, and most of the good people of this country are laymen, would think that justice had been denied Colonel Ownbey at the hands of the courts of Delaware. What I want to call attention to is that that was a retroactive, amendatory statute to the so-called court of London custom, which had theretofore been the law of Delaware by statute and practice. It was amended, I think, in 1916, and the amendment was made to be retroactive. But when Colonel Ownbey went back to the Delaware court to obtain what right he might have, as he conceived his right, he was met by the statement of the court that "there was a judgment rendered in this court, and no matter how retroactive the terms of the amendatory statute might be the judgment stands, and this court has no power to afford you relief."

I would also state the fact, the patent fact to all lawyers, that the Constitution of the United States forbids any State to pass an ex post facto law, so in that event the Legislature of Delaware, while it might pass a retroactive statute, could not pass an ex post facto statute impinging upon or in any way interfering with the judgment of a court of law.

PRELIMINARY REPORT OF THE AGRICULTURAL CONFERENCE (S. DOC. NO. 190)

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Agriculture and Forestry and ordered to be printed:

To the Congress of the United States:

Transmitted herewith is a preliminary report of the agricultural conference. It embraces such recommendations as the conference wishes to make at this time. I am advised that while it does not refer to some legislation which is already pending, that the conference reserves the privilege of making further suggestions at some future time. As I have great confidence in the personnel of the conference, and know that they are representative of a very large part of agriculture, and that they have given very thoughtful study to the entire situation, I recommend that their report be embraced in suitable legislation at the earliest possible date.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 28, 1925.*

CHILD LABOR

Mr. BAYARD. Mr. President, on the 8th day of this month the senior Senator from Montana [Mr. WALSH] delivered a very interesting address upon the so-called child labor amendment to the Federal Constitution. I have been reading that speech over in the last few days and several things in it have struck me as worthy of comment, and I desire to submit to the Senate some views thereon. I shall give the substance of the points on which I want to comment without reading at large from the Senator's speech.

On page 1440 of the RECORD he said:

> The only basis I can find in the voluminous literature put out to discredit the amendment for the assertion that it has been discovered that the policy it proclaims comes from Russia, aside from the essential nature of that policy, lies in the fact that Mrs. Florence Kelley was an active advocate of the amendment, as she was of the legislation the failure of which forced the attempt to revise the Constitution.

That is the beginning of a paragraph of scouting the so-called socialistic or communistic backing of the amendment. If it were merely Mrs. Kelley I would have little to say about it; but the suggestion, as I take it from the Senator's speech, is that we need fear nothing whatever about the relationship between Mrs. Kelley and socialistic or communistic societies or associations. That might be true up to a certain point. It might be further true because further on in his speech the Senator said that the movement in itself for child labor should not be criticized even if it came out of communistic and Soviet Russia. But when I find in this connection publications of societies, communistic or sovietistic or socialistic, then I think we should take notice of what is going on here in this country. If, as the Senator seems to insinuate, this movement did start as a Russian proposition, let us take it up in this country and see what the people who were back of it originally still have to say in regard to the movement.

The Daily Worker is a communist paper published in this country, I am sorry to say, published in Chicago, and I only read one or two extracts from the number of December 1, 1924, touching the question of the advocacy of the child labor amendment, so called. This paper necessarily and naturally advocates the adoption of that amendment. I read from it because I will have to remark on it from time to time; otherwise I would merely ask to have it spread in the RECORD:

> The Workers Party has issued a call for a united front of all workers' organizations to combat the exploitation of children.
>
> It is planned to immediately enlist all labor organizations, unions, cooperatives, women's organizations, fraternal organizations, and similar bodies in this campaign.
>
> DOUBLE-EDGED DRIVE
>
> The object of this drive is twofold, as follows:
>
> 1. Compel the State legislatures to immediately ratify the child labor amendment to the Constitution.
>
> 2. Compel the State and Federal legislatures to pass a law providing for full Government maintenance of all school children of

workers and poor farmers, without which, the Workers Party declares, a child labor law is useless.

The statement on policy, organization, and propaganda for this drive, sent out by the central executive committee of the Workers Party to all the party's district organizers, foreign language federation secretaries, the communist and labor press, is as follows:

STATEMENT OF POLICY

1. To immediately begin intensive agitation in all labor organizations, unions, cooperatives, women's organizations, youth organizations, fraternal organizations, cultural organizations, etc., for a united-front campaign to fight for the following demands: (a) Compel the State legislatures to immediately ratify the child labor amendment to the Constitution; (b) compel the State and Federal legislatures to pass a law providing for full Government maintenance of all school children of workers and poor farmers. The funds for this purpose to come from special taxes on high incomes.

2. To begin similar agitation in all organizations of poor farmers.

3. The following slogans should serve as initial slogans in the campaign, to be supplemented with more and wider political slogans as the campaign progresses and gains in intensity: (a) Save from degeneration the youth of the workers and poor farmers. (b) Save the physical and moral well-being of the future generations of the workers and poor farmers. (c) Protect your wages, your unions, and your standard of living by stopping the exploitation of child labor. (d) Unionize the working class youth. Every labor union, local and national, city and State, must establish special youth departments to organize the young workers and educate them in the class struggle.

Please note there, and before I get through with this thing I will show that the whole movement so far as communists are concerned is building up a policy for class struggle alone, and in the conception of these writers, whom I shall read from, their whole theory in advocating the child-labor movement is a class movement pure and simple. It is not only a class movement, but a so-called financial movement. It is a movement against wealth—not that I am trying to stand up for wealth in what I have to say.

(g) Don't rely upon the C. P. P. A. and La Follette; (h) organize your own strength in a united front of workers and poor farmers and fight for your demands; (i) join and support the Workers Party; (j) the child-labor amendment is meaningless without Government maintenance of the school children of workers and poor farmers.

ORGANIZING THE UNITED FRONT

1. Local united front conferences to combat exploitation of child labor, these conferences to consist of organizations of labor and poor farmers.

2. Special effort should be made to draw into these conferences organizations of working-class women, youth organizations, and especially organizations of poor farmers.

Then again in the same paper, in the issue of December 15, 1924, I quote from a double-leaded statement opposing the statement of Vice President Marshall of this country, entitled "An ex-President peddles more hokum for his capitalistic class."

The article goes on to say:

Marshall fears that the protection of the children heralds the coming of socialism. He stands petrified in the grip of a fear that any government might concern itself with the welfare of growing boys and girls.

Marshall may rest easy, in so far as his capitalist state is concerned. It will never lift the burden of toil from the shoulders of the young. No cannibal was ever born who devoured his human meal with greater relish than the joy with which capitalism feeds upon its youth. Capitalism will always fight for the right to send children into the maw of the great industrial machine, as competitors with their fathers and mothers, their grown brothers and sisters, in the slave market of the wage workers.

The problem of child labor, like the problem of unemployment and other ills inherent in the present social system, will endure as long as capitalism lasts. The struggle against child labor, the struggle against unemployment is fundamentally the struggle to end the capitalist system and all the evils it spawns.

That is the struggle of the Workers (Communist) Party and the Young Workers (Communist) League in their joint war against child labor. Labor must learn that the fight against child labor is a fight to abolish the capitalist state; an effort to establish soviet rule for the suppression of the last remnant of capitalism and the ushering in of the Communist social order under which children will become the heirs of their childhood for the first time since human history began.

Mr. President, what I have been trying to bring out is: The senior Senator from Montana [Mr. WALSH] said that the advocacy of this movement by the communists and socialists is a perfectly meaningless and harmless one; that the movement is strong enough to stand by itself. The point I am trying to make is that with this communist and socialist backing goes other propaganda which I think we can well take account of. That propaganda shows what is their conception of the movement and what it means.

I hope the Senate has not misconceived one thing that is in my mind as to the stand I am taking in this matter. I am in favor of State regulation of child labor and always have been. That I am not opposed to in any way, shape, or manner. But the national operation I am opposed to, and it is national operation particularly that these people are backing, as I see it, through these articles for a totally different purpose, or rather a further purpose, as I see it; and for that reason I think their association with the national movement portends no good.

Mr. McKELLAR. Mr. President——

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

Mr. BAYARD. I yield.

Mr. McKELLAR. The Senator has stated that he is in favor of State regulation of child labor. The Senator knows that for many years, ever since I was a boy—and that has been now some time—there has been an agitation in reference to child labor laws. First it was started in the States. The Senator says that he is in favor of child labor laws in the States. Does the Senator now say that the socialists and the communists make a distinction between State child-labor restriction measures and national child-labor measures?

Mr. BAYARD. I did not pretend to say that, and I do not perceive how the Senator could imagine I did, and for this reason——

Mr. McKELLAR. I judged so from what the Senator stated, and I am glad to be corrected about it.

Mr. BAYARD. I will say, in response to the Senator, that if the Senator had followed this movement in Congress during the last few months he would have realized from what has been said upon the floor in both Houses what is the present condition of the State laws regarding child labor; so that anybody who was for the movement would not have made a suggestion of that kind. Every State in the Union has child labor laws of the kind he has suggested—every one of them.

Mr. McKELLAR. Every one of them.

Mr. BAYARD. And it will be found, I am quite sure, that not only are the socialists and the communists back of these laws but back of the movement seeking to bring such laws about, and they are doubtless aiding the movement to make such laws even more stringent than they are to-day. The point I am trying to make is that they want a national law passed for the purpose of following up that national law with the very things referred to in the publications from which I am reading. That is the purpose for which they are asking a national law; not that they have not got State operation; they have, and everybody knows it; but they want to use a national operation for further, ulterior purposes.

Mr. McKELLAR. Mr. President, I merely wish to say to the Senator that I think he must be mistaken, for when the first national child labor law was enacted by Congress in 1914, as I recall, when it was a real question before the Congress, and after that act was declared unconstitutional when a second measure was before the Congress in 1918 or 1919, I literally received, I might say, tens of thousands of letters from Tennessee in favor of those acts; and if there are over a half dozen communists or socialists in my State I never have heard of them. We virtually have no socialism or communism in my State; that State is perfectly free from either; and yet there was a tremendous sentiment there in favor of the proposed action.

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

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

Mr. KING. Mr. President, as I understand the Senator from Delaware, I think his position is correct, namely, that the socialists and communists are favorable to the aggrandizing of power in the Federal Government. It will be found that some of the extreme socialists are in favor of belittling and destroying the States and of centralizing all authority in a central government, for the reason that they believe that the transition then from what we denominate democracy or representative government to pure socialism will be more easily effectuated.

Mr. BAYARD. And this is merely a step on the way; that is all it is.

Mr. KING. The change can more easily be made from a monarchy to socialism than from a democracy to socialism.

Therefore we find the paradox in Germany to-day of the monarchists and communists affiliating in their political activities. I was told by monarchists and by communists, when I was in Germany a few months ago, that the communists would coop-

erate with the monarchists continually. Mr. Trotzki and other leading communists when I was in Russia stated to me that they had given advice to the committee which had come from the communists of Germany to Russia for the purpose of obtaining aid in their contest against the Republic of Germany to join with the monarchists wherever the monarchists were in the ascendancy for the purpose of destroying the democratic spirit and the democratic movement in Germany; and Trotski very frankly stated——

Mr. BAYARD. Mr. President, I should like to continue my remarks without having their continuity broken by a long speech, although I am glad to yield to the Senator for a question.

Mr. KING. I beg the Senator's pardon.

Mr. BAYARD. I quite agree with the proposition the Senator advances, that this is merely a step in the work of the communists and socialists in this and every other country to get control of the state, and they want to get control of the children, as they say in some of their publications, as one of the steps in that direction.

Mr. President, I have here a copy of the Young Worker of the issue of December 15, 1924. It is published in Chicago, and rather than read it at large I ask permission to have printed in the RECORD the article entitled "Fight child labor."

The PRESIDING OFFICER. Without objection, the request is granted.

The matter referred to is as follows:

FIGHT CHILD LABOR!

One of the most important duties of the workers of America to-day is a united struggle against the conditions of slavery under which American working class children toil. Millions of children under the age of 16 give the best years of their life under the yoke of the most brutal exploitation imaginable. Under the burning sun of Michigan's beet fields, the cotton fields of the South, the farms of the West and South, in the factories of the East, in every industry in the country, little children are sucked dry for the profits of the profit-thirsty capitalist class.

These very bosses, who contribute thousands to reactionary organizations whose aim is to fight communism on the ground that it will break up the home, are the most active in breaking up the working-class family, already well shattered by capitalism. Due to the miserable wages that the average worker is now getting, children are being forced into industry and agriculture by the thousands. They are tasting the bitter poison of capitalist exploitation while yet in their teens. They feel the goading lash of the boss because they have not happened to be born the sons or daughters of bloated millionaires.

Numerous organizations exist, maintaining that they are opposed to child labor. But they are really opposed to it for enlightened capitalist reasons. They want to conserve the energy of the child in order that he may make a more efficient wage slave when he grows older. They oppose child labor for this reason or for sentimental reasons. And it is these organizations that have been instrumental in putting through the child-labor amendment in the Houses of Congress. But, as we have already pointed out, this alleged amendment means very little. It does not in itself abolish child labor, but merely gives Congress the right to regulate or limit it. It is now going the rounds of the various State legislatures, and it has already been downed in four States. If nine more kill it, the amendment is dead. And every indication points to the swift end of the amendment.

The liberals and fakers will plead that there is a long road to be traversed before anything can be done, and that in the meantime all that is necessary is that lobbies be maintained in the various capitals to influence legislatures.

From the experience of the workers, however, we can safely say that nothing will be done until the workers make use of their organized might to force the Government and the industries to relieve the conditions of the child toilers. We say "relieve" because child exploitation will be abolished only with the abolition of its cause—capitalism.

In this struggle against child labor the call for the united front issued by the Workers Party and actively supported by the Young Workers League, must have the support of every working class organization and body in this country. The workers of America must show that they are not willing to wait until the benevolence of the capitalists acts through their kept legislatures. By their militant action they must force the capitalist tools to recognize the demands of the workers.

The Young Workers League and the junior groups must take a most active part in this campaign. The young workers and the children must be drawn into this struggle. Let every factory resound with our slogans. Let every school be drawn into support for the drive. Together with the Workers Party the entire communist movement will be mobilized for an energetic drive that will not only rally the workers to the leadership of the communist in this urgent drive, but will show to labor who is actually interested in doing something for the child slaves, will expose those fakers who, like Gompers, are at all times more ready to talk about support to the workers than give them actual support.

Get the youth into activity against this stain upon the shield of the working class of America!

Mr. BAYARD. I hold in my hand, Mr. President, a copy of a magazine which is called The Workers Monthly, a consolidation of the Labor Herald, the Liberator, and the Soviet Russia Pictorial. From that I will not read but ask that there may be incorporated in my remarks in the RECORD the article entitled "Fight against child labor."

The PRESIDING OFFICER. May the Chair ask are there illustrations which the Senator requests may be printed with the article?

Mr. BAYARD. I have marked the reading matter and I merely ask that the reading matter may be inserted in the RECORD. The article is on page 140, and I have marked it and will give it to the reporter.

The PRESIDING OFFICER. Without objection, the article will be printed as requested.

The article referred to is as follows:

FIGHT AGAINST CHILD LABOR

Every militant and progressive unionist, and every revolutionary worker, will join in the demand for the ratification of the child labor amendment to the Constitution. But there should be no illusions about this amendment. It will not protect the children of the workers. In the first place, it only gives power to Congress to pass legislation; it remains for such legislation to be forced through the legislative bodies by the pressure of working-class demands. Secondly, the prohibition of child labor, unless it is accompanied by governmental maintenance of the children, is absolutely ineffective.

It is only when the working class has itself taken over the political power, when the capitalist dictatorship has been overthrown by the dictatorship of the working class, that child labor and other evils afflicting the toiling masses can be abolished. What will happen under a proletarian régime is strikingly illustrated by the story in this issue by Anna Louise Strong, formerly of Seattle and now in Russia. Anna Louise Strong tells about the one spot on the globe where the life problems of the working class are being solved in a comprehensive manner. It is only when the workers of the United States have similar power to control, through their own government of workers' councils, the social and economic life of the country that child labor will cease its destructive work.

While capitalism remains, legislation on the child-labor question will only give such slight relief as the workers force through by their political and economic power, by demands and demonstrations. And such pressure upon the capitalist government, in order to have any effect whatever, must be given point and substance by demands for governmental maintenance of all children of school age, such maintenance to be paid for by special taxes upon large incomes. The rich who appropriate the wealth produced by the working class must be made to disgorge a part of it for this purpose as one of the first steps toward making them disgorge all their ill-gotten gains to make way for the new system of society, wherein the working class will rule.

Mr. BAYARD. Mr. President, I quote from these publications in this particular part of my speech merely to emphasize the point I have in mind, that while the Senator from Montana belittled the association of these persons with the movement, I think it is a very serious thing. I speak at length of it and make these quotations in order that the Senate may see what is going on and that those who read the RECORD may see what is going on; that there is underneath all of this a direct and positive movement to realize what is being advocated by a great many people in this country, to wit, the so-called child labor amendment, a movement for ulterior purposes, and one of the ulterior purposes is the breaking down of our democratic form of government and the establishment of a soviet, socialistic, or communistic government, as the case may be, in place of it.

The Senator from Montana spoke of one phase of the question, and that was as to whether or not there was a fair presentation regarding the fear of the farmer in regard to the proposed constitutional amendment which had been submitted to the States. I think the farmer may well be afraid of it, because, as I conceive the amendment, it offers an opportunity, which undoubtedly will be made use of, to handicap the farmer in more ways than one.

Of the million and sixty-odd thousand children between the ages of 10 and 15 years, as shown by the last census, who were engaged in gainful occupations about 600,000 were upon the farms and engaged in some form of work or another. So the farmer has the bigger stake after all.

There are two phases of it: One as to whether or not the actual labor of children upon the farm should be infringed

upon, and the other is the phase, which I shall not go into at all, but in regard to which I dwelt upon in my speech last May, and that is how far or in what form will the laws which may hereafter be passed regulating the labor of persons under the age of 18 years make that labor dependent upon educational and other opportunities.

The Senator from Montana said no fear need be had; and, perhaps, that might have been true six months ago. Certainly it was true so far as the greatest public advocate of this measure, the Child Labor Bulletin, of New York, published by the National Child Labor Bureau, was concerned, for they said in their April number:

> The National Child Labor Committee has no intention of trying to secure any Federal action to regulate the work of children in agriculture under the direction of their own parents on their own farms.

That was in the April, 1924, number, but after the issue of that number, and when the House of Representatives adopted the amendment, and it came into this body, and while it was pending here, their June number came out, and in their June number they made this statement:

> The National Child Labor Committee seeks to protect the interests of the child, and it can not remain true to its past traditions without recognition of the fact that thousands of children are now, and are likely to be in the future, exploited by an industrialized agriculture.

Again, in the same June number, it is said:

> It is now clearly evident that where children are forced to work under contract in industrialized forms of agriculture some form of legislation is needed to protect their interests.

In other words, there is fair warning to the farmer exactly to what extent this movement is intended to go.

I might state that the farmer is on his guard. I do not know how many thousand local granges there are throughout this country, subordinate to the State granges, and therefore to the National Grange, but I imagine there are many thousands; and I venture the statement, without fear of contradiction, that there is not a single grange in this country that has gone on record in favor of this so-called child labor amendment.

If any action of any kind has been taken I think it will be found to be very much the reverse. I know in Delaware the State grange and all the individual granges are absolutely opposed to it. So I think that the farmer need not be very much warned about it; I think he is "on his toes" in regard to it. I think he knows what is going on, and, for his own sake, I hope he does.

The Senator from Montana also touched upon the question of congressional legislation on the child labor amendment, and intimated that Congress would not be foolish or careless or improvident—I am not using his own words; those are my words—in regard to the matter, but that whatever it did do under any circumstances would be controlled, in the last analysis, by the United States Supreme Court.

I wish again to read, Mr. President, the wording of the proposed amendment to the Constitution.

It provides that—

> The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age—

That is section 1. That "The Congress shall have power."

I have forgotten the exact wording of the eighteenth amendment—and I refer to it merely for the purpose of illustration; I am not passing any criticism upon the eighteenth amendment or upon the Volstead Act, or upon any other act passed by Congress to make it effective—but my recollection is that the first section of the eighteenth amendment made provision to prevent the manufacture, transportation, and sale of alcohol to be used as a beverage, and the second section provided that Congress and the States could enact the necessary legislative provisions in regard thereto in order to make the first section effective.

Words are meaningless if the so-called child labor amendment is not as potent as the eighteenth amendment to enable Congress to enact any legislation which Congress may deem necessary to make effective the proposed child labor amendment. The clause I read a moment ago reads that "Congress shall have power."

It is perfectly absurd to say that Congress will not do things when we all know that Congress not only will do things but will be importuned to do a great many things which people now say it will not do, particularly the proponents of this measure.

When the eighteenth amendment was adopted I think no one supposed that Congress would pass the Volstead law in its present form. While it was known that some act would be passed which would make the constitutional provision operative, it was sincerely hoped that at least it would not be in a form which would provoke the resentment and the ridicule of the people of this country, but that it would present some operative form under which the law could be administered, I submit that that was not accomplished, and I further submit that in the passage of that law provision was made for the promulgation of regulations by the unit established in the Treasury for the administration of the law; and under the administration of that law we find not only our general laws but the Constitution of the United States flouted right and left. The whole theory of our Constitution guarding us in our persons and property from search and seizure except under proper conditions is thrown to the winds; and under the guise of the regulations issued under the terms of the Volstead Act we all know what goes on from day to day, and practically every day.

If that be true under the eighteenth amendment and the laws passed thereunder, what can we expect under this proposition when they are going to interfere directly in the family life between parent and child?

You say they are going to be reasonable. Let me read to the Senate a few extracts.

Some years ago the representatives of the Children's Bureau were going around asking for information. The Children's Bureau thought they had a moral power, although they did not even have a legal power, to make inquiry in regard to the welfare of children; and before the House Committee on Education, on January 12, 1921, Mr. Douglas L. Edmonds, of Los Angeles, testifying on behalf of the Public School Protective Leagues of California, Oregon, and Washington, stated:

> Some two or three years ago the Children's Bureau undertook a campaign for the weighing and measuring of children, at least under 6 years of age. There was no legal authority for that; that is, it was not undertaken in pursuance of anything except the general authority of the bureau.

Now, mark you, there was a bureau that had no legal authority for such actions.

> Yet I know that in my own State the most extravagant claims were made in the course of that campaign. People who went out to secure the examination of these children threatened individual parents with arrest if they failed to comply.

Again, Mrs. A. M. McManamy, of Oregon, at the maternity act hearing before the Senate Committee on Education and Labor on April 27, 1921, testified that one of these baby inspectors actually pushed by her when told at the door that the baby was perfectly healthy and having its bath, saying:

> Well, I must come in and see the baby and see that it is perfectly healthy, and I must be admitted.

Of course, if you please, you will say those are extreme cases; but they are not extreme cases in exemplifying what I have in mind. If people, without any semblance of authority, merely going around representing a United States bureau, could imagine that they were clothed with the power to thrust themselves into the family life of the people of this country, much more would people take that position under an amendment to the Constitution and acts of Congress authorizing them to do thus and so, with the regulations which naturally follow under the circumstances. We would have our whole family life torn up by this operation; and yet my good friend the Senator from Montana says that this thing is absurd, that the Supreme Court would guard us from the administration of any law that would be so foolish!

The Supreme Court has spoken on that subject as to what laws may be passed by Congress. The Supreme Court has recently recapitulated the decisions and summed up in a very clear and terse way what the powers of Congress are and what the powers of the Supreme Court are in interpreting the powers of Congress. On the 9th day of June, 1924, the Supreme Court of the United States handed down a decision in the case of Everard's Breweries against Day, prohibition director, and others. Mr. Justice Sanford delivered the opinion of the court. I am reading now from part of Mr. Justice Sanford's decision:

> We come, then, to the question whether this act is within the power conferred upon Congress by the eighteenth amendment. By its terms the amendment prohibits the manufacture, sale, or transportation of intoxicating liquors for beverage purposes and grants to Congress the power to enforce this prohibition "by appropriate legislation."

Now, I ask you to note that the proposed amendment, the so-called child labor amendment, says "the Congress shall have power"; so the words are practically the same. Certainly the intended meaning is the same.

Mr. Justice Sanford goes on:

Its purpose is to suppress the entire traffic in intoxicating liquor as a beverage.

Then he quotes from cases, which I will not recite.

And it must be respected and given effect in the same manner as other provisions of the Constitution.

Again he quotes cases. Going on—

The Constitution confers upon Congress the power to make all laws necessary and proper for carrying into execution all powers that are vested in it.

That means vested in Congress.

In the exercise of such nonenumerated or "implied" powers it has long been settled that Congress is not limited to such measures as are indispensably necessary to give effect to its express powers, but, in the exercise of its discretion as to the means of carrying them into execution, may adopt any means appearing to it most eligible and appropriate, which are adapted to the end to be accomplished and consistent with the letter and spirit of the Constitution.

In other words, the Supreme Court again lays down the rule that not only is Congress fully clothed with every power when the Constitution so says it shall have power on a definite subject but by the implied clause of the Constitution it still has that power, and the court will sustain it in the exercise of that power.

Then the justice quotes a number of cases and, going on, says:

Furthermore, aside from this fundamental rule, the eighteenth amendment specifically confers upon Congress the power to enforce "by appropriate legislation" the constitutional prohibition of the traffic in intoxicating liquors for beverage purposes. This enables Congress to enforce the prohibition "by appropriate means."

* * * * * * *

It is likewise well settled that where the means adopted by Congress are not prohibited, and are calculated to effect the object intrusted to it, this court may not inquire into the degree of their necessity, as this would be to pass the line which circumscribes the judicial department and to tread upon legislative ground.

In other words, Mr. President, I dispute the attitude taken by my good friend from Montana, and say that the Supreme Court would say, "Whatever you pass in Congress to enforce the so-called child labor amendment, the twentieth amendment to the Constitution—no matter how silly, no matter how foolish it may seem—just so long as it comes within the power conferred by the Constitution upon Congress to pass laws touching upon the regulation, the prohibition, or the limitation of the employment of persons under 18 years of age, this court is powerless to step in and will not do so."

So I say we have proof positive here that if Congress were to pass such laws, the Supreme Court would do no more than say: "Those laws are within the purview of the Constitution. Those laws are perfectly proper, inasmuch as they are enabling acts under that phase of the Constitution."

The good Senator, in part of his speech, gave a certain tabulation of figures, and gave a recapitulation of the general history and sequence of the movement; but in it he has so worked around and so tossed from one end to the other the figures that I think he has confused himself. At this point I should like to place in the RECORD two tables, both of which were published by the majority committee in the House last year when it advocated the measure now known as the child labor amendment. One is a recapitulation of the figures taken from the Twentieth Census showing the number and per cent distribution, by occupations, of children 10 to 15 years of age, and the other is a tabulation of State laws relative to the employment of children in factories. I ask that those be spread upon the RECORD rather than having them read.

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

The matter referred to is as follows:

Number and per cent distribution, by occupation, of children 10 to 15 years of age, inclusive, engaged in selected nonagricultural pursuits, for the United States, 1920 [1]

Occupation	Number	Per cent distribution
All nonagricultural pursuits	413,549	100.0
Messenger, bundle, and office boys and girls [2]	48,028	11.6
Servants and waiters	41,586	10.1
Salesmen and saleswomen (stores) [3]	30,370	7.3
Clerks (except clerks in stores)	22,521	5.4
Cotton-mill operatives	21,875	5.3
Newsboys	20,706	5.0
Iron and steel industry operatives	12,904	3.1
Clothing-industry operatives	11,757	2.8
Lumber and furniture industry operatives	10,585	2.6
Silk-mill operatives	10,023	2.4
Shoe-factory operatives	7,545	1.8
Woolen and worsted mill operatives	7,077	1.7
Coal-mine operatives	5,850	1.4
All other occupations	162,722	39.3

[1] Fourteenth Census of the United States, 1920: Children in gainful occupations (not yet published; figures furnished by courtesy of the United States Bureau of the Census).

[2] Except telegraph messengers.

[3] Includes clerks in stores.

STATE LAWS RELATIVE TO EMPLOYMENT OF CHILDREN IN FACTORIES

Alabama, prohibited under 14.

Arizona, prohibited under 14. (Exception, boy 10 to 14 may, upon license, outside school hours, work at labor not harmful.)

Arkansas, prohibited under 14.

California, prohibited under 15. (Exception, child 12 during school vacation.)

Colorado, prohibited under 14. (Exception, child 12 during summer vacation.)

Connecticut, prohibited under 14.

Delaware, prohibited under 14. (Exception, child 12 outside school term on special permit.)

Florida, prohibited under 14.

Georgia, prohibited under 14. (Exception, child 12 on permit if orphan or has widowed dependent mother.)

Idaho, prohibited under 14.

Illinois, prohibited under 14.

Indiana, prohibited under 14.

Iowa, prohibited under 14.

Kansas, prohibited under 14.

Kentucky, prohibited under 14.

Louisiana, prohibited under 14.

Maine, prohibited under 15.

Maryland, prohibited under 14.

Massachusetts, prohibited under 14.

Michigan, prohibited under 15.

Minnesota, prohibited under 14.

Mississippi, girl prohibited under 14, boy 12.

Missouri, prohibited under 14.

Montana, prohibited under 16.

Nebraska, prohibited under 14.

Nevada, prohibited under 14.

New Hampshire, prohibited under 14.

New Jersey, prohibited under 14.

New Mexico, prohibited under 14.

New York, prohibited under 14.

North Carolina, prohibited under 14. (Exception, boy 12 on special permit outside school hours. Only 66 so employed during 1923.)

North Dakota, prohibited under 14.

Ohio, prohibited under 16. (Exception, child 14 outside school term.)

Oklahoma, prohibited under 14.

Oregon, prohibited under 14. (Exception, child 12 outside of school term.)

Pennsylvania, prohibited under 14.

Rhode Island, prohibited under 14.

South Carolina, prohibited under 14.

South Dakota, prohibited under 15.

Tennessee, prohibited under 14.

Texas, prohibited under 15.

Utah, prohibited under 14.

Vermont, prohibited under 14.

Virginia, prohibited under 14.

Washington, prohibited under 14. (Exception, child 12 on permit of superior court judge in case of poverty.)

West Virginia, prohibited under 14.

Wisconsin, prohibited under 14. (Exception, child 12 during school vacation.)

Wyoming, prohibited under 14.

Mr. BAYARD. I would only say in passing, to exemplify what I mean, that the Senator from Montana spoke about there being 175,000 children employed in the factories. If he will but read the figures, he will find that he is something like 100,000 too large in that figure alone.

Now, Mr. President, one more point and I am through.

The Senator from Montana, toward the end of his speech, said:

At every turn in the road the sordid nature of the organized opposition to the amendment is revoltingly made manifest.

I have the honor to represent in part a sovereign State. My State, I think, in its senate will refuse to ratify this amendment by the votes of all save one. The house has voted unanimously against it. I do not think there will be any change. I think the senate may be unanimous in its refusal to ratify it. Whether or not the Senator from Montana meant to refer to the good people of my State when he said that, or the movement among the good people of my State, I do not know; but if he did, I certainly resent it, and I think the vote of the people of my State expresses to him what they think about this movement. I do not consider the people of my State, and I do not know anybody who does consider them, either, of a sordid nature, nor is their action to be considered revolting action.

I have in my hand a long list of organizations opposed to the twentieth amendment. It is too long for reading, and I ask unanimous consent that it may be spread in the RECORD at this portion of my remarks.

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

The matter referred to is as follows:

THE 116 ORGANIZATIONS OPPOSED TO TWENTIETH AMENDMENT

The following is a partial list of organizations and prominent persons who have expressed opposition to ratification of the proposed twentieth amendment to the Constitution of the United States, commonly, though inaccurately, referred to as the "child-labor" amendment.

This list is compiled from various sources and is believed to be entirely correct. All of the organizations listed are reported as having taken official action on this matter. In addition, there are numerous organizations whose officers, in their individual capacities, have declared against ratification:

CONSTITUTIONAL AND PATRIOTIC ORGANIZATIONS

Advocates of the Constitution, Philadelphia, Pa.

American Constitutional League, 27 William Street, New York City.

Daughters of the American Revolution Executive Board, 15 West Thirty-seventh Street, New York City.

George Junior Republic, Freeville, N. Y.

Good Government Club, Topeka, Kans.

Maryland Bar Association, Baltimore, Md.

Maryland League for State Defense, 701 Maryland Trust Building, Baltimore, Md.

Maryland Women's Constitutional League, 1209 St. Paul Street, Baltimore, Md.

Massachusetts Citizens' Committee to Protect Our Homes and Children, 210 Newbury Street, Boston, Mass.

Massachusetts Public Interests League, 210 Newbury Street, Boston, Mass.

New York Committee to Protect Our Homes and Children, Syracuse, N. Y.

Sentinels of the Republic, Home Life Building, Washington, D. C.

Tennessee Society, Sons of the American Revolution.

West Virginia Bar Association, Wheeling, W. Va.

Virginia Women's Constitutional League, rural route 4, Hampton, Va.

AGRICULTURAL ORGANIZATIONS

American Farm Bureau Federation and 38 State farm bureaus, 58 North Washington Street, Chicago, Ill.; also additional special resolutions have been passed by:

Kentucky Farm Bureau Federation.
Minnesota Farm Bureau Federation.
Missouri Farm Bureau Federation.
Nebraska Farm Bureau Federation.
Ohio Farm Bureau Federation.
New York State Farm Bureau Federation.
National Grange, Patrons of Husbandry.
California State Grange.
Connecticut State Grange.
Cleveland Fruit Growers' Association.
Delaware State Grange.
Idaho State Grange.
Illinois State Grange.
Indiana State Grange.
Iowa State Grange.
Kansas State Grange.
Maine State Grange.
Maryland State Grange.
Massachusetts State Grange.
Michigan State Grange.
Michigan State Horticultural Society.
Nebraska State Grange.
New Hampshire State Grange.
New Jersey State Grange.
New York State Grange.
Ohio State Grange.
Oklahoma State Grange.
Pennsylvania State Grange.
Rhode Island State Grange.
South Dakota State Grange.
Vermont State Grange.
West Virginia State Grange.
Wisconsin State Grange.
Farmers' State Rights League, Troy, N. C.
Lehigh County Agricultural Extension Association, Allentown, Pa.

LOCAL RELIEF ORGANIZATIONS

Orphan Asylum Society of the City of Brooklyn, N. Y.
Women's Health Protective Association of Brooklyn, Brooklyn, N. Y.
Brooklyn Home for Consumptives, Brooklyn, N. Y.

INDUSTRIAL AND COMMERCIAL ORGANIZATIONS

National Association of Manufacturers, New York City.
National Industrial Council, New York City.
National Committee for Rejection of Twentieth Amendment, 913 Union Trust Building, Washington, D. C.
Laundry Owners National Association, box 202, La Salle, Ill.
American Mining Congress, Munsey Building, Washington, D. C.
American Cotton Manufacturers Association.
New England Shoe and Leather Association.
American Association of Flint and Lime Glass Manufacturers.
Chamber of Commerce of State of New York, New York City.
Rochester (N. Y.) Chamber of Commerce, Rochester, N. Y.
Wilmington (Del.) Chamber of Commerce, Wilmington, Del.
American Paper and Pulp Association, 18 East Forty-first Street, New York City.
Associated Industries of Alabama, 1215 American Trust Building, Birmingham, Ala.
California Manufacturers Association, First National Bank Building, Oakland, Calif.
Colorado Manufacturers and Merchants Association, City Auditorium Building, Denver, Colo.
The Manufacturers Association of Connecticut (Inc.), 50 Lewis Street, Hartford, Conn.
Manufacturers Association of Wilmington, 4 West Ninth Street, Wilmington, Del.
Georgia Manufacturers Association, 1127 Candler Building, Atlanta, Ga.
Associated Industries of the Inland Empire, Eihlers Building, Spokane, Wash.
Illinois Manufacturers Association, 231 South La Salle Street, Chicago, Ill.
Indiana Manufacturers Association, Consolidated Building, Indianapolis, Ind.
Iowa Manufacturers Association, Crocker Building, Des Moines, Iowa.
Associated Industries of Kansas, 407 Mulvane Building, Topeka, Kans.
Associated Industries of Kentucky, 76 Kenyon Building, Louisville, Ky.
Louisiana Manufacturers Association, 1407 Whitney Bank Building, New Orleans, La.
Associated Industries of Maine, 178 Middle Street, Portland, Me.
Baltimore Association of Commerce, 20 Light Street, Baltimore, Md.
Associated Industries of Massachusetts, 950 Park Square Building, Boston, Mass.
Minnesota Employers Association, Builders Exchange Building, St. Paul, Minn.
Associated Industries of Missouri, 1306 Boatmen's Bank Building, St. Louis, Mo.
Associated Industries of Montana, 305 Lewisohn Building, Butte, Mont.
Nebraska Manufacturers Association, 212 North Eleventh Street, Lincoln, Nebr.
New Hampshire Manufacturers Association, 83 Hanover Street, Manchester, N. H.
Manufacturers Association of New Jersey, 175 West State Street, Trenton, N. J.
Associated Industries of New York State (Inc.), Iroquois Building, Buffalo, N. Y.
Ohio Manufacturers Association, 66 South Third Street, Columbus, Ohio.
Oklahoma Employers' Association, 1004 Oil Exchange Building, Oklahoma City, Okla.
Manufacturers and Merchants' Association of Oregon, 510 Oregon Building, Portland, Oreg.
Pennsylvania Manufacturers' Association, 2001 Finance Building, Philadelphia, Pa.
Employers' Association of Rhode Island, 420 Butler Exchange, Providence, R. I.
Manufacturers and Employers' Association of South Dakota, Sioux Falls, S. Dak.

Tennessee Manufacturers' Association, Stahlman Building, Nashville, Tenn.

Utah Associated Industries, 215 Kearns Building, Salt Lake City, Utah.

Associated Industries of Vermont, Willard Block, 72 Main Street, Montpelier, Vt.

Virginia Manufacturers' Association, 722 American National Bank Building, Richmond, Va.

Federated Industries of Washington, American Bank Building, Seattle, Wash.

West Virginia Manufacturers' Association, Fairmont, W. Va.

Wisconsin Manufacturers' Association, 705 First Central Building, Madison, Wis.

MISCELLANEOUS ORGANIZATIONS

County Commissioners' Association of Idaho.

Mothers' National Council, Washington, D. C.

State Child Welfare Commission of North Carolina, statehouse, Raleigh, N. C.

State Labor Commission of Georgia, statehouse, Atlanta, Ga.

Women's Republican Club (Inc.), New York City.

Federation of Democratic Women, Baltimore, Md.

Philadelphia Federation of Women's Clubs.

Moderation League of New York, New York City.

Republican Women of Pennsylvania.

National Commercial Teachers' Federation.

Kentucky city and county school superintendents and teachers.

Playground Association of America, New York City.

St. Joseph (Mich.) Federation of Women's Clubs.

ONE HUNDRED AND THIRTY-FOUR PROMINENT CLERGYMEN, EDUCATORS, AND OTHERS OPPOSED TO THE AMENDMENT

CLERGYMEN

Rev. Anson P. Atterbury, D. D., New York City.

Bishop William Burt, Methodist Episcopal Church, Clifton Springs, N. Y.

Bishop Warren A. Candler, Methodist Episcopal Church, Atlanta, Ga.

Dr. A. Z. Conrad, Congregationalist, Boston, Mass.

Rev. Howard Duffield, D. D., New York City.

Rev. Edward H. Griffin, D. D., dean emeritus, Johns Hopkins University, Baltimore, Md.

Rabbi Nathan Krass, Temple Emanu-El, New York City.

Bishop William Lawrence, Episcopal Bishop of Massachusetts.

Rev. Arthur S. Lloyd, Episcopal Suffragan Bishop of New York.

Dr. E. Y. Mullins, Louisville, president Baptist Theological Seminary; president Baptist World Alliance (Doctor Mullins is said to hold the two highest offices in the gift of the Baptist Church).

William Cardinal O'Connell, Catholic Archbishop of Boston. (Cardinal O'Connell is the ranking Roman Catholic prelate in the United States.)

Archdeacon B. M. Spurr, Moundsville, W. Va.

Right Rev. C. E. Woodcock, Episcopal Bishop of Kentucky, Louisville,

The Presbyterian, Philadelphia, was one of the first religious organs to oppose the twentieth amendment. It undoubtedly represents the views of hundreds of clergymen of that faith. This publication would welcome additional names of prominent clergymen opposing the amendment.

EDUCATORS

Dr. Homer Albers, dean Boston University Law School.

Dr. Nicholas Murray Butler, president Columbia University.

Rev. William Devlin, president Boston College.

Dr. Livingston Farrand, president Cornell University.

Dr. Arthur T. Hadley, president emeritus Yale University.

Joseph Lee, president Playground and Recreation Association, Boston.

Dr. A. Lawrence Lowell, president Harvard University.

Prof. J. Gresham Machen, Princeton Theological Seminary.

Sidney E. Mezes, president College of the City of New York.

Dr. Henry S Pritchett, president Carnegie Foundation for Advancement of Teaching.

Dr. Samuel Wesley Stratton, president Massachusetts Institute of Technology.

Dr. Josiah Penniman, president University of Pennsylvania.

William M. Salter, former lecturer on philosophy, University of Chicago; member from the start of National Child Labor Committee.

Dr. Henry Van Dyke, Princeton University, former minister to the Netherlands.

JUDGES AND LAWYERS

Willard J. Banyon, St. Joseph, Mich.

Former United States Senator Joseph W. Bailey of Texas, Dallas, Tex.

Hon. George Stewart Brown, United States Court of Customs, New York City.

Judge Frederick B. Cabot, juvenile court, Boston, Mass.

Thomas F. Cadwalader, secretary Maryland League for State Defense.

Sampson R. Child, Minneapolis, Minn.

Justice Vernon M. Davis, New York Supreme Court.

Judge Watson T. Dunmore, Utica, N. Y.

Senator George Arnold Frick, chairman judiciary committee, Maryland Senate.

William W. Grant, jr., president Colorado Bar Association.

Judge George Henderson, orphans' court, Philadelphia, Pa.

Judge Frank P. Irvine, professor of law, Cornell University.

Willis R. Jones, assistant attorney general of Maryland.

Hon. George E. Judge, judge children's court, Buffalo, N. Y.

Judge Oscar Leser, Maryland State Tax Commission, Baltimore, Md.

Alexander Lincoln, assistant attorney general of Massachusetts.

Hon. William Caleb Loring, former justice, Supreme Judicial Court of Massachusetts; speaker Massachusetts House of Representatives.

William L. Marbury, Baltimore, Md.

Louis Marshall, New York City.

Thomas R. Marshall, former Vice President of the United States.

Hon. Clarence E. Martin, president West Virginia Bar Association.

Iridell Meares, Washington, D. C.

Judge Edgar S. Mosher, Auburn, N. Y.

Hon. Morgan J. O'Brien, New York, former justice, New York Supreme Court.

Judge Alton B. Parker, president National Civic Federation, New York.

Herbert Parker, former attorney general of Massachusetts.

Frank L. Peckham, commander District of Columbia Department, American Legion, and vice chairman Sentinels of the Republic.

William L. Rawls, Baltimore, Md.

Fred W. Reed.

Former United States Senator Hoke Smith, of Georgia, Washington, D. C.

Former United States Senator Charles S. Thomas, of Colorado, Washington, D. C.

Frederick W. Wadhams, Albany, N. Y.

Hon. Henry Galbraith Ward, New York, United States circuit judge.

Everett P. Wheeler, president American Constitutional League, chairman committee on jurisprudence and law reform, American Bar Association.

George W. Wickersham, former Attorney General of the United States.

Ira Jewell Williams, Philadelphia, Pa.

Hon. Munroe Smith, professor of jurisprudence, Columbia University.

NOTE.—Members of Congress opposing the amendment were listed in this publication July 1, 1924.

SOME WOMEN OPPONENTS

Miss Nila F. Allen, former chief, child labor tax division, Bureau of Internal Revenue. (Miss Allen administered the second Federal child labor law and is the country's greatest expert on child labor conditions.)

Miss Eliza D. Armstrong, Pittsburgh, Pa., former president Pennsylvania Consumers' League, former member national child labor committee.

Mrs. John Balch, secretary Sentinels of the Republic, chairman home service section, American Red Cross for New England during the war, also chairman relief for European children during the war.

Mrs. B. W. Bayless, president Kentucky Federation of Women's Clubs, Louisville.

Mrs. Henry W. Burnett, president Louisville Women's Club, Louisville, Ky.

Miss Sarah Schuyler Butler, vice chairman Republican State central committee of New York.

Mrs. August Dreyer, president Orphan Asylum Society of the city of Brooklyn, oldest organization caring for children in Brooklyn, established 1833.

Mrs. A. E. Fraser, president Women's Health Protective Association, of Brooklyn.

Mrs. Randolph Frothingham, donor and head of Emanuel Memorial House Settlement, Boston.

Gov. Miram A. Ferguson, of Texas.

Mrs. Rufus M. Gibbs, legislative chairman Maryland Federation of Democratic Women.

Anna Katherine Green, novelist, Buffalo, N. Y.

Mrs. E. R. Hanford, Boise, Idaho.

Mrs. Reuben Ross Holloway, Baltimore, president Women's Constitutional League of Maryland.

Mrs. Charles I. Martin, president Military Sisterhood of the World War, also president Kansas Women Lawyers' Association, and assistant attorney general of Kansas.

Mrs. George Madden Martin, writer, Louisville, Ky.

Dr. Anna Moon Randolph, Hampton, Va., secretary Women's Constitutional League of Virginia.

Mrs. Lila Day Monroe, editor Kansas Woman's Journal, Topeka.

Mrs. B. L. Robinson, president Massachusetts Public Interests League.

Mrs. William A. Putnam, Brooklyn, noted leader in child-welfare activities.

Mrs. William Lowell Putnam, pioneer in child-welfare work, initiated the earliest scientifically conducted prenatal care in the world; president American Child Hygiene Association, 1918, and for many years on board of directors of this association; national chairman Women's Coolidge-Dawes Clubs.

Mrs. Charles H. Sabin, member executive committee, Republican National Committee, Republican national committeewoman for New York State.

Mrs. Francis E. Slattery, president Massachusetts League of Catholic Women.

Mrs. Allyn Williams, author, Washington, D. C.

Mrs. Constance Williams, daughter of former Senator Lodge.

HEADS OF NATIONAL ORGANIZATIONS

Oscar E. Bradfute, president American Farm Bureau Federation, Chicago.

Louis A. Coolidge, president Sentinels of the Republic, Boston.

Martin H. Lewis, president National Society of the Sons of the American Revolution, Louisville.

S. Stanwood Menken, president National Security League, New York.

Alton B. Parker, president National Civic Federation, New York.

Louis J. Taber, master National Grange, Patrons of Husbandry, Columbus.

Everett P. Wheeler, chairman American Constitutional League, New York.

MISCELLANEOUS INDIVIDUALS

Prof. Wilbur C. Abbott, professor of history at Harvard University, author of Conflict with Oblivion and the New Barbarians.

Mrs. F. Lothrop Ames, legislative chairman Massachusetts branch of the National Civic Federation, woman's department.

Mrs. LeBaron Briggs, wife of the former president of Radcliffe College.

Henry B. Cabot, lawyer; treasurer of the Family Welfare Society.

Russell Sturgis Codman, lawyer; trustee, Harvard Loan Fund; trustee for the Society for Relief of Widows and Orphans of Clergymen of the Protestant Episcopal Church.

Louis A. Coolidge, Assistant Secretary of the United States Treasury 1908–9; chairman welfare department National Civic Federation; member Federal Shipbuilding Wage Adjustment Board; director Community Service of Boston; delegate at large to Massachusetts Constitutional Convention of 1917; founder, vice president, and director of Bunker Hill Boys' Club; author of Life of U. S. Grant and other books.

Ralph Adams Cram, architect and author; ex-president Boston Society of Architects; member of American Academy of Arts and Sciences, etc.; Litt. D. Princeton, 1910; LL. D. Yale, 1915.

Mrs. Frederick Cunningham, for years manager of the Church Home for Children (Episcopalian); former district officer Family Welfare Society; director Anti-Tuberculosis Association, Brookline.

Mrs. George R. Fearing, former president League of Women Voters.

L. Carteret Fenno, National Civic Federation; member surgical dressings committee.

William A. Gaston, lawyer and prominent Democrat.

Miss Hope Gray, president of the Overseas League.

Prof. Edwin N. Hall, professor of physics at Harvard University; author of scientific works; fellow American Academy Arts and Sciences.

Miss Heloise E. Hersey, author, educator, and lecturer.

Arthur D. Little, chemical engineer and inventor; founder of the School of Chemical Engineering of Massachusetts Institute of Technology; member of National Research Council.

Mrs. Harold Murdock, many years president Bethesda Society for Rescue Work among girls, and at present member of its executive board; chairman patriotism committee of the N. E. Branch of National Civic Federation; member Society of Colonial Wars.

Harold Murdock, historian, Massachusetts Historical Society; Bostonian Society, etc.; fellow, American Academy Arts and Sciences.

Frederick W. Willspaugh, vice president general National Society, Sons of the American Revolution.

Dr. William J. Mixter, surgeon, consulting surgeon Massachusetts General Hospital and the Massachusetts Charitable Eye and Ear Infirmary; lieutenant colonel Medical Reserve Corps, 1919.

Herbert Myrick, editor in chief of Farm and Home (Springfield, Mass., and Chicago) and of the New England Homestead, Springfield, Mass.; author of works on agriculture and on education.

Herbert Parker, lawyer; former attorney general of Massachusetts; vice president Boston Bar Association.

Thomas W. Proctor, lawyer; president Massachusetts Bar Association; vice president Boston Bar Association.

Dr. Benjamin E. Robinson, physician, representing the colored residents of Massachusetts.

Henry L. Shattuck, lawyer; member of Massachusetts Legislature; former member of Massachusetts child labor committee.

Leslie R. Smith, director of the division of reclamation, soil survey, and fairs for Massachusetts agricultural department.

George F. Swain, consulting engineer; professor, Massachusetts Institute of Technology; professor, Harvard Engineering School; member, advisory delegation of American engineers sent to France in 1918.

Hon. Charles D. Washburn, lawyer; Member of Congress 1906–11; member of Massachusetts constitutional convention of 1917.

Moorfield Storey, lawyer; former president Boston Bar Association; president Civil Service Reform Club; president of National Association for the Advancement of Colored People; honorary president Indian Rights Association; ex-president American Bar Association.

Mrs. Nathaniel Thayer, director Immigration and Americanization for Massachusetts.

Elihu Thomson, electrical engineer and inventor; member of National Research Council.

Bentley W. Warren, lawyer; member of Massachusetts civil service committee; trustee of Williams College.

Mrs. John W. Weeks, wife of Secretary Weeks, of War Department.

George Bramwell Baker, president Bunker Hill Boys' Club.

Dr. Morton Prince, physician, neurologist, author.

Caroline Ticknor, author and journalist.

Dr. George G. Sears, clinical professor, Howard Medical School; consulting physician, Boston City Hospital.

George A. Sweetser, lawyer; counsel for the town of Wellesley 1907–1911; director, Wellesley Cooperative Bank; director, Florence Crittenton League of Compassion (a rescue society for wayward girls).

Right Rev. William Lawrence, advisory board Massachusetts child labor committee; bishop of Protestant Episcopal churches in Massachusetts.

D. Chauncey Brewer, president Massachusetts Society for Protection of the Immigrant.

Howard W. Brown, former member Massachusetts child labor committee.

KENTUCKY TEACHERS OPPOSE TWENTIETH AMENDMENT

The city and county school superintendents and teachers of Kentucky in conference at Frankfort, Ky., December 18, 1924, adopted the following resolution:

"Whereas we, the superintendents and teachers of the counties and cities of Kentucky, in Frankfort assembled, believe in the sovereignty of the individual and in the right of each State of this Union to regulate its internal affairs; and

"Whereas all States now have some form of child labor laws that are being improved from time to time to meet the demands peculiar to each State: Therefore be it

"Resolved by the superintendents and teachers here assembled, That we go on record as opposed to the twentieth (child labor) amendment to our Federal Constitution, which provides that Congress shall have power to limit, regulate, and prohibit the labor of persons of the United States under 18 years of age."

KENTUCKY FARM BUREAU OPPOSED

The Kentucky Farm Bureau Federation, meeting in Louisville December 19, 1924, adopted a resolution calling upon all of its 6,000 members to bring pressure to bear on their representatives in the Kentucky Legislature to the end that ratification of the amendment be prevented.

Mr. BAYARD. In addition to this, I mentioned a moment ago the fact that the granges throughout the country are also opposed to this movement. Of course, I have not a list of them. There are some thousands of them. I am quite sure that upon reflection the Senator from Montana would not accuse the individual granges, the State granges, or the National Grange of this country of having a membership which, merely because it is opposed to the movement which he advocates, is either sordid or revolting; and yet he has allowed himself to express himself in those terms, which I can not understand he should apply to people of such standing in our community as members of the grange or the people appearing on the list which I have given here.

I do not know exactly what the purpose of the Senator from Montana was when he delivered that speech. He did not speak at large on the question when it was up last spring, perhaps because he felt that the movement would prevail so far as Congress was concerned. But he has seen fit, when the campaign is opened by the meeting of the legislatures of the several States, or so many of them, since the first of this year for the ratification or rejection of the proposed amendment, to come out at this time and to deliver what I submit, with due courtesy to him, to be a very impassioned speech against all those who advocate the rejection of the amendment. His speech, of course, has gone broadcast throughout the land.

I may say, in closing, that I think the Senator is mistaken in his views. I say that with all good nature and courtesy toward him. Another thing, I think the agitation of this question perhaps has been a wise one, and in a way I am very thankful to the Senator, and I have so expressed myself. He has given me an opportunity to bring before the Members of

the Senate and before the country, if I can, in my small way, a knowledge of the movement that is going on under the guise of the so-called child labor amendment, so that the people of this country may realize just exactly what will result if we concentrate in the Federal Government the control of the family life up to the time the children arrive at their eighteenth birthdays.

O Mr. President, so many people have said to me, regardless of party, within and without my own State, since the passage of this amendment, "Can not something be done to prevent the United States Government coming between parent and child?"

I believe that the legislatures of the States now in session will answer that question in no uncertain way.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. COPELAND. Mr. President, I am obliged to leave the Chamber in a few moments, and will be away to-morrow; so, out of order, I want to ask the chairman of the subcommittee, the Senator from New Hampshire, about the provisions of the bill covering fourth-class mail matter. There are in my State a great many seed-growing concerns, which send out elaborate catalogues, which are carried at the rate of 2 ounces for a cent. They send a 6-ounce catalogue for 3 cents.

Under the terms of the bill proposed, any catalogue mail parcel weighing more than 4 ounces will be thrown into the fourth class and will there be charged for at 5 cents per pound or any fraction thereof, plus a service charge of 2 cents, which would mean that the charge on a 6-ounce package would be about 7 cents, instead of 3 cents, as at present. Of course, that would bring down the income of the Government, in my judgment, because instead of sending out a 6-ounce package, getting the new rate of 7 cents, there would be three 2-ounce pamphlets sent out at 1 cent each. So we would still get but 3 cents, the present rate, and not the 7 cents contemplated by the committee. I hope there may be some revision of thought as regards that proposal on the part of the committee.

Mr. MOSES. Mr. President, in view of the fact, as I understand, that the Senator from New York has engagements which it is necessary for him to keep and he will not be able to follow this debate if it is unduly prolonged, I will anticipate with reference to section 207 and say that, so far as paragraph (a) of section 207 is concerned, the committee sought merely to make uniform packages up to 4 ounces in both the third and fourth classes. There have been many recommendations from Postmasters General ever since the fourth-class mail matter was instituted looking toward the consolidation of the two classes of mail, and the committee, knowing these rates to be only temporary and experimental, had in mind to make a classification which would, in effect, consolidate the fourth and the third classes up to 4 ounces.

That, however, is not the point upon which the Senator from New York has placed his emphasis. The emphasis which he makes, as I understand it, is with reference to paragraph (b), on page 43. I will say frankly to the Senator that this is one of the two places in the bill as now before the Senate wherein an error has arisen in the printing, the error not being due to the printer, but due to the fact that the subcommittee in making its amendments were using an imperfect print of a portion of the bill. It is the purpose of the subcommittee, when paragraph (b) of section 207, on page 43, is reached, to perfect the amendment by striking out the word "four" and inserting the word "eight," so that there will be an 8-ounce maximum for books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants.

That, as I understand it, was the chief point to which the Senator from New York was directing his criticism. That will be cared for by a committee amendment when we reach it.

Mr. COPELAND. Mr. President, I thank the Senator for his explanation.

Mr. MOSES. I ought to add that the attention of the chairman of the subcommittee was most emphatically called to this prior to the remarks of the Senator from New York by a member of the subcommittee, the Senator from Georgia [Mr. GEORGE], who left the city at the time of the hearings under the impression that the figure was to be left at 8 ounces instead of 4.

Mr. COPELAND. I am very glad that this change is to be made. The Senator from New Hampshire said that there had been a mistake in the committee print. Perhaps he will give us the satisfaction of hoping that perhaps there have been mistakes with reference to other features of the bill, so that we can have a more perfect bill before we get through.

Mr. MOSES. I am glad to have the great intellectual cooperation of the Senator from New York on any matter.

Mr. COPELAND. I thank the Senator.

THE OWNBEY CASE

Mr. HEFLIN. Mr. President, a little while ago, while I was out of the Chamber at lunch, my good friend the Senator from Delaware [Mr. BAYARD] made a statement regarding a reference I made on yesterday to the courts in his State. I stated that the judges who considered the Ownbey case in the lower court also sat in the supreme court when the final decision was rendered. I was in error in stating that the judges who sat in the lower court sat in the supreme court when final action was taken. I got my impression from the argument made by Colonel Ownbey's lawyer before the supreme court, in which he said:

> There was an opinion by the court sitting in banc in the superior court, the judges being the same judges who sat also in the supreme court.

As I understand it, the suit was instituted in the superior court, where there were two judges, and the case was referred by those two judges to the court in banc, where other judges were invited to sit. This court sitting in banc determined the issue at stake and certified it, with their judgment, back to the two judges who sat originally. Mind you, Mr. President, the two judges sat with these other judges concerning this case and with them rendered a judgment about the case and referred it back to themselves with the judgment which they had helped to render. Sitting in that court in banc were judges who did finally sit on the supreme court determining the case. So there is not very much difference between that situation and what I said originally. But the fact is, as I understand, that the two judges who sat when the case was first instituted did not sit finally on the supreme bench when the action was finally had by the court in Delaware. I am glad that my good friend has called attention to that, because I had no desire whatever to mislead the Senate or the country about it.

Mr. BAYARD. Mr. President——

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

Mr. HEFLIN. I yield.

Mr. BAYARD. I do not know whether the Senator from Alabama was here a little while ago when I rose and made an explanation.

Mr. HEFLIN. I have just referred to my absence at lunch at the time.

Mr. BAYARD. I said that the Senator was entirely innocent of any intent to make a misstatement, that he had been misinformed from beginning to end, and that that was the reason why he made the statement.

Mr. HEFLIN. I was just referring to that. I was out at lunch when the Senator made his statement. I am glad he did make that statement, although a part of my contention is correct, that the judges who sat in banc determining this matter in the outset, who denied Colonel Ownbey the right to be heard, were also some of the judges who sat on the supreme court, acting again on the very question that was involved at the outset.

As to the other matter, I can not agree with my good friend from Delaware about the judges not being able to do other than they did in sustaining a statute of his State, called the "custom of London." I stated on yesterday, and I desire to state again, that if I had been one of the judges, when I saw that that statute denied the defendant the right to come in and plead and be heard, I would have held it unconstitutional. I would have said that it ran counter to amendments 5 and 14 of the Constitution, which provide for due process of law. Then if those who instituted the suit had not liked my ruling, I would have permitted them to take the case to the Supreme Court, as I said on yesterday, and that court could have decided whether my ruling was right when I held that any act ought to be set aside which would deny an American citizen the right to come in and be heard.

Mr. BAYARD. Mr. President, may I suggest to the Senator that he is referring now to the petition of Colonel Ownbey to to come into court after the act had been amended? Is that right?

Mr. HEFLIN. Yes.

Mr. BAYARD. The Senator has forgotten, I think, the fact that the judgment, in the first place, was taken in the superior court, which was affirmed by the Delaware Supreme Court,

and that, in turn, upon a writ of certiorari, was affirmed by the United States Supreme Court. The judgment stood. Then, when Colonel Ownbey sought to come in and obtain advantage of the amendment which had been made, which was retroactive, he was met by the Superior Court of Delaware with the statement, "This is a judgment, and a judgment can not be impinged upon in any way, shape, or form by any retroactive act, for two reasons: In the first place, the Federal Constitution forbids the passage of any ex post facto law; in the second place, a solemn act of the court can not be impinged upon by the legislature."

Those were two outstanding, universally known principles of legal practice the court was bound to recognize. It was not for the court, on its humanitarian side, to say, "Oh, well, we will give Colonel Ownbey a chance and let him take the case up." They knew ab initio, by the simplest canons of construction that this was a solemn judgment and could not be impinged upon by that act. I think, if I may say so to the Senator, that it would have been unfair and unjust for them to lead Colonel Ownbey astray by undertaking to say something was constitutional when they must have known, if they were competent to sit on a court, that it was wholly unconstitutional.

Mr. HEFLIN. I am contending that in the outset the two judges who sat on the court below, when they certified the case up to the court in banc, should have declared it unconstitutional, for it denied that man the right to come in and be heard because he could not put up a bond of $200,000. I think the Senator is in error when he says that the supreme court had acted on this case before they made an effort to reopen it, because the case was up here in 1920, and the amendment was adopted in Delaware, I think, in 1919.

Mr. BAYARD. It was after the supreme court of our State had spoken.

Mr. HEFLIN. I am talking about the supreme court of the Senator's State, but not the Supreme Court here.

Mr. BAYARD. That is true.

Mr. HEFLIN. After the legislature of the Senator's State acted, as I am informed, and acted for the purpose of opening this particular case, Mr. Neely, one of the lawyers for Colonel Ownbey, appeared before the legislature and told them that this man had not been treated fairly, and so forth—that is the substance of the statement to me—and the legislature passed that act, or rather amended the statute striking out the part which required him to make the bond of $200,000 and giving him the right to come in. When they went before the court for Colonel Ownbey and moved to reopen the case and permit him to come in, the court could have determined then, because of the fundamental principles of right and justice involved, that they would permit the case to be opened and allow the Supreme Court to decide whether that act was in conflict with the fifth and fourteenth amendments to the Constitution.

Mr. BAYARD. May I interrupt the Senator to say that I think he disregards this fact? It is the regular practice in an inferior or nisi prius court in all States to bow to the determination of a superior court or court of last resort in all those States when the court of last resort has determined the specific question. This specific question had been determined by the Supreme Court of Delaware, the court of last resort.

So when, after the amendment of this particular statute was had, Colonel Ownbey came back again in court he was met with two things. One was that the Legislature of the State of Delaware could not pass a law impinging on a judgment, and the second was that the judgment had been confirmed by the court of last resort in the State of Delaware. I do not see how the nisi prius court of Delaware is subject—and I say it with greatest respect to the Senator—to criticism at the hands of the Senator from Alabama or anybody else. It was doing alone what it should do. It would have been a stupid, foolish thing for the superior court in this case to say the act was unconstitutional, because it would only have resulted in putting Colonel Ownbey to the expense of again going over the same thing, when it knew and everybody knew the result would be the same.

Mr. HEFLIN. The Senator and I can not agree about the constitutionality of the statute. I think it is unconstitutional, and I believe it ought to be repealed.

Mr. BAYARD. I am not going to pass upon that question. That is a question for the courts alone.

Mr. HEFLIN. I am going back to the fundamental principle. I do not care what kind of a statute it is or whose State it is; it is a wrong statute which denies a citizen of the United States the right to come in and plead and make answer and testify because he can not put up a money consideration. Any citizen ought to be able, without money and without price, to come into court when he is proceeded against and called into court to answer, and ought to be able to answer when he arrives. When he does arrive and the court says, "Unless you can put up so much money you can not answer," he is denied due process of law. That is my contention in this case.

The two judges in Delaware in the lower court, as I said before, sat in the court in banc with the other judges, invited in to help render the decision. Finally, when the case went up to the supreme court some of the judges who had already acted on the case before—and I am correct about that—sat in final judgment in the supreme court and rendered a decision backing up the decision they had rendered at another sitting of the court in banc.

I am glad to make the statement correcting that part where I said the judges who sat in the court below also sat on the supreme court bench. Those two judges did not do that, but they did sit in the court in banc, and the judges who sat with them in the court in banc did sit with the supreme court on the final determination of the case.

CHILD LABOR

Mr. BRUCE. Mr. President, I desire to engage the attention of the Senate only for a few moments. I can not allow the speech delivered to-day by the Senator from Delaware [Mr. BAYARD] on the child labor amendment to pass without expressing my deep gratification that he should have made another most timely, instructive, and interesting contribution to the literature of that subject. As we all know, one of the most valuable of the contributions that have been made to the child-labor discussion at all was that of the Senator at the last session of Congress. Fortunately this address was distributed throughout the country, and has had, it is safe to say, a very decided effect in producing the adverse popular verdict which would now seem certain to befall the child labor amendment. Practically some 13 States of the Union have rejected it, and it is as plain as anything can be that the sardonic grin of death is settling upon its countenance.

I had intended to answer the Senator from Montana [Mr. WALSH] myself, but it is so obvious that the child labor amendment is doomed to a sure if not ignominious death that I no longer think it worth while to carry out my intention. But there is just one thing that I desire to say before I dismiss the subject from my further consideration.

I recollect that a great many years ago a distinguished Presbyterian divine said to me, just after he had made a tour of the State of Georgia—this was not long after the Civil War—that he had been curious to obtain an opinion from both Robert Toombs and Alexander H. Stephens, of that State, as to the probable result of the race conflict in the South which was then so menacing. "What," he asked Toombs, "will be the final issue of this conflict?" Toombs, in his blunt, dogmatic way, replied, "Extermination."

Later, when he asked Stephens the same question, he answered: "Miscegenation." Happily, we now know that there is no reasonable prospect of either of those laconic and gloomy prophecies ever being fulfilled. Whatever may be the final settlement of the race issue in the Southern States, it is at least not likely to take the form of either of those conclusions.

But for many years, of course, the South has adopted and by every means in its power kept in effect as a proper solution of the southern race problem the policy of carrying along the two races on parallel but never converging lines. I shall not stop to ask whether that is a wise or an unwise policy; nor shall I stop to ask whether it is a generous or a harsh policy. Everybody who knows me knows that I am no sectionalist. I never hear the term "North and South" used in any controversial sense that I do not feel like going off and smashing a compass. I have not the least patience with any form of narrow-minded, sectional, or local bigotry, and I am in favor of extending to the Negro everywhere in the country the fullest measure of just and friendly and helpful treatment. But we know that there are special race conditions in the South, and that they must be taken into account. As John Randolph once said, with reference to the struggle over slavery, you might as well try to cover up an earthquake with a carpet as to ignore them.

So I pause just a moment to ask my southern brothers to inquire of themselves what is likely to take place in the Southern States if the steady process of centralization which is now going on in the sphere of the National Government is not in some way or other checked? Personally, I am not opposed to the child labor amendment on mere sectional grounds. I should shrink from resting my conclusions or convictions in relation to any subject upon such a limited foundation as that. But

the fact is that no less than nine Senators from the Southern States voted in favor of the child labor amendment at the last session of Congress. It is safe to say that 25 or 30 years ago such a thing would have been impossible.

It would have savored of the rankest party heterodoxy or heresy. But now, I repeat, no less than nine Senators from the Southern States have voted in favor of an amendment to the Constitution which penetrates to the very core, to the very sanctum sanctorum of the principle of State sovereignty.

There is not one of us who does not know that the next step will be by constitutional amendment to have the Federal Government assume complete control over the general education of the country. Already there is a proposed amendment that contemplates the creation of a national department of education.

Mr. WALSH of Massachusetts. Mr. President——

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

Mr. BRUCE. I yield.

Mr. WALSH of Massachusetts. There is a bill reported here by the committee on reclassification of the departments of the Government providing for a department of education and relief.

Mr. BRUCE. And there is the Sterling-Towner bill, which goes a long step, I believe, in the direction of conferring upon the Federal Government authority in educational matters.

Mr. STERLING. If the Senator from Maryland will pardon me, I want to refer to the statement made by the Senator from Massachusetts. He refers not to the reclassification bill, but to the reorganization bill, I think, which provides for the reorganizing of the departments of the Government.

Mr. WALSH of Massachusetts. I refer to the bill reported by the Senator from Utah [Mr. SMOOT] creating a department of education.

Mr. BRUCE. The difference, under the circumstances, between reorganization and reclassification is the difference between tweedledum and tweedledee. Such an attenuated distinction need not be pursued.

Mr. STERLING. If it were just confined to a department of education, I would have no objection to the bill; but when it seeks to bring in, under the heading "Department of education and relief," the War Veterans' Bureau, the Pension Bureau, Vocational Education, and a number of other Government activities, then I think it is time to take notice and object.

Mr. McKELLAR. Mr. President, will the Senator from Maryland yield?

Mr. BRUCE. I yield for a question.

Mr. McKELLAR. Does the Senator recall from history that in 1802 or 1803, none other than Thomas Jefferson, who was then President of the United States, the head of the party to which the Senator from Maryland and I profess to belong, sent a message to Congress recommending such an amendment to the Constitution?

Mr. BRUCE. Well, of course, that great man had a very bold, original, and speculative mind, that was always projecting itself beyond the horizo of daily political needs; but the fact is that if he made such a proposition it met with no real favor at the hands of the Democratic Party.

As I have stated, already a movement is springing up, just as the child-labor movement sprang up, to have the Federal Government take over the complete control of popular education.

Mr. STERLING. Mr. President, I wish to say that no such proposition was involved in what was known as the Sterling-Towner department of education bill.

Mr. BRUCE. Well, as the French say, it is the first step that costs. That bill, and other pending bills, are simply the initial stages in a general movement, which, as I have stated, is looking to the complete regulation of education by the Federal Government throughout the United States. The very speech delivered by the Senator from Montana [Mr. WALSH], if my memory is not at fault, shows that he was in sympathy with this movement as well as with the child-labor movement itself. Let me ask my friends from the Southern States in this Chamber just one question: Are you prepared to see general control of popular education in the United States lodged in the hands of the Federal Government? We know that the Democratic Party is the minority party in this country; and that it is only under very special conditions that it is ever able to elect a President. Is there any Democrat who doubts that if an amendment to the Federal Constitution were adopted vesting control over education in this country in Congress, the Republican Party would exercise that power to the extent of riveting upon the South its own ideas as to the proper relations between the races in the schools of the South?

Mr. WALSH of Massachusetts. Mr. President, will the Senator permit an interruption?

Mr. BRUCE. Yes.

Mr. WALSH of Massachusetts. I simply desire to make an inquiry. Does the Senator think it would require a constitutional amendment in order to have the Federal Government take over the educational system of the country?

Mr. BRUCE. I do not know that it would. Federal aggression has pushed forward so stealthily and so successfully that the old need for constitutional changes seems, in great measure, to have passed away.

Mr. WALSH of Massachusetts. The bills which are pending to which the Senator has referred have all been introduced on the assumption that the Constitution permitted the creation of a Federal department of education.

Mr. BRUCE. They have.

Mr. President, in no State of the United States are these gradual encroachments of Federal authority over education more distrusted and feared than in the State that I have the honor in part to represent.

Mr. STERLING. Mr. President——

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

Mr. BRUCE. I yield.

Mr. STERLING. I wish to say with reference to the principles of the bill, indeed, the language of the bill to which reference has been made, the educational department bill, that it expressly disclaims any intention on the part of Congress to interfere with the State authorities in the matter of education, with the courses of study, the methods, plans, and so on, with reference to education adopted by the State authorities.

Mr. BRUCE. I am not limiting my scrutiny in the slightest degree to particular educational measures. What I have been speaking of is the general trend in the direction of the control by the Federal Government over popular education in this country.

Mr. WALSH of Massachusetts. Of course if we create a Federal department of education it will want some money to spend.

Mr. BRUCE. Of course.

Mr. WALSH of Massachusetts. And will have to spend it for the promotion of education.

Mr. BRUCE. Certainly. Love grows by what it feeds on, and so would education.

Mr. WALSH of Massachusetts. It is bound to expand, to be a very important and very influential department, if once we take the step.

Mr. BRUCE. Precisely.

Mr. President, as I was saying, nowhere in the United States is the idea of subjecting popular education to Federal authority more disliked—I may say more abhorred—than in the State of Maryland. That State, I am happy to say, is a land of tolerance; its finest tradition is tolerance. No matter what difficulty religious sects in other communities in the United States may find in living together in peace and amity, its people experience no such difficulty. We want no system of education that will interfere in any way with any reasonable sectarian privileges that any religious sect has ever enjoyed in Maryland in the matter of education; and as long as that State retains its present power over the education of its children there will be no such interference.

Mr. McKELLAR. Mr. President, can the Senator give me the figures——

Mr. BRUCE. I am sorry I can not yield to the Senator, because it simply breaks up what I am saying into fragments to answer any and every interruption, unless it shall assume the form of a question.

Mr. McKELLAR. I wish to ask the Senator a question.

Mr. BRUCE. Then I yield to the Senator.

Mr. McKELLAR. Can the Senator state how many white and how many colored illiterates there are in his State?

Mr. BRUCE. I can not. I can only say that there are not enough illiterates to prevent the State from being one of the most intelligent in the United States, as it is one of the most conservative and one of the sanest.

I spoke of tolerance. It may interest the Senate to know that for some years we have elected three men as judges of our probate court in Baltimore, one a Catholic, one a Protestant, and one a Jew, and that they have run right along together at elections, except that the Jew receives perhaps rather a larger vote than the other two because he had been most usefully connected with the business of the court before he and his associates became judges.

We wish no interference with our parochial schools or other private schools of any sort. Our State government has been

wholly competent to endow our people with a rich measure of tolerance, peace, and mutual consideration and understanding, which we are not disposed to risk in any Federal experiment.

Now, to get back to the line of comment that I was pursuing, let me ask, Is there a single Senator here from the Southern States who is prepared to deny that if popular education in this country were to pass under the control of Congress there would be mixed schools in the South and that black and white children would be found sitting side by side on the public school benches in that section? The Republican majority in Congress might not do that as a mere matter of tyranny or simply because they had the power to do it, but because the representatives of that party in Congress would be accustomed to deal with entirely different social conditions from those that prevail at the South and naturally would be disposed to take an entirely different veiw of educational requirements and rights from that taken by the representatives in Congress of the South itself.

As I understand it, there are no separate schools for the races anywhere in the United States except at the South. The certain result of the extension of Federal authority over popular education throughout the country would, therefore, I say, be to bring about mixed schools in the South. Already more than one advocate of the child labor amendment has to my knowledge been proclaiming the fact that when it shall have been adopted the next step would be likewise to vest the regulation of education throughout the country in the Federal Government.

Furthermore, one of the amendments to the Federal Constitution that is now pending or agitated is designed to give to the Federal Government the power to establish a uniform system of marriage and divorce throughout the United States. Does anyone believe that if such a power were bestowed a Republican Congress would refrain from wiping off the statute books of the Southern States all laws prohibiting the intermarriage of blacks and whites? If the representatives of the Southern States in Congress should raise an outcry against that act, it would doubtless receive as little heed as the protest that they made here at the last session of Congress against the confirmation of the colored man, Walter Cohen, as collector of customs for the city of New Orleans. Once deprive the South of the shield of local autonomy in the matter of education and intermarriage and by many powerful influences of one sort or another, political and social, the leaders of the Republican Party could be compelled, whether they wished to do so or not, to pass laws breaking down all barriers of every sort between the two races in the South.

Rudyard Kipling once predicted that the future American will have a slight kink in his hair. If he does, it will be because the race reservations of the South shall have been effaced by processes of centralization which brought about the subjection of her peculiar social prejudices and prepossessions to the will of an external authority which had no real sympathy with them.

Now that the child labor amendment is coming to grief, I might add that I hope that the fate which has befallen it is merely the setting in of a reverse current of popular feeling, which may in time bring to an end the steady aggrandizement of Federal authority that is such an alarming phenomenon at the present hour.

Certainly the various child-labor systems that prevail in the different States of the Union do not differ more widely from each other than do the various educational systems in these States. With the proper amendment to the Constitution, the temptation and opportunity to establish a uniform educational system throughout the United States would be just as marked as the temptation and opportunity to establish a uniform system of child labor.

Let this process of increasing Federal power go on, and we will have other illustrations of the bitter experience that we have had with the eighteenth amendment to the Constitution—an amendment that paid no heed whatever to the diverse social habits, usages, and manners of the different communities, rural and urban, in the Union; and which consequently has resulted in widespread popular demoralization and entirely ineffectual efforts upon the part of the Federal Government to arrest the steady ruin that is being worked in the character and habits of the American people by general disrespect for law.

So I take this occasion once more to blow the trumpet to sound the tocsin, and to beg my Democratic comrades at least to stand shoulder to shoulder for the purpose of resisting any further usurpations of authority by the Federal Government, or any further and even more deadly violations of the fundamental principles upon which the free institutions of America were originally based.

THE FRENCH DEBT

Mr. BORAH. Mr. President, I ask permission to insert in the RECORD a letter and memorandum from the Secretary of the Treasury. I will state briefly that the letter refers to a memorandum which was furnished me some months ago on the question of the French debt, concerning which the Secretary of the Treasury desires to make a correction. I am inserting the letter and the memorandum so as to make the record complete according to his view of the matter at the present time.

The PRESIDING OFFICER. Without objection, the letter and memorandum will be printed in the RECORD.

The matter referred to is as follows:

TREASURY DEPARTMENT,
Washington, January 27, 1925.

Hon. WILLIAM E. BORAH,
United States Senate.

MY DEAR SENATOR: I note that in the course of your remarks on interallied debts you inserted in the CONGRESSIONAL RECORD of January 22, 1925, page 2284, a memorandum on the loans made by France to the United States during and immediately following the Revolutionary War. This memorandum was prepared by the Treasury Department and sent to you on October 24, 1923. Shortly after that date a revision was made, and I am sending you herewith a copy of the revised form and call your attention to the additional paragraph marked on page 2. This additional paragraph simply calls attention to the fact that in the settlement of 1782 France remitted certain arrears of interest. With this modification the statement that the loans were ultimately settled in full is correct.

I regret that a copy of the revised statement was not sent to you as soon as it was prepared.

Very truly yours,

GARRARD B. WINSTON,
Undersecretary of the Treasury.

LOANS AND SUBSIDIES GRANTED BY FRANCE TO THE UNITED STATES DURING AND IMMEDIATELY FOLLOWING THE REVOLUTIONARY WAR

TREASURY DEPARTMENT, *November 8, 1923.*

France made four loans to the United States during and immediately following the Revolution, all of which were negotiated by the Continental Congress. The details of these loans are as follows:

Date	Loan	When due	Amount	Interest rate
				Per cent
1777	1,000,000 livres from farmers-general of France under authority of resolution Dec. 23, 1776. (Secret Journals of Congress, "Foreign Affairs," Vol. II, p. 36.)	Indefinite. (Contract dated Mar. 24, 1777. House Misc. Doc. No. 603, pt. 2, 50th Cong., 1st sess., serial No. 2585, p. 300, Revolutionary Diplomatic Correspondence of the United States—Wharton.)	$181,500	5
1778–1782	18,000,000 livres from French Government under authority of resolution Dec. 3, 1777. (Journals of Congress, Vol. II, p. 359.)	12 annual installments from the third year after conclusion of peace. (Contract dated July 16, 1782. Journals of Congress, Vol. IV, Appendix, p. 20—Way and Gideon Washington, 1823.)	3,267,000	5
1781–82	10,000,000 livres from French Government under authority of resolution Oct. 26, 1779. (Secret Journals of Congress, Vol. II, p. 283.)	10 annual installments from Nov. 5, 1787. (Contract drawn July 16, 1782. Journals of Congress, Vol. IV, Appendix, p. 20.)	1,815,000	4
1783	6,000,000 livres from French Government under authority resolution Sept. 14, 1782. (Journals of Congress, Vol. IV, p. 78.)	6 annual installments from Jan. 1, 1785. (Contract drawn Feb. 25, 1783. Journals of Congress, Vol. I V, Appendix, p. 23.)	1,089,000	[1] 5

[1] Beginning Jan. 1, 1784.

The 18,000,000 livre loan was made in installments ranging over the period of 1778–1782, the advances in the latter year amounting to 6,000,000 livres. In the contract of July 16, 1782, France remitted the arrears of interest on this loan to that date "* * * and from thence to the date of the treaty of peace * * *." In this same contract France also agreed to bear the commissions and bank charges incident to the 10,000,000-livre loan, which was in fact borrowed from Holland by France for the account of the United States. Franklin in transmitting this contract said in part: "In reading the contract

you will discover several fresh marks of the King's goodness to us, amounting to the value of near two millions [livres]."

Due to the condition of the finances of the new Government interest payments on these loans as well as the installments on the principal were not always made promptly, but the account, both principal and interest, with the exception of the interest remitted, as shown above, was ultimately settled in full. All amounts still unpaid in 1795 were converted into domestic stock bearing interest at 4½ and 5½ per cent per annum. Oliver Wolcott, jr., the Secretary of the Treasury at that time, said that "* * * by this operation the debt as due under former contracts to the Republic of France may be considered as discharged." The details pertaining to repayments on the principal and refunding operations of the various loans are as follows:

Date	Loan	Repayments	Merged into 5½ per cent stock	Merged into 4½ per cent stock	Total
1778–1779	First loan	[1]$27,811.11	(2)		$27,811.11
1791	Second loan	544,500.00			544,500.00
1792	Second loan	1,089,000.00			1,089,000.00
	Third loan	726,000.00			726,000.00
1793	First loan	153,888.89			153,888.89
	Second loan	272,250.00			272,250.00
	Third loan	544,500.00			544,500.00
1794	Second loan	329,100.00			329,100.00
	Third loan	186,983.96			186,983.96
1795	Second loan	272,250.00	$759,900.00		1,032,150.00
	Third loan	181,516.04		$176,000.00	377,516.04
	Fourth loan		1,089,000.00		1,089,000.00
	Total	4,327,600.00	1,848,900.00	176,000.00	6,352,500.00

[1] In tobacco.
[2] American State Papers, Finance, vol. 1, p. 360.

There is attached a photostat copy of a statement prepared by the Register of the United States Treasury, dated April 28, 1800 (American State Papers, Finance, v. 1, p. 671), which shows the French debt at the beginning of the Government and its ultimate extinguishment, both principal and interest. Thus, of the total amount of $6,352,500 borrowed, the sum of $4,327,600 was repaid by 1795, and the balance, or $2,024,900, was refunded into 4½ per cent and 5½ per cent domestic stock. The 4½ per cent stock was all repaid in due course between 1807 and 1808, while the final payment was made on the 5½ per cent stock in 1815.

In addition to the loans described above, there were certain aids and subsidies granted by the French King to the American colonies. In these subsidies Spain participated to the extent of 1,000,000 livres. The amounts and dates of these subsidies are as follows:

	Livres
In 1776, from France	2,000,000
In 1776, from Spain	1,000,000
In 1777, from France	2,000,000
In 1781, from France	6,000,000
Total (equal to $1,996,500)	11,000,000

Thus the gifts from France amounted to $1,815,000.

The first subsidy from France of 2,000,000 livres and the subsidy of 1,000,000 from Spain were handled by M. Caron de Beaumarchais, who carried on his work under the guise of a Spanish trading company by the name of Roderique Hortales & Co. The others were negotiated through Benjamin Franklin. So far as the Treasury has been able to determine the facts, there was never any misunderstanding over the gratuities granted by the French King to the United States through Benjamin Franklin, in amount 8,000,000 livres. The adjustment of 1795 seems conclusive in this respect. Moreover, the mutual claims of France and the United States have been the subject of several treaties between the parties, but no reference is found to any supposed debt to France originating in the support given by France to the United States in the Revolutionary War. The earliest of these treaties was the one of September 30, 1800, followed by that of April 30, 1803, ceding Louisiana to the United States.

A dispute, however, arose between Beaumarchais and Congress over the claims of the former. He made large shipments of munitions and supplies to this country for the use of the Revolutionary Army, aggregating over 6,000,000 livres, according to Bayley's history of national loans of the United States. These were afterwards the subject of claims presented by Beaumarchais and his heirs. Settlement was finally made in 1835 by the payment of 810,000 livres to his heirs. Mr. Bayley made a careful investigation of the claims of Beaumarchais against the United States, and in stating the amount in the volume referred to shows an overpayment by the United States of 1,426,787 livres (about $250,000).

No. 6

Statement of the French debt at the commencement of the present Government, and of its ultimate extinguishment

		Amount					Amount		
To general account of foreign receipts and expenditures remitted to Paris, from Amsterdam and Antwerp:		*Livres*	*Sols.*	*Den.*	*Dollars*	*Capital on the 1st January, 1790, viz:*			
Guilders 10,080,419, 1 produced		24,193,005	14	04	4,032,167.62	Loan of 18,000,000 livres	18,000,000		
To account of expenditures of the United States:						Loan of 10,000,000 livres	10,000,000		
Paid at the Treasury	$2,751,904.00	15,162,005	09	10	2,751,904.00	Loan of 6,000,000 livres	6,000,000		
To the War Department:								*Livres* *Sols.* *Den.*	
For supplies of military stores	8,962.00	49,377	08	02	8,962.00			34,000,000	
To loan of foreign debt:						Balance of account of supplies settled at the Treasury		134,065 07 06	
Amount of 5½ per cent stock	1,848,900.00					Contract with the farmers-general	1,000,000		
Amount of 4½ per cent stock	176,000.00					Deduct so much paid by the late Government	153,229 05 07		
		11,156,473	16	07	2,024,900.00		846,770 14 05		
To profit and loss account:						Deduct supplies furnished the French consul, by the late Government	448,471 14 08		
For a gain arising from the exchange between Amsterdam and Antwerp, and Paris, viz:								398,298 19 09	
The remittances from Amsterdam and Antwerp, on account of the principal of the French debt, were livres 24,193,005 14 4 18 15/100	4,391,030.53								*Dollars*
The value of guilders, 10,080,419 01 40	4,032,167.62					Principal		34,532,364 07 03	6,267,624.15
						Interest on 1st of January, 1790			
Difference to the credit of this account from exchange					358,862.91	Arrearages of interest on the capital	8,800,000		
						Arrearages of interest on supplies	41,895 08 07		
						Contract with farmers-general	126,017 15 04		
							8,967,913 03 11		*1,627,676.24
						Interest which accrued in 1790	1,600,000		
						Interest on supplies and farmers-general contract	26,618 14 04		
							1,626,618 14 04		295,231.29
						Interest		10,594,531 18 03	
								45,126,896 05 06	8,190,531.68
						Interest in 1791, 1792, 1793, 1794, and 1795, until paid off		5,433,966 03 05	986,264.85
		50,560,862	08	11	9,176,796.53			50,560,862 08 11	9,176,796.53

TREASURY DEPARTMENT, REGISTER'S OFFICE, *April 28, 1800.*

JOSEPH NOURSE, *Register.*

EXECUTIVE SESSION

Mr. MOSES obtained the floor.

Mr. McKELLAR. Mr. President——

Mr. MOSES. I yield to the Senator from Tennessee.

Mr. McKELLAR. If the Senator is going to press for a vote to-night, I desire to suggest the absence of a quorum.

Mr. MOSES. It is perfectly evident, with the attendance in the Chamber at this hour, that it will be impossible to have a vote upon the pending amendment to-day, and I do not intend to press for one.

Mr. McKELLAR. Then I withdraw my suggestion.

Mr. MOSES. I intend presently to move that the Senate proceed to the consideration of executive business, and then I shall ask the Senate to take a recess until to-morrow. I want to take this occasion, however, to give notice that unless we are able to make material progress with the pending bill to-morrow I shall ask the Senate to sit to-morrow evening for the purpose of considering some of the pending amendments.

Mr. McKELLAR. I want to say, so far as I am concerned, that I shall be perfectly willing to sit to-morrow night and expedite the consideration of this matter as much as possible.

Mr. MOSES. Then, Mr. President, I give formal notice that to-morrow I shall expect the Senate to sit during the evening in pursuance of the consideration of this bill.

Mr. BORAH. I hope that expectation is not too earnest.

Mr. MOSES. Oh, of course any Senator can ask for a quorum, and if one is not available we will send out for it and bring it in in evening attire.

Mr. McKELLAR. I hope we shall get through with the bill to-morrow. I see no reason why we should not do so. Unless something interferes, as it did to-day, I see no reason why we should not finish this bill to-morrow.

Mr. BORAH. I think, unless something interferes, it will be finished to-morrow.

Mr. MOSES. I have had that notion every day—unless something interferes with the bill.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session, the doors were reopened.

COMMERCIAL UNION ASSURANCE CO. (LTD.), ETC.

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1975) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queens Insurance Co. of America, Firemen's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co., which were on page 1, line 4, to strike out "thirteen" and insert "twelve"; on page 1, line 7, to strike out "12039"; on page 2, line 6, to strike out "$2,600" and insert "$2,400"; on page 2, line 7, to strike out "$2,600" and insert "$2,400"; on page 2, line 8, to strike out "$1,950" and insert "$1,800"; on page 2, line 9, to strike out "$1,950" and insert "$1,800"; on page 2, line 9, to strike out "$1,820" and insert "$1,680"; on page 2, line 10, to strike out "$1,560" and insert "$1,440"; on page 2, line 11, to strike out "$520" and insert "$480"; and on page 2, line 11, to strike out "$13,000" and insert "$12,000."

Mr. WADSWORTH. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

RECESS

Mr. MOSES. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 47 minutes p. m.) the Senate took a recess until to-morrow, Thursday, January 29, 1925, at 12 o'clock meridian.

CONVENTION FOR ESTABLISHMENT OF INTERNATIONAL COMMISSIONS OF INQUIRY

In executive session this day, the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification I transmit, with an accompanying report by the Secretary of State, a convention between the United States and the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, for the establishment of international commissions of inquiry, signed at Washington on February 7, 1923.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 13, 1924.

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, for the establishment of international commission of inquiry, signed at Washington on February 7, 1923.

The convention provides that it shall take effect for the parties which ratify it immediately after the day on which at least three of the contracting Governments deposit their ratifications with the Government of the United States. The convention has been approved by Costa Rica and Guatemala, and also by Nicaragua with the reservation that the ratification shall not take place until the approval of the convention by the Senate of the United States. A sufficient number of the Central American Governments to give it effect having approved the convention, if approved by the Senate, the submission of the convention to the Senate is recommended.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, December 11, 1924.

CONVENTION FOR THE ESTABLISHMENT OF INTERNATIONAL COMMISSIONS OF INQUIRY

The Government of the United States of America and the Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, desiring to unify and recast in one single convention, the conventions which the Government of the United States concluded with the Government of Guatemala on September 20, 1913, with the Government of El Salvador on August 7, 1913, with the Government of Honduras on November 3, 1913, with the Government of Nicaragua on December 17, 1913, and with the Government of Costa Rica on February 13, 1914, all relating to the establishment of International Commissions of Inquiry, have for that purpose named as their plenipotentiaries:

The President of the United States of America:

The Honorable Charles E. Hughes, Secretary of State of the United States of America.

The Honorable Sumner Welles, envoy extraordinary and minister plenipotentiary.

The President of the Republic of Guatemala:

Señor Don Francisco Sánchez Latour, envoy extraordinary and minister plenipotentiary to the United States of America.

The President of the Republic of El Salvador:

Señor Doctor Don Francisco Martinez Suárez, President of the Supreme Court.

Señor Doctor Don J. Gustavo, Guerrero, envoy extraordinary and minister plenipotentiary to Italy and Spain.

The President of the Republic of Honduras:

Señor Doctor Don Alberto Uclés, Ex-Minister for Foreign Affairs.

Señor Doctor Don Salvador Córdova, ex-minister resident in El Salvador.

Señor Don Raúl Toledo López, chargé d'affaires in France.

The President of the Republic of Nicaragua:

Señor General Don Emiliano Chamorro, Ex-President of the Republic and envoy extraordinary and minister plenipotentiary to the United States of America.

Señor Don Adolfo Cárdenas, Minister of Finance.

Señor Doctor Don Maximo H. Zépeda, Ex-Minister for Foreign Affairs.

The President of the Republic of Costa Rica:

Señor Licenciado Don Alfredo González Flores, Ex-President of the Republic.

Señor Licenciado Don J. Rafael Oreamuno, envoy extraordinary and minister plenipotentiary to the United States of America.

Who, after having exhibited to one another their respective full powers which were found to be in good and proper form, have agreed upon the following articles:

ARTICLE I

When two or more of the contracting parties shall have failed to adjust satisfactorily through diplomatic channels a controversy originating in some divergence or difference of

opinion regarding questions of fact, relative to failure to comply with the provisions of any of the treaties or conventions existing between them and which affect neither the sovereign and independent existence of any of the signatory Republics, nor their honor or vital interests, the parties bind themselves to institute a commission of inquiry with the object of facilitating the settlement of the dispute by means of an impartial inquiry into the facts.

This obligation ceases if the parties in dispute should agree by common accord to submit the question to arbitration or to the decision of another tribunal.

A commission of inquiry shall not be formed except at the request of one of the parties directly interested in the investigation of the facts which it is sought to elucidate.

ARTICLE II

Once the case contemplated in the preceding article has arisen, the parties shall by common accord draw up a protocol in which shall be stated the question or questions of fact which it is desired to elucidate.

When, in the judgment of one of the interested Governments, it has been impossible to reach an agreement upon the terms of the protocol, the commission will proceed with the investigation, taking as a basis the diplomatic correspondence upon the matter which has passed between the parties.

ARTICLE III

Within the period of 30 days subsequent to the date on which the exchange of ratifications of the present treaty has been completed each of the parties which have ratified it shall proceed to nominate five of its nationals to form a permanent list of commissioners. The Governments shall have the right to change their respective nominations whenever they should deem it advisable, notifying the other contracting parties.

ARTICLE IV

When the formation of a commission of inquiry may be in order, each of the parties directly interested in the dispute shall be represented on the commission by one of its nationals, selected from the permanent list. The commisisoners selected by the parties shall by common accord choose a president, who shall be one of the persons included in the permanent list by any of the Governments which has no interest in the dispute.

In default of said common agreement the president shall be designated by lot, but in this case each of the parties shall have the right to challenge no more than two of the persons selected in the drawing.

Whenever there shall be more than two Governments directly interested in a dispute, and the interests of two or more of them be identical, the Government or Governments, which may be parties to the dispute, shall have the right to increase the number of their commissioners from among the members of the permanent list nominated by said government or governments, as far as it may be necessary, so that both sides in the dispute may always have equal representation on the commission.

In case of a tie the president of the commission shall have two votes.

If for any reason any one of the members appointed to form the commission should fail to appear, the procedure for his replacement shall be the same as that followed for his appointment. While they may be members of a commission of inquiry, the commissioners shall enjoy the immunities which the laws of the country, where the commission meets, may confer on Members of the National Congress.

The diplomatic representatives of any of the contracting parties accredited to any of the governments which may have an interest in the questions which it is desired to elucidate shall not be members of a commission.

ARTICLE V

The commission shall be empowered to examine all the facts, antecedents, and circumstances relating to the question or questions which may be the object of the investigation, and when it renders its report it shall elucidate said facts, antecedents, and circumstances, and shall have the right to recommend any solutions or adjustments which, in its opinion, may be pertinent, just, and advisable.

ARTICLE VI

The findings of the commission will be considered as reports upon the disputes which were the objects of the investigation, but will not have the value or force of judicial decisions or arbitral awards.

ARTICLE VII

In the case of arbitration or complaint before the tribunal created by a convention signed by the five Republics of Central America, on the same date as this convention, the reports of the commission of inquiry may be presented as evidence by any of the litigant parties.

ARTICLE VIII

The commission of inquiry shall meet on the day and in the place designated in the respective protocol, and failing this, in the place to be determined by the same commission, and once installed it shall have the right to go to any localities which it shall deem proper for the discharge of its duties. The contracting parties pledge themselves to place at the disposal of the commission, or of its agents, all the means and facilities necessary for the fulfillment of its mission.

ARTICLE IX

The signatory Governments grant to all the commissions which may be constituted the power to summon and swear in witnesses and to receive evidence and testimony.

ARTICLE X

During the investigation the parties shall be heard and may have the right to be represented by one or more agents and counsel.

ARTICLE XI

All members of the commission shall take oath before the highest judicial authority of the place where it may meet duly and faithfully to discharge their duties.

ARTICLE XII

The inquiry shall be conducted so that both parties must be heard. Consequently the commission shall notify each party of the statements of fact submitted by the other and shall fix periods of time in which to receive evidence.

Once the parties are notified, the commission shall proceed to the investigation, even though they fail to appear.

ARTICLE XIII

As soon as the commission of inquiry is organized, it shall, at the request of any of the parties to the dispute, have the right to fix the status in which the parties must remain, in order that the conditions may not be aggravated and matters may remain in the same state pending the rendering of the report by the commission.

ARTICLE XIV

The report of the commission shall be published within three months, to be reckoned from the date of its inauguration, unless the parties directly interested decrease or increase the time by mutual consent.

The report shall be signed by all the members of the commission. Should one or more of them refuse to sign it, note shall be taken of the fact, and the report shall always be valid provided it obtains a majority vote.

In every case the vote of the minority, if any, shall be published with the report of the commission.

One copy of the report of the commission and of the vote of the minority, if any, shall be sent to each of the ministers of foreign affairs of the contracting parties.

ARTICLE XV

Each party shall bear its own expenses and a proportionate share of the general expenses of the commission.

The president of the commission shall receive a monthly compensation of not less than $500, American gold, in addition to his traveling expenses.

ARTICLE XVI

The present convention, signed in one original, shall be deposited with the Government of the United States of America, which Government shall furnish to each of the other signatory Governments an authenticated copy thereof. It shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the executive and legislative powers of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, in conformity with their constitutions and laws.

The ratifications shall be deposited with the Government of the United States of America, which will furnish to each of the other Governments an authenticated copy of the procés verbal of the deposit of ratification. It shall take effect for the parties which ratify it immediately after the day on which at least three of the contracting Governments deposit their ratifications with the Government of the United States of America. It will continue in force for a period of 10 years, and shall remain in force thereafter for a period of 12 months from the date on which any one of the contracting Governments shall have given notification to the others, in proper form, of its desire to denounce it.

The denunciation of this convention by one or more of the said contracting parties shall leave it in force for the parties which have ratified it but have not denounced it, provided that these be no less than three in number. Should any Central American States bound by this convention form a single political entity, this convention shall be considered in force as between the new entity and the contracting Republics which may have remained separate, provided that these be no less than two in number. Any of the signatory Republics which should fail to ratify this convention shall have the right to adhere to it while it is in force.

In witness whereof the above-named plenipotentiaries have signed the present convention and affixed thereto their respective seals.

Done at the city of Washington, the seventh day of February, one thousand nine hundred and twenty-three.

CHARLES E. HUGHES.	[SEAL.]
SUMNER WELLES.	[SEAL.]
FRANCISCO SÁNCHEZ LATOUR.	[SEAL.]
F. MARTINEZ SUÁREZ.	[SEAL.]
J. GUSTAVO GUERRERO.	[SEAL.]
ALBERTO UCLES.	[SEAL.]
SALVADOR CÓRDOVA.	[SEAL.]
RAÚL TOLEDO LÓPEZ.	[SEAL.]
EMILIANO CHAMORRO.	[SEAL.]
ADOLFO CÁRDENAS.	[SEAL.]
MAXIMO H. ZEPEDA.	[SEAL.]
ALFREDO GONZÁLEZ.	[SEAL.]
J. RAFAEL OREAMUNO.	[SEAL.]

NOMINATIONS

Executive nominations received by the Senate January 28 (legislative day of January 26), 1925

GOVERNOR OF HAWAII

Wallace R. Farrington, of Honolulu, Hawaii, to be Governor of Hawaii. A reappointment.

UNITED STATES ATTORNEY

Samuel W. McNabb, of California, to be United States attorney, southern district of California, vice Joseph C. Burke, resigned.

POSTMASTERS

ALASKA

Grace Brook to be postmaster at Fort Yukon, Alaska, in place of W. L. Harber, resigned.

CALIFORNIA

Michael G. Callaghan to be postmaster at Livermore, Calif., in place of M. G. Callaghan. Incumbent's commission expired June 4, 1924.

FLORIDA

Wilber C. Russell to be postmaster at Fort Pierce, Fla., in place of Thomas Roden, removed.

GEORGIA

Clarence W. Bazemore to be postmaster at Butler, Ga., in place of M. N. Riley. Incumbent's commission expired June 4, 1924.

IDAHO

William C. Quarles to be postmaster at Gibbs, Idaho. Office became presidential January 1, 1925.

ILLINOIS

Jesse E. Meharry to be postmaster at Tolono, Ill., in place of J. P. Crawford, deceased.

Paul R. Beebe to be postmaster at Forreston, Ill., in place of C. C. Fonken. Incumbent's commission expired August 29, 1923.

INDIANA

Floyd Coomler to be postmaster at Lagro, Ind. Office became presidential January 1, 1925.

IOWA

Finley E. Dutton to be postmaster at Manchester, Iowa, in place of D. A. Preussner, resigned.

LOUISIANA

Louise L. Bass to be postmaster at Willetts, La. Office became presidential January 1, 1925.

MASSACHUSETTS

Charles C. Starratt to be postmaster at Ocean Bluff, Mass. Office became presidential January 1, 1925.

MICHIGAN

Asher B. Merritt to be postmaster at Leonidas, Mich. Office became presidential January 1, 1925.

Claude B. Hoffmaster to be postmaster at Hopkins, Mich., in place of M. R. Gordon, resigned.

MINNESOTA

Albert Groenke to be postmaster at New Germany, Minn. Office became presidential January 1, 1925.

Ora M. Goodfellow to be postmaster at Kenyon, Minn., in place of O. M. Goodfellow. Incumbent's commission expired June 5, 1924.

Joseph F. John to be postmaster at Browerville, Minn., in place of Lambert Irsfeld. Incumbent's commission expired June 5, 1924.

MISSOURI

Martha T. Russell to be postmaster at Bertrand, Mo. Office became presidential July 1, 1924.

NEBRASKA

Harry A. Moore to be postmaster at DuBois, Nebr. Office became presidential January 1, 1925.

NEW YORK

Rosella M. Palmeter to be postmaster at Purling, N. Y. Office became presidential January 1, 1925.

William C. Meade to be postmaster at Hall, N. Y. Office became presidential January 1, 1925.

Celia D. White to be postmaster at Fishkill, N. Y., in place of J. P. Dugan. Incumbent's commission expired August 5, 1923.

NORTH CAROLINA

James V. Benfield to be postmaster at Valdese, N. C. Office became presidential January 1, 1925.

Ike R. Forbes to be postmaster at Cramerton, N. C. Office became presidential January 1, 1924.

Joseph C. McAdams to be postmaster at Elon College, N. C., in place of C. A. Hughes, resigned.

OHIO

Earl F. Liebtag to be postmaster at East Canton, Ohio. Office became presidential January 1, 1925.

OREGON

Elizabeth M. Ward to be postmaster at Philomath, Oreg., in place of J. A. Watkins. Incumbent's commission expired June 4, 1924.

PENNSYLVANIA

David R. Whitehill to be postmaster at Strattanville, Pa. Office became presidential January 1, 1925.

SOUTH CAROLINA

Angus L. Campbell to be postmaster at Patrick, S. C. Office became presidential April 1, 1924.

VIRGINIA

Mary O. Pumphrey to be postmaster at West Point, Va., in place of F. A. Taylor, removed.

WYOMING

Henry H. Loucks to be postmaster at Sheridan, Wyo., in place of J. W. Morgareidge, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 28 (legislative day of January 26), 1925

MEMBER OF THE FARM LOAN BOARD

Robert A. Cooper to be a member of the Farm Loan Board.

POSTMASTERS

ALABAMA

Perry W. Caraway, Fayette.

GEORGIA

Nellie B. Brimberry, Albany.
John F. Charles, Chatsworth.
Louis S. Marlin, Doerun
Robert L. O'Kelley, Grantville.
William M. McElroy, Norcross.
Allie D. Griffin, Quitman.

ILLINOIS

Mildred E. Wright, Murrayville.
John M. Yolton, Fort Byron.
Olga M. Streetz, River Grove.

MINNESOTA

Marvin R. Christensen, Arco.
Zenas V. Johnston, Atwater.
Willie W. Bunday, Dennison.
Henry B. Young, Holt.
Ernst A. Lofstrom, Litchfield.

MONTANA

Eliza J. Davis, Kevin.

NORTH DAKOTA

John D. Greene, Edgeley.

WEST VIRGINIA

Earl Morris, Pursglove.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 28, 1925*

The House met at 12 o'clock noon.

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

O Thou in whose presence our souls find rest, on whom in affliction we call, at the doorway of our labors we would ask that Thou wouldst make us worthier of Thy care and confidence. Great and holy is the Lord, and we thank Thee that Thou wilt be our guide and refuge all along life's way. All our paths of love and mercy spring from Thy throne. Thou hast put the music of hope in the world and set its bright light in the skies of Thy earthly children. Reveal unto us, O Lord, the things that are wise, prudent, and helpful, and may all our labors be rooted in intelligent conviction. Bless us all with the freedom of a large charity, and give us definite understanding of all immediate problems. Amen.

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

ELLEN B. WALKER

Mr. UNDERHILL. Mr. Speaker, I present a conference report upon the bill (S. 365) for the relief of Ellen B. Walker, for printing under the rules.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 365) for the relief of Ellen B. Walker, 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 disagreement to the amendments of the House numbered 1, and agree to the same.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR CAPPER,
SELDEN P. SPENCER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 365) for the relief of Ellen B. Walker submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is reduced from $5,000 to $1,560.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

HEIRS OF AGNES INGELS, DECEASED

Mr. UNDERHILL. Mr. Speaker, I present a conference report upon the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased, for printing under the rules:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased, 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 disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR CAPPER,
SELDEN P. SPENCER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is reduced from $5,000 to $1,000.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 7064) to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service.

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 amendment of the House of Representatives to the joint resolution (S. J. Res. 107) entitled joint resolution declaring agriculture to be the basic industry of the country, and for other purposes.

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

S. 703. An act making an adjustment of certain accounts between the United States and the District of Columbia; and

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.

The message also announced that the President pro tempore had appointed Mr. SHORTRIDGE, Mr. SWANSON, Mr. METCALF, and Mr. COPELAND, members of the Board of Visitors to the Naval Academy for the year 1925 on behalf of the Senate, pursuant to the provisions of the act of Congress of August 29, 1916, relative to the appointment of the Board of Visitors to the Naval Academy.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 24, 1925:

H. R. 3847. An act granting a certain right of way, with authority to improve the same, across the old canal right of way between Lakes Union and Washington, King County, Wash.

On January 26, 1925:

H. R. 10467. An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio.

On January 28, 1925:

H. R. 8235. An act for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway; and

H. R. 4168. An act to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipment, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district