3849. By Mr. GALLIVAN: Petition of Lazarus Davis Lodge, No. 548, I. O. B. A., Maurice Levy, recording secretary, 98 Nightingale Street, Dorchester, Mass., urging early and favorable consideration of Perlman resolution, which provides for the admission into the United States of many refugees stranded in foreign ports; to the Committee on Immigration and Naturalization.

3850. By Mr. PATTERSON: Petition of numerous residents of the first congressional district of the State of New Jersey, opposing Senate bill 3218, or any other religious legislation or any other pending legislation touching on the subject of religion; to the Committee on the District of Columbia.

3851. By Mr. SCHALL: Petitions of Maple Plain, Robbinsdale, Minneapolis, Kingsdale, Sturgeon Lake, Denham, Princeton, South Haven, Anoka, Braham, and Cambridge, all in the State of Minnesota, protesting the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3852. By Mr. SWING: Petition of residents of Escondido, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

SENATE

FRIDAY, *February 20, 1925*

(Legislative day of Tuesday, February 17, 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, its enrolling clerk, announced that the House had passed a bill (H. R. 11957) to authorize the President in certain cases to modify visé fees, 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 and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 27. An act to compensate the Chippewa Indians of Minnesota for timber and interest in connection with the settlement for the Minnesota National Forest;

H. R. 166. An act authorizing the Secretary of the Interior to issue patent to the city of Redlands, Calif., for certain lands, and for other purposes;

H. R. 2419. An act for the relief of Michael Curran;

H. R. 2689. An act to consolidate certain lands within the Snoqualmie National Forest;

H. R. 2716. An act to amend paragraph 20 of section 24 of the Judicial Code as amended by act of November 23, 1921, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes";

H. R. 2720. An act to authorize the sale of lands in Pittsburgh, Pa.;

H. R. 3927. An act granting public lands to the town of Silverton, Colo., for public park purposes;

H. R. 4114. An act authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.;

H. R. 4522. An act to provide for the completion of the topographical survey of the United States;

H. R. 4825. An act for the establishment of industrial schools for Alaskan native children, and for other purposes;

H. R. 5170. An act providing for an exchange of lands between Anton Hiersche and the United States in connection with the North Platte Federal irrigation project;

H. R. 5612. An act to authorize the addition of certain lands to the Mount Hood National Forest;

H. R. 6436. An act for the relief of Isidor Steger;

H. R. 6651. An act to add certain lands to the Umatilla, Wallowa, and Whitman National Forests in Oregon;

H. R. 6695. An act authorizing the owners of the steamship *Malta Maru* to bring suit against the United States of America;

H. R. 6853. An act to relinquish the title of the United States to the land in the preemption claim of William Weekley, situate in the county of Baldwin, State of Alabama;

H. R. 7631. An act for the relief of Charles T. Clayton and others;

H. R. 7780. An act for the relief of Fred J. La May;

H. R. 8169. An act for the relief of John J. Dobbertin;

H. R. 8226. An act granting relief to the First State Savings Bank of Gladwin, Mich.;

H. R. 8267. An act for the purchase of land adjoining Fort Bliss, Tex.;

H. R. 8298. An act for the relief of Byron S. Adams;

H. R. 8333. An act to restore homestead rights in certain cases;

H. R. 8366. An act to add certain lands to the Santiam National Forest;

H. R. 8410. An act to change the name of Third Place NE. to Abbey Place;

H. R. 8438. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River from Cliff Street, McKeesport, to a point opposite in the city of Duquesne;

H. R. 9028. An act to authorize the addition of certain lands to the Whitman National Forest;

H. R. 9160. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties and otherwise;

H. R. 9495. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery;

H. R. 9537. An act to authorize the Secretary of Commerce to transfer to the city of Port Huron, Mich., a portion of the Fort Gratiot Lighthouse Reservation, Mich.;

H. R. 9688. An act granting public lands to the city of Red Bluff, Calif., for a public park;

H. R. 9700. An act to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan;

H. R. 9724. An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and of the memorial shaft erected to his memory, and for other purposes;

H. R. 10143. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.;

H. R. 10348. An act authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold donated to the United States for park purposes;

H. R. 10411. An act granting desert-land entrymen an extension of time for making final proof;

H. R. 10412. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River;

H. R. 10590. An act authorizing the Secretary of the Interior to sell certain land to provide funds to be used in the purchase of a suitable tract of land to be used for cemetery purposes for the use and benefit of members of the Kiowa, Comanche, and Apache Tribes of Indians;

H. R. 10596. An act to extend the time for commencing and completing the construction of a dam across the Red River of the North;

H. R. 11030. An act to revive and reenact the act entitled "An act authorizing the construction, maintenance, and operation of a private drawbridge over and across Lock No. 4 of the canal and locks, Willamette Falls, Clackamas County, Oreg.," approved May 31, 1921;

H. R. 11214. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, as amended by the act of December 30, 1910;

H. R. 11255. An act granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.;

H. R. 11445. An act to amend the national defense act;

H. R. 11500. An act to amend the act entitled "An act to consolidate national forest lands";

H. R. 11668. An act granting consent of Congress to the States of Missouri, Illinois, and Kentucky to construct, maintain, and operate bridges over the Mississippi and Ohio Rivers at or near Cairo, Ill., and for other purposes;

H. R. 11952. An act to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park; and

H. J. Res. 342. Joint resolution to authorize the appointment of an additional commissioner on the United States Lexington-Concord Sesquicentennial Commission.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

CALL OF THE ROLL

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

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

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

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

Mr. HARRISON. I wish to announce that the Senator from Rhode Island [Mr. GERRY] is detained from the Senate by reason of illness.

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

SENATOR FROM OKLAHOMA

The PRESIDENT pro tempore laid before the Senate the certificate of the secretary of the State Election Board of the State of Oklahoma certifying to the election of W. B. PINE as a Senator from that State for the term beginning on the 4th day of March, 1925, which was ordered to be placed on file.

CONSERVATION, PRODUCTION, AND EXPLOITATION OF HELIUM GAS

Mr. WADSWORTH. I submit a conference report on what has been called the helium bill, and ask for its present consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5722) authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: At the beginning of section 3 of the matter proposed to be inserted by the Senate strike out the words "immediately upon the passage of this act" and insert in lieu thereof the words "on or before June 30, 1925," and after the words "*Provided*, That," in the first proviso of section 3, insert the word "thereafter"; and the Senate agree to the same.

J. W. WADSWORTH, Jr.,
ARTHUR CAPPER,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

L. A. FROTHINGHAM,
J. MAYHEW WAINWRIGHT,
DANIEL E. GARRETT of Texas,
Managers on the part of the House.

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

Mr. WALSH of Massachusetts. I regret to state that I feel obliged to object. I would like to examine the report.

The PRESIDENT pro tempore. Objection is made.

THE INTERPARLIAMENTARY UNION

Mr. McKINLEY. Mr. President, the Interparliamentary Union meets in this country this year, Congress having appropriated $50,000 to entertain the delegates of perhaps 25 nations. The secretary of the Interparliamentary Union has prepared and published two several papers containing information which I think it would be well for Congress to have. I ask unanimous consent that they may be printed in the RECORD.

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

CONGRESSMEN IN SWITZERLAND—TWENTY-SECOND CONFERENCE OF THE INTERPARLIAMENTARY UNION IN BERN AND GENEVA

(By Arthur Deerin Call, executive secretary of the American group)

The thrill of the twenty-second conference of the Interparliamentary Union, held in Bern, Switzerland, August 22–27, and in Geneva, August 28, came Saturday morning, the second day of the conference, when Hugh Gibson, United States minister to Switzerland, gracefully and simply presented the following invitation:

To the Interparliamentary Union:

The Congress of the United States of America, having by a joint resolution, approved May 13, 1924, requested the President of the United States to invite the Interparliamentary Union to hold its annual meeting for the year 1925 in the city of Washington, it affords me very great pleasure indeed, as President of the United States, to extend to the Interparliamentary Union, in pursuance of the said joint resolution, the cordial invitation of the Government and the Congress of the United States to hold its twenty-third conference in the city of Washington at such time during the year 1925 as the union may fix.

CALVIN COOLIDGE.

By the President:
CHARLES E. HUGHES,
Secretary of State.
WASHINGTON, *June 30, 1924.*

IMPORTANCE OF THE INVITATION

This was a most unusual event. In the first place, only members of parliaments are permitted by the constitution of the union to speak at its meetings. This difficulty, for arrangements had been made for the United States minister to present the invitation from President Coolidge, vanished in the twinkling of an eye, during the first session of the conference, upon the motion of Baron Adelswärd, of Sweden, president of the Interparliamentary Council. It was early in the meeting of Friday, August 22, the first day that Baron Adelswärd called the attention of the conference to the fact that the United States minister had asked the privilege of presenting a communication to the conference. He added that the council had examined the question, and that, while addresses before the conference under the rules could be given only by members of parliaments, he considered it necessary to make an exception when it became a matter of receiving a message from the Government of a great Nation. As he asked the approval of this proposal, the conference agreed with spontaneous and enthusiastic applause.

Still more impressive, this was the first time that the head of a government had presented such an invitation. It marked, therefore, an epoch in the development and importance of the union. The event added pith and dignity to all the later discussions. It cheered immeasurably the delegates. It heartened especially the men who have labored through the many years for the cause which the union represents. It revealed the enthusiastic interest of parliamentarians generally in affairs of the United States, and the widespread desire to know more intimately and clearly our people, upon whom, because of our unparalleled growth and potential power, rest so much the future hopes of mankind. The enthusiasm of the delegates at the prospect of visiting the United States was unmistakable. The President's invitation has rendered a great service already to the cause of friendship across the seas.

THE CITY OF BERN

Bern is a city to remember and to go back to. There are less than 100,000 people there, but these people and their town have a quality which appeals. Picturesque is the first word one thinks of as one looks in upon or out of the place. Those sixteenth-century fountains, topped by their odd, old-time figures and scattered everywhere, have a style all their own, lively and medieval. The arcaded sidewalks, with the heavy arched masonry supporting the buildings above; the variety of the bear motive in signs and statues, because Bern is named after the bear—the bear is a sort of patron saint of the city; the narrow, winding streets of the old part; the roofs, with their many dormers one above the other—yet there is something of Nuremberg about the place. And yet it is no other place at all. It is Bern.

And the view! I like it better than any other in Switzerland. The Blumlisalp, the Breithorn, the Jungfrau, through the iridescent and clinging clouds, all from the windows of our hotel—one hotel called Bellevue with genuine propriety. But such a view is for the poets and the artists to describe. Mere editors are not up to it. But I must add that the Alpine glow glows around Bern. There is no doubt of that.

ON TOP OF THE JUNGFRAU

The Swiss are a kindly and a hospitable people, especially so in Bern. We saw evidence of this in the hotels, in the shops, in the bureaus—everywhere. Sunday, August 24, the Swiss group of the Interparliamentary Union took us by special train to the lake,

Thunsee; then by boat to Interlaken; then by train and funicular to the top of the Jungfrau, where, some 12,000 feet up, amid the everlasting snows, we saw and felt that glory of color, of line, and of distance which has made scenery and Switzerland synonymous the world round. Of course, we shall all remember the reception given by the city of Bern at the Kursaal Schänzli, the dinner given by the Swiss group, the excursion to Lausanne, and the boat ride from there to Geneva, the reception in Geneva by the Swiss Council of State and the Canton of Geneva; but that day on the Jungfrau has become a permanent possession of the very spirit of every member of that happy party, brought together from many quarters of the globe on that Sabbath day in August.

THE BUSINESS OF THE CONFERENCE

Of course, the Interparliamentary Union met in Bern for business. There was plenty of business. Twenty-five parliaments were represented, as follows: Germany, the United States, Austria, Belgium, Bulgaria, Canada, Denmark, Egypt, Finland, France, Great Britain, Hungary, Dutch-India, Ireland, Italy, Latvia, Lithuania, Norway, Holland, Poland, Rumania, Jugoslavia, Sweden, Switzerland, and Czechoslovakia. Most of the delegations included a number of the best-known men of their respective countries.

The American party was as follows: Senator William B. McKinley, of Illinois, president of the American group; Representative Theodore E. Burton, of Ohio, member of the executive committee of the Interparliamentary Union; Senator Selden P. Spencer, of Missouri; Senator O. E. Weller, of Maryland; Senator Charles Curtis, of Kansas; Representative Andrew J. Montague, of Virginia; Mrs. Andrew J. Montague; Representative Tom Connally, of Texas; Mrs. Connally, Mr. Ben Connally; Representative J. J. McSwain, of South Carolina; Arthur Deerin Call, executive secretary of the American group, Washington, D. C.; Mrs. Call, Miss Margaret F. Call; Walter Penfield, assistant secretary, Washington, D. C.; George Buckingham, assistant secretary, Chicago, Ill.; Miss Isabel Sedgley and Miss Nellie Sedgley, of Washington, D. C., and Hon. Richard Bartholdt, member of the council of the Interparliamentary Union, of Missouri; for a few days, Senator *Asmeña, of the Philippine* Senate, and his secretary, M. Jassin joined the Americans.

M. Alois de Meuron, president of the Swiss group, was chosen to preside over the conferences. M. Giuseppe Motta, counselor of state and chef du department politique, welcomed the delegates. As it happened, M. Motta a few days later was chosen president of the fifth assembly of the League of Nations, at Geneva.

A variety of matters came up for discussion. A number of recommendations relative to the constitution of the union was submitted by Senator Henri La Fontaine, of Belgium. The financial situation of the organization was presented by Baron Adelswärd, of the Swedish Senate. The report of the bureau, to which was devoted the greatest amount of discussion, was laid before the conference by Representative THEODORE E. BURTON, of the United States, in an address. This address called forth many speeches, some of an order calculated to influence opinion not only within the union, but in the governments back home.

TWO OUTSTANDING POINTS OF INTEREST

Looking back across these addresses, two facts stand out with striking clearness—the seriousness of the problem of minorities throughout central Europe and the new feeling of hope aroused by the London Conference. Of course, the changes in the constitution, the financial situation of the Union, the scholarly and valuable report on the parliamentary control of foreign policy submitted by Professor Schücking, of the German group; M. Moutet's statement on colonial mandates and the League of Nations; the problem of reparations, as set forth by Baron Szterenyi, of Hungary, and the Rt. Hon. Lord Rathcreedan, of Great Britain; Baron Szterenyi's further report on the economic solidarity of the world and international traffic; the problems of social policy in their relation to emigration and immigration, as set forth by Senator Merlin, of France; the reduction of armaments, reported upon by M. van Walleghem, of Belgium; demilitarized zones, as pleaded for by General Spears, of England, and Doctor Munch's plan for the reduction of armaments, not to mention other aspects of the work of the conference, are all creditable evidences of the tasks attempted by the Interparliamentary Union. But the passion of the conference reached its highest in the appeals for the minorities struggling under their new enforced allegiances and in the pledges for a closer cooperation, especially between France and Germany.

The problem of the discontented minorities was injected into the discussions on the very first day of the conference. M. Brabec, of Czechoslovakia, mentioned them in his address of Friday—rather casually, it is true, but the reference was enough. Nearly every speech thereafter contained some expression of views about these unhappy groups.

THE BITTER MINORITIES

The central thought of many of the speeches first appeared in the address of Doctor de Lukacs, of Hungary, who regretted that the committee had neglected to deal with the questions of minorities, for, in his opinion, five years of bitter experience had amply proved that the States successors to the former Austro-Hungarian Empire simply deny all rights to their minorities, and that, furthermore, there is no organization competent to protect these minorities.

M. Medinger, of Czechoslovakia, carried the thought further, pointing out that the League of Nations' commission, charged to deal with these questions, has been a disappointment, and that the League itself has been a profound deception. The League, professing to be inspired by the name of Wilson, is a traitor to his thought. It is too inelastic and self-contradictory. It rests upon force and follows the psychology of war. It has established an International Court of Justice, supposed to be accessibly to States not members of the League, but it is most difficult for such States to get before the court. The rights of the minorities have been granted with one hand and taken away with the other, since it is impossible for these minorities to get any redress for their grievances. As a result, Europe has been Balkanized. Having failed before the League, these minorities turn longingly to the Interparliamentary Union.

Others who voiced the complaints of the minorities were such men as Wilfan, of Italy; Senator Ledebur-Wicheln, of Czechoslovakia, and Molloff, of Bulgaria, who pointed out that his country is suffering from an excess of hospitality and protection accorded to the many refugees from practically all the bordering countries.

Some of the delegates complained of the propaganda carried on in their countries by governments to whom their minorities formerly belonged. Thus this whole question of minorities, altogether too deep for Americans to understand, is a veritable burning brand in the powder-house of Europe.

The Interparliamentary Union, with its freedom from government control and its detachment from the wiles of diplomacy, with its open discussions, may well be the most useful of all the agencies attempting to solve these most difficult problems.

FRENCH AND GERMAN CORDIALITY

Even the most conservative members of the conference were impressed by the return of French interest in the Union, and especially by the new will to cooperate across the Rhine. This new spirit appeared most vividly in the addresses by Senator Fernand Merlin, of France, and by former Chancellor Wirth, of Germany. The agreements of the London Conference, so recently accomplished, had their influence; but time and the better natures of men contributed toward the beneficent result. Both speeches held the breathless attention of the conference. Merlin's eloquence ended in a peroration, that it is not war and hate, but work and friendship, which unite nations, and that if the effort continues henceforth the history of the world will not be of wars and battles, but rather of things of the spirit.

Chancellor Wirth met this new challenge with equal grace and eloquence. He was convinced that the address by M. Merlin expressed the new spirit, and in the name of the German delegation he would voice his great joy. He felt it to be tragic that the two great nations, France and Germany, who have contributed so much to humanity, should shatter the hopes of European civilization. "We have been profoundly deceived. This ought not to arrest the hope in a reconciliation."

No such views as these would have been possible at the meeting in Copenhagen a year ago, nor at any meeting of the Union since the war.

Representative THEODORE E. BURTON, of the United States, said:

"In closing this discussion I desire to repeat and emphasize what I said on Friday, that the outlook for peace and good will is infinitely better at the meeting of this conference than in any of the three preceding. The American delegates were especially pleased on Saturday by the words of conciliation expressed by Senator Merlin and ex-Chancellor Wirth. We trust that each of them speaks not for himself alone, not for a party, but for a whole nation, and thus for the welfare of the whole wide world.

"Through centuries conflicts between the two nations, France and Germany, have been frequent. The reason for the original visit of Julius Cæsar to Gaul was the protection of a friendly tribe against an incursion from Germany, and these incursions have continued since. Let us hope that in the future the crossings of the Rhine may be but channels of trade, of social intercourse and good will.

"The American delegates have, with some degree of pain and regret, listened to the numerous complaints from minorities. May we not trust that with a more settled world, with better international relations, there may be also more perfect domestic relations, that all these problems may be settled with justice and in a spirit of common interest. One of our theologians once said, 'Evolution tells us where we came from, religion tells us where we are going, but the fact is we are here'; and those who dwell in these different countries, where there are varied races and men of different religions and languages, are here—or there. They must dwell together in peace and amity, and we can but call their attention to that great declaration which stated that all men

are created free and endowed with certain inalienable rights, such as life, liberty, and the pursuit of happiness. May there not be a new realization of the independent rights of each individual to follow the dictates of his conscience, to the exercise of his religion, to the greatest possible freedom consistent with public order.

"In closing, monsieurs, let me say that much that must be accomplished in the great cause of arbitration and peace, and the international cooperation so dear to our hearts, must be initiated by us. This organization speaks for the prerogatives, the opportunities, and the responsibilities of legislative bodies. Let us meet these responsibilities and quit ourselves like men—not merely patriotic for our own country, but with an international mind which shall bring in a new era among the nations."

The official report of the president and the secretary general, setting forth the results of the conference, will be found elsewhere in this issue.

ACHIEVEMENTS OF THE INTERPARLIAMENTARY UNION

Address before the twenty-second conference of the Interparliamentary Union, Bern, Switzerland, August 22, 1924, by THEODORE E. BURTON, retiring American member of the executive committee of the union

After the excellent survey of the achievements of the Interparliamentary Union by the secretary general, in the report of the bureau, it would be almost superfluous to give more than a brief mention of its history for the last 35 years. My long association with this organization, however, impels me to make a passing reference to certain prominent facts and incidents. It has a most inspiring record. The actual founder was Sir William Randal Cremer, an English carpenter, for a long time a member of Parliament. He was a trade unionist who had taken a leading part in the settlement of labor disputes by arbitration, and thus became interested in the larger task of the settlement of international controversies by the same method, especially by the establishment of this general congress, to which legislators from all countries are eligible Thus it appears that the originator of this movement came not from the seats of the mighty, but from the humble ranks of labor. He was a man of the highest motives. Though of very moderate means, when a winner of the Nobel prize he devoted the larger share of the proceeds to an endowment for the furtherance of the objects so dear to his heart. Time would fail me to mention the long list of publicists who cooperated with him in the most noble work which he had undertaken, and who made the very beginnings of the union notable as a foundation for that progress in international conciliation which has been accomplished by it.

The original scope of the organization was limited to the promotion of international arbitration, but since the year 1899, under enlarged plans, efforts have been exerted for the securing of every means for the prevention of war and the growth of international cooperation.

Our achievements are written large in the history of pacifist movements. I recall having presented at the White House in Washington in 1904 a resolution framed in collaboration with Mr. Bartholdt, who is present here to-day, asking President Roosevelt to request the respective nations to arrange for a second conference at The Hague. This request was acted upon by President Roosevelt and led to the meeting of 1907. Prior to that the committees of the union had taken a prominent part in framing model arbitration treaties and in active movements for the promotion of peace.

The Russian consul at Budapest, after the meeting of the union in that city in 1896, was so impressed by its action that he reported the proceedings to his government and prevailed upon the foreign minister, Muravieff, to submit a memorandum to the Czar. The first Hague conference of 1899 was in no small degree the result of this memorandum. The draft of the Brussels conference of this body, made in 1895, served as a basis for the discussions relating to international organization for the furtherance of international arbitration at the first Hague conference, and the draft treaty of arbitration prepared in London in 1906 was utilized in the discussion at the second Hague conference of the following year.

There was a dramatic scene at the gathering in London in 1906. A group from Russia was present, but just at the time of their arrival a ukase was issued by the Czar, dissolving the Douma, and, amid shouts of "Vive la Douma," the members of the group most unwillingly went out from the assembly. In all these years the union has manifested its usefulness in various ways.

More recently, and within the recollection of most of you, consideration has been given to the perplexing question of the rights of minorities, to parliamentary control of foreign policy, as well as the equitable management of mandated territories for the uplifting of backward peoples, and the adoption of the principle of the "open door"; for let it be understood that the just and rational ground upon which these mandates should rest is helpful development for the peoples in the mandated territories, not exploitation for the benefit of those entrusted with their care.

Perhaps the greatest benefit of all arises from the association in annual gatherings of representatives of various nations. This renders potent aid in destroying that conceit of nationality which assumes that the highest virtue and excellence dwell only in the country of one's birth and at the same time ignores the fact that the normal development of nations as well as of individuals must depend upon diversity. Peoples of every land and of every race have superior qualities.

Still further these gatherings create cherished friendships between those brought together from lands remote. These are not merely the source of most pleasing personal intimacies, but they also promote good will between the countries represented here.

There are two features to be especially emphasized in forecasting the work of this union in this year 1924:

The first is the growing importance of legislative bodies, the people's representatives, whether they be mere lawmaking bodies, or, as in the larger number of countries, furnish prime ministers and cabinets with executive functions.

This growth has been very marked during the life of this organization and especially in the last 20 years. This Interparliamentary Union speaks for the prerogatives, the opportunities, and the responsibilities of the chosen representatives of the people. Now and then there will be reactions in favor of executive or central authority, and this, alike with every legislative body, will be powerful or impotent just in proportion as it manifests or fails to manifest broad vision and an adequate grasp of the problems which are now pressing upon the world with almost bewildering rapidity. It is for us to become a parliament of parliaments.

Let us remember, my fellow members, that this Interparliamentary Union is not a mere debating society; it is not a "talk fest"; it is not an organization in which members are authorized to leave after the adjournment and forget the recommendations and conclusions reached here. We should go home to our respective countries to spread upon the records that which has been done in this organization and, so far as we may, stimulate the adoption of legislation carrying out our recommendations. In my own country the president of our group, Senator MCKINLEY, spread upon the records on his return last year an account of the transactions at Copenhagen, and it will be our effort to bring them to the attention of the people, to secure adoption by our Congress, and to stimulate popular opinion in favor of the conclusions reached here.

The second feature is the vastly more encouraging outlook for peace and international cooperation to-day. The world has been suffering from the aftermath of war, from the loss of millions of lives, and the destruction or waste of hundreds of billions in property values, together with the demoralization and dislocation resulting therefrom; but more serious than all these are the spiritual legacies in manifestations of hatred and revengeful sentiments.

A distinguished historian in surveying events succeeding the downfall of Napoleon said that the return to normal conditions in Europe occurred about four years after 1815. More than four years have already elapsed since the armistice of November 11, 1918, but in this sixth year a calmer disposition affords assurance of a settlement of the harassing problem of reparations and of all those questions which like a threatening cloud have hung over Europe. We may hope that these settlements will furnish a restoration of national credit and industrial life and secure those objects so necessary for prosperity and happiness.

While the softening influences of time can not be disregarded, our Secretary of State and our President, in suggesting the Dawes Commission, blazed the way for these adjustments. The agreements recommended must be accepted by diplomats and ratified by parliaments. I am making a bold statement, but I verily believe that if anyone should in this situation block the way to peace it were better that the rocks and hills should fall upon him rather than that he should have to face the indignation of the world, which would be aroused by his opposition. It should not be forgotten that in dealings between nations the central fact must be a willingness to make reasonable concessions. No nation can expect the adoption of all its claims. Just as in private contracts, so in international agreements, mutual concessions are necessary conditions for success.

It has been requested that I offer some suggestions upon the attitude of the United States toward the European situation. I undertake this with no official sanction, but as a careful observer having perhaps exceptional opportunities for information.

I repeat what I said at Copenhagen last year, that there is the most intense interest in the United States in all that transpires in Europe. Our newspapers give scarcely less—sometimes even more—attention to conferences and measures which look to the settlement of controversies than our own. It is true that among a small minority this interest is based upon commercial and financial considerations, but with the great mass it is the manifestation of a hope that there may be a peaceful and contented Europe. It has been the predominant opinion that our participation in conferences and membership in leagues would be futile so long as the bitter antagonisms which have prevailed are rife. Again, such participation would be a departure from traditional and long-established policies.

What can be accomplished in the absence of such antagonisms as have prevailed here since the war is well illustrated by the negotiation of a treaty at Santiago, in Chile, last year, under which 16 nations

of the New World, the United States included, definitely agreed that in case of controversy between any of them which can not be settled by the ordinary methods of diplomacy a commission shall be constituted, made up of representatives from each of the contending countries, with arbitrators from neutral nations, and that no warlike action shall be taken until this commission has had adequate opportunity to report upon the facts and the law involved. This effective step for peace and good will seems to insure an era of peace in the Western Hemisphere. Our one aim in dealing with the Latin-American countries has been to prevent conflict among them and to promote confidence and good will. The so-called Monroe doctrine is by no means a policy of aggression. We do not ask for any special privileges in the Latin-American countries. We believe in the "open door" there as elsewhere.

While not assuming membership in the League of Nations, we look with satisfaction upon any accomplishment which may be the result of its deliberations and have ourselves taken part in humanitarian movements initiated by the league, contributing by private benefaction also for their promotion. We have at all times been ready to act the part of a friend, and suggestions, not always made public, have been made by us for mediation. We are ready to aid with material resources and in such ways as will promote the pacification of Europe. Our President has declared his intention to invite another conference similar to that of 1921–22, and no doubt including a larger number of nations, whenever there is a settled Europe. He has declared himself in favor of joining the International Court, and I may say that the overwhelming opinion of our people is in its favor.

May I be permitted to state an opinion as to some fundamental facts which create the problem of Europe? These facts are those of geography and ethnology.

The geographical configuration of Europe is exceptional. With the exception of the great plains of Russia, the larger part of this continent is divided into areas separated by mountain chains and natural barriers, or made up of jutting peninsulas, as illustrated by Greece, Italy, the Iberian Peninsula, Denmark, and Scandinavia. Besides, there is the United Kingdom, separated from the mainland.

Passing from facts of geography to those of ethnology, Europe was settled by successive migrations for the most part from Asia. These immigrants came with marked diversities of motive; some for orderly settlement, others actuated by the pressure for a greater food supply, others still for plunder and exploitation. The stronger nations or tribes drove the weaker into the less-favored localities. The result of all these factors may be described by the words "segregation, repulsion, rivalry." Within this vast domain there is now and always has been an infinite variety of race, language, religion, and cultural advancement. Circumstances which make for war and antagonism exist here as nowhere else in the world. Thus, conflicts in earlier centuries were almost constant.

Then with the discovery of outlying portions of the world, there was a fierce conflict for the acquisition of remote islands and continents. Still later, with the beginning of the industrial era, more than 100 years ago, another rivalry arose, even more fierce, for commercial supremacy, for the supplies and outlets which are demanded by commerce. How different is the situation in the United States, where 48 States are united in social and commercial ties, with the freest access among them and with common aims and a full realization of the benefits of unity and cooperation. It may be said that, as in America, modern means of transportation have pierced mountains and crossed rivers, annihilating barriers; but this development did not occur in Europe until boundaries had been set and types of nationality had been fixed.

I can not close without a brief reference to the example of Switzerland, the country which has welcomed us within her borders. Here there is a population made up of three races, speaking different languages, divided into religious beliefs, separated by mountains and natural barriers into a large number of distinct areas. Here for centuries there have been peace and all the helpful features which make for unity and cooperation. This was not obtained, however, without constant striving against the foe without and the enemy within. When, more than 40 years ago, with the adventurous spirit of youth, I indulged in mountain climbing here, I thought up how much steeper heights and over how much more rugged paths Switzerland had climbed in her struggle for liberty and union. There is here to-day a splendid example of popular government, of efficiency and of patriotism, with no ambition save for defense, and that defense is secured, more than by mountain walls, by the spirit of her people.

Members of the Interparliamentary Union, I congratulate you upon this occasion, when there is every indication that a calmer spirit will prevail in the world, and sentiments of peace, with an appreciation of common interest, may prepare the way to banish wars. These ennobling aims can not be gained by the exercise of force, and leagues and conferences will be useless unless there is a will to peace, an enlightened public opinion which will strive to outlaw war and inaugurate the rule of law. It is to these objects that all our activities should be devoted.

Let us engage in our tasks with an earnest desire to render efficient aid in striking at the root of causes for friction, in harmonizing conflicting interests, in suggesting means by which those of different races and traditions may live side by side in harmoney. Let us join in every effort to codify international law and enlarge its provisions; also to devise and promote means for the judicial settlement of all international controversies. Thus in every way we shall perform our part in securing a settled world, which shall look back upon war as an anachronism and cherish peace and universal concord as the true aim of all nations.

INTERNATIONAL DOCUMENTS

RESULTS OF THE TWENTY-SECOND INTERPARLIAMENTARY CONFERENCE—OFFICIAL REPORT OF THE PRESIDENT AND THE SECRETARY GENERAL ON THE RESOLUTIONS AND NOMINATIONS OF THE BERN-GENEVA SESSIONS

DEAR MR. PRESIDENT: In accordance with article 8 of the regulations of the bureau of the union, I beg to inform you that the Twenty-second Interparliamentary Conference, which sat at Bern and Geneva from August 22 to 28, 1924, passed the following resolutions:

RESOLUTIONS I AND II—AMENDMENTS TO ARTICLES 3 AND 10 OF THE STATUTES AND REGULATIONS FOR INTERPARLIAMENTARY CONFERENCES

Rapporteur: M. Henri La Fontaine, president of the Belgian group, in the name of the organization committee.

I. AMENDMENTS TO THE STATUTES

NEW TEXT OF ARTICLE 3

The Interparliamentary Union is composed of national groups.

Only groups constituted within parliaments of states, dominions, or colonies not represented in any other parliament can join the Interparliamentary Union.

No parliament may have more than one national group. Each group shall elect a bureau with power to direct its operations and to correspond with the interparliamentary bureau (IV), and it shall draw up its own rules of organization and administration. It has to send to the interparliamentary bureau, before the end of March of each year, a report upon its proceedings and a list of its members.

NEW TEXT OF ARTICLE 10

Only members of the union present in person have the right to vote.

The number of votes to which each group is entitled is determined according to the following rules:

(a) Each group has a minimum of 5 votes.

(b) In addition to these, groups belonging to countries with less than 1,000,000 inhabitants are entitled to 1 extra vote; those belonging to countries with 1,000,000 to 3,000,000, 2 extra votes; those belonging to countries with 3,000,000 to 6,000,000, 3 extra votes; those belonging to countries with 6,000,000 to 9,000,000, 4 extra votes; those belonging to countries with 9,000,000 to 12,000,000, 5 extra votes; those belonging to countries with 12,000,000 to 16,000,000, 6 extra votes; those belonging to countries with 16,000,000 to 20,000,000, 7 extra votes; those belonging to countries with 20,000,000 to 25,000,000, 8 extra votes; those belonging to countries with 25,000,000 to 30,000,000, 9 extra votes; those belonging to countries with 30,000,000, to 36,000,000, 10 extra votes; those belonging to countries with 36,000,000 to 42,000,000, 11 extra votes; those belonging to countries with 42,000,000 to 49,000,000, 12 extra votes; those belonging to countries with 49,000,000 to 56,000,000, 13 extra votes; those belonging to countries with 56,000,000 to 64,000,000, 14 extra votes; those belonging to countries with 64,000,000 to 72,000,000, 15 extra votes; those belonging to countries with 72,000,000 to 81,000,000, 16 extra votes; those belonging to countries with 81,000,000 to 90,000,000, 17 extra votes; those belonging to countries with 90,000,000 to 100,000,000, 18 extra votes; those belonging to countries with 100,000,000 to 150,000,000, 19 extra votes; those belonging to countries with 150,000,000 to 200,000,000, 20 extra votes; those belonging to countries with 200,000,000 to 250,000,000, 21 extra votes; those belonging to countries with 250,000,000 to 300,000,000, 22 extra votes; those belonging to countries with 300,000,000 to 350,000,000, 23 extra votes.

The number of votes allotted to groups belonging to the parliament of a colony shall be calculated on the basis of a reduced figure of population, the said figure to be calculated by multiplying the number of elected deputies in the parliament of the colony by the average number of inhabitants represented by each deputy in the mother country to which the colony belongs.

In cases where a colony is represented in the parliament of the mother country, its population is added to that of the mother country, such population being calculated by multiplying the number of colonial representatives by the average number of inhabitants represented by each deputy from the mother country.

(c) Finally, groups with a membership of at least 50 per cent of the members of the lower house of parliament shall be entitled to

1 extra vote; those with a membership of at least 60 per cent, to 2 extra votes; those with a membership of at least 75 per cent, to 3 extra votes; those with a membership of at least 90 per cent, to 4 extra votes.

The council is to inform the various groups of the number of votes to which they are entitled when it summons the conference.

If necessary, the members of each group taking part in the conference shall nominate those amongst them who are to exercise the right of voting. These nominations shall be made according to a system of proportional representation. No one member may record more than 5 votes.

Voting shall take place by show of hands. Every member present at a conference has the right to demand voting by roll call. The result of such voting shall be inserted in the minutes.

In the election of officers the vote shall be by secret ballot, if not less than 20 members so demand.

II. REGULATIONS FOR INTERPARLIAMENTARY CONFERENCES

ARTICLE 1. The interparliamentary conference shall meet in ordinary session once a year, unless the council decide otherwise. The place and date of the conference shall be fixed by the council, if possible at the preceding conference. Convocations to a regular session shall be sent out to the groups at least three months before the date fixed for the opening of the conference.

ART. 2. The conference shall be summoned to an extraordinary sitting by decision of the council, or if at least six groups so request. In the latter case, the council shall summon the conference within 40 days of the receipt of such a request by the secretary general.

ART. 3. The interparliamentary group of the country in which the conference is to meet shall, by arrangement with the secretary general, be responsible for the material organization of the meeting. The council may, however, judge whether it be necessary in certain cases for the union and the different groups to assume part of the expenses incurred by a session.

Members taking part in a session shall pay a personal subscription, the amount to be fixed by the council. The subscription shall be payable at the same time as a member enters his name for participation in a given conference.

ART. 4. The duration of each session shall be fixed by the interparliamentary council, by agreement with the group which is to receive the conference. Ordinary sessions shall last at least five days.

Questions placed on the agenda shall, except in urgent cases, be submitted to the permanent or temporary committees, to enable their immediate discussion at the plenary sitting any time after the opening of a session.

ART. 5. Unless exceptional circumstances should arise, the secretary general shall see that the work of the various committees is finished in time to permit of their reports being sent to the groups one month before each session. The committees shall nominate one or several rapporteurs for each question placed on the agenda.

ART. 6. Conferences are opened by the president of the council or, in case of his absence, by a provisional president chosen for that purpose by the interparliamentary group of the country in which the conference is held.

The conference chooses its own president, its vice presidents, and its tellers. (Statutes, art. 8.)

The number of vice presidents shall be equal to that of the groups represented.

ART. 7. The debates at the conference shall be public. They shall only be private if the conference so decide by a two-thirds majority, and only if questions relating to individual persons are to be discussed.

ART. 8. Each session shall open with a general discussion on the basis of the report submitted by the secretary general in the name of the council. Part of this report shall bear upon the general political situation of the world. Unless it be otherwise decided by the conference by a two-thirds majority and without preliminary discussion, the said discussion shall not last for more than three sittings.

ART. 9. The president shall open, suspend, and adjourn the sittings and direct the work of the conference; he shall see that the regulations are observed, call upon the speakers, declare the sittings closed, put the questions to the vote, and make known the results of divisions.

The president shall be assisted by the members of the bureau in the general direction of the work of the conference, the institution of the committees which the conference may decide to form, the decisions as to the communications to be made, the fixing of the agenda of each sitting, and the order in which the different questions shall be considered.

ART. 10. No member may speak without the consent of the president.

No member of the conference shall speak more than twice on the same question. The time allotted to each speaker may be limited by a decision taken by the conference without preliminary discussion. The rapporteurs who introduce the questions with which they have been intrusted shall not, however, be subject to the above restrictions; they shall be entitled to take part in the debate whenever they deem it necessary. Other members shall speak in the order in which the applications to speak are made.

The president may call a speaker to order when the latter does not keep to the subject under discussion, and may, if necessary, withdraw the permission to speak.

Should a point of order be raised, the president shall give the proposer the right to speak, and shall at once put the motion to the vote.

ART. 11. The secretary general shall be responsible for the organization of the secretariat of the conference and for the secretariats of the committees.

The secretary general may be assisted or represented during the sittings of the conference by one or several delegates. The secretary general or his delegates may at any time, by request of the president, submit to the conference supplementary reports on any question which the meeting has under consideration. They may be asked by the president to make oral communications on any question before the conference.

ART. 12. The secretariat shall receive, print, and circulate all documents, reports, or resolutions; it shall print and circulate the minutes of the meetings, preserve the documents of the conference in the archives of the union, publish the report of each session, and in general carry out all the duties which the conference may think fit to intrust to it.

ART. 13. The agenda of a conference shall be fixed by the council. (Statutes, art. 9.) Draft resolutions, amendments, and motions relating to questions on the agenda must be communicated in good time and in writing to the president, and copies shall be distributed as rapidly as possible to the members present at the conference.

Draft resolutions or motions which do not figure on the agenda shall only be discussed and voted upon if the conference takes them into consideration and authorizes their discussion by a majority vote of two-thirds when the opinion of the interparliamentary council and brief explanations from the proposers have been heard. (Statutes, art. 9.)

ART. 14. The decisions of the conference are reached by a majority vote of the members present entitled to vote.

In the case of election of officers, if no single candidate obtain a majority of votes a ballot shall be taken between the two candidates who have obtained the most votes.

The result of a vote by secret ballot shall be ascertained by the tellers appointed by the conference.

ART. 15. Voting shall take place by show of hands or, if a member present so request, by roll call. The election of officers shall be by secret ballot if not less than 20 members so demand. (Statutes, art. 10.)

Each group shall communicate to the secretary general at least one month in advance the names of those of its members who shall exercise the vote as well as the names of their substitutes, if any.

At the beginning of each conference the secretary general shall give each member who is to exercise the vote a card bearing his name, the name of his group, and the number of votes which he may express or to which he is entitled.

ART. 16. The summary minutes of each sitting shall be at the disposal of members half an hour before the following sitting. Any member may, in the course of that sitting, raise objections to the said minutes. Such objections shall at once be taken into consideration and a decision reached. Should no such objections be raised, the minutes shall be considered as approved. Should the conference sit in secret committee, it may decide that no minutes shall be kept.

A stenographic report of the sittings shall be published later, unless exceptional circumstances, of which the council shall be judge, intervene.

ART. 17. At the close of each conference the president shall enumerate the principal resolutions adopted, which it will be the duty of the groups to present to their respective governments and parliaments (Statutes, art. 5) in the shape of bills, motions, questions, or under any other form suitable to the circumstances.

ART. 18. In every case not provided for in the present regulations the customary rules in deliberative assemblies shall be applied. In case of disagreement the regulations of the popular house of the country in which the conference is being held shall be consulted.

III. FINANCIAL SITUATION OF THE UNION

Rapporteur: Baron Theodor Adelswærd, president of the interparliamentary council.

The Twenty-second Interparliamentary Conference, seeing that the highly satisfactory development and the increasing activity of the union demand more ample financial means than those now at its disposal, asks the national groups to make every effort to obtain an increase in the grants stipulated by the present scale of contributions.

It considers that an increase of 50 per cent should be regarded as the minimum.

The conference further realizes that considerable difficulties have arisen from delay in the payment of grants, and therefore urges upon the groups the importance of a regular payment, if possible, at the beginning of each financial year, of the amounts due.

IV. PARLIAMENTARY CONTROL OF FOREIGN POLICY

Rapporteur: Prof. Walter Schücking, member of the Reichstag, president of the German group.

I

The Twenty-second Interparliamentary Conference considers that the best guaranty for an international policy of peace and cooperation among the nations will be found in the application of the principle of the widest possible publicity.

In order to achieve such publicity the conference declares itself in favor of the following measures:

(a) The inclusion in the constitutions of all nations, in accordance with the terms of article 18 of the covenant of the League of Nations, of stipulations forbidding the conclusion of secret treaties or agreements or the insertion of additional secret clauses of any kind whatsoever to treaties.

(b) Communication to parliament of every treaty or agreement concluded with other nations, even in cases where the assent of parliament to the ratification is not provided for in the constitution or does not yet form part of the constitutional traditions of the counry.

(c) The institution of a committee on foreign affairs in countries where such committees do not already exist; these committees to have the right at any time to request the responsible minister to furnish particulars of negotiations in progress, the information to be as complete as possible, and accompanied by appropriate documents. It is recommended that in these committees the various shades of opinion within each parliament should be proportionately represented.

(d) While recognizing the expediency of special or confidential communications made by the government to parliament or to the parliamentary committee concerned, the publication, at least once a year, of a full report on the general administration of foreign affairs.

(e) The abolition of "secret funds," since all state expenditure should be subject to public control under the supervision of parliament.

(f) The distribution to all the members of the foreign affairs committee in every country of documents relating to the deliberations and decisions of the assembly and the council of the League of Nations.

(g) The preliminary presentation and discussion, in the foreign affairs committee, of the instructions given by the government to its delegation to the League of Nations.

II

The Twenty-second Interparliamentary Conference indorses the stipulation inserted in the draft treaty of mutual assistance voted at the fourth assembly of the League of Nations, by the terms of which war of aggression is described as an international crime, and recommends that proposals be submitted by the national groups to their respective parliaments for amendments to the constitution; such proposals—

(a) To forbid resort to war, except in the case of obligations contracted under article 16 of the covenant of the League of Nations.

(b) To make arbitration or other amicable or judicial means obligatory for the solution of disputes with other nations, in cases where an amicable settlement has not been reached by direct negotiation.

The conference lays particular stress on the importance of securing the adherence of all nations to the optional clause of article 36 of the statute of the Court of International Justice.

III

Seeing that the interdependence of peoples and nations is becoming an increasingly marked feature of our times, the Twenty-second Interparliamentary Conference asks the national groups to lay before parliament a proposal for substituting, as in the case of the South American Republics, the title of "Ministry of international relations" to that of "Ministry of foreign affairs."

IV

The conference begs the council to set up a committee to consider the possibility of creating a bulletin for international information concerning problems of present-day political and social life, whether in relation to the international or the national life of each country.

V. COLONIAL MANDATES AND THE LEAGUE OF NATIONS

Rapporteur: M. Marius Moutet, deputy (France).

The Twenty-second Interparliamentary Conference, after hearing the report made by M. Marius Moutet in the name of the committee on ethnic and colonial questions, and seeing that the system of colonial mandates can only be crowned with full success through loyal and disinterested cooperation between the League of Nations and the mandatory powers, in accordance with article 22 of the covenant, makes the following recommendations:

I

(a) The assembly of the League of Nations should have the right at any time to modify the terms of each mandate. It should be empowered, if necessary, to revoke a mandate assigned to a power and to intrust it to another.

(b) The competency of the Permanent Mandates Commission should be in accordance with its mission of supervision and control, the above recommendations being taken into account. The commission should have the right to apply directly either to the assembly or to the mandatory powers. The council of the League of Nations should exercise the prerogatives granted to it by the covenant with regard to colonial mandates, on the basis of the resolutions passed by the assembly.

(c) The Permanent Mandates Commission should be empowered to make or to institute inquiries on the spot. Such inquiries should not be intrusted to nationals of a mandatory power.

(d) The difference between mandates B and C should be abolished, territories under C mandates being administered under the same system as those under B mandates.

(e) The intellectual and political education of the natives should be carried on with a view to an ever-increasing autonomy leading to complete independence, in accordance with the principles of the covenant, which states the temporary nature of mandates.

(f) The fiscal organization of a mandated territory should possess the same autonomy as that of an independent state. It should not in any respect be assimilated to that of the mandatory power. Railways and other public enterprises in a mandated territory are the property of that territory and should be worked for its benefit and not for the benefit of the mandatory power.

(g) Since the natives of mandated territory are not the subjects of the mandatory power, they should be endowed with a nationality of their own.

(h) Right of petition to the League of Nations should be unrestricted. All petitions should be addressed simultaneously to the Permanent Mandates Commission and to the local representative of the mandatory power.

(i) Domestic slavery should not be recognized. Fugitive slaves can not be captured and delivered up to their masters either by force or by judicial or administrative measures.

Compulsory labor is only admissible when it arises from a judgment delivered in accordance with the law by a competent tribunal.

Compulsory work in the form of statute labor is only admissible as a means of discharging unpaid taxes and for public enterprises (roads, irrigation, canals, etc.). Statute labor can only be ordered for the benefit of a private enterprise in cases of "force majeure" and only subject to strict regulations.

(j) The natural resources of a mandated territory can only be offered as security by the mandatory power for the benefit of that territory and after the assent of the assembly of the League of Nations has been obtained. Under no circumstances shall the land of a mandated territory be mortgaged by the mandatory power.

(k) The recruiting of natives of mandated territories with the object of increasing the forces of the mandatory power is in contradiction with the explicit text of article 22, paragraph 5, of the covenant. Natives can only be enrolled to the extent required for the maintenance of order and for the defense of the mandated territory.

(l) The extension of the principle of "the open door" for all nations is in accordance with the spirit of the covenant and should therefore be applied without any exception whatsoever, even to nations which are not yet members of the League of Nations. The manadatory powers should be guided by that principle in the application of article 122 of the treaty of Versailles.

(m) The reports furnished by the mandatory powers shall be based on questionnaires of a more complete nature than hitherto. They shall in particular contain statistics and detailed information on public and private education, on public hygiene, and on all measures taken for the well-being of the natives.

II

Pending the development of the system of mandates and its application in the spirit of the recommendations set forth above, the Twenty-second Interparliamentary Conference requests the committee on ethnic and colonial questions to consider, in the course of its further studies, the question of extending the principle of colonial mandates to other regions than those mentioned in article 22 of the covenant, in the interests of the peace of the world and of the well-being of colored races.

The commission should also be requested to make a study of the question of labor under penal contract.

III

With regard to the colonial system in general, the Twenty-second Interparliamentary Conference further declares that—

(a) The principle of the "open door" should be extended to all colonies without distinction, except in colonies where trade with the

natives is subject to a special régime under the control of the government of the mother country, for the preservation of weak and scanty populations.

(b) Traffic in arms and munitions in all the colonies should be under the control of the League of Nations, in accordance with article 23, d, of the covenant.

(c) Traffic in drugs and liquor in all the colonies should be under the control of an international body. The guiding principle of such a control should be that wherever the climate, the race, or other factors generally recognized by science, testify to the danger to the population, their importation should be forbidden.

(d) Slavery should not be recognized, either de facto or de jure.

VI. The Problem of Reparations

Reports by Baron Szterenyi (Hungary) and the Right Hon. Lord Rathcreedan (Great Britain) in the name of the committee for economic and financial questions.

The Twenty-second Interparliamentary Conference registers the fact that the resolution voted by the conference of Copenhagen, on August 17, 1923, indicated the methods which have since been followed by the States for the solution of the problem of reparations.

The conference expresses its satisfaction at the agreement concluded at London, by which the above problems are transferred from the political to the economic field.

Seeing that the solidarity of the world should be the fundamental principle of the proposals put forward by the union, the conference expresses the wish that the London decisions be carried out in the same spirit of good will in which they were drawn up, and that the methods recommended by the Copenhagen resolution be applied not only to the study and the solution of the problem of reparations in general but also to the study of other international questions of an economic and financial nature.

VII. The Economic Solidarity of the World and International Traffic

Rapporteur: Baron Josef Szterenyi, former minister of commerce (Hungary).

The Twenty-second Interparliamentary Conference considers the reestablishment of the economic solidarity of the nations to be of the highest importance. It believes that one of the surest means of obtaining this would be to encourage the development of economic relations between the different countries by the suppression of all the hindrances now existing.

The measures which appear to be the most called for are:

(a) The conclusion of commercial treaties and of conventions for the regulations of means of transport insuring equal treatment for all concerned, and the suppression of the restrictions which still impede international relations.

(b) A thorough revision of the present customs regulations in order, on the one hand, to insure the unimpeded transit of goods, the creation of free ports, and the simplification of obsolete customs restrictions hindering traffic, and, on the other hand, to introduce and develop to the greatest possible extent the traffic for the perfecting of goods as a means of encouraging industry, while at the same time doing away with the certificate of origin demanded up till now.

(c) The introduction of through collective railway, sea and river transport tariffs, a uniform currency being fixed.

Pending the day when it will be possible to establish uniform classification for all goods, the nations should at least endeavor to establish such a classification for the transport agencies of the different countries, at any rate with regard to the principal products. They should also endeavor to give to traffic as a whole a uniform legal basis for the conclusion of international conventions.

(d) The total abolition of the passport as being a police measure hindering the relations between countries, or at the very least the abolition of the visé.

The Twenty-second Interparliamentary Conference begs its national groups to exert their influence in this direction both in parliament and with their governments, in the interest of the rapid reestablishment of normal economic conditions. It further urges them to work for the immediate acceptance and application of the resolutions and propositions presented to the international conferences convoked by the League of Nations for the study of customs questions, the regulation of traffic, and the question of passports.

VIII. Problems of Social Policy: Emigration and Immigration

Rapporteur: M. Fernand Merlin, senator (France), member of the executive committee.

The Twenty-second Interparliamentary Council, after hearing the reports of M. Fernand Merlin on the problems of emigration and immigration, decides to institute a permanent committee on social questions, and requests the said committee to continue the study of the above problems and to present its conclusions at a subsequent conference.

IX. Reduction of Armaments

I. Private Manufacture and Traffic in Arms

Rapporteur: M. van Wallenghem, member of the house of representatives (Belgium).

The Twenty-second Interparliamentary Conference, seeing that the covenant of the League of Nations draws attention to the "evil effects" of the private manufacture of munitions and war material; seeing, moreover, that it is generally recognized that these effects can only be completely eliminated by the establishment, in addition to the control of private manufacture of arms, of a competent international control of the traffic in war materials, applicable to all countries and to all parts of the world, expresses the hope that the cooperation begun in this field between the League of Nations and the United States of America during the past year will result in universal agreement upon the fundamental principles of the St. Germain convention of September 10, 1919, relating to control of the traffic in arms; and that a settlement of these two closely connected problems will thus be reached between all the States concerned in the production of war material.

The conference strongly recommends the calling of an international conference to draw up the necessary international conventions for the purpose, and begs the groups of the union, in the interest of peace and of the reduction of armaments, to impress the urgency of these questions upon their respective parliaments and governments.

II. Demilitarized Zones

Rapporteur: Brig. Gen. E. L. Spears, M. P. (Great Britain).

The Twenty-second Interparliamentary Conference, mindful of the beneficial results obtained for the cause of peace by the institution of demilitarized zones, and in particular by the zone created between the United States and Canada by the treaty of 1817; seeing that every measure tending to avoid immediate contact between military forces would avert the danger of frontier incidents and serve to create on either side a greater sense of security, thus making possible a considerable reduction of armaments, calls attention to the special importance which the generalization of this means of pacification would have under the auspices of the League of Nations.

The conference requests the permanent committee for the study of disarmament questions to continue its study of the problem of the demilitarization of frontiers, and suggests that a special committee be constituted within the commission, the said committee to meet as soon as possible to discuss this question, which the conference considers to be of the greatest importance.

III. Plan for a Reduction of Armaments

Rapporteur: Dr. P. Munch, former minister of defense, member of the Folketing (Denmark).

(a) The Twenty-second Interparliamentary Conference, recalling the resolutions of previous conferences and insisting emphatically upon the urgency of a reduction of armaments applicable to all countries, draws the special attention of governments, parliaments, and peoples to the preliminary symptoms of renewed competition in armaments which have appeared within the last few years.

The conference welcomes with the greatest satisfaction the intention proclaimed by the President of the United States shortly to call a second conference on naval disarmament, as well as the idea which has several times been advanced by the head of the British Government to submit the question of armaments to international discussion.

The conference reminds the governments and public opinion of the repeated recommendations of the assembly of the League of Nations in support of a limitation of the total budget of expenditure on armaments for each country, and urges them to undertake the immediate acceptance of the said recommendation.

Recognizing the necessity of giving to the different peoples a feeling of security, the conference asks the groups to investigate all practical methods for the creation of such a mutual feeling. It considers that one of these methods, and perhaps the most fruitful one, would be reduction of armaments in itself. It urges the expediency of an immediate study of the means by which such a reduction might be brought about and recommends that a general plan be drawn up according to article 8 of the covenant, this plan either to be included in a system of mutual assistance based on the covenant, or be carried into effect independently of such a system. Without entering into the details of such a plan, the conference calls the attention of the governments and of the assembly of the League of Nations to the two proposals for the reduction of armaments appended to this resolution (A and B).

(b) The first step to be made in the direction of a reduction of armaments should be an undertaking by the different States to limit the total of their military expenditure (army, navy, aviation, etc.) to fixed figures, it being agreed that the said total shall not be exceeded and that it shall form the starting point for a reduction of armaments.

Draft Plans for Disarmament

Plan A

1. Recent developments in means of destruction tend to render the conception of the "defense" of a country by military, naval, or aerial methods more or less of an illusion. Armaments have more than ever

come to be essentially means of attack. "Defense" consists in forestalling an attack by a counteroffensive or in reprisals.

2. "Security" for a State is consequently only to be obtained by:

First. Elimination of the means of aggression of other States as well as one's own.

Second. The development of a policy of peace and cooperation between all States ("moral disarmament").

3. This being so, a unique opportunity is created for insisting upon the urgent need of material disarmament.

4. The security of a country, being proportionate to the military and other preparations of other States, will remain identical if the reduction affects the armaments of all the states whose military and other preparations might constitute a threat to the country in question simultaneously and to the same extent as its own armaments are affected.

5. Reduction of the armaments of all states is, moreover, a fundamental condition for the proper working of the covenant of the League of Nations. Such a reduction would remove the temptation to a country to set at defiance the stipulations of the covenant.

6. Decisions relating to the reduction of armaments rest with each individual state; even in the case of members of the League of Nations (art. 8 of the covenant).

There is, however, a definite moral obligation incumbent on all countries belonging to the League of Nations, by virtue of the covenant and of the peace treaties of 1919 and 1920 (Part V, introduction, of the treaty of Versailles).

7. The whole military organization of a country is the expression of two factors, the one being what that country believes to be essential for its "security," the other what it considers possible to spend for this purpose, from the point of view of its national economy and of its finance.

The combination of these two factors finds its mathematical expression in the average sum assigned to military, naval, and aerial expenditures during a series of years.

8. It therefore follows that the budgets should form the basis of the fundamental undertakings for a reduction of armaments.

Incidentally, the principle of the "sovereignty" of the state is thus always safeguarded, because the fundamental basis of the reduction is fixed by the state itself, while it may be allowed a great latitude with regard to the details of the organization of its military means (military service, for instance).

9. The budgetary basis for the reduction of armaments can, however, be supplemented in respect of other factors of military organization, particularly those embodying the idea of aggression, thus:

Peace forces; number of large-caliber cannons; number of naval unities; number of submarines; number of aerial unities.

DRAFT PROPOSAL FOR AN INTERNATIONAL AGREEMENT RELATING TO THE REDUCTION OF ARMAMENTS

I. BASIS AND PROCEDURE

1. The signatory states undertake not to exceed during the first budgetary year beginning after December 31, 1925, their average total expenditure on military, naval, and aerial objects during the three fiscal years preceding the above-mentioned period.

2. The total sum spent within the limits fixed by article 1 during the first budgetary year beginning after December 31, 1925, shall form the basis for the reduction of armaments which is the object of this agreement.

3. The signatory states undertake to decrease the total sum mentioned in article 2 in the proportion of 10 per cent from the first budgetary year beginning after December 31, 1927.

The said decrease of 10 per cent will be repeated from the first budgetary year beginning after December 31, 1929, and so on every two years, the total sum mentioned in article 2 being taken as basis, until, after a period of 10 years, the military, naval, and aerial budgets show a total of not more than 50 per cent of the budgetary basis stated in article 2.

4. In order to facilitate the execution of the present agreement the states undertake to enter all sums intended for military, naval, or aerial purposes in a special section of the budget based on a model drawn up by the financial committee of the League of Nations.

The said section shall also include all the credits allotted by the state for the following objects:

(a) The development of the industry of the country with a view to its mobilization in case of war.

(b) Subsidies to the shipping industry conditional on the transformation, in case of need, of merchant ships into warships.

(c) Subsidies to civil aviation with a view to the utilization of the aircraft in case of war.

(d) * * *.

5. The signatory states further undertake not to increase during the period of 10 years mentioned in article 3 the following elements in their military organization, as fixed for the budgetary year mentioned in article 2:

(a) Their peace forces in all military, naval, and aerial services.

(b) The number of their cannons (land and naval artillery) whose caliber exceeds — millimeters.

(c) The number of their naval unities exceeding — tons.

(d) The number of their submarines.

(e) The number of their aerial unities.

(f) * * *.

II. EXCEPTIONS AND RESERVATIONS

6. Those states whose armaments were reduced by the peace treaties of 1919 and 1920 shall not be bound by the undertakings stated in articles 1 to 5.

7. Expenses incurred in connection with military, naval, or aerial action undertaken on the recommendation of the council of the League of Nations, in conformity with article 16 of the covenant, shall not be considered as forming part of the total sum referred to in articles 2 and 3.

8. The signatory states recognize that exceptional circumstances—for instance, a considerable increase in prices on the home market, or participation in a war—may in individual cases prevent a state from strict adherence to the stipulations of articles 2 and 3.

They undertake if necessary to call the attention of the council of the League of Nations to the fact that such exceptional circumstances may prevent them from fulfilling their obligations under the present agreement. They pledge themselves to accept the decision of the council as to the validity of the exceptional cases brought to its notice in conformity with the present article.

III. CONTROL AND SANCTIONS

9. The secretariat of the League of Nations is instructed to publish annually all the information dealing with the application and execution of the present agreement in a convenient and clear form.

In order to facilitate the work, the signatory states undertake to furnish the secretariat with the necessary documents and information. In particular they undertake to communicate to the said secretariat—

(a) All draft budgets, definite budgets, and annual accounts relating to armaments, simultaneously with the transmission of those documents to the parliament or to the other controlling or inspecting bodies (accountants, etc.) of the state.

(b) Detailed information concerning the elements of their military, naval, and aerial organization, referred to in article 5.

The latter information shall be transmitted at least three months before the end of the budgetary year mentioned in article 2.

10. The signatory states recognize the right of any of the high contracting parties to draw the attention of the council of the League of Nations to any action which in the opinion of that contracting party constitutes an infringement of the undertakings of the present agreement.

11. The signatory states recognize the right of the financial committee of the League of Nations to call the attention of the council of the League of Nations to the fact that in a given state the purchasing power of the national currency has increased in such a way as to make an appreciable difference to that state's power of extending its military, naval, or aerial organization.

12. The council shall immediately come to a decision with regard to the validity of the appeals made to it under articles 10 and 11. (Majority vote?) It shall be empowered to submit contested cases to the International Court of Justice. (Technical assessors? Cp. statute of the Court of Justice, arts. 26 and 27.)

IV. DURATION AND RENEWAL OF THE AGREEMENT

13. The present agreement shall be valid until the end of the period of 10 years referred to in articles 3, c.

At least three years before the end of that period the council of the League of Nations shall invite the high contracting parties to draft a new agreement for a further reduction of their armaments.

COMMENTARY

1. A. The budgetary year does not coincide in every country with the calendar year, hence the use of the formula "the first budgetary year beginning after December 31, 1925." If another budgetary year than that opening in 1926 is to be taken as basis, the years mentioned in article 3 should be altered accordingly.

B. In the case of Federal States like Switzerland, the question whether certain expenditure by the cantons will not have to be included in the treaty will have to be considered.

4. The enumeration at the end of the article is an approximate one; it can be altered and amplified.

5. A. The enumeration is an approximate one and will be subject to alteration. The main purpose of the stipulation is to prevent a state from concentrating its military preparations on one branch of its organization which might prove a grave danger to another country.

B. The term "peace forces" will perhaps have to be defined, especially in the case of countries with a militia (Norway, Switzerland).

8. A body other than the council of the League of Nations might be intrusted with the inquiry into "exceptional cases," as, for instance, the International Court of Justice, assisted if necessary by technical assessors (cp. art. 10).

12. A. The council would probably have to vote by simple majority and the states concerned—the accuser and the accused—who would be represented, in conformity with article 4 of the covenant, should not have the right to vote (cp. art. 3 of the draft treaty of mutual assistance of 1923).

B. If recourse is to be had to the Court of Justice, a special division would have to be instituted for this class of litigation, as has already been done by the statute of the court for litigation concerning labor and for questions of transit and communication (arts. 26 and 27 of the said statute).

PLAN B

The treaties concluded at Versailles, Saint-Germain, Trianon, and Neuilly fixed a limit for the armaments of Germany, Austria, Hungary, and Bulgaria, "in order to render possible the initiation of a general limitation of the armaments of all nations."

It is therefore natural to take the stipulations of the above treaties as a basis for the plans for a reduction of armaments which have to be elaborated in accordance with article 8 of the covenant of the League of Nations.

The stipulations relating to the German Army being of a special character, the limits fixed for the Austrian Army may be taken as a basis.

By the terms of the treaty of Saint-Germain the total military force of the Austrian Army may not exceed 30,000 men. This number is fixed for a state of 6,000,000 inhabitants. Taking this figure as a basis a limit of 5,000 men for every million inhabitants should therefore be fixed. The above limit is fixed for an army whose soldiers are engaged for 12 years. The treaty, moreover, contains stipulations relating to the number of officers, to the fighting unities, to the maximum of armaments, and stock of munitions, etc. All these stipulations could be used as a basis for plans for a general reduction of armaments.

Nevertheless provision must be made for another system of recruiting and training than the system of mercenaries now in force in the countries whose military organization has been fixed by the peace treaties. There is no doubt that certain states would prefer a system by which military service would be of much shorter duration—say, six months. An army organized by this method would, of course, be inferior to an army composed of the same number of mercenaries. States preferring this latter system should therefore be allowed to train a yearly number of soldiers, such as would enable them, if necessary, to mobilize a larger army than the mercenary army of a state with an equal number of inhabitants. They might, for instance, be allowed to train 1,000 soldiers for every million inhabitants each year, which would enable them to mobilize 10,000 men per million inhabitants.

In fixing a general basis of armaments for the different countries the geographical situation and the special conditions of each state must be taken into consideration, in conformity with article 8 of the covenant.

In fixing a basis for the number of soldiers, not only the number of inhabitants of the mother country, but also, to a certain extent, the population and the size of the possessions belonging to each state on other continents must be taken into consideration. It is impossible to lay down a general rule in this connection; the particular circumstances in each case must be examined.

It must also be remembered that certain countries are in a particularly dangerous position geographically, and that the peace treaties have intrusted some states with special duties of a military character.

With regard to naval forces the limits fixed for Germany by the Versailles treaty might be taken as basis. The said treaty allows Germany to maintain a navy of 2,000 tons for every million inhabitants. As the limits fixed for Germany by the peace treaties with regard to armaments are relatively stricter than for the other states whose armaments have been limited by the treaties, a strength of 4,000 tons to every million inhabitants might perhaps be taken as the basis for a limitation of naval power. In fixing the limits of their naval armaments for each state it would also be necessary to take into account the particular situation of each country and the extent of its possessions on other continents.

I. NOMINATIONS

INTERPARLIAMENTARY COUNCIL, FROM THE TWENTY-SECOND TO THE TWENTY-THIRD CONFERENCE

President of the council: Baron Theodor Adelswærd (Sweden).

Austria, MM. Mataja and Waiss; Belgium, La Fontaine and Anseele; Bulgaria, Molloff and Fadenhecht; Canada, Dandurand and Sir Henry Drayton; Czechoslovakia, Winter and Hodza; Denmark, Moltesen and Borgbjerg; Dutch East Indies, Galestin and Roep; Egypt, Shamsy and Chamass; Esthonia, ——; Finland, Mantere and Schaumann; France, Merlin and Moutet; Germany, Schücking and Eickhoff; Great Britain, Lord Treowen and Sir James Agg-Gardner; Greece, ——; Holland, Koolen and Rutgers; Hungary, Count Apponyi and de Berzeviczy; Ireland, Hayes and O'Farrell; Italy, di Stefano and Gentile; Japan, ——; Latvia, Vesmanis and Felsbergs; Lithuania, Raulinaitis and Slezevicius; Norway, Michelet and Mowinckel; Poland, Dembinski and Buzek; Rumania, Iliesco et V. V. Pella; Spain, ——; Sweden, Baron Adelswärd and Branting; Switzerland, de Meuron and Forrer; United States of America, McKinley and Burton; Yugoslavia, Coumanoudy and Yovanovitch.

II. EXECUTIVE COMMITTEE

The conference nominated M. R. Dandurand (Canada) to take the place of Mr. Burton (United States of America) and M. Fernand Merlin (France) to take the place of M. Buisson for the two remaining years of the latter's term of office.

The committee will be composed as follows: Baron Adelswärd (Sweden), president; Count Apponyi (Hungary), to retire at the twenty-third conference; M. Fernand Merlin (France), to retire at the twenty-fourth conference; M. Lev. Winter (Czechoslovakia), to retire at the twenty-fifth conference; M. R. Dandurand (Canada), to retire at the twenty-sixth conference.

The committee appointed Count Apponyi to act as president of the council in the event of the absence, resignation, or death of the latter.

III. AUDITORS

The council elected MM. le Prof. Dembinski (Poland) and Alois de Meuron (Switzerland) to be auditors for the year 1924.

We have the honor to be your obedient servants,

(Signed) A. DE NEURON,
President of the Conference.
(Signed) CHR. L. LANGE,
Secretary General.

THE INTERPARLIAMENTARY UNION

(By Arthur Deerin Call, executive secretary of the American group)

There are persons in America who furtively suspect that Budapest is an entomological cousin of the boll weevil. But such folk are not found among the members of the American group of the Interparliamentary Union. Our Senators and Representatives belonging to this organization—nearly 50 per cent of the total—know better. During the 35 years of the Interparliamentary Union not a few of our American Congressmen interested in the organization have made special studies of foreign affairs, including European geography, with the result that if any of them had been uncertain, they now know that Berne has no relation to a prairie fire and that Ukraine is not the name of a musical instrument. Membership in the Interparliamentary Union is a fructifying experience. Indeed, because of this membership, not a few of our lawmakers have visited Europe, and with their eyes and ears open. They have not a little first-hand information about European conditions. In consequence there is "an international mind" in the Congress. A certain distinguished American once remarked that he did not care to go to Greece because he had "a very excellent descriptive catalogue of the place." Were he alive to-day and a member of the Interparliamentary Union, he would not say a thing like that. The men of the United States Congress most sympathetically informed about situations in Europe are probably the members of the American group of the Interparliamentary Union.

These American members of the Interparliamentary Union have not only been students of international problems, they have definite ideas about the work of the union and about what it should be. They have expressed these ideas officially and communicated them to their brethren in Europe, during the war and since. In this day of unusual international turmoils and misgivings, it is interesting to know what these men of our Senate and House of Representatives believe can and should be done in the direction of international policy by the parliaments of the world. What they have actually said upon this matter will appear later on.

WHAT IS THE INTERPARLIAMENTARY UNION

Just what is the Interparliamentary Union? The answer to this question is found in the statement of purpose, as set forth in its constitution, adopted at its twentieth conference, in Vienna, 1922. That purpose is, "To unite in common action the members of all parliaments, constituted in national groups, to secure the cooperation of their respective States in the firm establishment and the democratic development of the work of international peace and cooperation between peoples, by means of an universal organization of nations. Its object is also to study all questions of an international character suitable for settlement by parliamentary action."

ITS BIRTH

This statement of the purposes of the Interparliamentary Union represents an evolution out of the preparatory meeting held in Paris October 31, 1888. At that gathering the aim was to promote arbitration treaties between the United States, France, and Great Britain. At that Paris gathering 9 British and 25 French parliamentarians being present, it was voted that "another meeting, to which shall be admitted not only members of the three parliaments named above—American, British, and French—but also members of other parliaments, who have made themselves known by their devotion to the same ideas, shall take place next year, in order to complete the work begun at this

first conference." This resolution marked the birth of "the Interparliamentary Conference for International Arbitration," later to be called—in 1899, to be exact—the Interparliamentary Union.

THE FIRST INTERPARLIAMENTARY CONFERENCE

The meeting called for in the resolution was held during the World Exposition, June 29 and 30, 1889, in Paris. There were delegates from France, Great Britain, Italy, Belgium, Denmark, Hungary, Liberia, Spain, and the United States. Jules Simon, former premier of France, opened the conference with an address. Frederic Passy, of the French Chamber of Deputies, was elected president. This meeting was the first of the interparliamentary conferences.

THE HISTORICAL BACKGROUND

During its generation of effort the Interparliamentary Union has stood consistently for the principle of international arbitration. Of course, this principle has an ancient background. But the introduction of arbitration into the modern practice of nations began in 1794, when John Jay, as special envoy of the United States to Great Britain, signed the first treaty under the Constitution of the United States. This treaty contained a plan of submitting to a mixed commission differences between Great Britain and the United States which diplomacy had failed to adjust.

It remained for William Jay, son of John Jay, to render the plan of his illustrious father more widely effective by persuading governments to include in their treaties an agreement not to resort to hostilities, but to submit a controversy arising under a treaty to the arbitration of one or more friendly powers and to abide by the award. As a result, this clause compromissoire, as it is called, found its way into treaty after treaty. William Jay's proposal of 1842, along with William Ladd's plea for a congress of nations "to settle and perfect the code of international law," and a high court of nations "to interpret and apply that law for the settlement of all international disputes," were presented to the first international peace conference, held in London, 1843, and both were "adopted and passed." A number of organizations, particularly the American Peace Society, had been urging international conferences since 1828. Indeed, between 1830 and 1840 the proposal of a "congress of nations" was known as "the American plan." This plan contemplated diplomatic congresses convening periodically for the purpose of perfecting international law, supplemented by an international court of justice for the interpretation of such law.

It was, however, the principle of arbitration actually applied in the John Jay treaty of 1794 and extended by William Jay's proposal of 1842 out of which the idea of an interparliamentary cooperation grew. The Franco-Prussian War led the Baron of Walterskirchen, a member of the Austrian Chamber of Deputies, to suggest the importance of a greater cooperation between members of the different parliaments. The successful arbitration of the Alabama claims in 1872 aroused a new interest throughout the parliaments of the world in favor of permanent treaties of arbitration.

Richard Cobden had introduced in the British House of Commons a resolution favoring international arbitration as far back as 1849, but Henry Richard on July 9, 1873, moved in the House of Commons a resolution urging that the Queen of England be asked "to enter into communication with foreign powers with a view to further improvement in international law and the establishment of a general and permanent system of arbitration." Notwithstanding the prevailing bitterness between various nations of Europe at that time, the motion was carried. In the autumn of 1875 Dr. Albert Fischoff proposed at a meeting of the Austrian and Hungarian delegations that steps be taken to hold annual conferences of parliamentarians with the view of reducing "the heavy burden of standing armies."

THE LAUNCHING

But the launching of the Interparliamentary Union was due to a member of the British House of Commons, William Randal Cremer, assisted by Frederic Passy, of the French Chamber of Deputies. At the first international peace congress, already referred to, it had been urged that societies or associations be formed among the working classes for disseminating the principles of international peace. This was in 1843.

William Randal Cremer, beginning his career as a carpenter, founded in 1871 the Workmen's Peace Society, later to become "the International Arbitration League." When 57 years of age Cremer was elected to Parliament. His prime ambition at that time was to bring about an arbitration treaty between England and the United States, his idea being that such a precedent would surely be followed by other nations. In 1887, encouraged by a number of friends, including Mr. Andrew Carnegie, Cremer drew up a memorial to the President and the Congress of the United States, urging the conclusion of a treaty of arbitration between Britain and the United States. This memorial was signed by 232 members of the British Parliament, including the names of such men as Mr. Asquith, Mr. Bright, Mr. Bryce, Mr. Morley, Sir Edward Grey, Sir John Lubbock, and Mr. Haldane. The memorial was presented to President Cleveland at the White House, Washington, by a deputation of 10 members of the House of Commons, 1 peer, and 3 representatives of the trades-union congress.

The following year both Houses of the American Congress passed a joint resolution requesting the President of the United States "to invite from time to time, as occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which can not be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means."

But Cremer's plan for an Anglo-American treaty of arbitration failed. The effort, however, was not without effect. It led to the formation of the Interparliamentary Union.

It was on the 31st of August, 1888, with the cooperation of Passy, that Cremer was able to organize a group of British and French parliamentarians for the purpose of promoting arbitration treaties between the United States, France, and Great Britain, and to lay the groundwork for the first interparliamentary conference of 1889.

A SELF-EXPLANATORY TABLE

Since that time, with the exception of the period of the World War, the growth of the organization has been continuous. The tables on pages 8 and 9, prepared by Dr. Christian L. Lange, of Geneva, general secretary of the Interparliamentary Union, shows that 34 parliaments have been represented at some time during the history of the 20 conferences. The year and place of meeting of each conference is also shown.

Statistique de la representation des differents groupes aux conferences interparlementaires successives

Pays	Réunion Préliminaire, Paris, 1888	I. Paris, 1889	II. Londres, 1890	III. Rome, 1891	IV. Berne, 1892	V. La Haye, 1894	VI. Bruxelles, 1895	VII. Budapest, 1896	VIII. Bruxelles, 1897	IX. Kristian, 1899	X. Paris, 1900	XI. Vienne, 1903	XII. St. Louis, 1904	XIII. Bruxelles, 1905	XIV. Londres, 1906	XV. Berlin, 1908	XVI. Bruxelles, 1910	XVII. Genève, 1912	XVIII. La Haye, 1913	XIX. Stockholm, 1921	XX. Vienne, 1922	Nombre des Conférence
1. Afr. du Sud											1											1
2. Allemagne			4	16	12	6	1	13	3	43	27	29	4	6	29	86	42	25	27	9	21	19
3. Amérique		1							7	2	1	1	12	20	8	8	4	4	7	8	9	14
4. Autriche			3	12	4	1	1	20	13	14	15	45	6	4	13	50	9	6	12	1	24	19
5. Belgique		1		1?		2	13?	14	51	7	33	19	16	85	64	75	93	22	45		12	16 (17)?
6. Bulgarie												1									10	2
7. Canada											2				2		1	1	2		2	6
8. Chili														1							5	2
9. Colombie														1								1
10. Danemark		1	2	2	2	1	1	1	3	30	11	11	2	14	14	34	16	19	19	18	24	20
11. Equateur														1								1
12. Espagne		1	1	3?	1	1	1	1	1	1	?	1			3	3	3	1	1		1	16 (17)?
13. Esthonie																					4	1
14. Finlande															13					5	5	3
15. France	25	54	20	17?	28	14	10	11	23	13	68	29	19	12	58	15	16	17	13		4	20
16. G. Bretagne	9	31	74	13	11	11	8	19	16	13	20	14	23	20	254	53	29	15	21	12	12	21
17. Grèce			1	2?						1	1				5						4	5 (6)?
18. Hongrie		1		5?		2	5	143	10	19	52	17	30	23	31	84	28		15		48	16
19. Indes-Néer																					1	1
20. Italie		5	2	7?	7	2	1	71	48	23	4	55	16	36	47	73	44			16	79	18
21. Japon															1	1	12		5	4	5	6
22. Libérie		1																				1

Statistique de la representation des differents groupes aux conferences interparlementaires successives—Continued

Pays	Réunion Préliminaire, Paris, 1888	I. Paris, 1889	II. Londres, 1890	III. Rome, 1891	IV. Berne, 1892	V. La Haye, 1894	VI. Bruxelles, 1895	VII. Budapest, 1896	VIII. Bruxelles, 1897	IX. Kristian, 1899	X. Paris, 1900	XI. Vienne, 1903	XII. St. Louis, 1904	XIII. Bruxelles, 1905	XIV. Londres, 1906	XV. Berlin, 1908	XVI. Bruxelles, 1910	XVII. Genève, 1912	XVIII. La Haye, 1913	XIX. Stockholm, 1921	XX. Vienne, 1922	Nombre des Conférence
23. Mexique	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	4?	.....	.....	.....	.....	.....	.....	2
24. Norvège	.....	.....	3	4	3	3	2	5	.....	40	4	4	3	5	8	19	17	12	1	14	13	18
25. Pays-Bas	.....	.....	2	2	5	100	4	6	9	4	9	8	4	15	31	53	38	6	59	6	10	19
26. Pologne	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	1
27. Portugal	.....	.....	.....	4?	1	1	.....	6	14	1	6	2	1	1	2	2	3	3	3	.....	.....	15
28. Roumanie	.....	.....	.....	21	7	6	3	.....	17	11	9	34	4	13	15	19	7	2	7	.....	1	16
29. Russie	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7	10	4	1	3	.....	.....	5
30. Serbie	.....	.....	.....	3?	.....	.....	.....	1	.....	2	.....	.....	.....	.....	1	.....	.....	5	.....	.....	.....	4 (5)?
31. Suède	.....	.....	1	4?	.....	2	2	2	1	15	1	5	3	2	5	16	19	18	21	26	14	18
32. Suisse	.....	.....	.....	9	31	1	1	2	.....	2	5	8	5	2	5	5	1	7	4	2	3	17
33. Tch. Slovaq	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	1
34. Turquie	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7	4	4	.....	1	4
																		18	19	12	26	
																		168	279	121	320	

SOME MEN BEHIND THE MOVEMENT

The conferences of 1889, 1890, and 1891 were held in private rooms, but the fourth, held in Berne, met in the Swiss House of Parliament. The conferences are now held regularly in parliament buildings. Since the head of the Norwegian Government greeted the conference in 1899 with official ceremony, the Governments have invariably extended every possible courtesy to the delegations.

The union gradually took on the form of a permanent organization. National groups were organized. Beginning in 1892 and for 17 years thereafter the union was fortunate to have at its head Dr. Albert Gobat, member of the Swiss Parliament. In 1902 the Nobel peace prize was divided between MM. E. Ducommun and Doctor Gobat. Thus worthy men have given of themselves without stint to the Interparliamentary Union. At the preliminary meeting in Paris in 1888 there was Frederic Passy, who shared with M. H. Dunant the Nobel peace prize in 1901; M. Leon Bourgeois; Jean Jaurés; Mr. Philip Stanhope, afterwards Lord Weardale, for many years president of the union; Frederick Bajer, of Denmark, destined to be honored by the Nobel peace prize in 1908. Cremer, who had journeyed to the United States four times in the interest of arbitration and understanding, devoted his later life to the organization which he had founded. It should be added that he received from the President of France the decoration of the Legion of Honor, from the King of England knighthood, and in 1903 the Nobel peace prize of about $45,000. Comparatively poor though he was, he forthwith gave all this money for the foundation of the International Arbitration League, which still exists, with headquarters in London.

GROWTH AND SPIRIT

The Interparliamentary Union not only survived the war, it is more largely representative than ever. While there were but two parliamentary bodies represented at the first gathering in Paris, there are now 27 parliaments represented in the union, each with its own "group" more or less active. Twenty-four of these groups were represented at the conference at Vienna in 1922—the United States, Austria, Belgium, Bulgaria, Canada, Chile, Denmark, Dutch Indies, Esthonia, Finland, France, Great Britain, Greece, Germany, Hungary, Italy, Japan, Norway, the Netherlands, Poland, Spain, Switzerland, Sweden, and Turkey.

The vision of the friends of the Interparliamentary Union retained international arbitration as its principal goal, but gradually included also questions of public international law. Examining the resolutions which had been passed by the various conferences prior to 1911 one finds that the Interparliamentary Union had mainly devoted its attention to the pacific settlement of international disputes; the organization of the society of nations; to problems of neutrality; to the limitation of armaments; to the laws of war, and an international prize court; to the treatment of foreigners; to private international law; to questions of the day (questions actuelles); and to the organization of the union. In the discussion of these various matters the work of the conferences had included the study of such methods as mediation, good offices, commissions of inquiry, obligatory arbitration, a court of arbitration, and the organization of an international judiciary. Later the union concentrated especially upon the realization of the policies adopted by the second Hague conference, and upon a program for the third Hague conference, which was to have taken place in 1915 or 1916. The union has developed a literature around these questions—a literature which is set forth in reports, annuaires, documents, and books, some of which are of standard value.

The Interparliamentary Union was at first called "The Interparliamentary Conference for International Arbitration," and most of its work since its beginning has been in the direction indicated by that title. There gradually developed, however, the belief that in addition to arbitration other friendly and judicial means of settling disputes were a legitimate part of the aims of the union. Indeed, at the Geneva conference in 1912 it was expressly provided that the Interparliamentary Union has also for its object "the study of other questions of international law, and, in general, of problems pertaining to the development of peaceful relations between nations." It has been the fundamental policy of the union, however, to refrain from committing itself on questions of "an acute political nature."

The union has achieved results. There is no doubt that it had a direct influence upon the constitution of the permanent court of arbitration at the first Hague conference in 1899. It was primarily responsible for the calling of the second Hague conference in 1907. And it had no little influence upon the model arbitration treaty presented to the second Hague conference. This model arbitration treaty was due to the initiative of Mr. Richard Bartholdt, member of the American Congress from 1893 to 1915, and for 11 years president of the American group. While the draft treaty was not adopted, 32 of the 44 States represented voted for it, and the conference did pass unanimously a declaration in favor of the principle of obligatory arbitration. At the outbreak of the war the Interparliamentary Union was devoting its energies to the end that the work of the second Hague conference and of the London naval conference of 1908–1909 might be effective, and to the further purpose that there might be a worthy third Hague conference in 1915 or 1916. The outbreak of war interrupted these plans.

If it is impossible to measure all the achievements of the union, the objects, however, have been kept clear, namely, to develop the principle of arbitration, to promote intelligent relations between peoples, to enable the parliamentarians of the world to get acquainted. Dignity has characterized the movement from the beginning. At that first annual conference, held in Paris in 1889, it was resolved:

> "Since the policy of governments tends to become more and more the direct expression of ideas and sentiments voiced by the whole body of citizens, it is for the electors, by the exercise of their right of choice, to guide the policy of their country along the path of justice, right, and the brotherhood of nations."

As Senator McKINLEY, president of the American group, has recently said:

> "The advantages of such an organization readily suggest themselves. Freed from the domination of any government, it represents a universal and democratic aspiration. Nothing in it savors of particular interest or privilege. Composed of officials, holding its conferences in houses of parliaments, it is itself only semi-official. Perhaps its main service is its opportunity for parliamentarians from all parts of the world to meet, to confer, to educate one another. * * * For parliamentarians from so many different countries just to meet, officially or unofficially, at conference, at table, at social gatherings, is in itself not without benefit."

THE AMERICAN GROUP

While, as will be seen from the chart, there was a representative of the American Congress present at the conference in Paris in 1889—it was the Hon. Justin R. Whiting—and that there were American representatives present at Brussels in 1897, at Christiania in 1899, at

Paris in 1900, and at Vienna in 1903, it was not until 1904, largely upon the initiative of the Hon. Richard Bartholdt, that an American group was formed.

The American group has had three presidents: Mr. Bartholdt, from its organization to 1915; Representative James L. Slayden, of Texas, from 1915 to 1919; Senator WILLIAM B. MCKINLEY, of Illinois, from 1919 to the present time.

The officers of the American group, elected February 24, 1923, for one year, are: President, Senator WILLIAM B. MCKINLEY, of Illinois; vice presidents—Representative ANDREW J. MONTAGUE, of Virginia; Representative HENRY W. TEMPLE, of Pennsylvania; Representative WILLIAM A. OLDFIELD, of Arkansas; treasurer, Representative ADOLPH J. SABATH, of Illinois; secretary, Representative H. GARLAND DUPRÉ, of Louisiana. Executive committee: Senator WILLIAM B. MCKINLEY, ex officio, chairman; Representative FRED BRITTEN, of Illinois; Representative THEODORE E. BURTON, of Ohio; Representative HENRY ALLEN COOPER, of Wisconsin; Senator JOSEPH T. ROBINSON, of Arkansas; Senator SELDON P. SPENCER, of Missouri; Senator THOMAS STERLING, of South Dakota; Representative JAMES C. MCLAUGHLIN, of Michigan; Representative MERRILL MOORES, of Indiana; Representative JOHN T. RAKER, of California.

THE TWELFTH CONFERENCE IN ST. LOUIS

America's part in the labors of the union has not been insignificant. As has been seen, the American Congress was represented in the first conference in 1889. Representative Samuel J. Barrows, of New York, was one of the first of our American Congressmen to show interest in the work of the union. The American group invited the union to hold its twelfth conference in St. Louis during the World's Fair of 1904. The United States Government appropriated $50,000 for the conference. The tour of the delegates, of whom there were 146, extended as far as Denver, the railroads cooperating with the Government in the entertainment of the guests. The story of the conference and of the tour is fully set forth by Mr. Barrows, who had been a Member of the Fifty-fifth Congress and was then a member of the committee on reception and entertainment, in a large and beautiful volume of 281 pages, printed at the Government Printing Office, Washington, 1905. This copiously illustrated book was presented as a souvenir to each of the visiting delegates. In this memorial volume Mr. Barrows sets forth his own views of the work of the Interparliamentary Union as follows:

> "The Interparliamentary Union has not worked for something which can only be realized in the millennium; it has worked for ideals, aims, and methods which can and ought to be realized in our own age. In the evolution of society we have already reached the point in civilization when, excepting a small percentage of the lawless, the vast majority settle their disputes by judicial process or reference, without recourse to violence. So that this organization has stood for the single principle that international disputes should be settled by judicial processes."

Hon. Francis B. Loomis, Assistant Secretary of State at the time, speaking before this conference, said:

> "You have aroused, directed, and educated public sentiment in favor of arbitration throughout the civilized world. * * * The Interparliamentary Union deserves credit for practically forecasting, five years in advance, what proved to be the most salient work of the peace conference at The Hague."

Senator MCKINLEY, in his address before the annual meeting of the American group, in February, 1923, said:

> "There is no doubt that the First Hague Conference was called largely because of the work of the Interparliamentary Union. There is no doubt that its labors made possible the establishment of the International Court of Arbitration at The Hague. Upon its initiative President Roosevelt initiated the second Hague conference."

EVIDENCE OF AMERICAN INTEREST

There is no doubt of American interest in this movement. The United States Government appropriates annually $4,000 for the maintenance of the headquarters at Geneva. Furthermore, the American group had hoped to be hosts to the Interparliamentary Union in 1915. The Congress had appropriated $50,000 for the entertainment of the visiting delegates; but the war interrupted the plan. The American group had planned to renew the invitation this year; but because of the political situation, involving the coming presidential campaign, the United States will probably not invite the conference before 1925. There is a suggestion that since the only conference to be held in this country was at the time of the Louisiana Purchase Exposition in 1904, and since the first annual meeting of the Interparliamentary Union was held in 1889 in connection with the World's Fair in Paris, it may be well to hold the next meeting in this country in connection with the Sesquicentennial exhibition proposed for Philadelphia in 1926. There is little doubt that the Interparliamentary Union will hold its annual conference again in the United States before long.

AMERICAN VIEWS

As has been said at the beginning of this paper, the American group of the Interparliamentary Union, notwithstanding that it is made up of Democrats and Republicans, has certain definite and unanimously accepted ideas about the aims and methods of the union. One expression of these views is set forth in resolutions unanimously adopted at the fifteenth annual meeting of the American group of the Interparliamentary Union, February 25, 1918. The resolutions are as follows:

> "Whereas it is increasingly evident that the civilization of the world is endangered by war; and
>
> "Whereas the Interparliamentary Union, an association of more than 3,300 members, representing 23 of the leading nations of the world, has since its organization, in 1888, steadfastly urged the adoption of arbitration as a substitute for war in the settlement of international disputes, and the establishment of a permanent court wherein questions at issue between governments may be heard and determined according to the principles of law and equity, to the end that justice may be done and wars avoided; and
>
> "Whereas responsible heads of governments, belligerent and nonbelligerent alike, have agreed in principle to the program of the Interparliamentary Union for open treaties, for the reduction of armaments to 'the lowest point consistent with domestic safety,' and to a general arbitration treaty for the settlement of nonjusticiable disputes: Therefore be it
>
> "*Resolved*, That the American group pledges its support to its colleagues of other parliaments to cooperate in the effort to secure the adhesion of all civilized governments to this program of reason and good will: Be it further
>
> "*Resolved*, That the American group of the Interparliamentary Union gives its cordial approval to the recommendations of Habana, adopted by the American Institute of International Law at its second session, in the city of Habana, January 23, 1917, as a working basis for the society of nations to insure justice in international dealings and the maintenance of peace.

"THE RECOMMENDATIONS OF HABANA

> "Whereas the independent existence of civilized nations and their solidarity of interests under the conditions of modern life has resulted in a society of nations; and
>
> "Whereas the safety of nations and the welfare of their peoples depend upon the application to them of principles of law and equity in their mutual relations as members of civilized society; and
>
> "Whereas the law of nations can best be formulated and stated by the nations assembled for this purpose in international conferences; and
>
> "Whereas it is in the interest of the society of nations that international agreements be made effective by ratification and observance on all occasions, and that some agency of the society of nations be constituted to act for it during the intervals between such conferences; and
>
> "Whereas the principles of law and equity can best be ascertained and applied to the disputes between and among the nations by a court of justice accessible to all in the midst of the independent powers forming the society of civilized nations;
>
> "Therefore the American Institute of International Law, at its second session, held in the city of Habana, in the Republic of Cuba, on the 23d day of January, 1917, adopts the following recommendations, to be known as its recommendations of Habana:
>
> "I. The call of a third Hague conference, to which every country belonging to the society of nations shall be invited, and in whose proceedings every such country shall participate.
>
> "II. A stated meeting of The Hague peace conference, which, thus meeting at regular stated periods, will become a recommending if not a lawmaking body.
>
> "III. An agreement of the States forming the society of nations concerning the call and procedure of the conference, by which that institution shall become not only internationalized but in which no nation shall take as of right a preponderating part.
>
> "IV. The appointment of a committee, to meet at regular intervals between the conferences, charged with the duty of procuring the ratification of the conventions and declarations and of calling attention to the conventions and declarations in order to insure their observance.
>
> "V. An understanding upon certain fundamental principles of international law, as set forth in the declaration of the rights and duties of nations adopted by the American Institute of Inter-

national Law on January 6, 1916,[1] which are themselves based upon decisions of English courts and of the Supreme Court of the United States."

It will be noted that the above resolutions were passed while the United States were in the midst of the war. Since the close of the war the American group has adopted another official announcement. This was set forth under date of May 24, 1921, in a letter sent to the council of the Interparliamentary Union, as follows:

To the Council of the Interparliamentary Union, 1¼ Rue de l'Ecole Medicine, Geneva, Switzerland.

SIRS: Please accept greetings from your fellow members of the American group, all of whom are pleased to know of the plans of our council for the Nineteenth Interparliamentary Conference at Stockholm, August 17–19 of the current year. The gracious invitation of the Swedish group, combined with the generous cooperation of the Swedish Government, leads us to feel that the resumption of our conferences will take place under circumstances as happy and propitious as could well be possible.

We have examined the "agenda of the conference," submitted under date of April 20, 1921, and we hasten to express our earnest hope and perfect confidence that our brethren will come again to a meeting of minds with reference to questions peculiarly within the historic province of the union, questions relating principally to international law. The time, we believe, has not arrived when our union can profitably discuss, much less decide upon, political or even economic questions which may give rise to disputes between states. The peaceful and judicial settlement of international controversies, so wisely and constructively discussed and advanced in the first and second Hague conferences, remains still the supreme opportunity of the Interparliamentary Union; so much so, indeed, that we of the American group urge upon our coworkers of other nations:

1. The calling of a third Hague conference.

2. The extension of the principle of international conciliation, as set forth in the score and more of treaties negotiated between the United States and other powers in 1913, commonly known as the "Bryan treaties."

3. The creation of a judicial union of the nations, under which such questions as the interpretation of treaties or of international law, the breach of international obligations, the determination of reparations, and the interpretation of prior decisions passed by the court of the union may all be decided by the court according to principles of accepted law and known equity.

4. The continuation of the conferences of the Interparliamentary Union, not only for these high purposes herein set forth but for the additional and by no means insignificant reasons, namely, that lawmakers of the world may become more generally acquainted, more intelligently informed of each other's tasks, and more sympathetically alive to the possibilities awaiting them in the realm of practical international achievement.

We of the American group have not lost interest in such questions as the limitation of armaments, the reduction of the cruelties of war, the establishment of a prize court, the rules relating to neutrality, and the like; but we feel that these matters are dependent upon, and that they are not anterior to the mode of international conference, the method of conciliation, and the means of judicial settlement, to which we have taken the liberty here to advert.

We believe that the Interparliamentary Union has in its traditional adherence to substantially these high matters amply proved its reason

[1] The declaration of rights and duties of nations, referred to in paragraph V above, is as follows:

"DECLARATION OF RIGHTS AND DUTIES OF NATIONS

"ADOPTED BY THE AMERICAN INSTITUTE OF INTERNATIONAL LAW AT ITS FIRST SESSION, IN THE CITY OF WASHINGTON, JANUARY 6, 1916

"Whereas the municipal law of civilized nations recognizes and protects the right to life, the right to liberty, the right to the pursuit of happiness, as added by the Declaration of Independence of the United States of America, the right to legal equality, the right to property, and the right to the enjoyment of the aforesaid rights; and

"Whereas these fundamental rights thus universally recognized create a duty on the part of the peoples of all nations to observe them: and

"Whereas, according to the political philosophy of the Declaration of Independence of the United States and the universal practice of the American Republics, nations or governments are regarded as created by the people, deriving their just powers from the consent of the governed, and are instituted among men to promote their safety and happiness and to secure to the people the enjoyment of their fundamental rights; and

"Whereas the nation is a moral or juristic person, the creature of law, and subordinate to law, as is the natural person in political society; and

"Whereas we deem that these fundamental rights can be stated in terms of international law and applied to the relations of the members of the society of nations, one with another, just as they have been applied in the relations of the citizens or subjects of the States forming the society of nations; and

"Whereas these fundamental rights of national jurisprudence, namely, the right to life, the right to liberty, the right to the pursuit of happiness, the right to equality before the law, the right to property, and the right to the observance thereof, are, when stated in terms of international law, the right of the nation to exist and to protect and to conserve its existence; the right of independence and the freedom to develop itself without interference or control from other nations; the right of equality in law and before law; the right to territory within defined boundaries and to exclusive jurisdiction therein; and the right to the observance of these fundamental rights; and

"Whereas the rights and the duties of nations are, by virtue of membership in the society thereof, to be exercised and performed in accordance with the exigencies of their mutual interdependence expressed in the preamble to the convention for the Pacific settlement of international disputes of the first and second Hague peace conferences, recognizing the solidarity which unites the members of the society of civilized nations; it should therefore be universally maintained by the nations and peoples of the world that:

"I. Every nation has the right to exist and to protect and to conserve its existence; but this right neither implies the right nor justifies the act of the state to protect itself or to conserve its existence by the commission of unlawful acts against innocent and unoffending states.

"II. Every nation has the right to independence in the sense that it has a right to the pursuit of happiness and is free to develop itself without interference or control from other States, provided that in so doing it does not interfere with or violate the rights of other States.

"III. Every nation is in law and before law the equal of every other nation belonging to the society of nations, and all nations have the right to claim and, according to the Declaration of Independence of the United States, 'to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them.'

"IV. Every nation has the right to territory within defined boundaries and to exercise exclusive jurisdiction over its territory and all persons, whether native or foreign, found therein.

"V. Every nation entitled to a right by the law of nations is entitled to have that right respected and protected by all other nations, for right and duty are correlative, and the right of one is the duty of all to observe.

"VI. International law is at one and the same time both national and international; national in the sense that it is the law of the land and applicable as such to the decision of all questions involving its principles; international in the sense that it is the law of the society of nations and applicable as such to all questions between and among the members of the society of nations involving its principles."

"VI. The creation of an international council of conciliation to consider, to discuss, and to report upon such questions of a nonjusticiable character as may be submitted to such council by an agreement of the powers for this purpose.

"VII. The employment of good offices, mediation, and friendly composition for the settlement of disputes of a nonjusticiable nature.

"VIII. The principle of arbitration in the settlement of disputes of a nonjusticiable nature; also of disputes of a justiciable nature which should be decided by a court of justice, but which have, through delay or mismanagement, assumed such political importance that the nations prefer to submit them to arbiters of their own choice rather than to judges of a permanent judicial tribunal.

"IX. The negotiation of a convention creating a judicial union of the nations along the lines of the Universal Postal Union of 1906, to which all civilized nations and self-governing dominions are parties, pledging the good faith of the contracting parties to submit their justiciable disputes—that is to say, their differences involving law or equity—to a permanent court of this union, whose decisions will bind not only the litigating nations but also all parties to its creation.

"X. The creation of an enlightened public opinion in behalf of peaceable settlement in general, and in particular in behalf of the foregoing nine propositions, in order that, if agreed to, they may be put into practice and become effective, in response to the appeal to that greatest of sanctions, 'a decent respect to the opinions of mankind.'"

for being, and that nothing has happened since our last meeting, in 1913, to warrant any change in its independent action, in its fundamental aims, or in its methods.

SIGNIFICANCE

Of such is the Interparliamentary Union, its background, growth, and spirit. That nearly half of our Senators and Representatives are devoting no little attention to his international effort will be of interest particularly throughout America.

Evidently there is a service which the Interparliamentary Union is peculiarly fitted to render. There are individual, national, and international interests, many of them overlapping, which can not be left to work out themselves. There are political, economic, humanitarian problems affecting all nations, such as social and labor problems, exchange, the movements of commerce. All such questions should be of vital interest to the lawmakers of the various nations. Naturally, mutual conference between parliamentarians will result in a wiser solution. These problems may well be considered by an unofficial body such as the Interparliamentary Union, which, in the language of Doctor Lange, "has at its disposal a wider and more elastic organization than an exclusively official institution composed of States, such as the League of Nations. The union, therefore, still has important work to do. In the accomplishment of this work it appeals to all men of good will throughout the parliaments of the world."

Perhaps the meaning of this international body has nowhere been more accurately summed up than in the following words of Senator McKINLEY: "It is not without significance that in this day of divergent interests, points of view, and policies there exists in the world this organization of parliamentarians, each trying as best he may to understand the other fellow's job."

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the General Assembly of the State of Indiana, which was referred to the Committee on Military Affairs:

DEPARTMENT OF STATE,
Indianapolis, Ind., February 17, 1925.

Hon. ALBERT B. CUMMINS,
President pro tempore United States Senate,
Washington, D. C.

DEAR SIR: By the terms of enrolled act No. 1, senate, of the seventy-fourth regular session of the General Assembly of the State of Indiana, it is provided that the secretary of state shall send a copy of said resolution "to the President of the United States, the Presiding Officers of both branches of Congress, to the Senators and Representatives in Congress from this State, and to the members of the congressional Committees on Appropriations and on Military Affairs."

Permit me to hand you herewith, under registered cover, a certified copy of said resolution under my hand and the great seal of the State of Indiana.

Very truly yours,

F. E. SCHORTEMEIER,
Secretary of State.

UNITED STATES OF AMERICA,
STATE OF INDIANA,
OFFICE OF THE SECRETARY OF STATE.

I, F. E. Schortemeier, secretary of state of the State of Indiana, hereby certify that the annexed pages contain a full, true, and complete copy of the enrolled act No. 1, senate, seventy-fourth regular session of the General Assembly of the State of Indiana, filed February 5, 1925, as the same appears on file, as the law directs, in this office.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Indiana. Done at my office, in the city of Indianapolis, this 16th day of February, A. D. 1925.

[SEAL] F. E. SCHORTEMEIER,
Secretary of State.

Senate enrolled act 1

A joint resolution requesting the Congress of the United States to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920

Whereas the President of the United States in a recent message to the Congress of the United States has stated that the Army and Navy of the United States should be strengthened, and that a people who neglect their national defense are putting in jeopardy their national honor; and

Whereas in furtherance of the national defense act of 1920, and in order to increase and promote the strength and effectiveness of the Army, the Chief of Staff of the Army of the United States has recommended substantially as follows:

(a) That the Regular Army be brought back to the strength of 150,000 enlisted men and 13,000 officers, and that it be suitably housed and enabled to conduct annual maneuvers on a moderate scale;

(b) That the National Guard be given the support necessary to permit its progressive development toward a strength of 250,000.

(c) That the skeleton organization of the Organized Reserves be adequately maintained;

(d) That all reserve officers receive an average of 15 days' training in each three years;

(e) That the Reserve Officers' Training Corps units be further developed; and

(f) That provision may be made for a gradual increase in the number accommodated annually in citizens' military training camps: Therefore

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That the General Assembly of the State of Indiana respectfully and earnestly urge upon the Congress the necessity of appropriating such funds and enacting such legislation as will adequately provide for the effective carrying out of the provisions of the national defense act of 1920, and also the recommendations of the Chief of Staff of the Army of the United States hereinbefore set forth.

SEC. 2. Suitable copies of this resolution shall be sent by the secretary of state to the President of the United States, the Presiding Officers of both branches of Congress, to the Senators and Representatives in Congress from this State, and to the members of the congressional Committee on Appropriations and on Military Affairs.

F. HAROLD VAN ORMAN,
President of the Senate.
HARRY G. LESLIE,
Speaker of the House of Representatives.

Approved February 5, 1925, 11.35 a. m.

ED JACKSON,
Governor of the State of Indiana.

The PRESIDENT pro tempore also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Agriculture and Forestry:

HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA,
Helena, February 19, 1925.

Honorable PRESIDENT UNITED STATES SENATE,
Washington, D. C.

SIR: I am directed by the House of the Nineteenth Legislative Assembly of the State of Montana, in regular session assembled, to herewith transmit copy of house joint memorial No. 2 for your consideration.

Respectfully,

H. J. FAUST, *Chief Clerk.*

House joint memorial 3 (introduced by Hoffman and Hanson)

Memorial to the Congress of the United States of America to enact legislation to promote equality for agriculture under the American protective system in the case of those crops of which a normal surplus above domestic requirements is produced.

IN THE HOUSE

January 21, 1925: Read first and second times and referred to committee on agriculture.

January 23, 1925: Committee recommends bill do pass. Report adopted and referred to printing committee.

January 26, 1925: Reported correctly printed. Report adopted and referred to general orders.

January 29, 1925: Recommended favorably by committee of whole. Report adopted and referred to engrossing committee.

January 30, 1925: Reported correctly engrossed; report adopted and referred to calendar for third reading. Read three several times and passed. Title agreed to. Transmitted to Senate for its concurrence.

IN THE SENATE

February 2, 1925: Read first and second times and referred to committee on agriculture.

February 3, 1925: Committee recommend that bill be concurred in. Report adopted. Bill referred to general file.

February 4, 1925: Committee of whole recommend that bill be concurred in. Report adopted. Bill referred to calendar for third reading.

February 5, 1925: Read third time and concurred in. Title agreed to. Returned to House.

IN THE HOUSE

February 6, 1925: Referred to enrolling committee. Reported correctly enrolled.

Memorial to the Congress of the United States of America to enact legislation to promote equality for agriculture under the American protective system in the case of those crops of which a normal surplus above domestic requirements is produced.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Nineteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent that:

Whereas the United States has established and maintains by law a system of protection, which industry and labor make effective through their organization and through controlled production and supply; and

Whereas the entire land and agricultural policy of the United States has been aimed to secure maximum agricultural production, with a result that there is produced annually a normal surplus for export of fundamental crops, and it is physically impossible for agriculture to forecast or accurately control production, thus eliminating the surplus above domestic needs; and

Whereas the sale of such normal surplus in the world market establishes the domestic price at world levels, making inoperative tariff schedules intended to protect an American price for that portion of the crop consumed at home; and

Whereas the present improved price of some of the products of the farm is due to world shortages, and does not permanently remove the disparity between the rewards of agriculture and of industry and labor under our protective system; and

Whereas it is vitally important to assure to agriculture, the basic American industry, a fair share of the national wealth by promoting parity for farming with industry and labor, and to prevent recurrence of the disastrous spread between farm and other prices that is fatal to general or permanent national prosperity: Therefore be it

Resolved by the legislative assembly, That it urges the enactment by the Congress of the United States of legislation creating a farmers' export corporation to dispose of the normal surplus of basic farm commodities at the expense of all the producers of such crop, in order that tariff schedules may be made effective in maintaining an American price for agriculture in our own domestic markets.

Be it further resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States and to each of the Senators and Representatives from Montana in Congress.

JOHN BRICKER,
Speaker of the House.
W. S. MCCORMACK,
President of the Senate.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of Delaware, which was referred to the Committee on the Judiciary:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, February 19, 1925.

Hon. ALBERT B. CUMMINS,
President of the United States Senate, Washington, D. C.

DEAR SIR: Inclosed find certified copy of House Joint Resolution No. 2, relative to the eighteenth amendment, which failed of passage, and certified to by the House of Representatives, with the request that the same be transmitted to you by the Governor of the State of Delaware.

Very truly yours,

ROBT. P. ROBINSON, *Governor.*

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT.

I, Robt. P. Robinson, Governor of the State of Delaware, do hereby certify that attached hereto is a copy of House Joint Resolution No. 2, relating to the proposed amendment to the Constitution of the United States to regulate and prohibit the labor of persons under 18 years of age, the same having been transmitted to me by the House of Representatives of the State of Delaware, which I am this day forwarding to the Secretary of State of the United States, Presiding Officer of the United States Senate, and the Speaker of the House of Representatives at Washington, D. C.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Delaware to be affixed, at Dover, this 19th day of February, in the year of our Lord 1925 and of the independence of the United States the one hundred and forty-ninth.

[SEAL.] ROBT. P. ROBINSON.

By the governor:

WM. C. TAYLOR, *Secretary of State.*

House joint resolution No. 2

Whereas the honorable Governor of the State of Delaware has been requested by the Secretary of State of the United States to submit to the Legislature of the State of Delaware a joint resolution proposing an amendment to the Constitution of the United States; and

Whereas the said joint resolution is as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress." Therefore be it

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That we do hereby ratify the proposed amendment to the Constitution of the United States.

The Delaware House of Representatives beg leave to report to you that the child labor amendment of the Constitution of the United States was rejected by a vote of—yeas 0, nays 32, absent 3.

We are,

Very truly yours

HENRY C. DOWNWARD, *Speaker.*
BURTON S. HEAL, *Chief Clerk.*

JANUARY 28, 1925.

Mr. WILLIS presented the following joint resolution of the General Assembly of the State of Ohio, which was referred to the Committee on Commerce:

House joint resolution No. 5, protesting against the taking of water from the Great Lakes for use of the Chicago drainage canal, or for any other purpose.

Whereas the city of Chicago has for many years taken from Lake Michigan many thousands of cubic feet of water per second for the use and purposes of the Chicago drainage canal; and

Whereas the diversion of said water has resulted in the lowering of the water level in the Great Lakes, and is a serious menace to navigation upon said Great Lakes; and

Whereas a member of the Illinois delegation to the Congress of the United States has introduced a bill and the same is now pending in Congress to legalize the further diversion of a greater quantity of water into the Chicago drainage canal and thence into the Mississippi River, and that said diverted water would be lost to the Great Lakes forever; and

Whereas the water of the Great Lakes is an international possession, and the taking of the same is likely to result in complications and difficulties with a friendly foreign neighbor; and

Whereas the canalization of the Great Lakes and the St. Lawrence River will, in all probability, be begun and completed within the next 10 years, thus making ocean ports of all of our Great Lake cities and bringing undreamed-of benefit to a great proportion of the population of the United States: Therefore be it

Resolved by the General Assembly of the State of Ohio, That we do hereby emphatically protest against the diversion of any water whatsoever by the city of Chicago or elsewhere from its normal flow through the chain of the Great Lakes and the St. Lawrence River to the sea, or any other act which will in any way tend to interfere with or impair the normal flow of the usual level of water in the said Great Lakes.

That we do hereby respectfully request our Representatives in both Houses of Congress to use their vote and influence to prevent the taking of any further quantity of water from the Great Lakes and to compel the city of Chicago to discontinue its present diversion of said water.

That a copy of this resolution be sent to the President of the United States, to the Secretary of War, to the Hon. FRANK B. WILLIS and Hon. SIMEON D. FESS, United States Senators from Ohio, and to each and every Member of the Ohio delegation to the House of Representatives of the Congress of the United States.

HARRY D. SILVER,
Speaker of the House of Representatives.
CHARLES H. LEWIS,
President of the Senate.

House joint resolution No. 5, protesting against the taking of water from the Great Lakes for use of the Chicago drainage canal or for any other purpose. Introduced by Mr. Hunt, of Lucas.

Adopted by house of representatives, January 19, 1925.

Adopted by senate January 21, 1925.

Mr. WILLIS also presented the petition of E. B. Bryan, president of the Ohio University, of members of the faculty of that university, and sundry citizens, all of Athens, in the State of Ohio, praying for the entrance of the United States into the World Court under the terms of the so-called Harding and Coolidge plan, which was referred to the Committee on Foreign Relations.

Mr. FESS presented resolutions adopted by the General Assembly of the Commonwealth of Pennsylvania, which were referred to the Committee on Commerce, as follows:

Resolution 4

COMMONWEALTH OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,
January 26, 1925.

Whereas the city of Chicago is now diverting colossal quantities of water out of Lake Michigan into the Chicago Drainage Canal for sanitation and power purposes, which diversion has already caused great injury to commerce on the Great Lakes; and

Whereas the said city of Chicago is now seeking permission, through the provisions of a bill now pending in the Congress of the United States, to increase the diversion of water from said lake to 10,000 cubic feet per second for the alleged purpose of protecting its water supply and disposing of its sewage; and

Whereas the diversion of water in the quantities intended would result in a considerable additional lowering of the mean levels of the Great Lakes, to the great damage of the inner harbors and connecting channels, and by reducing the carrying capacity of the lake fleet would make certain an enormous yearly loss to owners thereof; and

Whereas the lowering of the levels of the Great Lakes and the changing conditions resulting therefrom would very seriously affect the fishing industries of the Commonwealth; and

Whereas this excessive drainage would be of water to and in which the Dominion of Canada has rights equal to those of the United States, and any attempt to increase the same is in violation of the treaty relations with the Dominion of Canada: Therefore be it

Resolved (if the senate concur), That it is the opinion of the General Assembly of the Commonwealth of Pennsylvania that any increase in the amount of water permitted to be drained from the Great Lakes would be against the interests of the people of the United States, would seriously affect the fishing industries of this Commonwealth, would be unnecessary, and might have an unwanted effect upon our friendly relations with the people of the Dominion of Canada; and be it further

Resolved, That a copy of these resolutions be transmitted by the secretary of the Commonwealth to each Member of the Senate and each Member of the House of Representatives in the Congress of the United States, and that they be urged to use their vote and influence against the passage of any legislation intended to permit such further damage.

The foregoing resolution was adopted by the house of representatives and concurred in by the senate, January 26, 1925.

THOMAS H. GARVIN,
Chief Clerk of the House of Representatives.
W. P. GALLAGHER,
Chief Clerk of the Senate.

Approved the 3d day of February, A. D. 1925.

GIFFORD PINCHOT.

The foregoing is a true and correct copy of resolution of the general assembly No. 4.

CLYDE L. KING,
Secretary of the Commonwealth.

Mr. WATSON presented a joint resolution adopted by the General Assembly of the State of Indiana, requesting the Congress of the United States to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920, which was referred to the Committee on Military Affairs. (See resolution printed in full when laid before the Senate to-day by the President pro tempore.)

Mr. McKINLEY presented a resolution unanimously adopted by the World Court mass meeting held in the city of Chicago, Ill., under the auspices of the Chicago Sunday Evening Club and the Chicago World Court committee, favoring the entrance of the United States into the World Court upon the terms of the so-called Coolidge and Hughes plan, which was referred to the Committee on Foreign Relations.

Mr. SPENCER presented a memorial numerously signed of sundry citizens of St. Francois County, in the State of Missouri, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, or any other national religious legislation, which was referred to the Committee on the District of Columbia.

Mr. PEPPER presented the petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of Senate bill 4008, proposing amendments to the Federal Trade Commission act, etc., which was referred to the Committee on Interstate Commerce.

SALE OF COTTONSEED PRODUCTS

Mr. HARRIS. Mr. President, I send to the desk a telegram from the Governor of my State, which I ask may be read and referred to the Committee on Agriculture and Forestry.

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

The reading clerk read as follows:

[Western Union telegraph]

ATLANTA, GA., *February 20, 1925.*

Senator W. J. HARRIS,
Washington, D. C.:

The information carried in the press to the effect that several bills are pending before western State legislatures discriminating against one of the South's chief products is distressing to our people. The agricultural sections of the South and West have similar problems and have heretofore maintained the finest spirit of mutual sympathy and cooperation. I think it would be most unfortunate if this friendly relation should be disturbed by discriminatory legislation. The cottonseed oil products of the South are under the closest inspection of the pure-food department of the United States Government and any discrimination against them would seriously affect a legitimate product of the cotton-growing States of the South.

CLIFFORD WALKER, *Governor.*

The PRESIDENT pro tempore. The telegram will be referred to the Committee on Agriculture and Forestry.

FARM CREDITS

Mr. HEFLIN. Mr. President, I have here a letter addressed to the Members of the Senate and House Agricultural Committees, which I desire to have printed in the RECORD and referred to the Committee on Agriculture and Forestry. It was written by Col. George W. Armstrong, a southern cattleman and farmer, and deals with the subject of farm credits.

There being no objection, the letter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

GEO. W. ARMSTRONG'S SLIGO RANCH,
Natchez, Miss., February 5, 1925.

To the Members of the
Senate and House Agricultural Committees,
Washington, D. C.

GENTLEMEN: Please permit me to suggest some amendments to the agricultural credits act that will make it workable so that it will afford the relief now so desperately needed by the cattle industry.

I was appointed as chairman of a committee of three by the last convention of the Texas & Southwestern Cattle Raisers' Association to devise a plan that would save the industry. I should esteem it a privilege, as well as a duty, to present the subject to you in person, but my engagements are such that it is impossible for me to go to Washington during the brief period that your committees will conduct hearings.

Under the existing control of our currency and credit system Congress can do nothing that will raise the general level of prices or increase consumption, or afford any substantial relief to the cattle industry or the farmers except to provide for adequate and cheap credit. The tariff and the reduction of freight rates are of minor consequence, and so is likewise cooperative marketing unless it amounts to a trust that will dictate prices. The farmers and cattlemen are so numerous, so widely separated and are such individualists, that I doubt if it is practicable to organize such a trust, even if it is desirable to do so.

It is within the power of Congress to make it easy for the cattlemen and farmers to finance themselves. This can be done by simply repealing a few of the useless clauses in the agricultural credits act, which have made it inoperative in the way of affording any substantial relief. I suggest the following amendments:

(1) Repeal all of paragraph (b) under section 202 (see p. 2). If for any reason it is desirable to limit the rediscounting power of "banks, trust companies, and savings institutions" then substitute in lieu of that part of the act which says, "No paper shall under this section," etc., the following: "*Provided*, That paper may be purchased from or discounted for any other corporation engaged in making loans for agricultural purposes or for the raising, breeding, fattening, or marketing of livestock, without limit as to its capital and liabilities, if the notes or obligations representing such loans are secured by warehouse receipts, shipping documents, or first-mortgage liens on livestock not exceeding 75 per cent of the value of the products covered by such liens."

(2) Repeal paragraph (b) under section 204 (see "Discount Rates," pp. 3 and 4). The rate of interest to be charged by the Federal intermediate credit bank should be left to its directors, who will be largely subject to the control of the Federal Farm Loan Board. This would be the meaning of the law without this restriction, and therefore no amendment is required. National banks are not limited in the profits they may now make on their loans to the farmer and I see no reason why these institutions should be.

(3) Repeal that part of section 204 under the head of "Limitations" (see pp. 11 and 12). There is no reason, absolutely none, for limiting the lending power and the usefulness of these corporations to ten times their capital. The act makes them subject to examination and control by the Federal Farm Loan Board; they can only lend 75 per cent of the market value of livestock and other farm prod-

ucts, to be approved by the management first of the local intermediate credit banks and then of the Farm Loan Board; and they are not permitted to receive deposits. No such restrictions are placed on national banks that receive deposits.

(4) Amend section 206 by reducing the required capital from $250,000 to $25,000 and provide that only one-half of the capital shall be paid in, and that the balance shall be subscribed but may be paid in within two or three years. There is no reason for a large capital for these institutions except to prevent farmers and cattlemen from organizing them. Banks that receive deposits and that are permitted to lend to everybody, with or without security, have no such restrictions. These intermediate credit banks are given authority to do a lot of things that are foreign to the purposes in view, such as to deal in Treasury certificates and to represent the Treasury (see pp. 10 and 11), which may be the reason for requiring large capital, but it is far better to repeal these unnecessary powers than to leave the minimum capital so high that farmers can not take advantage of the act.

You will note that under paragraph 1, section 202, the Farm Loan Board is given power "to discount for or purchase from * * * cooperative credit or marketing associations of agricultural producers organized under the laws of any State," and under paragraph 3, "to make loans or advances direct to any cooperative association organized under the laws of any State and composed of persons engaged in producing or marketing staple agricultural products or livestock, if the notes or other such obligations representing such loans are secured by warehouse receipts and shipping documents covering such products or mortgages on livestock."

This would seem to grant authority to the Federal Farm Loan Board to make loans to unincorporated producers' associations or to associations incorporated without capital. It is my understanding that the National Live Stock Producers' Association has discounted a small volume of paper under this section. If this means that the members of these unincorporated societies will be personally liable for the obligations, it will greatly retard their development. They must be given the privilege of limiting their liability by incorporating, otherwise they will not avail themselves of the benefits of the act.

It is my information that the European agricultural credit societies are organized on the basis of the personal liability of all the members. I do not believe that we have reached the point in this country where the producers would generally care to be liable for the obligations of their fellow members.

Yours respectfully,

GEO. W. ARMSTRONG.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 8294) for the relief of Edward B. Sappington, reported it without amendment and submitted a report (No. 1187) thereon.

Mr. BROOKHART, from the Committee on Claims, to which was referred the bill (S. 1999) conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin, reported it without amendment and submitted a report (No. 1188) thereon.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (S. 4307) to authorize the States of Indiana and Illinois in the States of Indiana and Illinois to construct a bridge across the Wabash River at the city of Mount Carmel, Wabash County, Ill., and connecting Gibson County, Ind., reported it without amendment and submitted a report (No. 1190) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 1621) for the relief of John F. White and Mary L. White, reported it with amendments and submitted a report (No. 1191) thereon.

Mr. CAMERON, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 1415) for the relief of Josiah Frederick Dose (Rept. No. 1192); and

A bill (H. R. 5257) for the relief of Alonzo C. Shekell (Rept. No. 1193).

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (H. R. 6268) for the relief of Francis M. Atherton, reported it without amendment and submitted a report (No. 1195) thereon.

Mr. PEPPER, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 264) authorizing the restoration of the Lee Mansion in the Arlington National Cemetery, Virginia, reported it without amendment.

Mr. HARRELD, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 189) authorizing the enlargement of the Federal Veterans' hospital at Muskogee, Okla., by the purchase of an adjoining city hospital, and authorizing the appropriation of $150,000 for that purpose, reported it without amendment.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on February 19, 1925, that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1918. An act to consolidate the office of public buildings and grounds under the Chief of Engineers, United States Army, and the office of superintendent of the State, War, and Navy Department Buildings;

S. 2287. An act to permit the Secretary of War to dispose of and the Port of New York Authority to acquire the Hoboken Manufacturers' Railroad;

S. 2397. An act to provide for refunds to veterans of the World War of certain amounts paid by them under Federal irrigation projects;

S. 2718. An act to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable;*

S. 2835. An act to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917;

S. 3630. An act authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore certain land in the city of San Juan, P. R.;

S. 3648. An act granting to the county authorities of San Juan County, State of Washington, a right of way for county roads over certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands, and for other purposes;

S. 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

S. 3793. An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation;

S. 3895. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont, in commemoration of the seventy-fifth anniversary of the admission of California into the Union, and in commemoration of the one hundredth anniversary of the founding of Fort Vancouver, State of Washington;

S. 4152. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way over and upon a portion of the military reservation on Anastasia Island, in the State of Florida;

S. J. Res. 95. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, Washington, D. C.; and

S. J. Res. 172. Joint resolution to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes.

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. KENDRICK:

A bill (S. 4354) authorizing the Arapahoe and Cheyenne Tribes of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. ERNST:

A bill (S. 4355) to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union; to the Committee on Patents.

By Mr. BURSUM:

A bill (S. 4356) amending the first paragraph of section 9 of the Federal highway act, approved November 9, 1921, authorizing under certain conditions the use of toll bridges in connection with public highways; to the Committee on Agriculture and Forestry.

By Mr. LENROOT:

A bill (S. 4357) granting an increase of pension to Frank J. Tomkiewicz; to the Committee on Pensions.

By Mr. JOHNSON of California:

A bill (S. 4358) for the relief of Rear Admiral Joseph L. Jayne, United States Navy, retired; to the Committee on Claims.

By Mr. LADD:

A bill (S. 4359) to authorize the Secretary of Agriculture to advise and assist cooperative associations of producers of agricultural products and others by the promotion of sound business practices, establishing uniform standards of classi-

fication, providing for the registering of cooperative associations, inspection of agricultural products, a market news service, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. LENROOT:

A bill (S. 4360) granting an increase of pension to Magdalena Lefebore; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4361) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the patriotic action taken by the people of Mecklenburg County, N. C., in May, 1775, in declaring their independence of the English Crown (with an accompanying paper); to the Committee on the Library.

By Mr. FRAZIER:

A bill (S. 4362) granting an increase of pension to Evelina C. Gross; to the Committee on Pensions.

By Mr. HARRELD:

A joint resolution (S. J. Res. 192) authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma, and making provision for the same; to the Committee on Indian Affairs.

CHANGE OF REFERENCE

On motion of Mr. GEORGE, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 2383) for the relief of Vincent Rutherford, and it was referred to the Committee on Finance.

AMENDMENT OF NATIONAL PROHIBITION ACT

Mr. BAYARD submitted sundry amendments intended to be proposed by him to the bill (H. R. 6645) to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, to define its powers and duties, and to place its personnel under the civil service act, which were referred to the Committee on the Judiciary and ordered to be printed.

SENATOR BRUCE'S ARTICLE ON THOMAS JEFFERSON

Mr. RALSTON. Mr. President, the Baltimore Evening Sun in its issue of February 11, contains a very excellent article from the pen of Senator BRUCE upon Thomas Jefferson. It is so excellent that I feel it should be preserved in the records of the Government, and I ask permission to have it made a part of the RECORD.

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

The article is as follows:

THOMAS JEFFERSON

(By William Cabell Bruce)

(This sketch of the Virginia statesman by Maryland's junior Senator is of especial interest at this time in view of the efforts being put forward to raise funds for the purchase and endowment of Monticello, Jefferson's home near Charlottesville, Va., as a national shrine.)

Six native Americans stand out in overshadowing relief from the civil history of the United States, namely, Washington, Franklin, Jefferson, Marshall, Lincoln, and Wilson. Of all these individuals, next to Franklin, Jefferson was at least far the most versatile and accomplished. As a statesman, he was of the very first order, though stronger on the reflective than on the executive side. With Washington, Franklin, the Adamses, and Henry he shares the distinction of being the foremost leader in the Revolutionary movement, in which both his fortune and his neck were at stake.

It was chiefly due to his influence that the injustice which lurked in primogeniture, a system of landed entails, and an established church was swept away by the Virginia Legislature. If he could have had his way, the institution of slavery would have been cut up by the roots, too; and he did succeed in securing the passage of an enactment prohibiting the further importation of slaves into Virginia. It was upon reports drafted by him as a Member of Congress that the first truly definitive plan for the government of our Northwest Territory and the present monetary system of the United States were based. Both John Bassett Moore and John Sharp Williams have reached the conclusion that no other American statesman has exercised so much influence in shaping our foreign policies as Jefferson did as Secretary of State, and this belief is shared by John H. Latane.

To Jefferson more than any other individual is attributable that admirable body of generous and enlightened doctrines, including the American system of neutrality, which constitutes the special gift of the United States to the science of international law. His first administration was so wise and frugal that its close found him almost an omnipotent Zeus in American politics.

But for the purchase by him of the vast territory known as Louisiana,, and the mission of exploration on which he sent Lewis and Clarke to the Oregon country, the United States might to-day be only a narrow strip of Atlantic seaboard instead of an immense continent laved by two mighty oceans 3,000 miles apart. No one familiar with his popularity and influence at the court of France can doubt that he was not an unworthy successor even of the renowned Franklin. As a party leader he was dexterous and masterful in the highest degree; and so felicitously compounded of strength and sweetness was his nature that it can be truly said that the obedience of his followers was as much the fruit of affection as of fear and hope.

But it is a serious mistake to think of him as a mere party leader, in the ordinary sense of American politics. It is true that he was both the founder and the first leader of the present Democratic Party in the United States, and it is due to this fact, and the fact that he was the father of the University of Virginia, that he is so intensely modern.

But he was not one of those men who, in the words of Goldsmith, give up to party what was meant for mankind. Rather than an American Democrat, he was and is the apostle of universal democracy. How little of a mere partisan he was is illustrated in the fact that no two names in American history are more often harmoniously blended than his and that of Lincoln. They were both great Democrats; they were both great Republicans. Gentle as was his lineage, on one side at least, he was the most uncompromising Democrat that rational and ordered freedom has ever known. He distrusted with a deep distrust kings, nobles, and individuals of all sorts possessed of unusual opportunities for exercising power or perpetrating injustice unrebuked. The only aristocracy that he recognized was that of moral and intellectual worth. He believed in keeping the pathway to fortune and fame absolutely open to every aspiring and honorable human being, however humble his condition.

His love of freedom stopped short only of license or extravagance. So quick and profound were his sympathies with the common mass of the people everywhere that he once wrote to Lafayette that, in inspecting the French Provinces, he should move about absolutely incognito; look into the kettles of the peasants, eat their bread, and even loll upon their beds, under pretense of resting himself, but, in fact, to find if they were soft. Even the poor, enslaved black had a place in his plan of liberty. Speaking of American slavery, he once broke out: "Indeed, I tremble for my country when I reflect that God is just; that His justice can not sleep forever."

Nor did he hate tyranny, arbitrary power, and the cruel and benumbing influences of caste more than he did superstition, bigotry, mere prejudice—the unseeing eye in all its malignant or sullen manifestations. His faith in the residuary virtue and intelligence of the general run of human beings was all but infinite, as were his love of tolerance and love of truth also. "It is error alone," he once nobly said, "which needs the support of government. Truth can stand by itself."

As a writer Jefferson is always graphic and interesting. That the Declaration of Independence is, in point of succinct and powerful statement and glowing declamation, one of the masterpieces of political history, it is hardly necessary to say. It is difficult to decide whether his letters are more valuable as material for history or as mere literature.

As a "philosopher," he had perhaps as large a stock of scientific knowledge as any American of his time except Franklin, and, like Franklin, he was at one time the president of the American Philosophical Society. He anticipated all the ideas that dominate our American universities at the present time as to general aim, administration, and curriculum. Nor was his interest in education restricted to higher education. History, grammar and classical schools, and a free State library, as well as a State college, were features of the general system of instruction that he planned for Virginia, but, unfortunately, too far in advance of her full democratic development. More than any other American statesman, he deserves the credit of having made the duty of the State to educate all of its citizens one of the fundamental articles of the American Creed.

As an architect—though he was not a professional architect at all—Jefferson may be set down as the most gifted that was produced by America before the day of Stanford White and Ralph Adams Cram. The finest specimen of his architectural taste and skill is the original group of buildings erected at the University of Virginia under his oversight, which, with subsequent additions, the late Barrett Wendell, of Harvard, once pronounced in my presence to be the most beautiful group of university buildings in our country. One, at least, of Jefferson's inventions—an improvement in plowshares, known as the mold board of least resistance—was a really valuable thought. He is even said to have been an expert violinist and a good singer and dancer.

It has been claimed that so wide was the range of his knowledge that he could have creditably filled any chair in the university of his creation. Be this as it may, it is certain that he was highly proficient in mathematics and was familiarly acquainted with Latin, Greek, Anglo-Saxon, French, Italian, and Spanish. He was soon drawn away from the law to public life, but he won a remarkable degree of success at it while he was a practitioner, even when measured in terms of money;

and I once heard that masterly law lecturer, the late John B. Minor, say that his intellectual superiority was as manifest in his technical labors as a codifier as in everything else.

The character of Jefferson was distinguished by a most interesting union of masculine and feminine traits. He was 6 feet 2 inches in height; with a frame lean, but sinewy and powerful. As a boy he was fond of shooting and swimming, and all his life he had the Virginia passion for a blooded horse. One of his grandsons tells us that he never saw him display the slightest trepidation under any circumstances, and yet he was never involved in a personal quarrel. Indeed, one of his granddaughters declares that she never once even saw his face distorted by anger. The truth is that his nature was as gentle and amiable as it was strong.

His first shyness, when meeting a stranger, was quickly succeeded by a delightful geniality and a charming flow of conversation. His heart was profoundly affectionate and compassionate, his friendship at once ardent and constant. He placed a gravestone over the remains of his brother-in-law, Dabney Carr, stating that it was dedicated to him by Thomas Jefferson, who "of all men living loved him most." To Madison and Monroe he once referred as the two pillars of his happiness. When his wife died he fainted and lay unconscious so long that it was thought that he would never revive. Never did a human being pour out a richer tide of affection upon the life of another than he did upon the lives of his daughters, Mrs. Randolph and Mrs. Eppes, to whom in their youth he was as much a mother as a father.

Of Jefferson's home, Monticello, it can be affirmed that it is singularly in keeping with his elevated character and refined and enlightened spirit. The mount on which it is situated rises to a height of 580 feet. I have repeatedly stood upon its summit, and I have never done so without being reminded of the "exceeding high mountain" to which the devil took Christ and showed Him all the kingdoms of the world "and the glory of them." Well might Henry Clay, bearing the site of Monticello in mind, exclaim in one of his grand outbursts that it was not lifted up higher above the earth by its physical situation than was Jefferson by his serenity of mind and the consciousness of a well-spent life above the impotent assaults of party rage.

To the west of Monticello rises mountain range after mountain range and mountain peak after mountain peak, bathed at times in the soft, blue haze from which the Blue Ridge derives its name, and robed at times in the glorious amethyst and purple of declining day. To the east of Monticello stretches a vast level plain, as if to infinity, contrasting with the rugged mountains westward as the sea when perfectly at rest contrasts with the sea when it heaves and tosses under the lash of the wild winds.

And the Monticello Mansion is worthy of its environment, for every detail of its external architecture and every feature of its interior structure betokens the taste, the genius, and the lofty spirit of its builder and first master. To complete the purchase of this home, to convert it from a private into a public possession, and to make it forever a national shrine, sacred to human patriotism and human freedom, is the object of the movement which is now appealing for pecuniary help to the people of Maryland.

RETIREMENT OF WORLD WAR OFFICERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

Mr. MEANS. Mr. President, I realize that it is presumptuous on my part to ask the privilege of the floor, but I have been requested so to do by Members of this body and by the American Legion. That great organization is composed of service men. They have two compelling reasons for their existence: First, because of their duty to their country; and, secondly, their duty to their comrades. Upon five different occasions at national encampments they have indorsed the underlying principles of the so-called Bursum bill. Inasmuch as we are to vote upon that bill at 2 o'clock, I could not, if I refrained at this time, be heard in behalf of the service men's organizations. Not only the Legion but the disabled veterans and the veterans of foreign wars, comprising a total membership of more than 1,500,000, not once but many times, after due deliberation and consideration, have indorsed the bill.

Mr. President, I have listened attentively to those who have proposed objections to the measure and I find those objections to be three in number. It is said that it is unfair to the private soldiers and that it is a discrimination against them. Secondly, it is said that it is unfair to the Regular Army, inasmuch as the retirement privilege is a part of the emoluments of the office and of the service. Thirdly, it is said that it is unfair to the Government, because it is the entering wedge for a future raid upon the Treasury.

I shall direct my attention to those objections.

Prior to the Civil War retirement was unknown under our law. In 1861 we found that a custom had grown up. Men who were unable to perform the duties of their respective offices were placed upon sick leave and without a definite designated station. When the war came on it was found that the official list was cluttered by officers who were unable to perform the duties required of them. So retirement began in 1861 and 1862. It was provided at that time that an officer who had served 45 years was compelled to go upon the retired list; if he had served 30 years he was permitted to go upon the retired list. Then retirement was provided for disability incurred in line of duty, and after the Civil War, Mr. President, pensions were granted for those who were injured in line of duty. Those pensions were based upon rank as well as upon the degree of disability.

I will now come to a war with which I am more familiar, and that is the Spanish-American War. Someone may ask, "Why not put the volunteers of that war upon the retired list?" They do not come under the same category, Mr. President, and a brief statement of the organization of the forces of the Civil War and of the Spanish-American War will convince anyone of that fact. In the Spanish-American War, outside of the Regular Army, all who participated were volunteers; the allotment of the number of volunteers was made to the States. The volunteer officers did not receive commissions from the United States Government; they were commissioned by the States. Even after they were in the service, and were promoted, they were not promoted by the Government of the United States, but were promoted by the governors of the States. The volunteer forces from the various States did not have the same formation. For instance, in the State of Pennsylvania, two battalions constituted a regiment. In my own State of Colorado three battalions with a lieutenant colonel commanding constituted a regiment, and with no battalion organization.

So those volunteer forces did not have the same organization. In many instances they did not receive the same pay and in many instances they did not wear the same uniform. They did ot have the same collar ornaments; they were not in the Regular Army.

I will say, when we are considering the officers who will be benefited by this proposed legislation, that after the Spanish-American War there were many officers and men who were injured, and those who received pensions for injuries occurring in the line of duty were granted pensions based upon rank as well as upon the degree of disability; in other words, a second lieutenant received twice as much as an enlisted man, a major received three times as much, and a lieutenant colonel or a colonel received four times as much.

To those who are fearful that we are proposing to build up a class in this country, I make the statement that never in the history of the United States prior to the World War has there been a pension given to officers or men for an injury which occurred in the line of duty but that such pension was based upon rank as well as upon degree of disability.

So, Mr. President, we came to the World War: In that war we had, first, the National Guard officers, and then the Reserve Corps officers, the emergency officers, those who had temporary commissions in the Regular Army, and the officers of the Regular Army establishment. Many of them were sent over seas, and others were retained in camps in this country. When they first appeared they had different collar ornaments. They were known as Reserve officers; they were known as National Guard officers; they were known as Regular Army officers; they were known by the means by which they entered the service; it was presumed that distinction would remain. When those forces arrived overseas, however, and it was found necessary to abolish all distinctions, Order No. 73 was promulgated by the General Staff. That order wiped out all distinctions. The order is as follows:

> This country has but one Army—the United States Army, which includes all the land forces in the service of the United States. Those forces, however raised, lose their identity in that of the United States Army.

In obedience to that order I myself was privileged to command a Regular Army regiment in the front line. It was the first time in the history of the United States a volunteer officer, coming from the National Guard, was permitted to command a Regular Army regiment in the front line Senators, I had in that regiment and under my own command West Point graduates, other Regular Army officers, emergency officers, National Guard officers, and temporary Regular Army officers. I have seen them all enter the line at the same time. I knew no distinction then on the battle field as between them,

whether their commissions were from one authority or another; they were one and the same Army; they had the same responsibility; and the question asked of them was just one: "Can you make good?" If they did not make good, they were sent to the rear for reclassification. Those forces were recognized then as one Army; and it was discussed even then, when that order was issued, as to those who were injured, those who were hurt, that they would be given the same credit, the same justice, as was accorded to the Regular Army men. They had the same pay; they had the same emoluments; they had the same commutation of quarters and for heat and light; in other words, there were given to them the same rank and the same privileges that were accorded to the Regular Army officers until they returned home. Then it was said, "Oh, no; it was never intended that you should have the retirement privilege."

Mr. President, the meaning of retirement must be understood, because in its proper sense it is a part of the emoluments of the office. In other words, as in the case of the retirement features of the bill which the Senate was considering last night, when officers have served the prescribed time they are entitled to retirement or a pension, which is given by the Government as compensation. I agree with the chairman of the Committee on Military Affairs when he says that this bill in its fundamental sense is a compensation bill. There is also involved the idea of the honor of being carried upon the roll and retaining the distinction of having been officers of the United States Army, but in its fundamental sense it is a compensation for injuries received in line of duty.

I say to you now, Mr. President, that there has never been until the period following the World War in this country a pension for disability in line of duty but that that pension was based upon rank, and officers were recognized because of their rank to be entitled to more than enlisted men. I say, if that is wrong, then our country and every Congress preceding the World War was wrong, because that is a fundamental policy in the granting of pensions.

Oh, it is true we have what are called service pensions, which are based upon patriotism only and not for disability incurred in line of duty, and are given to those who served in the Army because of that service. Such a pension in reality is a bonus, and rank is not recognized nor are degrees of patriotism recognized. When a pension is granted to soldiers merely because they served in the Army, then officers and men are treated alike; but when given for disability incurred in line of duty the fundamental theory is that of compensation, and the amount they received in pay governs the amount they receive by way of pension.

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

Mr. MEANS. I will be delighted to yield to the Senator from Wisconsin.

Mr. LENROOT. I wish to be informed if I am wrong; but I did not suppose that there was any distinction in our general pension laws with reference to pensions for Civil War veterans between officers and privates on account of disability incurred in line of duty.

Mr. MEANS. Then, the Senator is misinformed.

Mr. LENROOT. I should like to ask the chairman of the committee as to that fact?

Mr. MEANS. If the Senator will follow the legislation clear through, including that for the Spanish-American War, he will find that the second lieutenant received twice as much as the enlisted men and the major received three times as much as the enlisted man.

Mr. LENROOT. That is, in the Regular Army.

Mr. MEANS. No, sir; I am talking now about pensions to volunteers.

Mr. LENROOT. I think the Senator is mistaken.

Mr. REED of Pennsylvania. There was a bill passed in the seventies, I believe, that gave $8 to privates and graded the amount on up to $44.

Mr. MEANS. To $30.

Mr. REED of Pennsylvania. To $30 for the higher officers. That bill did make a distinction, but the distinction did not last.

Mr. MEANS. The distinction lasted. I beg to differ with the Senator from Pennsylvania. When the Spanish War was concluded those of my comrades who served at that time and were put upon the same pension roll received pensions according to their grade. That has been the practice since the Civil War down to the World War.

Mr. LENROOT. I am quite sure the Senator is mistaken.

Mr. MEANS. I beg to differ with the Senator from Wisconsin. If he will examine into the matter he will find that I am correct.

Furthermore, Mr. President, the order to which I have referred made all officers equal. The National Guard Association and the reserve officers' associations throughout the United States, composed of many officers and men, have indorsed this measure. Why? Because we must face the problem of a military policy for the United States.

Mr. BURSUM. Mr. President——

Mr. MEANS. I yield to the Senator from New Mexico.

Mr. BURSUM. I merely desire to make one correction, so that the matter may be clearly understood. The general law at the present time does not take into account rank. There have been laws which did take rank into account, but at the present time the law applies to all veterans. There is, however, another phase of the situation, namely, that special bills have been enacted which have taken into account service and rank. They have varied from the general law.

Mr. MEANS. I repeat, Mr. President, that the service pension as such—and there have been many of them, the first in 1895, if the Senator wishes to check up my figures—given because of the service of the soldier, is a bonus because of their patriotism and has never been based upon rank, but where a pension has been given for injuries incurred in line of duty it has been based upon rank.

Mr. LENROOT. Mr. President, I sincerely hope that the Senator will verify that statement, because it is new to me. It is true there was a period when that was done, but that period has passed.

Mr. MEANS. I sincerely hope the Senator will look into the facts. If he will go to the Pension Office he will find that I am correct, I am sure.

Mr. LENROOT. It has not been true for many years.

Mr. MEANS. Mr. President, as I have said, the National Guard Association, as well as the Reserve Corps officers, have indorsed this measure. Have Senators asked themselves why? We have now for the first time a definite military policy in the United States. It began to have its basis in the law of 1916, but in reality it began in 1920. What is that policy? It is that there shall be a small standing Army, but in time of need, in time of emergency, we will depend upon our civilian soldiers. We are now urging citizens to accept commissions in the Reserve Corps; we are urging them to accept commissions in the National Guard. They are spending from two to four nights a week acquainting themselves with their duties; they are studying; they are working hard to perfect themselves to be leaders of men. They are told that in time of great emergency the outcome will depend upon them and upon their ability to lead men. They are the basis of our military policy. We are building up, it may be said, a set of men of superior clay in making them officers, perhaps, but they are studying for the great hour, and the time will come, if we have need for them, when you will remember the words, that everything depends upon the studious application of these officers of the National Guard and the Reserve Corps, so that they may perfect themselves to be officers in the United States Army. You say to them in furtherance of your military policy, "Oh, yes; when we take you into the Army we will give you the same rank; we will give you the same uniform; we will give you the same distinction; we will give you the same pay; we will give you the same emoluments of office; we will give you commutation of quarters, heat, and light; we will give you everything that an Army officer has; but if you go forth and bare your breast to the enemy, and are wounded, you will not receive the retirement privilege, the compensation that will be received by the Regular Army officer." They will enter the line one and the same, on the same level, with the same rank, with the same pay, but you will say, "No; we are going to hold out something on you. We are going to hold out the retirement privilege."

The National Guard associations have unanimously asked that this measure be passed. It is fair to them to consider that if they prepare themselves, if they work diligently to become real leaders of men, when they enter the Army they will have the same rank, they will have the same privileges, yea, they will have the same right to the compensation and the honor of being upon the retirement roll.

Oh, yes; I know it has been said here that the reason why this bill is essentially wrong is that it discriminates between enlisted men and officers, and that in a democratic country like ours we should not draw a line of distinction in compensation after the war between the enlisted men and the officers. I am quoting verbatim from one speech I heard upon the floor of the Senate; but I want you to know that the enlisted men and all of the organizations of enlisted men who have studied the problem are now calling for equality off the battle field as well as on it. If they were one and the same when they entered the line, I wonder why they are not the same now that

they have retired to civil life. You have given to those who have a temporary commission that retirement privilege. There are 89 of them, I believe; but you say merely because one man entered the school and received a temporary commission and the other received an emergency commission, that one is entitled to retirement and the other is not. Is that fair? Is that justice? Can that be commended?

No! Every officer in the line, after General Order No. 73, believed that he was in the Army of the United States and was entitled to the privileges and the emoluments of the office, and he was told so, and he believes it to be a fact; and this bill but carries out the justice of the statement that there should be equality now as well as then.

Mr. President, I say to you that the enlisted men want this. Be not confused by the statements of some who would attempt to array class against class, who would attempt to say, "Oh, you are not fair to the enlisted men." I assure you they have studied the problem, and upon five different occasions they have indorsed this bill, and they have asked me here so to express myself. So far as the Army is concerned, if the Regular Army men were students of our military policy, if they would think about the future and the absolute necessity of the maintenance of the Officers' Reserve Corps and of the National Guard, every Regular Army officer in the United States would rise and say, "Yes; you must give to them the privileges of retirement if they are injured to such a degree that they can not follow out the ordinary vocations of life."

I heard it said here, "Oh, yes; a man will beat this plan because he may be just a little more than 30 per cent disabled." If you are considering the class that are to be benefited by this measure, take a composite figure.

Take all of those who are to receive the benefits of the measure, and what do you find? You find that the average would be better than 75 per cent disabled; yea, in figures, it would be 78 per cent. I say to you that any man who is so injured that he is classed permanently as 75 per cent disabled is enduring a living death. It would have been better were he to have had his sacrifice accepted when tendered upon the altar of patriotism. He would now be among the honored dead, an officer of the United States Army.

Now, I want to refer to the other objection, and that is that it is unfair to our country, that it is an entering wedge for a future raid upon the Treasury.

Mr. President, I resent that statement. May I call to your attention the fact that when those men returned from overseas they were not raiders of the Treasury. There was a group in this country who believed they were dissatisfied, who thought they hated their officers; so that group that lives upon discontent made a concerted effort to enlist those men into the class of those who preach revolution and anarchy. But, my friends, throughout the United States they were met with a cold stare by service men, because they were true Americans, and believed in the true sense of patriotism.

Mr. Business Man, you who rely upon the constitutional provision that private property shall not be taken for public use without due process of law, you who carry insurance policies to guarantee you against death, against loss by fire, by hail, and by storm, I say to you, you carry no better insurance policy than the American Legion. The so-called "reds"—and I define them as such for lack of a better term—hate the Legion to-day worse than any other group of our citizens, because they know that so long as that organization shall live, revolution and anarchy can not thrive in this country.

Mr. President, I wish that I were a gifted orator, that I might relate to you just what a service man means by patriotism, by love of country. He is not a raider of the Treasury.

I listened to the debate on Monday night, and I heard the following from the floor of the Senate:

> The soldiers who went to France from the District of Columbia did not incur the danger of those who stayed at home and tried to dodge somebody driving a Ford.

I know that was intended to be humorous; but how and where are we drifting if they say to you that a man who remained at home in the District of Columbia was subject to more danger than he who went overseas? I expect soon to hear somebody rise and say that we should be indebted to our Government for the privilege of an excursion overseas, that we ought to pay back the cost of being taken over there, because there was more danger here than there was over there.

I went one day to my own first-aid station in a rock quarry, and a young man came to me. He was yellow, sallow, emaciated. He had been in there so long, living in an atmosphere of gas, and harassed day in and day out by artillery fire, and so fever stricken for lack of proper food that he was about to give out; and he said: "Colonel, they have ticketed me," meaning that he would have to go back through the chain of aid stations and to the hospital—that he was unfit for further service of any kind. He repeated, with tears streaming down his cheeks, "Colonel, they have ticketed me; can't you let me stay up here a little while longer?" and he fell at my feet exhausted. He had given his all, Mr. President, and stood there begging for the privilege of giving more; and then I hear that the danger to a man in the city of Washington was greater than the danger to the men who served over there! By the way, that young man came from Washington, which is one reason I relate the circumstance. When it is said on the floor of the Senate that he is not entitled to the credit he should receive I am constrained to believe the lady who sat in the gallery and characterized this room as "the chamber of loose tongues."

Mr. President, regardless of who may say differently, the service men stand united behind this bill, because they believe it means justice to those men who are enduring a living death.

Oh, yes; if you could have made this statement in 1917 and 1918 I am sure there would have been those who were civilians during the World War who would have resented it, and resented it promptly, and it would not have been my task at this late date to call attention to this peculiar sentiment that seems to be abroad. A service man has embedded in his heart the real sense of patriotism and love of country. It is true that it slumbers in the ordinary calm of quiet days; but, my friends, in a time of emergency, when this country needs men, when the bugle calls, it hurls men forth, forgetful of themselves, to hazard life itself at fearful odds. It nerves real men up to do, to dare, to die.

Yes, Mr. President, the Regular Army man and the emergency officer lie side by side in peaceful graves in this country. I have seen them fall and lie side by side amid the wreck of a hard-fought field. Yea, they lie side by side in those awful narrow graves where French hospitals lay out their dead. But, Mr. President, they were together, equal, honored officers of the United States Army; and the voice of the American Legion is calling to you to-day, asking justice for those men who are enduring a living death. They ask of you equality off the battle field as well as on it.

Mr. President, I dislike very much to take up the valuable time of the Senate, and would not have done so to-day were it not that I had been requested so to do, merely to be the voice of the service men's organization. I have, as briefly as possible, attempted to state their position. I thank you, Mr. President and Members of the Senate, for the privilege of thus addressing you.

Mr. BINGHAM. Mr. President, like the junior Senator from Colorado [Mr. MEANS], I am a service man. I learned to fly in March, 1917, and was in the Air Service for two years, until March, 1919. Like him, I am a member of the American Legion and have been since the beginning. I was appointed a delegate from Connecticut to the first convention of the American Legion in St. Louis, was a member of the organization committee in Connecticut, and a member of the executive committee of the American Legion in Connecticut during the first year of its existence, and a member of one of the national committees of the American Legion, the committee on Americanization. I mention these facts, Mr. President, merely to show that, like the junior Senator from Colorado, I have an interest in the service man and in the Legion.

On the other hand, his record is far superior to mine. He has just received the distinguished service cross for gallantry in action in the Philippines during the Spanish-American War. He had the good fortune to command a regiment at the front, whereas it was not my fortune to see duty at the front for more than a couple of days. Nevertheless, in the Air Service I did see many accidents and a great deal of loss of life in the course of training.

I desire to speak on this bill from two points of view, from the point of view of fairness to the soldiers of the World War and from the point of view of military policy, for I am interested in seeing this country adequately prepared for future wars. My experience in Washington, where I was on duty the first year of the war, led me to believe that one of the great difficulties, one of the things that caused the greatest amount of suffering, was the fact that we were not prepared for war, that the General Staff had not made adequate plans, and that we were thrown into it without adequate preparation. I desire to see this country adopt a military policy in the future that will enable us to defend our Nation without causing the amount of suffering and loss of morale to young men that was caused by our lack of preparation during the World War.

First, in regard to fairness, this bill provides that if an officer of the World War is 30 per cent disabled he shall be

given the privileges of retirement given to officers of the Regular Army. In other words, if I had been disabled while flying as a major and had lost two fingers of one hand, I would be entitled to be placed on the retired list of the Army and for the rest of my life receive a salary of $2,250 a year; whereas if my mechanic, riding in the front seat with me in the plane, subject to exactly the same conditions as I, had been similarly injured, he could receive for the balance of his life for that permanent disability only $360 a year.

Mr. BURSUM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from New Mexico?

Mr. BINGHAM. I yield.

Mr. BURSUM. Suppose a major of the Regular Army were riding with his chauffeur, who was an enlisted man of the Regular Army, and the major should lose two fingers and the enlisted man should be injured similarly; would not the same be true of those two?

Mr. BINGHAM. Mr. President, I shall come to that a little later, if the Senator will allow me.

While taking my reserve military aviator tests in July and August, 1917, at Mineola, I had it on my schedule to receive at half past 9 one morning training in what is known as tight spirals by Captain Taylor, of the Army. At 9 o'clock another pupil was to receive a similar lesson, and he did go up. This other pupil had the grade of sergeant in the reserve, as I at that time had the grade of major. Due to force of circumstances, I was more fortunate than he. When I came on duty I received the grade of major. When he came on duty, just as early in the war as I did, he received the grade of sergeant. So far as I know, his education, his ability, his flying and mechanical ability were equal or superior to mine, but I had better luck than he, and I received a major's commission at the beginning of the war, while he received only a warrant as sergeant. We received our final flying training as reserve military aviators at Mineola together.

At 9 o'clock on a very hot day in July, when people were being prostrated by heat in New York City, he went up for his lesson. He got into a tail spin, the plane crashed, the captain-instructor was killed, and the sergeant was seriously injured. When I came down from preliminary flying to take my lesson, I found all flying had been called off because the teacher had been killed. This sergeant was in the hospital for over a year. I do not know his present condition, but assume him to be 30 per cent disabled. I understand he recovered in large measure from his injury. Why should I receive, had I been in his place, seven times as much pension—for this is nothing but a pension measure when we get down to the facts—seven times as much as he, for the same injury, when we came into the Army as civilians at the same time?

Take another case. In flying across France in 1918 with a mechanic, my engine failed, and I was forced to come down in territory that was covered by vineyards and gardens, very bad country to light in, no pasture lands, only a grassy swamp to land in, unless we landed among the gardens or the vineyards. We landed in the swamp, immediately were capsized, and were pinned underneath the plane.

The mechanic was in the front seat. Only a week before a captain in the Air Service had gone with his mechanic on a cross-country flight, had had the same fate, and the sergeant was killed, while the captain was seriously injured. It might have happened so to us; but, fortunately, the sergeant escaped injury. My eyes were filled with glass, and had it not been for the presence of an American telephone battalion in the vicinity, who brought over their doctor immediately, I might have received very serious injury.

The sergeant who was in my plane, who might have been seriously injured, would have by law a certain grade of disability allowance. According to that law both officers and men are treated exactly alike, as in justice they should be. We came out of civil life to help win the war. We encountered the same kind of hardships and the same kind of danger. If we were injured we deserved the same kind of treatment. Some of us were more lucky than others and got higher ranks. Under this bill he would get one-seventh of what I would get. It seems to me that it is unfair that men who were lucky enough to get high rank should by such a bill as this be given six or seven times as much aid as those who were not so fortunate.

There were sergeant majors in the Army, there were first sergeants, men of the greatest ability, who had come out of private life from positions of great responsibility, who were, in the opinion of a great many officers, superior to many commissioned officers in their usefulness and in their service. And yet by this bill those men who reached the grade of sergeant major or first sergeant, for 30 per cent injury would receive only $360 a year, while a lieutenant colonel would receive $2,625 a year, or seven times as much. It does not seem to me just that such things should be, because men of both ranks came out of civil life together, at the same time, and under the same circumstances.

Take the case of two boys at Yale who went into the war. I have in mind two rather distinguished young men, whose names I do not care to mention. They were both ardent volunteers. One of them went to the Plattsburg training camp and was fortunate enough to receive the grade of major when he graduated and went to France. The other one was slightly under the age necessary to entitle him to a commission and he had to enter as an enlisted man, but very rapidly rose to the grade of sergeant major. Both of those men were leaders in their classes, both were sons of distinguished citizens, of equal ability, of equal status, of equal rank in everything except the fortunes of war. One went to France as a major, the other as an enlisted man. If they were both injured equally one would get six or seven times as much as the other. That is not justice to the service man, Mr. President; at least, it does not seem so to me.

I do not desire to take up too much time, but I would like to call attention to the fact that under the World War veterans' act of 1924 all officers and enlisted men, irrespective of rank or grade, receive $10 a month for 10 per cent disability, $20 per month for 20 per cent disability, and so on up to $100 per month for total disability, or $200 per month for double total disability.

The Senator from Colorado [Mr. MEANS] pictured with great eloquence the man injured at the front, and no one has more sympathy with an injured service man than I. No one has more sympathy than I for the man injured in the course of training. At Issoudun, in France, where I commanded during the last four months of 1918, about 80 men were killed in flying training. About 20 young officers were killed in the course of giving flying instructions, and so far we have been unable to get any distinguished service medals for their noble service. There were officers who day after day went into the air in those schools and combated from two to four hours, maneuvered in the air against young cadets teaching them how to combat, so that they could go to the front and combat successfully against the Germans.

That was a dangerous service, but it was just as dangerous for the men who were learning to receive their commissions as it was for the men who were teaching and had commissions. According to our laws, if a man is very seriously injured, he can now receive $200 a month for double total disability. Here appears to be a fair and reasonable grading of benefits according to the degree of injury, and without odious classification as to whether the beneficiary is a private or a general.

As Senators know, in the Air Service a man took his first training as an enlisted man, and did not get his commission until he succeeded in getting his wings as a reserve military aviator. At the great flying schools at Fort Worth, where we gave a thousand men their preliminary training, 100 men were killed in the course of that preliminary training, and scores were injured. If they happened to be injured the day after they got their commissions, then by this bill they would receive four times as much for the injury as if they happened to be injured the day before they got their commissions. Is there justice in that, Mr. President? It does not seem so to me.

Retirement privileges and pensions should be kept distinct and separate on the statute books. Retirement is properly a charge against preparedness, while pensions are properly an item in the cost of unpreparedness. This country must never refuse or fail to take care of its war victims. The disabled and maimed must be cared for liberally and generously, together with all of the dependents of the dead and the helpless. We can not afford to do less, but we can not afford to do more.

Repeated efforts over a long period of years following the Civil War to secure retirement privileges and retirement legislation for the emergency officers of that war were unsuccessful, and yet during the four years of the Civil War there was far more opportunity for the operation of justice in the distribution of rank than there was in the few months of the great World War.

Our soldiers and sailors should be pensioned according to the disabilities they have suffered, and not according to their rank in the service or their stations in civil life. It is believed that calm and unbiased reflection will convince one of the wisdom of such a course. War is so tremendously a matter of luck and chance, not only as regards an individual's exposure to hardship and danger, but also as regards his rank, preferment, and opportunity, that classification of post-war aid and assistance according to war rank or grade is a course

that could not fail to lead to a complexity of injustices calculated to arouse the bitterest feelings.

The only proper, right, and safe course to pursue is to put our citizen veterans in a single class. They were all patriots. We should minister to each and every one of them who suffered disability and infirmity according to the degree of such disability or infirmity.

Now, Mr. President, as to military policy. It is clearly shown by history that in a democracy there is no more difficult or thankless task than supporting a peace-time Army.

In time of war the citizen who volunteers for service is acclaimed rightfully as a patriot willing to give his life for his country. In peace time it is extremely difficult to get citizens to contribute to the maintenance of the Regular Army, which is to be the backbone of their defense in time of war. In peace time it is extremely difficult to get men of brilliant attainment to remain in the service as officers of the Regular Army. There are few if any more thankless tasks than that of training soldiers in peace times. Everyone realizes this difficulty.

One of the greatest inducements to a high type, conscientious officer is the fact that if he will make soldiering his profession we promise to look after him in his old age, and if he is injured to give him retired pay in accordance with the grade which he reaches during his active service. In peace time it takes a great many years to secure a rank. Between the Spanish-American War and the World War there were first-class captains in the Army who did not secure promotion for a period of 15 or 16 years. Such an officer might reasonably become discouraged and so would leave the Army now and only come back in time of war except for the fact that by so doing he would lose the opportunity and advantage of being placed upon the retired list with the rank which he had attained if injured in time of war.

The present system encourages an officer to devote his life to military studies and to learn no other business or profession. The policy underlying this bill discourages him from doing so and encourages him to leave the Army, go out into the world of business and make something else his profession.

As a matter of fact, the retired pay of an officer of the Regular Army is actually deferred salary given in order to encourage him to stay in the service during peace time when the actual monetary compensation of his annual salary is small, the amount of glory to be derived from his service nil and inducements for leaving the Army and going into civil life very great, particularly if he is an active, energetic, highly intelligent officer of the kind most needed in the Army.

Mr. President, it is well known that officers in the Army who receive a salary of $2,500 or $3,000 a year are often offered salaries of $10,000 if they would go into civil life. The ablest type of captain, who gets only a small salary in the Army and who could earn $10,000 or $15,000 a year in civil life, has a great inducement to go into civil life if he knows that in time of war he can then come back in the Army and serve his country and get, if injured, retirement just as though he had spent those 15 or 16 years during peace time in faithfully serving the Army of his country.

Everyone knows that it takes unusual mental equipment to graduate from West Point. The training is excellent and the opportunity for a man who has received that class of training to earn a handsome salary after 8 or 10 years' experience is acknowledged to be great. Our experience in peace time shows that an Army officer is likely to be a captain for a great many years. I have in mind an instance of an exceptionally brilliant Army officer who during the period between the Spanish-American War and the World War was a captain for 16 years, receiving only $2,500 a year or less. The type of officer I have in mind could easily have secured a position paying three or four times as much in civil life, and the probabilities are he could have secured five or six times as much. We encourage him, however, to go on and be a captain year after year, to serve his country in preparing and training soldiers, to give his time serving in the Army at a meager salary, because we promise him that at the end of that service he shall be retired and shall receive retirement pay and retirement allowances. If injured, he is retired. It is one of the most powerful inducements we have to keep the best men in the Army in times of peace.

This bill virtually lays down the policy which says to such an officer, "You need not sacrifice yourself by staying in the Army and giving us the benefit of your experience, either as an instructor or as a leader of men. You may abandon the Army, go out into the commercial world, and take your chances of earning a comfortable competence so that your family may enjoy as much of the good things of this world as other citizens of your ability. When war comes you may come back into the service and, if injured, enjoy virtually as much in the way of benefits of the retired officer as though you had remained in the service all this time."

Retired pay is not a compensation. It is deferred salary to encourage a man to stay in the Army where there is a great need of trained officers of high ability.

In conclusion, after a study of this bill from the point of view of an emergency officer in the World War, and of one interested in seeing that our country is properly prepared so as to lessen the likelihood of future war, I am opposed to this bill on two grounds: First, that it is bad military policy and tends to disrupt the Army in time of peace and discourages officers from making soldiering a profession; and, in the second place, that it is unfair to the men who go into the Army from civil life and receive similar injuries. Had the World War lasted four years an adjustment might have taken place so that all the men of great ability would have become officers, but the World War lasted so short a time, so far as we were concerned, and involved such a number of men being gathered into our Army that it is not strange to find that many sergeants were of far greater ability and of far more importance in winning the war than some of those, who, like myself, were fortunate enough to secure a commission at the very beginning of their service. In view of these circumstances the amount of relief should depend on the nature of the injury and not on the rank which the soldier was forunate enough to receive.

Finally, I should like to call attention to the fact that at the very beginning of the World War a number of our most enthusiastic patriotic young Nathan Hales immediately rushed into the service and volunteered, giving up everything on the day war was declared, before we had made our plans for officers' training camps, before we had made our plans for properly commissioning them. Some of those young men stayed all through the war for more than a year and a half in France as enlisted men. Others more cautious, more far-sighted, more shrewd, looking after their own interests to a greater extent, waited for several months until they could succeed in going in as officers.

No one blames them for it. They went in. They volunteered; but they waited until they could go in as officers, and they served during the war as officers. Under such circumstances it seems to me a great injustice to the splendid young volunteers who served at the beginning of the war, but who were not fortunate enough to secure commissions, that we should say that their disability compensation should be one-fourth, or one-fifth, or one-sixth, or one-seventh of the compensation of those who were fortunate enough to secure commissions.

Mr. REED of Pennsylvania. Mr. President, before the Senate votes on the pending bill it ought to have a clear understanding of the number of persons who will benefit by the legislation. Last year by the act of June 7, 1924, known as the veterans' code, Congress enacted a general law which benefited several hundred thousand officers and men of our forces in the World War. Now we are asked to pass a special bill, not of general benefit to our troops as a whole but to officers who have been injured 30 per cent or more. It will affect immediately 1,618 former officers who are now permanently disabled 30 per cent or more. These are the figures up to December 31 last. In all, on that date there were 8,327 officers receiving compensation from the Veterans' Bureau under the act of June 7, 1924, but out of that 8,327 officers only 1,618 will benefit by the pending bill.

It has been argued to us with great eloquence that the American Legion and the Veterans of Foreign Wars and the other service organizations are behind the bill. I believe that their legislative representatives here in Washington are behind it, but, Mr. President, I have yet to hear from any man who was an enlisted man in the Army in 1917 or 1918 who approves the bill. I have yet to find a single enlisted man who, when asked about it, has not replied that it is an inexcusable discrimination against that great body of enlisted men who made up our Army and won the battles in the last war. How we can say, in a democratic country like this, after war is over, that this man is to receive seven times what his similarly injured comrade is to receive; how we can dare to discriminate between private citizens in peace times in a country like this, passes my comprehension.

Most of the arguments that are directed against us are based on the theory that we are stingy and trying to withhold this money from these particular beneficiaries. Surely it is not necessary for us to answer that argument. I myself fathered the veterans' code last spring and had charge of it on the floor of the Senate and in conference. We knew all the time that it was adding $30,000,000 a year to our Veterans' Bureau out-

lay, but all of us were glad to do it. The Senate passed it unanimously, knowing that it cost that much, because its benefits were impartially given to that whole Army of which we were so proud. But now by this bill to pick 1,618 men out of that 4,500,000 is an unpardonable thing, and I do not believe the Senate ought to do it without a clear comprehension of what it means.

The cost is relatively limited. I understand the bill will cost some $700,000 or $800,000. That is a very small amount to take out of other people's pockets and Congress will not stop long on that score. But the principle of the thing is what offends those who have studied it.

The Senator from Connecticut [Mr. BINGHAM] has made very clear how that discrimination will work out against enlisted men; but I think it is also worthy of notice that it is a gross discrimination among officers. If this proposed legislation be enacted an officer, a major, for instance, who is 25 per cent disabled, is going to get $300 a year; but his fellow officer in the same rank who may be only 30 per cent disabled—just 5 per cent more—is going to get seven times as much compensation. The major will get $2,250 a year if he be 30 per cent disabled, but he will only get $300 a year if he be 25 per cent disabled. Outside of an insane asylum who is there who could contrive a worse system than that?

Mr. BURSUM. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I yield.

Mr. BURSUM. There must be a starting place and a stopping place somewhere.

Mr. REED of Pennsylvania. The stopping place, in my judgment, is to vote down this bill.

Mr. BURSUM. Of course, that is the main object of the Senator's argument; but there must be a starting point; there must be some point where disability begins, below which a man is considered not disabled to such an extent as to prevent him from pursuing a vocation. The starting place in this instance is where it is more liberal to the Government though harder on the applicant than the rule which has been adopted relating to the Regular Army.

Mr. BINGHAM. Mr. President, will the Senator from Pennsylvania yield to me?

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Connecticut?

Mr. REED of Pennsylvania. I yield.

Mr. BINGHAM. In order to make perfectly explicit what the Senator from Pennsylvania means, I desire to quote from the present ratings of the claims department of the United States Veterans' Bureau to the following effect: If the officer to whom the Senator from Pennsylvania has referred shall have lost the second finger of either hand he is 20 per cent disabled and receives $240 per year for losing that finger. If, however, he loses the second and third fingers, under this bill, if enacted into law, he would get $2,250 a year; in other words, one finger is worth $2,010 a year to him. Mr. President, that illustration shows explicitly what the Senator from Pennsylvania is trying to bring out.

Mr. REED of Pennsylvania. I thank the Senator for giving us that pointed illustration.

Now, just think what we are proposing to do. We are saying to one man in a country where all men are born equal—politically equal, anyway—"You shall receive seven or eight times what another man gets because back in your history you were an officer and he was only an enlisted man." How long is it going to be before the enlisted man in the World War is going to vent his scorn on Congress when he learns that this legislation has gone through?

Mr. President, this morning comes a telegram from Toledo, Ohio, from some of the enlisted men who my friend from New Mexico says are for this bill. This is the way the telegram reads:

> We are grateful for the splendid fight you are making in behalf of the private soldiers in opposing the officers' retirement bill. Every enlisted man in the country is opposed to this unjust bill. More power to you, Senator.

This telegram is signed "C. E. Whitney, Legion No. 29, Private Soldiers and Sailors; Arthur McCool, secretary; Fred Kocher, president."

Mr. BROOKHART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. REED of Pennsylvania. I yield.

Mr. BROOKKHART. Does the Senator from Pennsylvania know whether the same soldier was also opposed to the bonus legislation?

Mr. REED of Pennsylvania. That I do not know; but I do know that the same kind of talk is being heard here in support of the pending bill that we heard in support of the bonus legislation. We were then told that every soldier of the last war wanted the bonus, and that I, for example, was misrepresenting my comrades when I spoke against it; and yet with the Legion working to get applications for the bonus, with The Adjutant General publishing articles in the newspapers and asking men to apply for it, with everything that is being done to get the soldiers who were so "crazy" for this bonus to apply for it, there have not yet been 50 per cent of them who have filed their applications. That is what the soldiers think of the bonus, and that is what they are going to think of this proposed legislation should it be enacted. Congress is going to hear from them should it pass it.

Let me read to Senators, for example, what a private soldier who is still in the hospital has to say about the bonus bill.

Mr. DALE. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I shall be glad to yield.

Mr. DALE. I apologize to the Senator for interrupting him just here, but the line of his argument was taking effect on me, and I did not get it all until I interrupted him. I wish to ask, Does the Senator think the same logic applies to this bill which applied to the bonus bill? He seems to put them on the same level in his argument.

Mr. REED of Pennsylvania. No. The reason I mentioned the bonus was because the Senator from Iowa [Mr. BROOKHART] referred to it. I remember when we sat here during the arguments on the bonus bill it was stated to us over and over again that the overwhelming sentiment of the men who served in the Army was in favor of it. It was also said that I was misrepresenting my former comrades in opposing the bonus bill; that they were all in favor of it; that the American Legion was in favor of it; and so it went. The Senator from Vermont remembers that?

Mr. DALE. I recall that.

Mr. REED of Pennsylvania. And I think that when Senators rise here and pretend to state what the whole Army thinks, we ought to take their statements "with a grain of salt," because we found in the case of the bonus that they led us into the making of a great mistake which the country resents.

Mr. DALE. But could not a man who was enthusiastically in favor of the bonus just as consistently oppose this bill?

Mr. REED of Pennsylvania. Oh, certainly.

Mr. DALE. That was the point I had in mind.

Mr. REED of Pennsylvania. The bonus bill, in my judgment, had one great merit, and that was it was absolutely impartial among the beneficiaries. It did not give more to some than to others because of artificial distinctions between them; it was at least impartial.

Mr. DALE. The two measures are not identical at all.

Mr. REED of Pennsylvania. Oh, not at all; and the only reason I am mentioning the bonus is to caution Senators against statements that "all the soldiers want this" and "all the soldiers approve that." Let us take those statements "with a grain of salt."

Mr. BROOKHART. The Senator has not mentioned the kind of bonus that was finally given to soldiers. It was not the kind they were asking for. Mortuary insurance, without any cash option at all, was not very attractive to many soldiers.

Mr. REED of Pennsylvania. It seems not to have been.

Mr. GLASS. Mr. President——

Mr. REED of Pennsylvania. I yield to the Senator from Virginia.

Mr. GLASS. I am glad to observe that the Senator from Pennsylvania has found some merit in the bonus; I did not know that there was any. As a matter of fact, the ex-service men have had to be importuned to put in their application for the bonus which we gave them.

Mr. REED of Pennsylvania. Although an advertising campaign has been carried on, still 50 per cent of them will not take it.

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

Mr. REED of Pennsylvania. I yield briefly to the Senator from New York.

Mr. COPELAND. I do not think it fair for the Senator from Pennsylvania to make reference to the bonus, because the kind of bonus provided in the law which we passed the soldiers did not want.

Mr. REED of Pennsylvania. Then why did we pass it?

Mr. COPELAND. They did not want a graveyard monument; they wanted a cash bonus. That is the kind of bonus they were favoring, and if that had been the kind of bonus provided by the Congress I have no doubt that the very great majority of the soldiers would have applied for it.

Mr. REED of Pennsylvania. Then why did the Senator from New York advocate it so strongly if the soldiers did not want it.

Mr. COPELAND. I advocated the cash-bonus idea, and perhaps I was almost the only Senator who did so.

Mr. REED of Pennsylvania. I thought I remembered the Senator voting and speaking in favor of the bill which we finally passed over the President's veto.

Mr. COPELAND. Yes; I voted for the bill that passed, holding my nose. I advocated a cash bonus.

Mr. KING. Mr. President, I hope we will not be diverted into a discussion of the merits of the bonus.

Mr. REED of Pennsylvania. That is a side issue; it is water over the dam; but I thought it was appropriate, perhaps, to give that word of caution.

Mr. BROOKHART. Mr. President, I do not want the RECORD to stand that the Senator from New York is the only one who advocated a cash bonus. There were a number of us who advocated that option on a roll call.

Mr. GLASS. And I have no doubt that we will have to vote on it again, and we will have an opportunity to do so.

Mr. BROOKHART. Oh, we will offer such an amendment some of these days.

Mr. REED of Pennsylvania. Mr. President, we are going to have bonus bills and pension bills coming up as regularly as the elections occur, and most of them are going to be passed, because most of us are going to be afraid to vote against them; everybody knows that.

Now, let me get back to the bill that is pending. Here is what an enlisted man still in the hospital suffering from a war-time disability thinks of the bill on which Senators are about to vote.

The letter from which I shall read comes from a patient, Charles E. Stevenson, who is now in the Veterans' Bureau Hospital at Oteen, N. C. His letter is too long to read to the Senate now, but I will quote two paragraphs from it:

> Why should a small class, because they were lucky enough to hold commissions granted during the confusion and stress of war, be placed on easy street the remainder of their natural lives while the great majority of their comrades in the struggle are endowed with no such subsidy?
>
> This is not a tirade against officers. The officers as a whole were splendid types of men and did their job thoroughly in the war. But did they do any more thoroughly and any more whole-heartedly than the men in the ranks? Then, too, officers in war and officers in peace are two different matters. Military discipline necessitates a certain amount of caste system, but civil life does not, and why place a premium upon a Prussian military system of caste which does not belong in the civilian life of America and is opposed to all the democratic ideals and institutions of the American people?
>
> There can be but one conclusion as concerns the Bursum emergency officers' bill—it is unfair. It is unfair to the officers because it seeks to place them in an unpleasant position—the position of seeming to enjoy unfair advantages over their comrades in arms. It is unfair to the enlisted men because it is a rank discrimination against them both as a class and as individuals.

That is the opinion of an enlisted man who is still in the hospital.

Mr. President, I ask that there may be printed in the RECORD at this point a statement from the Veterans' Bureau showing the number of officers that are receiving compensation, their rank, and the amount now being paid to them as of date December 31, 1924. I ask that it may be printed without being read at the present time.

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

The statement is as follows:

Army officers' compensation—Active disability cases, correlated with rank, degree of impairment and extent of disability, showing number and amount of monthly payments, December 31, 1924 (all districts, foreign countries, central office and bureau employees)

Extent	Degree of impairment	General		Colonel		Lieutenant colonel		Major		Captain		First lieutenant		Second lieutenant		Total	
		Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment
T. P.	*Per cent*																
	10-19			3	$35	17	$190	91	$1,020	396	$4,330	614	$6,710	466	$5,020	1,587	$17,305
	20-29			3	70	7	150	66	1,495	240	5,340	359	7,920	233	4,925	908	19,900
	30-39					3	75	15	440	58	1,745	86	2,545	45	1,315	207	6,120
	40-49					4	160	10	390	34	1,285	41	1,580	20	735	109	4,150
	50-59			1	50	4	190	36	1,665	122	5,765	147	6,870	68	3,040	378	17,580
	60-69			1	60	2	100	7	385	11	645	14	775	8	410	43	2,375
	70-79					4	310	27	1,880	88	6,135	112	7,965	74	5,000	312	21,290
	80-89							1	80	8	590	9	695	4	300	22	1,665
	90-99							1	80	1	80					2	160
Total				8	215	41	1,175	254	7,435	958	25,915	1,389	35,060	918	20,745	3,568	90,545
P. P.	10-19			5	65	12	130	73	855	356	4,235	677	7,910	538	6,210	1,661	19,405
	20-29	1	25	3	70	7	140	49	1,125	177	4,015	269	6,070	188	4,275	694	15,720
	30-39					4	125	11	335	68	2,170	119	3,770	106	3,385	308	9,785
	40-49					1	40	9	340	31	1,285	72	3,015	59	2,445	172	7,125
	50-59			1	50	2	100	10	500	38	1,960	66	3,375	47	2,430	164	8,415
	60-69							3	180	15	965	24	1,475	32	2,045	74	4,665
	70-79			1	60			1	75	13	950	23	1,690	14	1,030	52	3,805
	80-89									7	590	16	1,315	19	1,575	42	3,480
	90-99							1	90			3	270	2	180	6	540
Total		1	25	10	245	26	535	57	3,500	705	16,170	1,269	28,890	1,005	23,575	3,173	72,940
T. T.	100			4	360	11	985	45	4,130	196	17,825	253	22,565	277	23,935	786	69,800
P. T.	100			5	500	11	1,150	58	6,060	210	21,720	284	29,830	232	23,720	800	82,980
D. P. T.	200																
Grand total		1	25	27	1,320	89	3,845	514	21,125	2,069	81,630	3,195	116,345	2,432	91,975	8,327	316,265

Compiled by Statistics and Costs Division, Control Service.

Mr. REED of Pennsylvania. The totals are, 8,327 officers receiving compensation in some amount; only 1,618 of them receive compensation for 30 per cent permanent disability or more. That is to say, 80 per cent of the officers who are disabled to some extent will not be benefited by this bill.

Mr. HARRELD. Mr. President, does the Senator mean to say that the limit is fixed now? Suppose that hereafter an officer becomes disabled more than 30 per cent and is able to trace the disability back to the service; what will happen?

Mr. REED of Pennsylvania. I am glad the Senator asked that question. I am trying to give the figures as they stand to-day, but I want to couple that with the statement that I fully expect that many officers who are now being carried on the temporary disability roll and not included in these figures will be transferred to the permanent disability roll, and that will increase the number beyond 1,618.

Mr. HARRELD. Will there not be a general scramble to bring that condition about?

Mr. REED of Pennsylvania. Of course there will.

Mr. KING. Mr. President——

Mr. REED of Pennsylvania. Let me tell just what will happen, and then I will be glad to yield if I shall not have answered the question the Senator from Utah has in mind. These 1,618 beneficiaries have increased very much during the past 11 months. The number increased 499 over what it was on February 1, 1924. That is to say, 499 officers got put on this list who would be covered by the pending bill. There will be two methods adopted for increasing that number further if we pass the bill. The men who were injured less than 30 per cent will exhaust every means in their power to have the rating of their disability pushed up a little bit so as to get them within this favored class. A man who is 20 per cent

disabled will bedevil the Veterans' Bureau until they increase him to 30 per cent.

Mr. KING. Or more.

Mr. REED of Pennsylvania. Or more; and then he is safe for life in the group favored by this bill.

Mr. HARRELD. Then they will fight to have Congress reduce the limit to 20 per cent instead of 30 per cent.

Mr. REED of Pennsylvania. Why, this is only the opening gun. All these men who are discriminated against, the men who have lost the middle finger, as the Senator from Connecticut [Mr. BINGHAM] pointed out, will be around here at the next session of Congress pointing out the unfairness of it all and demanding that we put them in the two-finger class which is covered by this bill.

Mr. KING. I think the Senator might properly state that within a few years nearly every officer, except men of high character like the Senator from Connecticut, will be on the roll.

Mr. REED of Pennsylvania. Of course they will. They will have this 30 per cent amended to go down to 20, and then down to 10, so that the whole 8,300 will be drawing this retirement pay, or will be eligible to draw it. To their everlasting honor I will say that there are many of them who will not take it, just as we would not take the bonus.

Now, Mr. President, there is still another agitation that is sure to come.

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

Mr. REED of Pennsylvania. I yield.

Mr. FESS. I know the Senator will be glad to talk to me, because I am really on the fence.

Mr. REED of Pennsylvania. I did not know there was a Senator in the Chamber whose mind is still open on this bill. I am delighted to have found him.

Mr. FESS. No; I am on the fence. I am not sure right at this minute how I am going to vote, because it appears to me that there is strong argument on both sides, and the argument made to-day has made a tremendous impression upon my mind, causing me to veer toward the negative side of this proposal, which will be the way my vote will be cast unless there is some further argument to disprove the situation; but I want the Senator to clear my mind on some things.

This discrimination between the enlisted man and the officer is bound to exist, no matter what we pass here in the form of legislation. It does exist in life and why should it not be recognized in legislation?

Mr. REED of Pennsylvania. I am glad the Senator asked that question. It does exist in war time in the Army, because, to be effective, an Army has to be an organized despotism. You have to have a graded scale of command that will carry the will of one man down to every man, and that will is law. Necessarily that means rank, but the whole reason for it disappears when peace comes. It is just the opposite of the governmental arrangement that our forefathers adopted. They declared all men to be equal. In war time all men are anything but equal, and that is one of the hateful things about war—that the common sense and the opinion of the average man is absolutely submerged under the dominant will that directs the country's operations in war time. If we perpetuate that distinction in peace time we are doing an illogical thing, and if we are going to make the distinction we ought to make it just the opposite of what is done here. I am still answering the Senator's question.

Mr. FESS. I am aware of that.

Mr. REED of Pennsylvania. Let me appeal to the Senator to imagine this case:

We have often been urged to vote for this bill because the officer, whose earning capacity is probably greater, suffers a greater loss when he is disabled. We have all heard that argument; but, do you not see, the disability in practically every case is a physical disability. His earning power by brain work remains unimpaired. So that for a physical injury the man who has to do manual labor really ought to get more for a given injury than the man who does brain work. It seems to me that is well worth considering; and it is just the opposite under this bill, because in any given case the officer would get seven times what the enlisted man would get.

Mr. BURSUM. Mr. President——

Mr. FESS. Let me put an illustration. Here are two brothers going into the service. One is an officer, the other a private. The officer is in his rank because he was a little more aggressive and brighter and had the qualifications of an officer that the other did not have.

Mr. HARRELD. Maybe it was because he was older.

Mr. FESS. I am speaking of an incident about which I know. It is not a matter of luck in that case. They both go into the service. They are both injured alike. Now, I am not sure that there is any injustice in the fact that the one will be retired and the other not, although that is being argued here.

Mr. REED of Pennsylvania. I am afraid that the one who is not retired is going to consider it an injustice when he draws $360 a year, let us say, and he sees his brother, the major, getting $2,250. He is going to howl, and he is going to come right here to Congress and do his howling, and we are going to be asked to treat everybody the same.

Mr. FESS. I admit that he will howl; but the question is whether he has real justification for it from the standpoint of the ideals that we are trying to develop in the country, that men ought to make the most out of themselves, and there ought to be a premium upon the one who does really achieve.

Mr. REED of Pennsylvania. But, Mr. President, the war did not last long enough for all men to reach their proper level. War shakes them up pretty fast, and men were gradually gravitating to the place in the scale where they belonged; but the process was not finished. As I said in the debate the other day, it takes ten times the character and force and ability to make a good first sergeant in a company of infantry or a battery of field artillery than it does to make a second lieutenant in the Quartermaster's Department here in Washington.

Mr. FESS. Yes; I think it is true, too, that if the one who did not advance had had a different opportunity opened to him he might have advanced as rapidly, if not more rapidly, than the other; but the opportunity did not open. I do not count it luck. It is hardly that. It is simply that the service did not call him.

Now, another question, if the Senator will answer my question. What is the argument that we should not treat the reserve officers the same as the Regular Army officers?

Mr. REED of Pennsylvania. The very obvious argument that the Army officer's retirement privilege is a part of his contract with the Government, just like his active service pay. It is necessary to do it to hold good men in the Army. They give up all chances of laying by anything for their families. They give up all chances of commercial business. They are in the Army during the time when being in the Army is sheer drudgery. We civilians get the best of it always so far as the Army goes. We go in there when it is interesting.

Mr. BURSUM. Mr. President——

Mr. REED of Pennsylvania. Just wait a minute, if the Senator please.

Mr. BURSUM. I wanted, just at that point, to call the Senator's attention to this situation: As a matter of fact, there are 10 applicants to enter the Army where there is one vacancy. If you let out 10 officers to-morrow, you would have a hundred applicants to take their places, and the favor is not to the department, but rather to those who seek to get into the Army. There is no scarcity of officers.

Mr. REED of Pennsylvania. Of course there is not, and we do not want there to be any scarcity, because we always want to be able to pick the best out of a group of applicants; but it has been found by experience, here and in other countries, to be necessary to do that in order to get the best caliber of men to come in and stay in the Army.

Mr. FESS. I think that is pretty fortunate.

Mr. WADSWORTH. Mr. President, will the Senator yield at that point?

Mr. REED of Pennsylvania. I yield.

Mr. WADSWORTH. May I say also that it has an exceedingly important bearing from the strictly military side? The establishment of the retired list has for its principal object the increase of the efficiency of the Army. The establishment of a retired list vitalizes the active list. If you did not have a retired list your generals and colonels would be men of 70 to 80 years old, and no good for active field duty. The two things that we have been discussing here bear no relation one to the other.

Mr. FESS. I am very much obliged to the Senator from New York. If the Senator from Pennsylvania will pardon me, I do not know that I catch this. My illustration may not be apt.

Here is a reserve officer. He is not in the active service. He is engaged in a profession. He has had his years of active, mature life or resourceful life in the outside world. He might be in less position for demanding retirement than the regular officer, because if he is resourceful the opportunities outside are greater. The question is whether that enters into the matter, that there frequently would not be as much justice in

retiring an officer in the reserve because he has had his life in lucrative work, while the Regular Army officer is limited to the red tape that governs him. Is there anything in that, or is that possible?

Mr. REED of Pennsylvania. I think there is a distinction there, that the civilian has had an opportunity in his profession or his business to lay by a competence that the regular has not. Is that what the Senator meant?

Mr. FESS. Yes; that is what I meant.

Mr. REED of Pennsylvania. Now, Mr. President, I have just one more suggestion to make.

Mr. FESS. If the Senator will permit me one-half minute, I do not yield to the pressure that a lot of people want this. I do not think that is a sound basis on which to legislate. Otherwise we might be retiring everybody, and ultimately nobody would be doing anything for the Government, and the Government would be doing everything for everybody. I do not like that kind of argument at all; but the justice of the case has been in my mind, and I thank the Senator for his indulgence.

Mr. REED of Pennsylvania. I thank the Senator for his observations.

Mr. WADSWORTH. Mr. President, will the Senator from Pennsylvania permit me—I shall take but a moment—to call his attention and the attention of Senators who are interested in this matter also to a very important precedent established in this matter by the House of Representatives in 1917.

The Senator will recollect that the war risk insurance act was reported from the House committee in 1917, and was considered on the floor of the House on September 13 of that year.

Mr. FESS. And passed October 6.

Mr. WADSWORTH. And this is important: That bill provided for death benefits under an insurance scheme. That bill, as reported from the committee, made a distinction between officers and enlisted men in the matter of death benefits. Now, this is on all fours with this discussion:

For example, that bill allowed the private soldier the insurance benefit which would come from a policy of $10,000. It allowed a captain the insurance benefit which would come from a policy of $16,000 or $17,000. Under that bill as reported a colonel would have received insurance benefits under a policy capitalized at $25,000, and the heirs of a brigadier general would have received death benefits under a policy capitalized at $35,000. That was the first attempt to distinguish between enlisted men and officers, and as between officers themselves, in the matter of pensions or death benefits. What happened in the House of Representatives?

That proposal was attacked upon the floor of the House by Mr. BLACK, I think, a Representative from Texas. He pointed out the discrimination as between officers and enlisted men of the great emergency army then in course of formation. He offered an amendment equalizing the insurance benefits as between officers and men, and his amendment was adopted by the House on a roll call by a vote of 139 to 3. We are starting in, under this bill, to undo that very thing in principle.

Mr. FESS. I recall that action in the House very distinctly. I was there at the time.

Mr. REED of Pennsylvania. Mr. President, I promised to leave 10 minutes for the Senator from New Mexico to discuss his measure, so I want to say just a word or two in conclusion.

The advocates of this bill have argued as if every one who would be a beneficiary under it was a battle casualty. We must remember that about three-fourths of those who would be the beneficiaries of this bill never saw a battle, and never heard a hostile bullet. We have so liberalized the Veterans' Bureau law that it is true to-day that a man who was in commission here in Washington for a week, in the Judge Advocate General's Department, and developed tuberculosis at any time up to the end of last year—1924—is entitled to an allowance from this Government all the time he is ill. We have so liberalized it that those illnesses which can in any way be ascribed to the war are all compensated for. If a man developed a mental disease five years after the armistice, though he may never have crossed the ocean, though he may have been in service but a few days, the Government takes care of him as long as he is insane.

Most of the men who would be advantaged by this bill are men who have been ill, not during the war, but after the war, and whose disability is connected with the war only by the presumption which Congress has put into the Veterans' Bureau law. Most of the men who would be the beneficiaries of the bill are of that kind. I know perfectly well that there are some battle casualties who would be benefited by it, some men who were grievously wounded, but against them there are hundreds of battle casualties of enlisted men who deserve equally good treatment, and it is wrong in principle and wrong in detail to discriminate against them.

Mr. BURSUM obtained the floor.

Mr. MEANS. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. BURSUM. I yield.

Mr. MEANS. I wish I were privileged to read the letter I hold in my hand, but I can not because of lack of time, so I wish to have it printed in the RECORD, in reply to the statement of the Senator from Pennsylvania about the attitude of the enlisted men on this bill. I am sorry I have not time to read it.

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

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

DISABLED AMERICAN VETERANS OF THE WORLD WAR,
Washington, February 19, 1925.

Hon. RICE W. MEANS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Appreciating your interest in the bill providing for the retirement of the disabled emergency officers of the Army and reminded that it is quite possible that some confusion might prevail as to the attitude of the ex-enlisted men of the late war, I am prompted to inform you of the stand this organization has always taken.

As you doubtless know, the Disabled American Veterans of the World War at its last three national conventions heartily indorsed the passage of such a bill. This action is quite significant when I point out to you that the vast majority of our members were enlisted personnel during the service. Three of our four national vice commanders and myself, as national commander, served during the late war as enlisted men, and representing as we do the disabled veterans of the entire country, I urge in their name that the United States Senate pass favorably upon this piece of legislation.

This organization, as you already know, was one of the three recognized by the United States Congress in the World War veterans' act as the legitimate veterans' organizations in existence to-day representing the disabled veterans. The passage of this bill was urged very strenuously at our last national convention in Salt Lake City during the month of June, 1924. This, I know, will convince you that the enlisted men of this country, and particularly the disabled enlisted men, by their own voice are absolutely in favor of granting retirement privileges as included in this Senate bill No. 33.

Appreciating your interest in all disabled veterans' legislation, I am,
Sincerely yours,

FRANK J. IRWIN.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Connecticut?

Mr. BURSUM. I am sorry I can not yield. I have only 10 minutes. The Senator had his time.

Mr. BINGHAM. May I have just a moment?

Mr. BURSUM. Is it for the purpose of having something inserted in the RECORD?

Mr. BINGHAM. No; I want to make a statement, which will take only a minute.

Mr. BURSUM. I can not yield for that purpose, because I have so little time. I will get through as quickly as I can and give the Senator the balance of my time.

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

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. Under the unanimous consent agreement must amendments be tendered before 2 o'clock, or may they be tendered after 2 o'clock?

The PRESIDING OFFICER. They may be tendered after 2 o'clock.

Mr. BURSUM. Either before or after; there is no limit on that. The debate is all that is limited.

I have sent to the desk an amendment which would include those persons who served in the naval establishment. There are a few who have not yet been taken care of under the law of 1920. Most of them were taken care of under that act, and some have been taken care of by special acts of Congress, but there are still a few who are entitled to relief under the act of 1920, and I have included those in my amendment.

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

Mr. BURSUM. I yield.

Mr. BINGHAM. Is it not true that a bill similar to this was passed to place naval officers on the retired list, but was afterwards repealed when its injustice was pointed out?

Mr. BURSUM. It was repealed after nearly all of them had been retired; but Congress has from time to time given others the benefit. We believed all those entitled to benefits had secured their retirement. That was the ground of the repeal of the act.

Mr. KING. Mr. President, if I may be permitted to interpolate, the Senator from Connecticut is right. I happen to be a member of the Naval Affairs Committee.

Mr. HALE. Mr. President, I think I can explain that in a word, if the Senator will allow me. The law was not repealed; it was limited so that in order to come under it a man had to apply before October 21, 1921.

Mr. BURSUM. Yes; it was a limitation.

Mr. HALE. It was a limitation, and there were a number of men who did not come under that, who would come under this amendment proposed by the Senator.

Mr. BURSUM. Mr. President, I offered the amendment because identically the same principle is involved in it as is involved in the bill which I have in charge, so I can see no objection to it. It will cost very little in addition to what the Government is already paying.

I can not agree with the statement of the Senator from Pennsylvania [Mr. REED] that most of the men to be benefited by this act have not seen service. My conclusions are formed from the testimony given before the Committee on Military Affairs early in 1921, when it was estimated from the records of the department that there were from 1,200 to 1,800 men who would benefit by the act. Of course, it is hard to be absolutely accurate, but the estimate at that time was so close to what the estimate is now that I am convinced that nearly all of those who would benefit did see service, that they saw service overseas, that they were under fire, and participated in battle.

As to the proposition of Congress being harrassed about future legislation and this only being an entering wedge, there is nothing to that kind of a proposition. Are we to vote on legislation one way or the other because of the fear that some one will be bedeviled by some one who seeks the passage of some bill? That would be a very cowardly position. If we are not competent to resist those who would seek the passage of bills, we are not competent to sit here as Senators.

The Senator from Pennsylvania has dwelt on the subject of equality. I regret that my time is so limited. I am given only about 10 minutes against 45 the Senator from Pennsylvania had, but I figure that the justice of my cause will make up for the difference in the time.

The Senator from Pennsylvania speaks about equality. There is no equality except in opportunity under the law, save in two instances. One is when we come into the world, the other when we go out. Outside of those two periods there is no such thing as equality except under the law.

Mr. REED of Pennsylvania. And now the Senator wants to change the law so there will not be any equality left there.

Mr. BURSUM. Oh, yes; there will be equality of opportunity. The only thing this bill does is to recognize men who take advantage of opportunity, and who were able to become leaders, were able to occupy places of responsibility.

Mr. President, that is the case all through life. We have our Washington, our Lincoln, and our Roosevelt in political life. Those men were outstanding men in the eyes and minds of the people of the world and of this country. Similarly, in the Army we had our Grant, and we had our Lee in the South, and we had other great and distinguished men who came to the front and who were recognized and compensated. That is the rule of life. We have our rich men and our poor men. The poor man of to-day may be the rich man of to-morrow, and if we want to keep this country on the road to progress the thing to do is to maintain it as the land of opportunity, where genius and thrift can be rewarded. We must have leadership.

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

Mr. BURSUM. I have no time to yield at this time.

If we are to progress, we must of necessity maintain opportunity, so that genius and thrift and ability and leadership can be recognized. There are leaders in everything—leaders in war, leaders in industrial affairs, leaders in religion, and in everything else. I suppose there may be those who would say that there should not be any leadership in anything, that everything should be common.

The Senator from Pennsylvania stated that no enlisted man has come out in favor of this bill. I know of one man. I have a letter before me from a man who lives in Utica, Miss., who was an enlisted man. First, he says that he is not related to any officer and that he served as a private in France. He says he is for this bill. He also makes this point:

> Colonel So-and-So has served 30 years in the National Guard, during all of which time he received no pay. I am for my colonel getting a fair deal as against the colonel who comes from the Regular Army.

This man served 30 years in preparation, equipping himself to make himself competent in order to become a leader, to become an officer, to become efficient to do his duty, just the same as those who happened to be trained at West Point.

All there is to this matter is an attempt to give the emergency officers the same treatment given officers of the Regular Army, men who served side by side and met the same hazards, the same enemy, the same bullets, and suffered the same consequences. Let us treat the emergency officer as we do the officer who comes from the Regular Army. It is no answer to say that the man who comes from West Point makes the Army his life work, because unless he is wounded he does not get his retirement except after 40 years' service; but retirement as the result of injury incurred on the field of battle is a different proposition from service retirement.

Just a few nights ago the Senate went on record by passing a bill retiring officers on account of disability incurred in the service. That bill was championed by the chairman of the Military Affairs Committee of the Senate, the senior Senator from New York [Mr. WADSWORTH], and it is identical with this bill.

I submit two letters to be published in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UTICA, MISS., *January 28, 1925.*

United States Senator H. O. BURSUM,
Washington, D. C.

MY DEAR SENATOR: From the proceedings of the debate on the retirement bill I noticed that one of the honorable Senators stated that Senate bill 33 was a discrimination against enlisted men, and that former enlisted men were opposed to same. I served as a private in France; am not in any way, either by blood or marriage, related to any commissioned officer who would be benefited by the retirement law. In writing to express the hope that your bill will pass, I am moved by a sense of justice and my interest in the future of the great National Guard of our country; because I sincerely believe that after the Congress has provided retirement for the disabled emergency officers of the Marines, Navy, and temporary officers of the Regular Army, if they refuse the same to the National Guard officers, it will do more than anything I could imagine to destroy the interest of the present National Guard officers. The Senator refers to the discrimination against enlisted men, but he does not refer to the discrimination that the Congress would practice if this bill should be defeated, because it would, in effect, discourage young men from seeking commissions in the National Guard during peace times, but would cause them to decide to wait until some war was declared on the country, then, by going to a training camp for 90 days, and being commissioned temporary officers in the Regular Army, they would receive the benefits of retirement should they return disabled. The old enlisted men of the National Guard feel that the officers they followed during the war, and who were disabled, are entitled to the same treatment as the disabled of the other branches of the service. The Senator states that the passage of Senate bill 33 would revolutionize the whole policy of the Government, and I ask, Did the retirement of the emergency officers of the Marines do this? Did the retirement of the disabled naval emergency officers revolutionize things? Did the retirement of the temporary officers of the regular service, who had nothing to do with the National Guard during peace times—did their retirement revolutionize the policy of the Government? I feel that such argument is unfair, and I strongly feel that all officers who "served and sacrificed" should be accorded equal and exact justice, or as near as justice can be meted out.

The retirement bill has been indorsed by every convention of the American Legion, by the Veterans of Foreign Wars, Grand Army of the Republic, and the United Confederate Veterans, also by the American Federation of Labor, and dozens of great organizations, such as the Chamber of Commerce of the United States, and it would seem that further argument is not necessary; but I will cite just one case that illustrates what a grave injustice the Congress would commit if this bill should be defeated.

1. Colonel A has served 30 years in the National Guard, during all of which time he received very little or no pay. He entered as a private, and by his devotion to duty was promoted to the rank of colonel. Each week he gave one night to attending drill, and once each year he spent from 15 to 30 days away from home in some training camp. When war is declared he resigns his position as cashier of a national bank and leads his regiment through the war; returns minus one arm. He receives $50 per month compensation under the present law.

2. Captain A resided in a city where the National Guard organization was under the command of Colonel A, who frequently solicited him to join same and take part in the work of getting the organization in shape for active service. Captain A declined and devoted all of the time to his personal affairs, never manifesting the slightest interest in the military company. When war is declared, Captain A finding that he is within the draft age, goes to a training camp and after three months there is commissioned a captain. He goes to France and returns home minus one eye. Although his disability does not seriously interfere with his occupation, he is retired on three-fourths of his active pay for life.

The above illustration, Senator, is not far-fetched, but there are numerous examples that we meet every day that illustrates the cruel and glaring discrimination that now exist among the different classes of officers.

I trust you will pardon the length of my letter. It has been lengthy because the National Guard is now on a basis where in the future its service to the Nation will almost equal that of the Regular Service, and I know that the failure of Senate bill 33 will create more discord than anything the Congress could do. It would in effect say to the young men of the Nation, "Do not join the National Guard, because if war should come again you could go to a training camp and within three months secure a commission in the regular service, and if you return home disabled you will be retired, whereas if you join the National Guard, you will have to serve free during peace times and if you should become disabled in a war you will be discharged on a small compensation."

I accord to the honorable Senators opposing this measure the most respectful consideration, but when they state that the enlisted men are opposing the retirement of our old disabled National Guard officers, men who for years struggled along, oftentimes subjected to derison during peace times, and when war was declared lead their commands gallantly in defense of this Nation, I say that they are mistaken, but that the enlisted men who followed these disabled officers feel that they were just as gallant and just as brave as any officers who ever drew a sword in defense of the Nation and that they should be accorded the same treatment extended by the Congress to the emergency officers of the Navy and Marines.

With profound respect, I am,

Yours truly,

JOE L. FLEWELLYN,
Private, One hundred and sixty-first Infantry,
Forty-first Division.

DISABLED AMERICAN VETERANS OF THE WORLD WAR,
Washington, February 19, 1925.

Hon. H. O. BURSUM,
United States Senate, Washington, D. C.

MY DEAR SIR: I respectfully request that you read this letter into the RECORD of to-day's Senate.

I understand that S. 33, providing for the retirement of the disabled emergency officers of the late war, is to be voted upon this afternoon, and I desire that the Senate know the attitude of this organization, which is one of the three recognized under the World War veterans' act of 1924.

The Disabled American Veterans of the World War at its last three national conventions went on record unanimously in favor of the passage of this piece of legislation. Significance of this action is that this organization is composed of the disabled veterans of the World War, the vast majority of whom were enlisted personnel. It is quite significant also that the present national commander and three of the four national vice commanders served during the World War as enlisted men. We do not feel that the granting of these retirement privileges is discriminatory in any sense against the enlisted men; on the contrary, we feel that the bill itself is fair and just, and its defeat would indeed be discrimination against those emergency officers of the United States Army who were disabled in line of duty.

The enlisted men of the late war feel very proud of their emergency officers, many of them having been promoted from the ranks. It is quite conceivable, of course, that a few individual enlisted men might possibly feel that this bill discriminates against them, but the vast majority of those men who paid the sacrifice in France and Belgium honor the names of those young officers who led them into battle, cared for them, and by their meritorious actions inspired the rank and file to greater efforts.

I beg to remind the Senate again that an expression from this organization, which represents the disabled of the late war, should mean more than an expression from any other group, due to the fact that our membership are those who are receiving compensation from the Government, and if we feel that this bill is not discriminating against us I know you will realize that any other expressions from individuals who would not be materially affected should be discounted.

Respectfully yours,

FRANK J. IRWIN,
National Commander.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, debate upon the bill ceases.

Mr. KING. Mr. President, I offer the following amendment to the pending bill.

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

Mr. KING. I want to make it uniform and give the advantages to officers in the Civil War, the Mexican War, the Indian wars——

The PRESIDENT pro tempore. Debate has ceased under the unanimous-consent agreement. The Clerk will report the amendment.

The READING CLERK. On page 1, line 4, after the word "war," insert:

The Mexican War, the Civil War, the Spanish-American War, the Philippine insurrection, the Boxer rebellion, or any of the Indian wars.

Mr. BURSUM. Mr. President, there is still another amendment on the table which was presented by myself.

The PRESIDENT pro tempore. The Chair is advised that the Senator is mistaken. The question is upon the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was rejected.

Mr. BURSUM. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 1, line 3, after the word "Army," insert the words "or naval service," so as to read:

That all persons who have served as officers of the Army or naval service of the United States—

And so forth.

The amendment was agreed to.

Mr. BURSUM. On page 1, line 5, after the word "Army" and before the comma, I move to insert the words "or permanent officers of the regular naval service."

Mr. KING. Mr. President, I ask unanimous consent, notwithstanding the rule, that the Senator in charge of the bill who has offered the amendment may have an opportunity for two minutes to explain its effect.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the Senator from New Mexico may have an opportunity to explain the amendment which he has just offered. Is there objection?

Mr. BORAH. Is there no limit of time whatever?

Mr. KING. Two minutes.

The PRESIDENT pro tempore. There is no debate under the unanimous-consent agreement already reached. The request of the Senator from Utah is for unanimous consent as stated. The Chair hears no objection.

Mr. BURSUM. Mr. President, I explained this amendment a few moments ago. It takes care of the emergency officers of the Navy who had not already been retired.

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

The PRESIDENT pro tempore. The Senator from Mississippi will state it.

Mr. HARRISON. Under the order is debate allowed after 2 o'clock?

The PRESIDENT pro tempore. The original order was that debate should cease at 2 o'clock. The Senator from Utah asked unanimous consent that the Senator from New Mexico might explain the amendment.

Mr. HARRISON. If the Senator from New Mexico wants to prolong discussion of the bill, well and good.

Mr. ASHURST. Let us have an understanding about this matter.

Mr. BURSUM. I am allowed just two minutes.

Mr. ASHURST. Does that mean that each Senator shall have two minutes?

The PRESIDENT pro tempore. It does not.

Mr. ASHURST. I am glad to know it.

The PRESIDENT pro tempore. The request was confined to the Senator from New Mexico.

Mr. KING. I merely wanted to show that it was an invasion of the rights of the Committee on Naval Affairs. I call for a vote.

Mr. BURSUM. Very well, let us vote on the amendment.

On a division, the amendment was agreed to.

Mr. KING. Mr. President, I offer the following amendment. In line 6——

Mr. BURSUM. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah is offering an amendment.

Mr. BURSUM. But the amendment which I sent to the desk has not been stated.

The PRESIDENT pro tempore. The Senator from New Mexico can not offer two amendments at the same time.

Mr. BURSUM. The object of the whole amendment is apparent in the first line, and the others are merely correcting the same thing in the bill.

The PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. KING. In line 6, page 1, after the word "disability," I move to insert "in the course of an engagement with the enemy."

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 1, line 6, after the word "disability," insert the words "in the course of an engagement with the enemy," so as to read:

That all persons who have served as officers of the Army of the United States during the World War, other than officers of the Regular Army, who during such service in the course of an engagement with the enemy have incurred physical disability in line of duty—

And so forth.

The amendment was rejected.

Mr. BURSUM. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 2, line 8, after the word "service," insert the words "or released from active duty."

The amendment was agreed to.

Mr. BURSUM. I now offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 2, line 11, after the word "Army," insert the words "or regular naval service."

The amendment was agreed to.

Mr. BURSUM. I offer another amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 2, line 18, after the word "service," insert the words "or released from active duty."

The amendment was agreed to.

Mr. BURSUM. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 3, line 5, after the word "Army," insert the words "or naval service."

The amendment was agreed to.

Mr. BURSUM. I now offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 3, line 7, after the word "Army" and before the comma, insert the words "or permanent officers of the regular naval service."

The amendment was agreed to.

Mr. BURSUM. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 3, line 16, after the word "service," insert the words "or released from active duty."

The amendment was agreed to.

Mr. BURSUM. I now offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 3, line 22, after the word "Army," insert the words "or regular naval service."

The amendment was agreed to.

Mr. BURSUM. I offer still another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 3, line 25, after the word "Army," insert the words "or Navy."

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers the following amendment, which the Clerk will report.

The READING CLERK. On page 1, in line 3, after the word "officers," insert the words "or noncommissioned officers."

Mr. REED of Pennsylvania. On that I demand the yeas and nays. The yeas and nays were ordered.

Mr. NORRIS. May we have the amendment read again?

The PRESIDENT pro tempore. The amendment will be read again.

The READING CLERK. On page 1, line 3, after the word "officers," insert the words "or noncommissioned officers," so as to read:

That all persons who have served as officers or noncommissioned officers of the Army or naval service of the United States during the World War, etc.

The PRESIDENT pro tempore. The clerk will call the roll on agreeing to the amendment.

The reading clerk proceeded to call the roll.

Mr. KING (when his name was called). Upon this matter I am paired with the junior Senator from Missouri [Mr. SPENCER]. I am permitted on this vote to transfer that pair to the Senator from Arizona [Mr. ASHURST]. I accordingly make that transfer and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

Mr. OWEN. I have a general pair with the Senator from West Virginia [Mr. ELKINS]. However, I am informed that on this question he would vote as I intend to vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 35, nays 42, as follows:

YEAS—35

Bayard	Ferris	Johnson, Minn.	Shields
Bingham	Fess	Kendrick	Shipstead
Borah	George	King	Stanley
Brookhar	Glass	Lenroot	Stephens
Bruce	Greene	Neely	Underwood
Couzens	Harreld	Norbeck	Wadsworth
Dial	Harris	Norris	Wheeler
Dill	Harrison	Owen	Willis
Edge	Heflin	Reed, Pa.	

NAYS—42

Ball	Fletcher	McLean	Sheppard
Broussard	Frazier	McNary	Shortridge
Bursum	Gooding	Mayfield	Simmons
Butler	Hale	Means	Smith
Cameron	Howell	Metcalf	Stanfield
Capper	Johnson, Calif.	Moses	Trammell
Cummins	Jones, N. Mex.	Oddie	Walsh, Mass.
Curtis	Jones, Wash.	Pepper	Watson
Dale	Keyes	Phipps	Weller
Ernst	Ladd	Ralston	
Fernald	McKellar	Ransdell	

NOT VOTING—19

Ashurst	Gerry	Pittman	Sterling
Caraway	La Follette	Reed, Mo.	Swanson
Copeland	McCormick	Robinson	Walsh, Mont.
Edwards	McKinley	Smoot	Warren
Elkins	Overman	Spencer	

So the amendment of Mr. REED of Pennsylvania was rejected.

Mr. WADSWORTH obtained the floor.

Mr. REED of Pennsylvania. Mr. President——

Mr. WADSWORTH. Does the Senator desire to offer an amendment?

Mr. REED of Pennsylvania. I wish to offer a further amendment.

Mr. WADSWORTH. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I offer the amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers a further amendment, which the Secretary will state.

The READING CLERK. On page 1, line 3, after the word "officers," it is proposed to insert the words "noncommissioned officers or privates."

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand seconded? [A pause.] The demand is not sufficiently seconded. [Putting the question.] By the sound, the noes seem to have it.

Mr. REED of Pennsylvania. I call for the yeas and nays.

The PRESIDENT pro tempore. The demand for the yeas and nays is not sufficiently seconded.

Mr. KING. I challenge the count of the Chair.

The PRESIDENT pro tempore. The Senator from Utah appeals from the decision of the Chair.

Mr. KING. I ask for another count.

Mr. HARRISON. I raise a point of order.

The PRESIDENT pro tempore. The Senator from Mississippi will state his point of order.

Mr. HARRISON. I raise the point of order that the Senator from Utah can not appeal; there is nothing from which to appeal.

Mr. KING. I did not appeal; I challenged the count of the Chair and asked for a recount.

The PRESIDENT pro tempore. The Chair will submit the question again. Senators who desire to second the demand of the Senator from Pennsylvania for a roll call will raise their hands. [A pause.] The demand is sufficiently seconded, and the Secretary will call the roll.

Mr. PITTMAN. Mr. President, I merely wish to say that I observed the seconding of the demand, and there were more who seconded it on the resubmission than on the first occasion. I say that merely for the benefit of the Chair. From my observation, I had the same opinion on the first decision as that held by the Chair.

The PRESIDENT pro tempore. The Secretary will proceed with the call of the roll.

The reading clerk proceeded to call the roll.

Mr. KING (when his name was called). Upon this question I have a pair with the junior Senator from Missouri [Mr. SPENCER]. I transfer that to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. OVERMAN (when his name was called). Again announcing my pair with the senior Senator from Wyoming [Mr. WARREN], I withhold my vote.

The roll call having been concluded, the result was announced—yeas 33, nays 46, as follows:

YEAS—33

Ashurst	Edge	Johnson, Minn.	Shields
Bayard	Ferris	Kendrick	Stephens
Bingham	Fess	King	Underwood
Borah	George	Lenroot	Wadsworth
Brookhart	Glass	Mayfield	Wheeler
Bruce	Greene	Norris	Willis
Copeland	Harreld	Pittman	
Dial	Harris	Reed, Pa.	
Dill	Heflin	Sheppard	

NAYS—46

Ball	Fletcher	McLean	Shipstead
Broussard	Frazier	McNary	Shortridge
Bursum	Gooding	Means	Simmons
Butler	Hale	Metcalf	Smith
Cameron	Harrison	Moses	Stanfield
Capper	Howell	Neely	Sterling
Couzens	Johnson, Calif.	Norbeck	Swanson
Cummins	Jones, N. Mex.	Oddie	Trammell
Curtis	Jones, Wash.	Pepper	Walsh, Mass.
Dale	Keyes	Phipps	Watson
Ernst	Ladd	Ralston	
Fernald	McKellar	Ransdell	

NOT VOTING—17

Caraway	McCormick	Robinson	Warren
Edwards	McKinley	Smoot	Weller
Elkins	Overman	Spencer	
Gerry	Owen	Stanley	
La Follette	Reed, Mo.	Walsh, Mont.	

So the amendment of Mr. REED of Pennsylvania was rejected.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from New York.

The READING CLERK. On page 2, line 17, after the word "pay," it is proposed to strike out the remainder of the proviso and insert, "of a second lieutenant serving in the first pay period as provided in the act of June 10, 1922."

Mr. WADSWORTH. I ask that the Clerk read the context, including this proposed amendment, so that it will be perfectly clear what it does.

The PRESIDENT pro tempore. The Secretary will read what immediately precedes and what immediately follows the amendment offered by the Senator from New York. [A pause.]

Mr. WADSWORTH. May I have permission to read it while the amendment is being prepared?

The PRESIDENT pro tempore. If there be no objection, the Senator from New York may read the amendment.

Mr. WADSWORTH. Referring to these officers, the language will read, if this amendment is adopted—

and shall be entitled to the same privileges as are now or may hereafter be provided for by law or regulations for officers of the Regular Army who have been retired for physical disability incurred in line of duty, and shall be entitled to all hospitalization privileges and medical treatment as are now or may hereafter be authorized by the United States Veterans' Bureau, and shall receive—

And this is where the amendment comes in, in a moment—

and shall receive from date of receipt of their applications retired pay at the rate of 75 per cent of the pay of a second lieutenant serving in the first pay period as provided in the act of June 10, 1922.

It limits this retired pay to the retired pay of a second lieutenant.

The PRESIDENT pro tempore. The amendment is not open to debate. The question is upon agreeing to the amendment proposed by the Senator from New York.

Mr. WADSWORTH. I call for the yeas and nays.

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

Mr. KING (when his name was called). I transfer my pair with the Senator from Missouri [Mr. SPENCER] to the Senator from Arizona [Mr. ASHURST], and will vote. I vote "yea."

Mr. OVERMAN. I am paired with the Senator from Wyoming [Mr. WARREN]. That Senator is absent, and I therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 20, nays 54, as follows:

YEAS—20

Bayard	Dill	Glass	Norris
Bingham	Edge	Greene	Reed, Pa.
Borah	Ferris	Harreld	Stephens
Bruce	Fess	King	Wadsworth
Dial	George	Lenroot	Willis

NAYS—54

Ball	Fletcher	McKellar	Reed, Mo.
Brookhart	Frazier	McLean	Sheppard
Broussard	Gooding	McNary	Shortridge
Bursum	Hale	Mayfield	Simmons
Butler	Harris	Means	Smith
Cameron	Heflin	Metcalf	Stanley
Capper	Howell	Moses	Sterling
Copeland	Johnson, Calif.	Neely	Swanson
Couzens	Johnson, Minn.	Norbeck	Trammell
Cummins	Jones, N. Mex	Oddie	Walsh, Mass.
Curtis	Jones, Wash.	Pepper	Watson
Dale	Kendrick	Phipps	Wheeler
Ernst	Keyes	Ralston	
Fernald	Ladd	Ransdell	

NOT VOTING—22

Ashurst	La Follette	Robinson	Underwood
Caraway	McCormick	Shields	Walsh, Mont.
Edwards	McKinley	Shipstead	Warren
Elkins	Overman	Smoot	Weller
Gerry	Owen	Spencer	
Harrison	Pittman	Stanfield	

So Mr. WADSWORTH's amendment was rejected.

Mr. KING. Mr. President, I offer the following amendment: On line 3, page 1, after the word "served" and before the word "as," I move to insert "in the American Expeditionary Forces," so that if amended it will read:

That all persons who have served in the American Expeditionary Forces as officers of the Army of the United States during the World War—

And so forth.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Utah.

The amendment was rejected.

Mr. KING. Mr. President, I offer the following amendment: On page 3, line 20, after the word "bureau," I move to strike out the following words:

together with all privileges as are now or may hereafter be provided by law or regulations for officers of the Regular Army who have been retired for physical disability incurred in line of duty.

And make a period after the word "bureau" in line 20. In other words, the amendment is to strike out all of line 20 after the word "bureau" and all of lines 21, 22, and 23, down to and including the word "duty" in line 23.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Utah.

The amendment was rejected.

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

The PRESIDENT pro tempore. The bill is in the Senate and open to amendment.

Mr. WADSWORTH. Mr. President, I offer the following amendment, which will be quite simple: On page 1, line 8, strike out "30" before the words "per centum," and substitute "50."

The PRESIDENT pro tempore. The Senator from New York offers an amendment, which will be stated.

The READING CLERK. On page 1, line 8, it is proposed to strike out "30" and insert "50," so that, if amended, it will read:

In accordance with law at not less than 50 per centum permanent disability.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from New York.

The amendment was rejected.

Mr. KING. Mr. President, I offer the following amendment: On line 4, page 1, after the word "War," insert the words "and the Civil War," so that, if amended, it will read:

That all persons who have served as officers of the Army of the United States during the World War and the Civil War.

Giving the officers of the Civil War the same advantages as those of the World War.

Mr. WADSWORTH. Will the Senator put in "Spanish War"?

Mr. KING. I am going to offer that amendment separately.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was rejected.

Mr. KING. Mr. President, I offer the following amendment, after the word "War," in line 4, page 1, to insert the words "and the Spanish-American War," so that the sentence, as amended, would read as follows:

All persons who have served as officers of the Army of the United States during the World War or the Spanish-American War.

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

The amendment was rejected.

Mr. HARRELD. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Oklahoma.

The READING CLERK. On page 1, line 5, after the word "service," strike out the words "have incurred physical disability in line," and insert in lieu thereof "were actually wounded."

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

The amendment was rejected.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BURSUM. On that question I ask for the yeas and nays.

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

Mr. OVERMAN (when his name was called). Again announcing my pair with the senior Senator from Wyoming [Mr. WARREN], I withhold my vote. If permitted to vote, I would vote "yea."

Mr. OWEN (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. ELKINS]. He is absent, but I am informed that if present he would vote as I shall vote, and therefore I vote "yea."

Mr. WADSWORTH (when his name was called). On this measure I am paired with the senior Senator from Arkansas [Mr. ROBINSON], who is absent. Were he present, he would vote in the affirmative. Were I permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. KING (after having voted in the negative). I regret that I am compelled to protect the junior Senator from Missouri [Mr. SPENCER], who if present would vote "yea," and I, if permitted to vote, would vote "nay." I am reluctantly compelled, therefore, to withdraw my vote.

Mr. HEFLIN. The senior Senator from Mississippi [Mr. HARRISON] is unavoidably absent. If he were present, he would vote "yea."

Mr. COPELAND. The junior Senator from New Jersey [Mr. EDWARDS] is unavoidably detained from the Senate. If he were present, he would vote "yea."

The result was announced—yeas 63, nays 14, as follows:

YEAS—63

Ball	Capper	Dial	George
Brookhart	Copeland	Dill	Glass
Broussard	Couzens	Fernald	Gooding
Bursum	Cummins	Ferris	Hale
Butler	Curtis	Fletcher	Harris
Cameron	Dale	Frazier	Heflin
Howell	McNary	Phipps	Stephens
Johnson, Calif.	Mayfield	Ralston	Sterling
Johnson, Minn.	Means	Ransdell	Swanson
Jones, N. Mex.	Metcalf	Reed, Mo.	Trammell
Jones, Wash.	Moses	Sheppard	Underwood
Kendrick	Neely	Shipstead	Walsh, Mass.
Keyes	Norbeck	Shortridge	Watson
Ladd	Oddie	Simmons	Wheeler
McKellar	Owen	Smith	Willis
McLean	Pepper	Stanley	

NAYS—14

Bayard	Edge	Harreld	Reed, Pa.
Bingham	Ernst	Lenroot	Shields
Borah	Fess	Norris	
Bruce	Greene	Pittman	

NOT VOTING—19

Ashurst	Harrison	Overman	Wadsworth
Caraway	King	Robinson	Walsh, Mont.
Edwards	La Follette	Smoot	Warren
Elkins	McCormick	Spencer	Weller
Gerry	McKinley	Stanfield	

So the bill was passed.

The title was amended so as to read: "A bill making eligible for retirement under certain conditions officers and former officers of the Army or naval service of the United States, other than officers of the Regular Army or Navy, who incurred physical disability in line of duty while in the service of the United States during the World War."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes.

FEDERAL TRADE COMMISSION OIL INVESTIGATION

Mr. TRAMMELL. Mr. President, I ask unanimous consent for the consideration of Senate Resolution 341, introduced by me day before yesterday, asking for a report from the Federal Trade Commission in connection with the investigation of the price of gasoline and other petroleum products. I do not think the consideration of this would require more than two minutes. It is a short resolution, and I hope there will be no opposition to my request.

Mr. HARRELD. Mr. President, I do not expect to offer any further objection, but I do want to call the attention of the Senator from Florida to the fact that the report which he is asking to have sent to the Senate was made by the Federal Trade Commission on the special request of the President. It was given to the President, and I understand by him transmitted to the Department of Justice. It seems to me the resolution ought to be directed to the President in a case of this kind, and that he should be requested to send the resolution to the Senate if not incompatible with the public interest.

Mr. MOSES. Mr. President, my understanding of all the debate that has taken place on this question is that this report is in the hands of the Department of Justice, and that the Department of Justice, acting upon the basis of fact disclosed by the report, is now taking steps to institute proceedings for infractions of the antitrust law. In view of those conditions, I shall have to object to the consideration of the resolution.

The PRESIDENT pro tempore. Objection is made.

Mr. TRAMMELL. We have no evidence of that character before the Senate. That is merely the statement of one Senator. This report was made last June, and I see that the Senator from New Hampshire persists in trying to smother this information, to which the public is entitled.

WHITE RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11703) granting the consent of Congress to G. B. Deane, of St. Charles, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of St. Charles, in the county of Arkansas, in the State of Arkansas, and I submit a report (No. 1189) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered by unanimous consent, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to G. B. Deane, of St. Charles, Ark., and his successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the White River at a point suitable to the interests of navi-

gation at or near the city of St. Charles, in the county of Arkansas, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the State of Arkansas, or any political subdivision or division thereof, within or adjoining which said bridge is located, may at any time, by agreement or by condemnation in accordance with the laws of said State, acquire all right, title, and interest in said bridge and the approaches thereto constructed under authority of this act, for the purpose of maintaining and operating such bridge as a free bridge by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or political subdivision or division thereof may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

NAVAL RESERVE AND MARINE CORPS RESERVE—CONFERENCE REPORT

Mr. ODDIE. Mr. President, I submit a conference report in which the House recedes from its disagreement to the Senate amendments, and I ask for the present consideration of the report.

The PRESIDING OFFICER (Mr. MOSES in the chair). The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, and 28, and agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: On page 19 of the bill, in line 3, strike out the words "at the rate of"; and the Senate agree to the same.

TASKER L. ODDIE,
CLAUDE A. SWANSON,
Managers on the part of the Senate.
FRED A. BRITTEN,
GEORGE P. DARROW,
A. E. B. STEPHENS,
J. V. MCCLINTIC,
CARL VINSON,
Managers on the part of the House.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent for the consideration of the report at this time. Is there objection? The Chair hears none, and the question is on agreeing to the report.

The report was agreed to.

PURCHASE OF UNAPPROPRIATED PUBLIC LANDS—CONFERENCE REPORT

Mr. STANFIELD. I submit a report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands. The House has receded from its objections to certain Senate amendments. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The conference report will be read:

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: After the word "corporation" insert a colon and the following proviso: "*Provided further*, That this act shall not be construed as in any manner abridging the existing rights of any settler or entryman under the public land laws"; and the Senate agree to the same.

ROBERT N. STANFIELD,
KEY PITTMAN,
PETER NORBECK,
Managers on the part of the Senate.
N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the present consideration of the conference report. Is there objection? The Chair hears none. The question is upon agreeing to the conference report.

The report was agreed to.

MUSCLE SHOALS

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 518, relating to the disposal of Muscle Shoals, etc.

Mr. UNDERWOOD. Mr. President, on yesterday, just as the Senate took a recess, the Chair called to my attention an addition to section 2 of the pending bill and asked what authority the conferees had to insert that section. I desire to call to the attention of the Chair that in the original bill, in section 5, the following language is found:

The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plants.

That language was stricken out, but the paragraph was rewritten and the language reinserted. The Chair should consider that it was in conference that—

The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plant.

The original Ford bill, on page 15 of the printed bill, in section 16, had this language:

For the facilities and services aforesaid the United States shall protect the company from losses occasioned by such use and shall return the said property in as good condition as when received and reasonably compensate the company for the use thereof.

That related to this subject matter. Of course what is in the bill is a negation of the affirmative in the Ford bill. This addition to clause No. 2 provides that—

All contracts for power sold under said lease shall contain the proviso that the power may be recalled by the United States when needed in the prospect or in the event of war without the payment or liability for damages, etc.

Of course that is a negation of the other proposition, but the subject matter in both bills was brought before the conferees, in the main bill in a general way providing that the lease should take care of it, and in the Ford bill providing compensation under those circumstances. So that the matter inserted in section 2 was germane to these clauses in the bill and that subject matter was before the conferees.

The PRESIDENT pro tempore. The Chair is ready to rule upon the points of order of the Senator from Nebraska [Mr. NORRIS] if no further discussion arises on the part of any Senator.

Mr. SMITH. Mr. President, I do not care to discuss the matter, but I think I should say a few words in justice to those of us who nominally would have gone upon the conference committee if the question had not been raised as to the bias that might be in the minds of the three Senators who automatically would have gone on that committee, and that the bias would have existed to such an extent that we could not have followed faithfully what the majority of the Senate had voted for. Therefore we had the unusual scene, perhaps unprecedented in the Senate, of the Senator from Alabama, who has taken charge of this measure, insisting that all the customs of the Senate should be upset in order that we might have in the conference report a faithful reflection of what the majority had done. He got that proposition favorably acted upon, and now, after the Senators who were selected to work under that direction have completed their labors, they bring back here a brand new bill, one which in some features has no resemblance whatever to the action of the Senate, one that is absolutely amenable to a point of order, so radically does it depart from the principles and the things that were decided upon here.

In justice to those of us who saw fit not to serve even after the Senate had voted by a majority vote an expression of confidence in us being capable of doing our duty and incapable of doing otherwise, I thought that I should call attention to the fact that we probably would have stuck as closely to the text of what the Senate had passed as those who were appointed under this extraordinary care on the part of the Senator from Alabama and who have brought in a measure that scarcely resembles in its essential and vital features the thing that the majority had voted for.

The PRESIDENT pro tempore. The Chair recognizes that the points of order made by the Senator from Nebraska present questions which are not only exceedingly important but exceedingly difficult and upon which there is an opportunity for wide differences of opinion. These differences will never be settled finally until they are settled by a decisive vote of the Senate itself. In the ruling the Chair is about to make the text of the House bill is entirely disregarded, for, in the opinion of the Chair, it can not be fairly claimed that the two Houses in their original action agreed upon any point or upon anything. There were, of course, some features of similarity, but these features of similarity were so connected with other considerations and so influenced by other provisions that the Chair is forced to the conclusion that the jurisdiction of the conference committee was neither expanded nor limited by anything contained in the original House bill as compared with the Senate bill. This means that, in the judgment of the Chair, the points of order must depend upon a comparison of the Senate bill with the report of the conference committee. It is urged on the one hand that when so compared that "new matter" will be found in the conference report and that, therefore, the report is objectionable under Rule XXVII. It is urged upon the other hand that the phrase "new matter" does not prohibit the incorporation in a conference report of matter which is germane to the subject or subjects of the bill.

The subjects of the Senate bill were—

First. The disposition by lease of certain specified property belonging to the Government situated at or near Muscle Shoals, Ala.

Second. In the event of a failure to lease or in the event of a cancellation of the lease the operation of the property so leased together with other property by a Government-owned corporation.

There can be no doubt that the changes made in the Senate bill in conference are germane in a broad, general sense to the subjects dealt with in the Senate bill, and if that is the test to be applied the points of order must be overruled.

The Chair, however, finds itself unable to interpret the second paragraph of Rule XXVII with the breadth contended for by those who seek to sustain the conference report. This paragraph of Rule XXVII to which reference has been made is as follows:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.

The Chair has already observed there was nothing agreed upon by both Houses, and that part of the rule will not be further considered. There remains to be considered the prohibition that "conferees shall not insert in their report matter not committed to them by either House" and the requirement that "new matter" must not be inserted in a report. What is "new matter"? It is quite impossible to define this phrase with that accuracy and precision which will make any rule announced applicable to the infinite variety of cases that will arise. It may be remarked, however, that some three or four years after the adoption of paragraph 2 of Rule XXVII the Senate amended Rule XVI relating to the consideration of appropriation bills, and the amendment provided:

> The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation a point of order may be made against the bill, and if the point is sustained the bill shall be recommitted to the Committee on Appropriations.

It has seemed to the Chair that the words "new matter" as found in Rule XXVII and "new legislation" as found in Rule XVI must mean practically the same thing. The fact of the identity of these two phrases makes it all the more important that the ruling upon the points of order now before the Senate shall be correct. Without attempting to define "new matter," the Chair is of the opinion that it was intended when this paragraph of the rule was adopted to restrict the general parliamentary law as frequently announced by the Speaker of the House of Representatives. The House knew when it sent the bill to conference that the rule of the Senate forbade the insertion of "new matter" in a conference report, and the Chair assumes it adopted that plan for bringing the Houses into agreement with full understanding of the limitation placed upon the Senate conferees.

The Chair does not desire to be understood as holding that every change made in the Senate bill by the conference report constitutes "new matter." It is of the opinion that in order to bring the change within the spirit of Rule XXVII "new matter" must be of substantial import; that is to say, a change affecting in a substantial way the plan proposed in the Senate bill.

It is the judgment of the Chair that many such changes appear in the conference report. The Chair has been in some doubt with respect to the propriety of pointing out these changes which, in the judgment of the Chair, bring the conference report under the prohibition of the rule. It has, however, concluded not to name the specific instances in which, as viewed by the Chair, the rule has been violated.

The Chair has been in grave doubt with regard to that matter. He has before him at the present moment a half dozen or more instances in which, in his judgment, Rule XXVII was violated in the conference report. The points of order in so far as respects the insertion of new matter in the conference report are sustained.

Mr. UNDERWOOD. Mr. President, I take an appeal from the decision of the Chair. However, before I take my seat I wish to appeal to the Chair to announce the provisions in the conference report that he thinks come within the scope of his decision. I do that for two reasons: I think if the Chair does not do so it allows the debate on the appeal to wander over the entire surface of everything, for there will be nothing before the Senate except that the Chair has stated that there is new matter in the conference report.

However, more important than that, the Chair has announced that the conference report will go back automatically to the conferees if the decision of the Senate shall be adverse. This is important legislation; it is a matter that has occupied more of the time of the Senate at this session than any other matter that has been before it; I might say than all other matters that have been before it. It concerns the disposition of Government property. The conferees will undoubtedly make another report to the Senate, because, under the rule as the Chair announced it, the conference report must go back to the conferees, and they are expected to make another report. I do not think we should send them blindly back to their task and tell them that they must not insert new matter in the bill, when the Chair has announced that all their changes are not by any means new matter, without direction from the Senate as to where they are supposed to have trenched on the rule of the Senate.

I therefore respectfully ask the President pro tempore to indicate before the debate opens on the appeal the instances in which, in his judgment, the conferees have exceeded their authority.

The PRESIDENT pro tempore. The Chair has no hesitation in an informal way of indicating——

Mr. NORRIS. Will the Chair pardon me for just a moment? I have no objection, of course, to the Chair doing just what has been requested by the Senator from Alabama [Mr. UNDERWOOD]. It is not for the purpose of making such an objection that I am addressing the Chair. I simply wish to controvert the idea, at least, hinted at by the Senator from Alabama, that the particular reason that might be given by the Chair for his decision would be the one that would necessarily control the Senate on an appeal. While without doubt the statement of the Chair would have great weight, yet Senators, I take it, in passing upon the question of the appeal, may vote to sustain the Chair, even though they may think that the reasons given by the Chair are not sufficient to sustain his ruling if other reasons exist which, in their judgment, make the decision of the Chair correct.

Mr. UNDERWOOD. Mr. President, if the Senator from Nebraska will allow me to interrupt him, I desire to say that, of course, he is right about that. I did not contend to the contrary.

Mr. NORRIS. That is all I desired to suggest.

Mr. UNDERWOOD. But I do contend that if this bill shall go back to conference, when the conferees return with a new report it will come to this desk and the Presiding Officer of this body will again pass upon it.

Mr. NORRIS. I agree with the Senator as to that.

Mr. UNDERWOOD. Of course, we do not wish to do a futile thing.

Mr. NORRIS. Oh, no.

Mr. UNDERWOOD. And we do not wish to send the conferees out blindly, to again come back and have a point of order sustained because they have violated the decision of the Chair.

Mr. NORRIS. I agree with the Senator, and I have no objection to his request being granted, but I did not want the statement which he made to stand uncontradicted.

Mr. LENROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. UNDERWOOD. I yield.

Mr. LENROOT. Does the Senator from Alabama think it would be quite fair either to the Chair or to the Senate for the Chair now to determine fully what, in his judgment, constitutes new matter in the report, without any opportunity thereafter, when a new conference report shall be made, to argue the question before the Chair? The only purpose of the request would be to estop the Chair hereafter from determining the question upon its merits as the conference report may then be presented?

Mr. UNDERWOOD. I do not agree with the Senator from Wisconsin at all. We are not playing at hide and seek in the Senate of the United States. This is a serious body, which is attempting to pass serious legislation. The Chair has decided that, in his judgment, the conferees in charge of this bill have exceeded their authority, and he has stated that they must go back and bring in another conference report. To say that we are going to send the conferees back without any information on their part as to the particular items of the bill which may be considered a violation of Rule XXVII, it seems to me, would be a futile thing to do. I am not speaking of any future decision of the Senate; we hold that all within our own breasts, of course; but I think not only the conferees are entitled to know the provisions that the President of the Senate thinks are contrary to the rule, but I think the Senate is entitled to have its conferees informed, so that they may perchance bring back a conference report in the next few days that will not be contrary to the viewpoint of the Presiding Officer of this body in the event that the Senate shall sustain his ruling.

The PRESIDENT pro tempore. The Chair understands that it may be very desirable eventually to announce, if it becomes necessary, some of the features of the bill which, in the judgment of the Chair, violate the rule; but the Chair also understands that the Senator from Alabama intends to appeal from the decision of the Chair. Therefore the Chair does not feel at liberty to announce anything for the direction of the conferees until he knows whether or not the bill is to be returned to the conferees.

Mr. NEELY. Mr. President, as I understand the Senator from Alabama [Mr. UNDERWOOD], the first reason he has assigned for requesting the President to clarify his decision of the point of order is based upon a desire to have the debate on the appeal restricted to the grounds of the decision. Therefore I inquire of the Senator if he thinks that the Chair can, by limiting the scope of his decision, similarly limit the extent of the subsequent debate on the Senator's appeal?

Mr. UNDERWOOD. No. If I made the statement in that broad language, it was inadvertent.

Mr. NEELY. I did not attempt to repeat the Senator's language. I simply stated what I conceived to be a legitimate deduction therefrom, and intimated that, in my opinion, the debate could not be limited by the means the Senator suggested.

Mr. UNDERWOOD. The point I made, of course, was that the decision of the Chair on the points raised would be the main issue for decision. Of course, I realize that, as a matter of fact, the Senate decides points of order for itself and is not bound down by anything the Chair may do.

Mr. NORRIS. If the Senator from Alabama will permit me, I wish to say that the Senator from West Virginia has stated the point I wanted to suggest very clearly. The point I wanted to make was that in the debate that will take place on the appeal no Senator will be confined, or ought to be confined, to the reasons given by the Presiding Officer. A Senator may have other reasons that to him may seem sufficient.

Mr. SMITH. Mr. President, may I ask the Senator from Alabama a question?

Mr. UNDERWOOD. Certainly.

Mr. SMITH. Does the Senator think it is in the province of the Chair, when a point of order is made as to some specific portion of a bill, for the Chair to indicate all the points of order which, in his opinion, may be raised before a Senator on the floor has called attention to them?

Mr. UNDERWOOD. I think that would be good practice, especially as the Presiding Officer is a Member of the body and has a right to make the point himself. I do not claim at all that such action on his part binds the Senate.

Mr. SMITH. I do not think the Presiding Officer, even though incidentally he is a Member of the body, has any right to anticipate a point of order while he is presiding. As far as he may go is to rule on a specific point raised by a Senator on the floor, and reserve his ruling as to such points as may be discovered and called attention to later on.

Mr. UNDERWOOD. I will say to the Senator from South Carolina that probably I did not make myself clear in what I have said, or possibly the Senator did not hear me. There has been no combat on my part as to the position that he has taken. I merely asked, for the direction of the conferees and for the direction of the debate, that the Chair indicate the provisions which he regards as new matter. The Chair thinks it unwise to do so at this time, and of course I must submit to the decision of the Chair.

Now, let me say to the Senator from Wisconsin [Mr. LENROOT] that I discussed the points of order yesterday, and I expect to have something more to say in regard to them; but the Senator from Wisconsin was about to discuss them when the Chair rendered his decision, and, if he desires me to do so, I will now yield the floor to him.

Mr. LENROOT. I thank the Senator.

The PRESIDENT pro tempore. The points of order are sustained. The Senator from Alabama appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. LENROOT. Mr. President, the question before the Senate on the appeal from the decision of the Chair is one of the most important questions, if not perhaps the most important, that the Senate will have to decide between now and final adjournment. What I have to say upon the question is not influenced in the least degree by the merits of the conference report itself. I wish to say frankly that I have not formed an opinion as to whether, if the merits of the conference report itself were before the Senate, I should vote for it or against it. I should wait until I had heard the debate upon the subject and the objections which have been raised to it.

That, however, is not the question before the Senate now. The question before the Senate now is, Shall the rules of the Senate with reference to the powers and duties of conferees upon bills be sustained, or shall the rule now in existence, known as the Curtis rule, be nullified? If it is to be nullified, we shall have again the power of conferees to write legislation in a conference report, legislation that neither House ever had an opportunity to consider, amendments that neither House has ever acted upon in any way. That I conceive to be a matter of very, very great importance.

With reference to the particular matters in this conference report which are subject to the point of order, it does not seem to me that that is so very important now, because it is very clear that the conferees, in making up this bill, construed their powers under the rules as advocated by the Senator from Alabama [Mr. UNDERWOOD]; in other words, that they had the power to write into this conference report anything which, if offered in the Senate, would have been germane to the Senate bill, or, if offered in the House, would have been germane to the House bill. I think I shall be able to show conclusively from the precedents of the Senate itself since this rule was adopted that no such power was ever conferred upon conferees, and never was intended to be so conferred.

Before doing that, however, I desire to say one word with reference to the remarks of the Chair in his ruling in sustaining the point of order. It is not necessary to argue it now, because that particular matter is not before the Senate; but I do think the Chair construed the rule somewhat more broadly than it should be construed when he held in effect that the conferees were not bound by any points of similarity or agreement contained in the House bill and the Senate bill, because no part of the bill of either House had been agreed to by the other. If it should be necessary to argue it, I should argue that wherever the two Houses have agreed, either in substance upon a particular proposition or upon treating a particular subject in a particular way, in that case the conferees must look to both bills and ascertain the points of disagreement between the two, and confine themselves to the matters which are actually in disagreement, notwithstanding no part of either bill has been agreed to by the other House.

But getting back to the proposition which is before the Senate, which is the proper construction of this rule, the Senator

from Alabama [Mr. UNDERWOOD] argued very persuasively that the conferees had the power to write into this conference report anything that was germane to either bill. In other words, he argued that they had the power to write into this conference report anything that the Senate might have written either into the House bill as an amendment, or into its own bill, the Senate substitute.

Mr. President, that was the rule with reference to conferees in this body prior to March 8, 1918. There is not any doubt about it. I have before me the volume of the Senate Precedents, on page 331, this volume being published in 1913:

> Managers may perfect propositions committed to them by amendments that are germane, but, under the more recent practice, they may not go beyond the differences of the two Houses in so doing.

That is exactly the rule contended for by the Senator from Alabama yesterday. It is the rule that he is contending for to-day. That was the rule of the Senate prior to March 8, 1918; but on that date the Senate adopted a different rule, and that is the rule which the Chair has construed. It reads:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.

Why was this rule changed, Mr. President? It was changed because the conferees, prior to that time, had been in the habit of doing exactly what has been done in this case. That was the only reason for it. The author of that rule was the Senator from Kansas [Mr. CURTIS], and when the rule was adopted, on March 8, he stated that the purpose of it was to prevent conferees from legislating, substituting their will for the will of the Senate and the will of the House. That is the reason it was adopted.

Curiously enough, within less than a week after this rule was adopted, the question of the construction of the rule came before this body on the railroad control bill, in a case which in nearly all respects is on all fours with this conference report. It was contended, first, that the new rule did not apply, because the report was in fact agreed to on the same day the rule was adopted, on March 8, 1918, but in form was not made until afterwards.

It was held, however, the Vice President, Mr. Marshall, presiding, that the new rule did apply. The question was debated at great length upon this floor as to whether or not the conference report on that bill was in violation of the rule, and this was the matter in issue. The Senate bill had in it a provision which read as follows:

> That nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation.

The House rejected the entire Senate bill, adopted a substitute of its own, and sent it back to the Senate, just exactly as is the case here, except that the conditions are reversed—we reject their bill and send them ours. The conditions were the same, so far as the parliamentary status was concerned, with this railroad control bill and the bill now before the Senate.

The House substitute, striking out all of the Senate bill, had in it this language:

> That nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation or the lawful police regulations of the several States, except wherein these regulations may affect the transportation of troops, war materials, or Government supplies, the regulation of rates, the expenditure of revenues, the addition to or improvement of properties, or the issue of stocks and bonds.

Those two bills then went to conference. The conferees made their report, and they added a further proviso, which reads as follows:

> *Provided, however,* That no State or subdivision thereof, or the District of Columbia, shall levy, assess, or collect an amount of taxes from railroad property within the State or subdivision thereof, or the District of Columbia, while under Federal control, in excess of the ratio which the taxes derived from railroad property bore to the total taxes of such State or subdivision thereof, or the District of Columbia, for the year previous to Federal control.

The subject matter of the bill was railroads, as in this matter the subject matter of the bill is Muscle Shoals. Here was a particular portion of the bill which dealt with the subject of taxes. Both Houses had dealt with it. There is no doubt but that this provision which the conferees reported was germane, because taxes had been treated by both Houses. But a point of order was made that this proviso was new matter in the bill, and therefore obnoxious to the rule. It was debated at very considerable length, the Vice President sustained the point of order, and an appeal was taken from his decision, exactly as an appeal has been taken now from the present decision of the Chair.

I think I have stated the facts correctly with reference to that particular transaction, and it is interesting to note that the decision of the Presiding Officer, Vice President Marshall, construing for the first time this new Curtis rule, was sustained by a vote of 51 to 23, and my good friend the Senator from Alabama I find voted to sustain the Chair upon that particular occasion.

It was not very long before this question again came before the Senate in connection with the oil leasing bill. Senators who were here at that time will remember how the conferees made a report upon the first oil leasing bill, and a point of order was made against it by my colleague, Mr. LA FOLLETTE. What were the facts as to the oil leasing bill?

The House sent to the Senate a leasing bill covering oil and coal lands, and provided that it should extend to all the territory of the United States except Alaska. The Senate adopted a substitute for the House bill, which provided for the disposition of all the coal lands of the United States, including Alaska, by sale or lease; but with reference to oil, the Senate adopted a provision that the law should apply to the United States excepting Alaska; and in that condition the House bill and the Senate substitute went to conference.

The conferees brought back a bill which extended the leasing act to Alaska. A point of order was made that that was new matter, that the question of leasing our oil lands in Alaska was not committed to the conference, that neither House had dealt with that subject, except to prohibit it. The point of order was sustained by the Chair, the Chair holding that the provision was new matter in the bill, covering questions which had not been committed to the conferees. If the precedents be searched from 1918 to this date, it will be found that the Senate has been extremely careful to see to it that conferees should not extend their powers.

The Senator from Alabama says that with this construction of the rule the hands of the conferees would be bound. They are bound. That is the very purpose of the rule, so that the Senate and the House may themselves do the legislating, and the conferees shall confine themselves to points of difference between the two Houses.

It is very clear, reading this report, that the conferees upon this matter had no such conception of their duties as that. It is very clear from reading this report that the conferees had the same conception of their duties as is argued for by the Senator from Alabama, namely, that they might put into the conference report any matter which the Senate itself might have offered or incorporated in the bill that was germane. Germaneness has nothing to do with the subject now, except that matter in the conference report must be germane, and it must not be new.

What is new matter? Matter may be new notwithstanding it may relate to the subject that is before the conferees or before the Senate. The Senator from Alabama yesterday read the decision of the Chair in the tariff case. There clearly was no new matter. The Senate had provided for American valuation, and the House had provided for foreign valuation, and the question was as to the powers the President could exercise, and which valuation should be applied. Both Houses had dealt with the subject. There was no new matter.

Just to illustrate, while on the merits of it it is not important, will anyone say it was not new matter to provide, as this conference report does provide, that the President shall be authorized to employ such agents and assistants as he may deem necessary to carry out the provisions of this act? Neither the Senate nor the House deemed any such authorization necessary, it was not found in either bill, and not being found in either bill, the President would have had no authority to make such employment. It is in the conference report, and it is, of course, new matter. It is not a question of whether the Senate or the House might have adopted such a provision as an amendment. Of course they could have done so. But no such question was ever submitted to the conferees, because there was no difference between the two Houses upon that matter.

One step further. Again I base my argument wholly upon what I assume to be the utmost good faith on the part of the conferees in their conception of what their powers were under this rule. But if they had had the conception that they had

not the power to add to this bill anything which might be germane to it, but was new matter, there are many, many things in this conference report which would not be competent. For instance, take this question of the return to the Government on the lease of Dam No. 2. What was the difference between the two Houses upon that particular subject? The Senate provided for a 4 per cent return upon the entire cost of the dams, locks, and so forth. The House bill provided for a 4 per cent return upon the same thing, less the amount that had theretofore been expended, which was $17,000,000. What has been the difference between the two Houses upon the return from Dam No. 2? The difference was the matter of the $17,000,000. Neither House had considered the question of whether there should be a deduction made for the values of the navigation facilities. Yet the conferees have put just that into the conference report. This is a very good illustration of the reason and the justice of the rule on a question of that kind. Should not the House and the Senate have an opportunity to vote upon that particular question, as to whether deduction should be made of the value for navigation?

There is no opportunity to take care of that matter in voting on the conference report, because no conference report can be amended. It must be voted up or voted down as a whole, and in the experience of everyone of us here many times we have been opposed to particular provisions in a conference report which we would have voted against, but, being compelled to vote on the report as a whole, we have voted for a report with many provisions in it to which we have disagreed.

Then, Mr. President, there is a question of the amount of fertilizer that should be manufactured. I understood the Senator from Alabama yesterday to say that there was no guarantee of any minimum amount in the offer of Mr. Ford. He stated many times that the provision was that it should be manufactured "according to demand" and "if practicable." In the first place I am not familiar, because I was not here during this particular debate, with what construction may finally have been put upon it, but I find no such words as "if practicable" in the bill. They are not there. The words "according to demand" are not in connection with the amount of fertilizer that shall be produced.

Mr. UNDERWOOD. Is the Senator speaking of the Ford bill?

Mr. LENROOT. Yes.

Mr. UNDERWOOD. He will find in section 15 the words substantially.

Mr. NORRIS. I do not think the Senator will find it in that particular form.

Mr. UNDERWOOD. Perhaps the Senator from Nebraska can tell us, but we discussed all that matter and the words are undoubtedly in the bill.

Mr. LENROOT. Anyway, I am looking at the bill and there are the words "according to demand," but I think the Senator from Alabama will agree with me that they relate to whether the fertilizer shall be mixed or unmixed. That is what is to be "according to demand."

Mr. UNDERWOOD. There were two sides to that question. The Senator from Nebraska claimed that the words "according to demand" meant according to the judgment of Mr. Ford as to what the demand was. I am free to say that I think when the representatives of the farmers put those words in the bill they intended them to mean that it would be according to the demand of the farmer as to what kind of fertilizer he wanted. But when the Senator from Nebraska made the charge that that left it open for the lessee to determine what was the demand for fertilizer, I am free to say that I was not willing to defend the punctuation of the bill, that under the punctuation of the bill they might reach the other conclusion, and therefore I surrendered. That was the question that came before the Senate.

Mr. LENROOT. I think the only importance of that question is this: I do not think there is any doubt, however much it may have disagreed as to what the actual interpretation might be, that the Senate as a whole wanted the guaranty that the friends of the bill insisted that it contained, namely, one of 40,000 tons per year. When the Senate passed its bill that guaranty took the form of a guaranty of 40,000 tons at the end of the sixth year. So far as either body had expressed itself, it was either 40,000 tons at the end of the first or 40,000 tons at the end of the sixth year.

What did the conferees do? The conferees, again acting, no doubt, under this mistaken assumption of their power, have brought in a provision extending the 40,000 tons to the end of the tenth year. Can it be contended that the conferees have not sought to legislate? Can it be contended that the conferees have confined their efforts and duties to reconciling the differences between the two Houses? It is entirely clear that the six conferees, three on each side, substituted their own judgment upon the merits of the original proposition for the judgment of both the House and the Senate, even though it had been expressed.

That is why I believe the point of order should be sustained by the Senate. If it is sustained, conferees hereafter will confine themselves to matters in difference between the two Houses, irrespective of whether those differences arise through particular amendments to a given bill or whether they arise through one House disagreeing to the bill of the other and passing a substitute of its own. In reason there ought not to be any difference. If the House in one bill expresses its will upon a certain subject and the Senate in another bill adopts a substitute expressing its will upon the particular subject, but in a little different way, the conferees should be bound by the agreement of the two Houses, so far as the agreement does exist, and confine themselves to reconciling the differences that were actually existent between them, although they must examine the two bills to find out just what the differences are.

Mr. President, there is just one other matter to which I desire briefly to refer, which to my mind is clearly new matter, and that is the appropriation of $3,472,000. The bill authorized the President to complete Dam No. 3—and let me say right here that was a complete authorization for any appropriation hereafter to be made that was necessary for the completion of the dam. No further language was necessary to authorize Congress to make appropriations. After they had authorized the President to complete the dam, then there was authority for every dollar of appropriation necessary to complete it. Then they went on to say:

> The appropriation of $3,472,000, the same being the amount of the proceeds received from the sale of the Gorgas steam-power plant, is hereby authorized for the continued investigation and construction by contract or otherwise as may be necessary to prosecute said project to completion, further expenditures to be paid for as appropriations may from time to time be made by law.

What is the proper construction of that language? Is that to be construed as merely an authorization for an appropriation—that Congress must thereafter proceed to appropriate the $3,472,000? If that were so, then the language means nothing, because in the first paragraph authority had been given for the appropriation.

Then what was the purpose of the language "further expenditures to be made for as appropriations may from time to time be made by law"? I do not know, of course, what the comptroller may hold, but it is entirely clear to me from a reading of the whole section that the $3,472,000 is intended not as an authorization for appropriation, but an appropriation of money itself. In no other way can the language be reconciled. If that construction be correct, who is there that can say that it is not new matter never committed to the conferees by either House in any bill?

Mr. President, I want to close as I began, by saying that this is really much more important than any effect it may have upon the pending bill. I know the more or less loose practice in this body of voting upon parliamentary questions according as each Senator believes the merits of the main question may be. Ever since I have been a Member of this body I have protested against that method of dealing with parliamentary questions. I have felt it my duty to vote upon a parliamentary question as I believed the parliamentary question by itself and independently of anything else ought to be decided; and that particularly ought to be so in this case, because, Senators, if because you may be in favor of the conference report you are going to vote that it is in order, you will have torn down the protection that the Senate now has against legislation by conferees of this body, making the servants of the Senate greater than their supposed master. It is important that the Senate itself as a body shall retain its right to legislate, and shall confine the conferees to their proper powers and duties of reconciling differences between the two Houses and not arrogating to themselves the rights and duties and prerogatives of a legislative body.

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

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

Mr. LENROOT. I yield.

Mr. NORRIS. The Senator made some reference to and had a volume of the CONGRESSIONAL RECORD before him. I wonder if he intended to read into the RECORD the decision in the oil case. I thought perhaps he had forgotten it.

Mr. LENROOT. I stated the substance of it.

Mr. NORRIS. I thought perhaps the Senator intended to do so and had forgotten it.

Mr. LENROOT. I did not intend to take the time. The discussion of the whole question is found on page 4444, volume 57, part 4, of the RECORD, and the point of order there was sustained.

The PRESIDING OFFICER. Does the Senator from Wisconsin request the printing of the decision as a part of his remarks?

Mr. LENROOT. No; I do not make such a request.

Mr. HEFLIN. Mr. President, it seems to me that the Senate is bound to sustain the appeal of my colleague from the decision of the Chair on the pending point of order against the conference report on the Muscle Shoals measure. The Chair in his ruling declined to state wherein the conferees have exceeded their authority. I think that it is now incumbent on the Senate to take care of its own rights in the premises. If the Chair had specifically set out just wherein the conference report was not in proper form, then we would know what the conferees should do when they return to conference. When an appeal is taken from a lower court to a higher court the very grounds on which the appeal is taken are set out. In this case we are not able to know specifically what is objected to, because the Chair has declined specifically to state his objection, and his ruling is a blanket ruling on the whole proposition.

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

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

Mr. HEFLIN. I yield.

Mr. McKELLAR. The rule is perfectly plain that no new matter shall be injected into a conference report, and the conferees will have that rule to guide them. I do not see that it is material at all whether or not the Presiding Officer states the ground for his ruling. The rule is perfectly plain, and all the conferees have to do is to follow it.

Mr. HEFLIN. The ruling, Mr. President, as announced by the Chair, does not state just what objection there is to the conference report. All rules should be based and generally are based upon common sense.

What is the situation here? The Senator from Wisconsin [Mr. LENROOT] has stated that the subject matter is Muscle Shoals. What was the subject matter when the bill went out of the Senate? It was Muscle Shoals. What is it now in the conference report? It is Muscle Shoals. What was the first purpose of the bill? To provide for the use of water power at Muscle Shoals. That is still in the conference report. The second was to provide for the leasing of the Muscle Shoals project. That is still in the conference report. The third was to provide for the making of fertilizer for the farmers in time of peace and the making of nitrogen for the Government in time of war. That is still the keynote of the conference report.

What else did the Underwood bill provide for? The Underwood bill provided authorization for building Dam No. 3. That is still in the conference report. So, Mr. President, the real substance of all that we had here under consideration is still found in the conference report.

The Senator from Wisconsin suggests that certain language is left out of the report. I submit that if the conferees find a bill to be bulky, full of words, some of them meaningless, with phraseology that means practically the same thing used in various places in the measure, the conferees are warranted in condensing the bill and putting it into as concise form as possible, just so they do not leave out the vital substance of the matter under consideration; and I submit that in this instance that has not been done.

Let me illustrate what I have in mind—

We start out with the proposition to lease Muscle Shoals. I concede that if the conferees had substituted in place of Muscle Shoals the dam at Lock No. 12, on the Coosa River, that would have violated the substance of the measure; it would have nullified the very object that we were trying to accomplish, but we were proceeding upon the idea of leasing Muscle Shoals, and the conferees have clung to that proposition all the time, and they have come back to the Senate with that still the subject matter of the conference report.

I repeat, the next step was to lease that power to some private individual or corporation. That is still one of the dominating provisions in the conference report. The next proposition was to see to it that that water power was used in order to make fertilizer in time of peace and nitrates in time of war. That is still provided for in the conference report. I repeat, the building of Dam No. 3 was provided for in the Underwood bill, and that provision is still in the conference report.

I am not going to detain the Senate with a lengthy speech upon this subject; I think the ground has been thoroughly covered by my colleague, the senior senator from Alabama [Mr. UNDERWOOD]; but, Mr. President, I come back to the fundamental and bedrock principle underlying this question.

The employment of phraseology that was not exactly the same as that contained in the bill; if the language used expresses in substance the vital provisions and principles of the bill, it is not subject to a point of order. If the conferees in condensing the printed matter of the measure, in putting it into better and more concise form, have employed different phraseology but have stayed with the substance of the proposition, it is not a violation of the rule of the Senate.

Mr. McKELLAR. Mr. President, may I ask the Senator from Alabama a question?

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

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. As I recall, the bill which passed the House of Representatives in one of its sections reserved the right to repeal, alter, or amend the legislation; the Senate bill contained the same provision; there was no disagreement on that point, and the right to repeal, alter, or amend this proposed act is of the most vital importance, as anyone can see; yet, as I understand, the conferees cut that out. Does the Senator from Alabama think that should be done by the conferees? If so, why not just turn all legislation over to conferees?

Mr. HEFLIN. No; Mr. President. The omission of such a provision would not prevent the Congress at some future time from changing the law if the parties who had leased the property failed to live up to their contract.

Mr. McKELLAR. Then, why was it left out? The Senate had agreed to it, the House had agreed to it, and why did the conferees take it upon themselves to cut it out if it was immaterial, and if Congress had the power in any event whether the provision was in the bill or out of the bill?

Mr. HEFLIN. If the Senate wishes to do so, it can reject the conference report, but the ruling of the Chair is to the effect that we can not even consider it. My contention is, Mr. President, that in the main the vital and important provisions that were in the bill when it went to conference are still in it. That we should not even consider a conference report because we do not get everything exactly as we want it is an attitude that should not obtain. That never is the case; all legislation is reached ultimately by compromise.

Mr. BRUCE obtained the floor.

Mr. CURTIS. Mr. President, I wonder if the Senator will yield to me to make a request for unanimous consent?

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

Mr. BRUCE. I yield.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business this afternoon it take a recess until 12 o'clock to-morrow.

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

Mr. BRUCE. Mr. President, I intend to address myself to the pending question at very little length. In my judgment, the conclusion reached by the President pro tempore of the Senate is not a correct one, and, having always been disposed, if possible, to acquiesce in the conclusions of presiding officers, and having a very great respect for the President pro tempore of the Senate, I feel that I should state, at least briefly, just why I do not concur with his views in this instance.

I do not know a question that can be more readily sophisticated by an able and ingenious lawyer than the one which we are now considering, and undoubtedly the Senator from Wisconsin [Mr. LENROOT] made a highly persuasive and ingenious argument upon it. I might further say that I for one, notwithstanding the respect that I have for the decisions of presiding officers as a rule, am by no means disposed to attach the same degree of finality to a decision of a parliamentary presiding officer that I attach to the decision of a court and I assert this despite the fact that the decision of the President pro tempore of the Senate in this matter bears every evidence of patient, thorough, and conscientious meditation.

We all know that under many circumstances, happily by no means under all, the decisions of presiding officers of parliamentary assemblies are to no slight extent tinged by party exigencies, to say nothing more, and that they are sometimes influenced more or less profoundly by other special conditions of one sort or another that do not arise out of such exigencies.

So in this case, I shall perhaps be a little slower than I would ordinarily be, if I were arguing a legal point to yield my assent to the line of argument pursued by the Senator from Wisconsin, nor do I propose to allow my feet to be enmeshed merely by parliamentary precedents, even if they have the closest application to the subject in hand. I never have been able to see in any of the relations of life that simply because one sheep goes over a fence another should go over too, and I know too much, having been connected with legislative bodies for a large part of my life, about the infirmities of decisions rendered by presiding officers and the action of legislative bodies in reference to them to feel myself bound by any and every parliamentary decision that may be cited by some Senator on this floor.

It seems to me that if we take up the rule of the Senate as we would take up any ordinary rule, with nothing but the desire to arrive at a correct construction of it, few things could be simpler than the meaning that should be attached to it. Turning to paragraph 2 of Rule XXVII, relating to the reports of conference committees, let us analyze the first sentence of that paragraph. It contains two statements. One is that—

Conferees shall not insert in their report matter not committed to them by either House.

The other is that they shall not strike from the bill matter agreed to by both Houses.

That completes the first sentence. On even the most cursory examination of the second sentence in the paragraph, it is obvious that it was intended first to provide for the contingency of the report of conferees containing matter not committed to them, and, secondly, for the contingency of the conferees striking out from the bill matter agreed to by both Houses. That is all.

More specifically, what does the second sentence say? Let us break it up into the two statements that it contains.

The first statement says:

If new matter is inserted in the report—

Then such and such a conclusion shall follow. Is it not as clear as meridian light that what is meant by "new matter" is merely matter not committed to the conferees by either House?

The second statement in the second sentence of the paragraph meets the other contingency; that is to say, the contingency of matter which is agreed to by both Houses being stricken from the bill. Now read the whole of the second sentence and we shall see that it hinges absolutely upon the first sentence, and relates wholly to the subject matter of the first sentence. Listen:

If new matter is inserted in the report—

That is one of the things that is forbidden in the first sentence—

or if matter which was agreed to by both Houses is stricken from the bill—

That is the other thing that is forbidden in the first sentence—

a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

In other words, the second sentence is a mere dependency of the first sentence, and its meaning, including the meaning of the words "new matter," to be properly construed is to be linked up with what is said by the first sentence. Therefore, plainly, the prohibition against new matter is a prohibition against any matter which is truly foreign to matter committed to the conferees by either House; and if the Senator from Kansas [Mr. CURTIS] intended to draft any different kind of rule when he drafted this, all I have to say is that his skillful hand failed him, as the hand of any one of us lawyers is likely to do at times.

If my reasoning is sound, then it follows that the conferees in this case had the right to report any provisions that were not really alien to the general subject matter committed to them by the Senate. Why, surely when conferees meet they are not to be expected to limit themselves literally to differences that have arisen between the two Houses. They would get nowhere if they were not at liberty to do anything but to pick over, so to speak, the bare bones of a trite controversy.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Nevada?

Mr. BRUCE. I do.

Mr. PITTMAN. Having in mind that the Chair held, as I remember, that we could not consider the provisions of the House bill, but only the provisions of the Senate bill, let me ask the Senator this question:

Assuming that the only amendment to the House bill had been to substitute the name of John Smith for Henry Ford, and it had gone to conference, and the Senate had insisted on John Smith and the House on Henry Ford, would it have been within the power and jurisdiction of the conference committee to have said, "Not being able to agree upon the name of either man suggested by the House or by the Senate, we will agree on the terms of the lease and make it to anyone"?

Mr. BRUCE. That is not the case. That is not the rule. The rule says:

Conferees shall not insert in their report matter not committed to them by either House.

Mr. PITTMAN. Mr. President, the Senator has misunderstood my purpose, and I desire to explain it.

Mr. BRUCE. I shall be glad to hear what the Senator has to say.

Mr. PITTMAN. The view that I was trying to bring out in a homely illustration was this: In my opinion, the Chair was in error in stating that we could not consider the purpose of the House in its legislation in trying to bring about a harmony between the purpose of the Senate and the purpose of the House. I understood the Chair to say, because the House bill dealt solely with one individual and this bill dealt with no individual, that they were two different bills and therefore could not be considered together. I take the view that the House was trying to do just what we are trying to do. Its main purpose was, under some terms, to dispose of this great property. They proposed to dispose of it under a lease. We proposed to dispose of it under a lease. They proposed certain terms of that lease. We proposed certain terms of that lease. They proposed to make it to a certain individual. We proposed to lease it to no individual. Therefore I say that the two Houses are seeking the same purpose; and therefore, if we are to bring about a harmony between the two Houses, we must have the conferees consider the purpose of both Houses, and if they can not agree on language, if they can not agree on names, then they must write something that substantially meets the desires of both Houses; that is all.

Mr. BRUCE. The Senator has made a great deal better argument for me than I was making for myself.

Mr. PITTMAN. I thank the Senator.

Mr. BRUCE. Instead of recognizing the Senator as an antagonist, I should have recognized in him an able and timely ally.

Now just one moment more. I wish to suggest to the Senator from Wisconsin [Mr. LENROOT] this consideration, too: One of these new provisions, if we may call them such, that has been imported into the Senate bill by the conferees might from one point of view be considered as truly a new provision, and yet, when connected up with the context, might assume the character of being really a solvent of existing difference between the conferees.

Take one that he cited, I am not going to analyze any more, nameiy, the provision relating to the power granted to the President to employ advisory officers, experts, and so forth. Looked at from one point of view, that would seem to be merely a patch on the face of the Senate bill; an extraneous thing, an excrescence, and yet it may perfectly well be that the differences of the conferees as to the powers with which the President was to be clothed under the bill were very great indeed, and never could have been reconciled if that provision had not been inserted in the bill. You can readily understand one of these conferees saying: "I have great respect for the President of the United States; he is a good, fine, sensible, judicious man; but he has had no sort of expert familiarity with the questions involved in this bill. I am not willing to delegate to him some of the functions that are conferred upon him by it unless he is empowered to employ expert advisers." In the light of that suggestion, would you say that the provision with regard to expert advisers was one foreign to the differences between the conferees of the House and the conferees of the Senate with respect to the bill?

In other words, as I have said, that provision may have been the only thing that enabled the conferees of the House and the conferees of the Senate to bring their minds together on a mooted point, involved in the controversy between them; and so with other provisions that are set down, hastily as I think, as being entirely strange to the general subject matter that was submitted to the conferees. But, as I said, I am not

going to analyze those in detail. I simply select one of the additional provisions as more or less typical of the rest.

I am sure that the Senator from Nebraska [Mr. NORRIS] does not want this question to go off on a mere quibble or quirk—I am certain of that—or even on a mere technicality. Everybody knows that he is a frank, bold, stark fighter, and not only that sort of fighter but a generous fighter, too. I have seen that side of his nature illustrated here over and over again since I have been a Member of this body.

I say, therefore, that we should not adopt any such limited, pinched, construction of the rule of the Senate as we have been asked to adopt. In my judgment, when conferees are appointed by the two Houses under it and a subject matter is committed to them, they have the right not only to deal with that subject matter as it is worded when they take it up, but to deal with any and everything that is genuinely germane to that subject matter. If that were not so, it seems to me that when we sent out conferees from this body and the House sent out conferees from the House their hands would be little less than manacled. The limits within which they could exercise their discretion in endeavoring to reach some harmonious conclusion would be so narrow that in a large number of cases the very purposes of the conference would be completely defeated.

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

Mr. BRUCE. I yield.

Mr. LENROOT. May I not suggest to the Senator that this rule has been in force now just seven years, all through that seven years the construction has been given to that rule which the Chair has given it to-day, and which I have contended for this afternoon, and I have never heard it stated that the public has been injured by that construction.

Mr. NORRIS. Mr. President——

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

Mr. BRUCE. Certainly.

Mr. NORRIS. I am sorry I have not heard all of the Senator's remarks——

Mr. BRUCE. I am sorry that the Senator did not hear what I said about the manner in which he has usually carried on a fight on the floor of the Senate.

Mr. NORRIS. The Senator from Wisconsin has just referred to the public. Let me say to the Senator from Maryland that this rule came as a culmination of dissatisfaction on the part of the public as well as of the Members of the Senate and of the House, because we had been getting into the habit, where legislation for all of the American people was enacted, of putting it together in secret by conference committees, and there was a rising indignation everywhere against that. Everybody conceded that it was not the way to legislate in a free country. This rule was adopted in answer to that sentiment in order to prohibit that kind of thing.

Mr. BRUCE. Of course, I can readily imagine cases in which the discretion of the conferees might be abused. Still, whatever they do has to be brought back to the two Houses, and has to meet with their approval.

Mr. NORRIS. Oh, yes; but the Senator will recognize, of course, that when a conference report comes in amendment is impossible. Let me call the Senator's attention to one thing that is absolutely new in this conference bill. The authorization of the use of $100,000 by the President to put this machinery in operation is new. Neither House had before it such a provision, or anything like it or anything meaning that. It is conceded that it is not necessary, although we may admit it might be desirable. That comes for the first time to this body in the shape of a conference report. There is no opportunity to amend it. There is no way we can change it in any particular. We must either take it as it stands or reject it. We may not want to reject the whole report; but here is something entirely new that was never presented to either body. That is not a fair way to legislate. That can not appeal to the Senator's fairness. I know it can not appeal to his idea of what is right.

Mr. BRUCE. It is germane, and when a matter is germane it falls within the rule. There is no question about that to my mind.

Mr. NORRIS. If they can provide for $100,000, they could have made it $100,000,000. We would have to defeat the whole conference report in order to get rid of that one little item.

Such a situation furnishes the reason for this rule. There has never been an opportunity to consider that matter; there has never been an opportunity to offer an amendment to it. There grew up a habit of putting such things in conference in secret, where there was no record kept, things the people knew nothing about and we knew nothing about until the report was brought back, and oftentimes that practice resulted in something new being put into the legislation that was more important than anything that had been put in in either House.

Mr. BRUCE. I was simply considering the matter in connection with the rule itself and the construction which it seemed to me should be placed upon the rule. Of course the occasion for the rule is a thing which must be taken into account, and in dealing with rules the consequences of the rule shall be taken into account, too. I admit that. The choice here, it appears to me, is between too much freedom and too little freedom, and I think that the construction for which the Senator from Wisconsin [Mr. LENROOT] argued so ably and luminously would be unduly constrictive. Prejudicial consequences, as I see it, would be quite as likely to flow from his construction as from mine.

In this case, as in all others, there is a golden mean to be preserved. Conferees should not go beyond the subject matter committed to them. They should exercise the proper degree of discretion, good sense, and public spirit that their office calls for, but I do think that they have the right to make any new suggestion that they please, provided it can reasonably be held to be germane to the subject matter of the controversy intrusted to them. Annex the signification "foreign" to the word "new" in the second sentence of the second paragraph in the rule of the Senate under consideration, and all difficulties, in my opinion, disappear.

During the delivery of Mr. LENROOT's speech,

SALE OF MILK, CREAM, ETC., IN THE DISTRICT

Mr. BALL. Mr. President, I desire to present a conference report on Senate bill 2803, and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Delaware asks unanimous consent, out of order, to present a conference report on Senate bill 2803, to regulate within the District of Columbia the sale of milk, and so forth. Is there objection? The Chair hears none.

Mr. LENROOT. I ask to have the report read.

The PRESIDING OFFICER. The first unanimous consent asked for was for the privilege of presenting the report. That unanimous consent has been granted.

Mr. LENROOT. Now let it be read, so that we may see what it is.

The PRESIDING OFFICER. The Senator from Delaware asks unanimous consent for the present consideration of the report. The report will be read for the information of the Senate.

The reading clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "The words 'person' or 'persons' in this act shall be taken and construed to include firms, associations, partnerships, and corporations, as well as individuals; *Provided further*, That the health officer may accept the certification of a State or municipal health officer"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4 and agree to the same with an amendment, as follows: In lieu of the word "twenty" insert the word "forty"; and the House agree to the same.

L. HEISLER BALL,
ARTHUR CAPPER,
ROYAL S. COPELAND,
Managers on the part of the Senate.

STUART F. REED,
FLORIAN LAMPERT,
THOMAS L. BLANTON,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the further unanimous-consent request submitted by the Senator from Delaware for the present consideration of this conference report?

Mr. COPELAND. Mr. President, I want to say——

Mr. LENROOT. Provided there is no debate, I do not object.

The PRESIDING OFFICER. The Chair hears no objection. The question is on agreeing to the conference report.

The report was agreed to.

PROTECTION OF FOREST LANDS

Mr. SHORTRIDGE. I ask that the Senate proceed to the consideration of Senate bill 4224, to amend section 2 of the act of June 7, 1924 (Public, 270), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order to promote the continuous production of timber on lands chiefly suitable therefor.

The PRESIDING OFFICER. The bill will be read, for information.

The reading clerk read the bill, as follows:

Be it enacted, etc., That the third sentence of section 2 of the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order to promote the continuous production of timber on lands chiefly suitable therefor, approved June 7, 1924 (Public, 270), is amended by adding after the words "forest producing lands" the following: "or watersheds from which water is secured for domestic use or irrigation," so that section 2 as amended will read as follows:

"SEC. 2. If the Secretary of Agriculture shall find that the system and practice of forest fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section, he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest producing lands from fire. In no case other than for preliminary investigations shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest protection system of the State under State supervision and for which in all cases the State renders satisfactory accounting. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest producing lands, or watersheds from which water is secured for domestic use or irrigation, within the cooperating States."

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

JAMES F. JENKINS

Mr. DIAL. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 1633, for the relief of James F. Jenkins. There is a unanimous report from the committee on the bill.

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

Mr. BURSUM. What is the purpose of the appropriation?

Mr. DIAL. It is to pay for cotton linters taken by the Government during the war. It is recommended by the War Department, and the bill has been unanimously reported by the committee with a reduction of the appropriation from $26,332.20 to $21,000.

Mr. BURSUM. Has there been any judgment for this amount?

Mr. DIAL. No; no judgment.

Mr. BURSUM. Why does not the Senator have it referred to the Court of Claims?

Mr. DIAL. It has been before the War Department. The War Department sent investigators down to look into the case, and they recommended the payment. The committee has unanimously reported on it.

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

Mr. BURSUM. I want to find out more about it.

Mr. COPELAND. I think it should go over.

The PRESIDING OFFICER. Objection is made.

WHITE RIVER BRIDGE

Mr. SHEPPARD. I report back favorably from the Committee on Commerce, with an amendment, the bill (S. 4317) granting the consent of Congress to the county of Jackson, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of Newport, in the county of Jackson, in the State of Arkansas, and I submit a report (No. 1194) thereon. I ask unanimous consent for the present consideration of the bill.

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

The amendment was, on page 1, line 5, to strike out "and assigns," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Jackson, in the State of Arkansas, and its successors, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near the city of Newport, in the county of Jackson, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The State of Arkansas, or any political subdivision or division thereof, within or adjoining which said bridge is located, may at any time, by agreement or by condemnation in accordance with the laws of said State, acquire all right, title, and interest in said bridge and the approaches thereto constructed under authority of this act, for the purpose of maintaining and operating such bridge as a free bridge, by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or political subdivision or division thereof may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

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

OHIO RIVER BRIDGE

Mr. FESS. I ask unanimous consent for the present consideration of the bill (H. R. 11825) to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio.

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

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved June 21, 1922, to be built by the Steubenville & Pittsburgh Bridge Co., across the Ohio River at or near the north city limits of Steubenville, Ohia, are hereby extended one and three years, respectively, from the date of approval hereof.

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

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

ANSWERS BY THE SPOT-COTTON TRADE OF NEW ORLEANS TO SUGGESTIONS OF THE FEDERAL TRADE COMMISSION (S. DOC. NO. 207)

Mr. RANSDELL. Mr. President, I ask unanimous consent to make a report from the Committee on Printing. It will take only a moment. It does not call for any debate. It is merely a report from the Committee on Printing in regard to the printing of a Senate document.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent to report favorably, from the Committee on Printing, a Senate Resolution 343. Is there objection? The Chair hears none. The Senator from Louisiana asks further unanimous consent for the present consideration of the report. Is there objection?

Mr. HEFLIN. Mr. President, what is the resolution?

The PRESIDING OFFICER. It is a resolution providing for the printing of a small document.

Mr. RANSDELL. It provides for the printing as a Senate document of the answer of the cotton exchange to a report made by the Federal Trade Commission some days ago.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana for the present consideration of the report?

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the manuscript entitled "Answers by the Spot Cotton Trade of New Orleans to Suggestions of the Federal Trade Commission" be printed as a Senate document.

LANDS AND FUNDS OF OSAGE INDIANS

Mr. HARRELD. Mr. President, I ask unanimous consent, out of order, to file a conference report, and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent to present the conference report on House bill 5726. Is there objection? The Chair hears none. The Senator from Oklahoma asks further unanimous consent for the present consideration of the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, and 18; and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the words "Commissioner of Indian Affairs" and insert "Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: After the word "specified" strike out the word "shall" and insert in lieu thereof the word "may," and strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the words "Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 3 of the Senate engrossed amendment strike out "through mistake of law and which should have been reserved by the Secretary of the Interior" and insert "in excess of $4,000 per annum each for adults and $2,000 each for minors"; and in line 9 strike out the words "now in their possession," and in line 13 strike out the words "moneys expended and purchases and investments made by legal guardians in accordance with the laws of the State of Oklahoma are hereby declared to be legal," and at the end of section 1 of the bill insert "Within 30 days after the passage of this act such guardian shall render and file with the Secretary of the Interior or the superintendent of the Osage Agency a complete accounting, fully itemized, under oath, for the funds so paid to him and pay to the said Secretary or superintendent any and all moneys in his hands at the time of the passage of this act which have been paid him in excess of $4,000 per annum each for adults and $2,000 each for minors. The said guardian shall at the same time tender to said Secretary or superintendent all property of whatsoever kind in his possession at the time of the passage of this act, representing the investment by him of said funds. The Secretary or superintendent is hereby authorized to accept such property or any part thereof at the price paid therefor by said guardian for the benefit of the ward of such guardian, if in his judgment he deems it advisable, and to make such settlement with such guardian as he deems best for such ward. Failing to make satisfactory settlement with said guardian as to said investments or any part thereof, the Secretary is authorized to bring such suit or suits against said guardian, his bond, and other parties in interest as he may deem necessary for the protection of the interests of the ward and may bring such action in any State court of competent jurisdiction or in the United States district court for the district in which said guardian resides;" and the Senate agree to the same.

J. W. HARRELD,
CHAS. L. MCNARY,
ROBERT L. OWEN,
Managers on the part of the Senate.

H. P. SNYDER,
FREDERICK W. DALLINGER,
CARL HAYDEN,
Managers on the part of the House.

Mr. OWEN. Mr. President, I desire to state that I was a member of the conference committee and I signed the report. I only wish to state for the RECORD that I should have greatly preferred what the Senate passed with relation to the subject. I, however, made the best terms that I could with the conference, and am compelled to be content.

The PRESIDING OFFICER. The Senator from Oklahoma asks further unanimous consent for the present consideration of the report. Is there objection? The Chair hears none. The question is on agreeing to the conference report.

The report was agreed to.

CLAIMS OF ASSINIBOINE INDIANS

Mr. HARRELD. Mr. President, last night the Chair laid down a message from the House on House bill 7687. I move that the Senate insist on its amendments and agree to the conference asked for, and that the Chair appoint the conferees on the part of the Senate.

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. 7687) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The Senator from Oklahoma moves that the Senate insist upon its amendments, and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HARRELD, Mr. MCNARY, and Mr. ASHURST conferees on the part of the Senate.

SUITS IN ADMIRALTY

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9535) authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CAPPER. I move that the Senate insist upon its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. CAPPER, Mr. SPENCER, and Mr. BAYARD conferees on the part of the Senate.

THE MEAT-PACKING INDUSTRY

The PRESIDENT pro tempore laid before the Senate a report of the Federal Trade Commission, made pursuant to Senate Resolution 278 (submitted by Mr. NORRIS and agreed to December 8, 1924), on the history and present status of the packer-consent decree, which was ordered to lie on the table.

MEMORIAL BRIDGE ACROSS THE POTOMAC RIVER

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3173) to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes, which was on page 2, line 21, after "States," to insert the following proviso:

Provided, That such appropriations as may be made under the authority of this act for the execution of said project shall be chargeable to the Treasury of the United States and the revenues of the District of Columbia in such manner as shall then be determined by Congress to be equitable: *Provided further*, That the opening, widening, extending, or improvement of any streets of the District of Columbia in connection with this project shall be subject to assessments for benefits in accordance with the laws governing similar work under the Commissioners of the District of Columbia: *And provided further*, That if the bridge is constructed otherwise than by contract there shall be kept accurate and itemized account of all costs, including labor, materials, rental, repairs, insurance, depreciation of plant and equipment, and all other items and engineering costs properly chargeable to the construction of said bridge.

Mr. SWANSON. Mr. President, in the absence of the Senator from Maine [Mr. FERNALD], he has asked me when that bill was laid down to move to concur in the House amendment, which I do.

The PRESIDENT pro tempore. The Senator from Virginia moves that the Senate concur in the House amendment.

The motion was agreed to.

SEVENTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM (S. DOC. NO. 204)

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 342), which was considered by unanimous consent and agreed to:

Resolved, That the report of the delegates from the United States to the Seventeenth International Congress Against Alcoholism be printed as a Senate document.

PROPORTIONAL REPRESENTATION IN CHOICE OF PRESIDENTIAL ELECTORS

Mr. JOHNSON of Minnesota submitted the following concurrent resolution (S. Con. Res. 32), which was referred to the Committee on Privileges and Elections:

Concurrent resolution

Whereas the existing practice of having all the presidential electors in each State elected in one block, and of having the votes of such electors all cast for the presidential candidate who receives the largest number of votes, is detrimental to the interests of the Nation, because—

(1) It deprives of representation in the Electoral College, always some minority, often a large minority and sometimes even a majority, of the votes of each State;

(2) It unjustly causes a part of the numerical strength of the voters of the State to be counted for candidates of whom they disapprove, thus giving in effect more than one vote to each citizen of the most numerous party, though that party may be a minority of the whole number of voters;

(3) It places an undue strain of excitement and temptation to corruption upon those States in which the principal parties are equally divided, and in which therefore each of the principal parties exerts itself to become the most numerous one;

(4) It deprives States in which either of the principal parties is sure of receiving a majority (or even a plurality) vote of the benefit of discussion and instruction of citizens in the principles of government and the issues of the day, which would result from an active effort to secure their votes;

(5) It deprives the National Government of the benefit of participation in its affairs by that great host of citizens in the sure States who, on the one hand, can not by voting give worth-while expression to their convictions, or who, on the other hand, because of the practical changelessness of election results in their States, fail to take that interest in national affairs which patriotism demands;

(6) It nullifies the efforts of truly patriotic, thinking citizens who vote according to conviction, by placing elections mainly in the hands of those who vote according to habit; and

Whereas proportional representation (both by the single transferable vote method used in England, Ireland, Canada, and some cities of the United States, and by the list method used in various continental European countries) has proved in practice to be easily workable, satisfactory to the voters, and just to all parties; and

Whereas the process of electing the President and Vice President of the United States is of grave import to the welfare of the Federal Government, yet Congress has no authority to modify it, because Article II, section 1, of the Constitution gives to the legislature of each State the sole authority to direct the manner of appointing the presidential electors for that State: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the legislatures of the several States should establish by appropriate legislation proportional representation in the choosing of presidential electors, and that the Secretary of State is hereby requested to transmit a copy of this resolution to the governors of the several States.

AMENDMENT OF THE NATIONAL DEFENSE ACT

Mr. WADSWORTH submitted the following concurrent resolution (S. Con. Res. 33), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3760) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

CONVENTION WITH GREAT BRITAIN CONCERNING RIGHTS IN PALESTINE

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 herewith a convention between the United States and the Government of His Britannic Majesty with respect to the rights of the two Governments and their nationals in Palestine, signed at London on December 3, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 20, 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, should his judgment approve thereof, a convention between the United States and the Government of His Britannic Majesty with respect to the rights of the two Governments and their nationals in Palestine, signed at London on December 3, 1924.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, December 19, 1924.

Whereas by the Treaty of Peace concluded with the Allied Powers, Turkey renounces all her rights and titles over Palestine; and

Whereas article 22 of the Covenant of the League of Nations in the Treaty of Versailles provides that in the case of certain territories which, as a consequence of the late war, ceased to be under the sovereignty of the States which formerly governed them, mandates should be issued, and that the terms of the mandate should be explicitly defined in each case by the Council of the League; and

Whereas the Principal Allied Powers have agreed to entrust the mandate for Palestine to His Britannic Majesty; and

Whereas the terms of the said mandate have been defined by the Council of the League of Nations, as follows:—

"The Council of the League of Nations:

"Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

"Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on the 2nd November, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

"Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

"Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory of Palestine; and

"Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

"Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

"Whereas by the aforementioned article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

"Conforming the said mandate, defines its terms as follows:—

"ARTICLE 1

"The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

"ARTICLE 2

"The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

"ARTICLE 3

"The Mandatory shall, so far as circumstances permit, encourage local autonomy.

"ARTICLE 4

"An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

"The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

"ARTICLE 5

"The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

"ARTICLE 6

"The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

"ARTICLE 7

"The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

"ARTICLE 8

"The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable to Palestine.

"Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on the 1st August, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

"ARTICLE 9

"The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

"Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

"ARTICLE 10

"Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

"ARTICLE 11

"The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

"The Administration may arrange with the Jewish agency mentioned in article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilized by it for the benefit of the country in a manner approved by the Administration.

"ARTICLE 12

"The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

"ARTICLE 13

"All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

"ARTICLE 14

"A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

"ARTICLE 15

"The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

"The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

"ARTICLE 16

"The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

"ARTICLE 17

"The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defense of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

"Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

"The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

"ARTICLE 18

"The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

"Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

"ARTICLE 19

"The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wirless communication or literary, artistic, or industrial property.

"ARTICLE 20

"The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

"ARTICLE 21

"The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archæological research to the nationals of all States members of the League of Nations.

"(1)

"'Antiquity' means any construction or any product of human activity earlier than the year A. D. 1700.

"(2)

"The law for the protection of antiquities shall proceed by encouragement rather than by threat.

"Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

"(3)

"No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

"No antiquity may leave the country without an export license from the said Department.

"(4)

"Any person who malaciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

"(5)

"No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorised by the competent Department.

"(6)

"Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archæological interest.

"(7)

"Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archæological experience. The Administration of Palestine shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

"(8)

"The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

"ARTICLE 22

"English, Arabic, and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew, and any statement or inscription in Hebrew shall be repeated in Arabic.

"ARTICLE 23

"The Administration of Palestine shall recognize the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

"ARTICLE 24

"The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

"ARTICLE 25

"In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of articles 15, 16, and 18.

"ARTICLE 26

"The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by article 14 of the Covenant of the League of Nations.

"ARTICLE 27

"The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

"ARTICLE 28

"In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

"The present instrument shall be deposited in original in the archives of the League of Nations, and certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

"Done at London, the 24th day of July, 1922;" and

Whereas the mandate in the above terms came into force on the 29th September, 1923; and

Whereas the United States of America, by participating in the war against Germany, contributed to her defeat and the defeat of her Allies, and to the renunciation of the rights and titles of her Allies in the territory transferred by them but has not ratified the Covenant of the League of Nations embodied in the Treaty of Versailles; and

Whereas the Government of the United States and the Government of His Britannic Majesty desire to reach a definite understanding with respect to the rights of the two Governments and their respective nationals in Palestine;

The President of the United States of America and His Britannic Majesty have decided to conclude a convention to this effect, and have named as their plenipotentiaries:—

The President of the United States of America:

His Excellency the Honourable Frank B. Kellogg, Ambassador Extraordinary and Plenipotentiary of the United States at London:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Joseph Austen Chamberlain, M. P., His Majesty's Principal Secretary of State for Foreign Affairs:

who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:—

ARTICLE 1

Subject to the provisions of the present convention the United States consents to the administration of Palestine by His Britannic Majesty, pursuant to the mandate recited above.

ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of the mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

ARTICLE 3

Vested American property rights in the mandated territory shall be respected and in no way impaired.

ARTICLE 4

A duplicate of the annual report to be made by the Mandatory under article 24 of the mandate shall be furnished to the United States.

ARTICLE 5

Subject to the provisions of any local laws for the maintenance of public order and public morals, the nationals of the United States will be permitted freely to establish and maintain educational, philanthropic and religious institutions in the mandated territory, to receive voluntary applicants and to teach in the English language.

ARTICLE 6

The extradition treaties and conventions which are, or may be, in force between the United States and Great Britain, and the provisions of any treaties which are, or may be, in force between the two countries which relate to extradition or consular rights shall apply to the mandated territory.

ARTICLE 7

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate, as recited above, unless such modification shall have been assented to by the United States.

ARTICLE 8

The present convention shall be ratified in accordance with the respective constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in London as soon as practicable. The present convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the undersigned have signed the present convention, and have thereunto affixed their seals.

Done in duplicate at London, this 3rd day of December, 1924.

FRANK B. KELLOGG [SEAL]
AUSTEN CHAMBERLAIN [SEAL]

RECESS

Mr. CURTIS. I move that the Senate take a recess, the recess being, under the order previously entered, until noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 21, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 20 (legislative day of February 17), 1925

UNITED STATES ATTORNEY

Haveth E. Mau, of Ohio, to be United States Attorney, southern district of Ohio, vice Benson W. Hough, appointed United States district judge.

REGISTERS OF THE LAND OFFICE

Walter Spencer, of Colorado, to be register of the land office at Denver, Colo., in accordance with provisions of Interior Department appropriation act approved June 5, 1924.

Charles S. Merrill, of Colorado, to be register of the land office at Glenwood Springs, Colo., vice Walter Spencer.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 20 (legislative day of February 17), 1925

POSTMASTERS

IOWA

Arthur M. Burnside, Boone.
Albert L. Meredith, Lynnville.
Arthur M. Michaelson, Roland.

KANSAS

Axel F. Holmgren, Lincolnville.

MARYLAND

Carolyn M. Stuart, Brentwood.

OHIO

William E. Pangburn, Felicity.

OREGON

Mabelle N. Olds, Cloverdale.
Elizabeth M. Ward, Philomath.

PENNSYLVANIA

Lucy Hawkins, Export.
Hobart M. Lord, Hastings.
George C. Brown, Masontown.

WISCONSIN

Earle R. Adamson, Belleville.
Arthur G. Besse, Butternut.
Thomas D. Morris, Cambria.
Robert W. Brown, Lakemills.
Dorothea Devlin, Loyal.
Leo E. Butenhoff, Markesan.
Carl C. Martin, New Lisbon.
Edward B. Shanks, Portage.
Herbert Hopkins, Randolph.
Arthur V. DeWitt, Sayner.
Jessie M. McGeorge, Stone Lake.
Arthur Heins, Tigerton.
August J. Christianson, Webster.

WYOMING

Harry J. Thompson, Parco.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 20, 1925*

The House met at 12 o'clock noon.

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

The Lord God omnipotent reigneth; He is clothed with majesty and power, and naught can shake Thy sure repose. O spirit divine, Thou art the source of all things good. Freely Thou dost bestow, and only most gratefully may we receive. Continue to be our way, our truth, and our life. Be our help and our inspiration not only to our senses but to our spiritual natures. In our daily duties always show us the acceptable method, the wise way, and the divine order and purpose. Amen.

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

CALL OF THE HOUSE

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER (after counting). A quorum is not present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 75]

Berger	Kendall	Moore, Ill.	Seger
Brand, Ohio	Kerr	Moore, Ohio	Sherwood
Buckley	Kiess	Nolan	Sullivan
Curry	Kindred	O'Brien	Sumners, Tex.
Dominick	Kunz	O'Sullivan	Sweet
Doyle	Langley	Parker	Tague
Edmonds	Lankford	Peavey	Vare
Fitzgerald	Larson, Minn.	Perlman	Ward, N. C.
Fredericks	Lee, Ga.	Phillips	Wertz
Free	Lilly	Porter	Williams, Tex.
Fulbright	Lindsay	Quayle	Winslow
Garner, Tex.	McLeod	Roach	Wolff
Glatfelter	McNulty	Rogers, Mass.	Wurzbach
Goldsborough	McSweeney	Rogers, N. H.	Yates
Johnson, W. Va.	MacGregor	Rouse	Zihlman
Jost	Michaelson	Schall	

The SPEAKER. Three hundred and sixty-eight Members have answered to their names; a quorum is present.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

COOPERATIVE MARKETING BILL

Mr. WILLIAMS of Michigan. Mr. Speaker, I desire unanimous consent of the House to have put in the form of a bill certain amendments that I desire to propose to the bill (H. R. 12348), the cooperative marketing bill coming from the Committee on Agriculture, these amendments consisting of four sections and to stand as part 3, Title I, of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAMS of Michigan. By unanimous consent of the House I am placing in the RECORD certain amendments that I wish to propose to the cooperative marketing bill. These amendments consist of four sections, and stand as part 3, Title I, of the bill, and read as follows:

PART 3.—LICENSED TERMINAL MARKET ASSOCIATION

DEFINITION

SEC. 41. That a licensed terminal market association, as distinguished from a cooperative terminal marketing association, is any association of persons, firms, or corporations, now or hereafter duly and legally organized, in a corporation form or otherwise, as a terminal market association, operating as an exchange for the handling and sale of perishable agricultural products, as such products may be defined by the Federal cooperative marketing board, and whose membership is open equally to representatives of cooperative buying associations, wholesalers, brokers, commission men, and other dealers in or large consumers of perishable agricultural products, and which said terminal marketing associations are licensed by the Federal cooperative marketing board, as hereinafter provided.

SEC. 42. The Federal cooperative marketing board is hereby authorized and empowered upon application therefor to grant a license to the terminal market associations of the character described in the preceding section on the following terms and conditions:

(a) That the articles of association, by-laws, rules, or methods of carrying on business and of electing its officers, the form of contracts between the association and its members, and other features of the organization are in conformity with law and in accordance with the intent and meaning of part 3 of this title.

(b) That the association agrees for itself and its members to adopt and use for the purposes of transactions under this act all standards for perishable agricultural products which have been or which may be established by or under the authority of section 10 of the United States warehouse act, approved August 11, 1916, as amended, or by or under the authority of any other act of Congress.

(c) That the association, for itself and its members, agree that all disputes with reference to the grades, standards, condition, or quantity of any perishable agricultural product, or the trade rules and regulations, practices, and customs, in respect of such product occurring between any such association and/or its members and/or any cooperative marketing association or clearing-house association registered under this act and/or its members shall be submitted for determination by arbitration in the manner prescribed by the board under section 21, subdivision (d), the terms of which are hereby made applicable to licensed terminal market associations as defined in section 41, and that the association and its members will abide by the award thus determined.

(d) That said association shall, subject to the approval of the Federal cooperative marketing board, prescribe in its by-laws or rules such regulations governing admission to membership and continuance of membership bearing upon financial responsibility and commercial conduct as shall reasonably protect registered cooperative marketing associations or registered cooperative clearing-house associations, or their members, respectively, in dealings under this act with said association or any of its members.

(e) That the association, for itself and its members, will permit the examination of books and records of such association and/or its members by the board with reference to any sale or transaction which may be in dispute and subject to arbitration as aforesaid.

(f) That the association and/or its members will abide by any rule or regulation of the board made to carry out any provision of part 3 of this title.

SEC. 43. (a) If the board finds, after giving not less than 30 days' notice and opportunity for a hearing to a licensed association, that such association is no longer eligible for license under the act or has violated any applicable provision of this act or any regulation of the board promulgated under authority of any such provision, the board may—

(1) Impose any penalty prescribed under this section for such violation; and/or

(2) Suspend, for such period as it may designate, or revoke the license of any such association.

(b) Any licensed association may request revocation of its license and obtain such revocation upon application to the board, together with a duly authenticated statement showing that such request for revocation has been authorized by a majority of the members of such association. Such revocation shall take effect 30 days after the receipt of such application by the board.

(c) The board may prescribe, for violation of any provision of part 3 of this title or any regulation of the board promulgated under the authority of such provision, a civil penalty of not more than $50 for each day during which the violation continues. The board may collect in a civil suit brought in the name of the United States any such penalty which it has imposed in a proceeding under this section and which remains unpaid. The revocation or suspension of the license of an association shall not bar the collection of any penalty imposed upon such association by the board.

SEC. 44. Any association licensed under part 3 of this title shall have the right to use the words "U. S. Licensed Terminal Market Association" on its stationery and labels and in its advertising. No such licensed terminal-market association shall have any rights under this act other than as provided in part 3 of this title, except the right to secure arbitration of disputes as provided for in this act. No such licensed terminal-market association shall have any immunities from the operation or application of any of the acts specified in section 6 of title 2 of this act.

OPERATION OF FERRIES

Mr. DEAL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the question of the operation of the ferries between Portsmouth and Norfolk, in my district, by the Housing Corporation.

The SPEAKER. Is there objection?

There was no objection.

Mr. DEAL. Mr. Speaker, under an act of the General Assembly of Virginia of January, 1641, the county of Norfolk was authorized to maintain a ferry from Norfolk Town to Sawyers Point, now the city of Portsmouth. These ferries appear to have been mentioned by name in an act of August, 1702, authorizing the county of Norfolk, the licensing and appointing a ferry keeper and other powers necessary for the operation of same. The ferries continued as the property of Norfolk County until 1858, when the city of Portsmouth was carved out of Norfolk County and made a separate municipality, at which time, by arbitration, the ferries became in part the property of the city of Portsmouth, and have since been operated jointly by the county of Norfolk and the city of Portsmouth.

In 1891 the city of Portsmouth and the county of Norfolk attempted to lease the ferries but were enjoined from so doing, which injunction appears to have been sustained by the Supreme Court of Appeals of Virginia, the court saying that the ferry property came into the hands of the city and county as a public trust; that the ferries were public highways, and were conferred upon the city and county to be used for a public benefit, thus indicating in the strongest terms that the ferries were not to be operated for profit but were "a public trust," "a public highway," and "to be used for a public benefit." These salient facts are taken from an opinion prepared by Mr. John W. Happer and Mr. Frank L. Crocker, attorneys for the ferries company. I might refer further to the fact that in the original act, quoting from the same authority, the county was required to keep three ferries and maintain them by a levy. I have not examined later acts of the General Assembly of Virginia, and the opinion to which I have referred does not go into detail as to the rights of operating these ferries for profit.

My impression, however, is that no competitive ferry can be operated within a considerable distance on either side of the present ferries, all of which suggest that the said ferries were given a monopoly and, therefore, should not be operated for profit, but in the general interest of the public. For many years, however, with the increased traffic, and with no increase of tolls, there has been a continuing increase of revenue, so that at each termination of a lease new leases have been sold for periods of 10 years at material increasing advances. In 1910, when the last lease was made, the sum of $135,200 per annum was offered and accepted; and they were operated presumably at a profit, with no increase of tolls until 1918, when, as a war measure, the Federal Government took over these ferries and the lease then in force from the lessors and amended the contract with the city of Portsmouth and county of Norfolk, in which it was agreed that the Government would continue to pay the same annual rental, make such additions and improvements as might be necessary, keeping an account thereof against the city of Portsmouth and county of Norfolk, or the ferries company; and providing further that at the expiration of three years after a proclamation of peace the ferries should be returned to their rightful owners and that there should be an appraisal of the betterments only to these properties made by the Federal Government; that the Federal Government should appoint two of the appraisers, the city of Portsmouth and the county of Norfolk two, and that these four should select one. The value of such betterments, as appraised, should be paid to the Federal Government by the owners of the ferries. It appears that the Government spent in additions to the plant $1,300,000, approximately, during the war and at the peak of high prices.

A ferry slip was built, at considerable expense, which, owing to a mistake of the Government engineers, was too small to

admit of the entrance by such boats as were necessary for the service. This slip had to be removed and rebuilt at considerable expense. In the course of operation, the Federal Government discontinued the use of the ferry between Portsmouth and Berkley, thereby reducing the operating expenses to the extent, in my judgment—I have not the figures before me—of quite 40 per cent, very nearly, if not quite, covering the increased operating expense. Nevertheless, the Government increased its charges for passenger service 100 per cent, and vehicular service approximately 150 per cent, with the result that during the past four years the Government has realized a net profit in the operation, of $534,200, after paying a rental of $135,200. It would seem from this that the Government has not operated the ferries in the interest of its patrons, as intended, but in the interest of profit for the Federal Government; so that citizens using this ferry have been required to contribute to an unwarranted profiteering by the Federal Government. This, in effect, is a tax upon the ferry users in my district for the benefit of all the taxpayers of the United States, against which I again register my earnest protest.

More than three years have elapsed since the proclamation of peace by the President of the United States, and still these ferries have not been returned to their owners. Perhaps this is due to the desire on the part of the Housing Corporation, to whom has been allocated the duty of operation, to continue the life of the corporation, and as an excuse, therefore, provide a surplus revenue to the Government. Whether this be true or not, the fact remains that the increasing traffic yielded to the Federal Government during the past year $184,000 net revenue, to which the Housing Corporation points with pride.

I might say that this is no evidence of superior management or skill in operation. If you give to any company or individual a monopoly of a commodity that must be used and the power to make such charges as he or they may desire, there would be no art in making the profit any amount desired. It appears now that the Housing Corporation is taking the position that, owing to this unmoral and probable illegal profit, to which it points with so much pride, it is claiming the right to capitalize the value of the betterments made to property owned by the city of Portsmouth and the county of Norfolk on the basis of its earning value, figured at $5,000,000, and has, therefore, or for some other reason, delayed the appointment of appraisers to meet appraisers already appointed by the city of Portsmouth and the county of Norfolk for the valuation of the property.

A few weeks since I took occasion to call the attention of Congress to this situation, feeling that I was representing the interest of my constituents in so doing. It chanced that at or about this time I received a request from private interests within my district to introduce a bill in Congress asking for an authorization to build a bridge over the southern branch of the Elizabeth River between South Norfolk and Norfolk County, at a point between the Peabody track on the eastern side and the Dickson track on the western side of the river. When announcement was made through the press of the introduction of the said bill in Congress, I received the following telegram signed by the manager of the city of Portsmouth, to wit:

City and county strongly opposed to construction of bridge over southern branch about belt line. This construction will benefit a few interested stockholders and injure interests of Portsmouth and Norfolk County who are stockholders in present ferries. It would mean probable financial wreckage of these ferries, now giving satisfactory and economical service, and the transfer of business to two toll bridges at probably greater expense to the public. Letter follows.

On the 7th I received another wire from the city manager, to wit:

City and county desire to be heard on proposed bridge over southern branch and to present bill authorizing construction of bridge by them. Request pending bill be held in committee until we can act.

To which I replied:

I am in receipt of your wire requesting a hearing on the bridge authorization and that I hold it until you can act. I will endeavor to have a hearing set in which all parties at interest may be present and present their views. I would not agree to hold it until you can act, that being indefinite, but will give you ample time to attend.

My interest in the matter is to represent all the people of my district as nearly as I can, and where there is a disagreement, to see that everybody has an equal chance.

This is the usual procedure in such matters, and although I introduced the bill by request, I took no steps toward denying to any person, or all persons, a full opportunity to be heard before an impartial committee to which the bill was referred. On the contrary, it was my expectation that a hearing would be set. There was no effort on my part to keep the matter secret. I could not have done so had it been my desire. Whenever a bill is introduced in Congress it is recorded in the journal of its proceedings and in the CONGRESSIONAL RECORD.

It is open to the press and is generally noted by reporters, particularly those representing the locality affected. I had no thought of entering into a discussion of this question, leaving the merits or demerits to be discussed by others, until some days later I received a letter from the city manager of Portsmouth, dated February 6, in which it was stated that the officials of Portsmouth and Norfolk County—

naturally and properly felt that they should have been given a chance to present their views before the bill was introduced.

And that—

it is the prevailing opinion here that the purpose of this bill, as previously stated, is to frighten prospective bidders and thus materially reduce the amount for which the ferries would lease, in case their owners decide to lease them again.

Whether rightfully or wrongfully, I felt that these comments, as well as the general tone of the letter, implied a purpose on my part to work injury to the interests of the city of Portsmouth and the county of Norfolk—that I originated and timed the introduction of the bill to consummate that event and that they ignored the third but most important interest involved, viz, the general public. It should be borne in mind that every citizen has a legal right to petition and appeal and to enter into any legitimate business, even to the building of toll roads, toll bridges or toll ferries, or the operation of toll street cars or steam railways; and where such enterprises are of a quasi public nature, authority must be obtained from some duly constituted legislative power. In this particular instance the Elizabeth River, being a part of the intracoastal waterway from Boston to Florida, connecting with the Albemarle Sound by a Government-owned canal, thus enabling continuous and interstate traffic, it clearly comes within the province of the Congress of the United States to grant such an authorization.

The citizen, or citizens, seeking such an authorization can only do so through a Representative having the right to introduce a bill before Congress. The Representative of the district in which the authorization and project is proposed, is naturally he to whom such projectors would go and request the introduction of a bill. It is patently right and proper that a Representative should present matters referred to him for such introduction, and if he did not introduce such matters so referred to him by his constituents, the constitutional right of appeal would not avail. Had the city of Portsmouth and the county of Norfolk been the projectors and have presented to me a request for the introduction of such a bill, I certainly should not have gone to the city councils of the cities of Norfolk or of Suffolk and consulted with them as to whether or not I should introduce the bill, even though it would still further have placed the control of ingress and egress between these important centers almost entirely within the hands of the city of Portsmouth and the county of Norfolk—a power which might be utilized to the detriment of a majority of the people in the district—but would have promptly introduced it, knowing full well that any or all objections might be heard before a disinterested committee of Congressmen.

It should further be borne in mind that the Ferries Co. have not given to me their full confidence in connection with this matter. I do not claim that they were called upon to do so. Indeed, if they felt that they could handle the situation in Washington without my assistance, and so desired, they acted entirely within their rights.

The impression under which I was placed, however, was that the Ferries Co. desired the return of their properties, and my efforts here have been intended to aid in this direction, and hence my former speech in Congress calling the situation to the attention of this body. Naturally, it was in the nature of an attack upon the Housing Corporation for not complying with its contract with the Ferries Co. Later the president of the Housing Corporation informed me that my people did not want the ferries surrendered by the Government but had been seeking to release them to the Housing Corporation on the basis of $250,000 annually. This, of course, was quite a surprise to me. Owing to the enormous increase in toll charges heretofore established by the Government, it is natural to assume that so large an increase in the rental would lead to an additional increase of the toll charges, especially since the Government is avowedly operating the ferries for profit, having taken during the past fiscal year $184,000 net profit from the users of the ferries.

I do not know that it was the intention of the Ferries Co. to make such a lease, though not denied when I mentioned the matter to its representatives; but certainly a conversation along that line would naturally suggest to the Housing Corporation a desire, or indifference at least, to the return of the ferries. The effect of this situation is to fasten upon the users of the ferries the burden of carrying indefinitely the high tolls and large profits incident thereto.

In view of these facts, and representing the people of the entire district, comprising 320,000 persons, as against the wish of a probably thirty or forty thousand persons—for I have strong reason to believe that by no means do all of the people of Portsmouth and Norfolk County, totaling some 75,000 persons, oppose the bridge in question—I can not be accused of improper activity in insisting that the ferries be returned by the Government to their owners or for introducing a bill authorizing the construction of a bridge.

I was requested to introduce the bill by parties whom I believed to be ready, able, and willing to carry out the project. The public, as evidenced by subsequent events, is very greatly and, indeed, more largely interested than either the owners of the ferries or the projectors. I did not think then, nor do I think now, that in the broader sense the interest of the people of Portsmouth or of Norfolk County would be impaired by the building of such a bridge. It would probably reduce the revenues of the ferries, but at the same time would contribute very largely to the development of the entire community—Portsmouth and Norfolk County included. Indeed it appears that the people of Norfolk County living east of the river, representing the greater portion of the county's population, are very vitally interested and desirous of having the bridge. It appears to me that the city and county officials endeavored to educate the public to the idea that I had done a grave injustice to its citizens and to center their thought and prejudice upon me, rather than on the merits of the case, and it is for this reason that I wish to bring this point of view to the attention of the Congress.

It may be interesting to know that in the closing months of the past year a request was made for a bridge across the Nansemond River in my district, between the town of Smithfield and the city of Portsmouth, which when built will divert the traffic over the State highway and Smithfield, in a large measure, from Suffolk to the shorter route leading into Portsmouth; and in this instance the manager of the city of Portsmouth and others from Portsmouth appeared at a hearing before the district engineer and urged the building of the bridge. This they had a perfect right to do; but, having taken that position, then it is exceedingly inconsistent to attack me on the grounds that I have sought to injure the ferry interests by introducing a bill at the request of certain citizens for a bridge which they claim will divert some of this traffic from the ferries. "It depends upon whose ox is gored."

In the one case it would divert some traffic from Suffolk, in the other it would divert some traffic from the ferries. But both projects are in line with progress and the development which must inevitably come, because it is demanded by the general public and will unquestionably add to the development and values which will, in my opinion, more than overcome the loss of legitimate ferry revenues.

The contention that Portsmouth and Norfolk County have advanced—that is to say, loaned to be returned—large sums of money for the construction of State highways, and therefore should not have competition for any part of the traffic, is not well founded, since Norfolk city has likewise advanced large sums for the construction of the same highways. There is no just contention, therefore, that the ferries should monopolize the traffic using these highways at the expense of the city of Norfolk and of the people of the State of Virginia and of the United States, who must pay for the construction of these highways.

Every argument advanced against the building of a bridge is in reality an argument in favor of the bridge. It was not my purpose, and is not now, to take a partisan position in this matter, my only purpose being to defend my position against that which I believe to have been an inconsistent and unjustified attack. I met the request of the ferries company in holding up the bridge matter in order that there might be hearings upon the subject. This, of course, meant that it could not be acted upon at this session of Congress.

The public has ample time in which to digest this matter and for both sides to the contention to present their views before the convening of another Congress; and I trust that some plan may be devised whereby an amicable adjustment may be made.

It may be pertinent for me to say that I introduced a bill for damming and locking the waters of Lafayette River. There was considerable opposition to this project. When I introduced the bill I personally was opposed to the project, believing that it would not be in the interest of the general public, but I introduced the bill and gave to each side the opportunity to be heard, with the result that the committee reported favorably the bill and Congress has authorized the project. I had no more interest or feeling in the bridge than in the Lafayette River Dam, but in the line of duty I introduced the bill, expecting it to stand or fall on its merits. In this case, however, I do not hesitate to say that I believe the bridge to be in line with progress and the development of the entire community, as well as of the highway system; and had I not been attacked, as I feel, unjustly, I should have taken no greater part in the bridge matter than I did in the Lafayette River Dam project. They both came to me in the line of duty and were acted upon accordingly.

LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes, for consideration in the House, as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent to consider in the House as in Committee of the Whole the bill H. R. 12101, the legislative appropriation bill. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Iowa if the gentleman is going to give us time to be heard on one or two propositions, and especially the salary increase amendment, to which we have objections?

Mr. DICKINSON of Iowa. It is my purpose to present the first 12 amendments in this bill en bloc, if there is no objection on the part of the gentleman from Colorado [Mr. TAYLOR] or any other Member of the House.

Mr. BLANTON. Will the gentleman give us time to be heard on the salary increase amendment before a vote is taken? It will be entirely within his control.

Mr. DICKINSON of Iowa. Oh, yes.

Mr. BLANTON. And the gentleman will give us time to be heard on it?

Mr. DICKINSON of Iowa. Liberal time.

Mr. FROTHINGHAM. Mr. Speaker, reserving the right to object, may I ask if there will be an opportunity given to be heard on the proposed salary increase, or will that be put through without debate?

Mr. DICKINSON of Iowa. We will have debate on it.

Mr. FROTHINGHAM. So that those who object will have an opportunity to be heard?

Mr. DICKINSON of Iowa. Yes.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, why does the gentleman wish to put the other amendments en bloc? Why not have them voted on separately?

Mr. DICKINSON of Iowa. There is no objection to them. They are satisfactory to everyone.

The SPEAKER. Is there objection?

There was no objection.

DIVISION OF LANDS AND FUNDS OF THE OSAGE INDIANS

Mr. SNYDER. Mr. Speaker, I present a conference report, for printing under the rules, on the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 157. An act to authorize the more complete endowment of agricultural experiment stations, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. PHIPPS, Mr. BALL, Mr. JONES of Washington,

Mr. GLASS, and Mr. SHEPPARD as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3824. An act to provide for the appointment of a leader of the Army band;

S. J. Res. 169. Joint resolution authorizing the Secretary of Agriculture to waive all requirements in respect of grazing fees for the use of national forests during the calendar year 1925; and

S. J. Res. 187. Joint resolution providing for the cooperation of the United States in the sesquicentennial exhibition commemorating the signing of the Declaration of Independence, and for other purposes.

The message also announced that the Senate had passed the following order:

Ordered, That the House of Representatives be requested to return to the Senate the bill (H. R. 7881) to convey to the city of Astoria, Oreg., a certain strip of land in said city.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 27. An act to compensate the Chippewa Indians of Minnesota for timber and interest in connection with the settlement for the Minnesota National Forest;

H. R. 166. An act authorizing the Secretary of the Interior to issue patent to the city of Redlands, Calif., for certain lands, and for other purposes;

H. R. 2689. An act to consolidate certain lands within the Snoqualmie National Forest;

H. R. 2419. An act for the relief of Michael Curran;

H. R. 2716. An act to amend paragraph 20 of section 24 of the Judicial Code, as amended by act of November 23, 1921, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes";

H. R. 2720. An act to authorize the sale of lands in Pittsburgh, Pa.;

H. R. 3927. An act granting public lands to the town of Silverton, Colo., for public park purposes;

H. R. 4114. An act authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.;

H. R. 4522. An act to provide for the completion of the topographical survey of the United States;

H. R. 4825. An act for the establishment of industrial schools for Alaskan native children, and for other purposes;

H. R. 5170. An act providing for an exchange of lands between Anton Hiersche and the United States in connection with the North Platte Federal irrigation project;

H. R. 5612. An act to authorize the addition of certain lands to the Mount Hood National Forest;

H. R. 6436. An act for the relief of Isidor Steger;

H. R. 6651. An act to add certain lands to the Umatilla, Wallowa, and Whitman National Forests in Oregon;

H. R. 6695. An act authorizing the owners of the steamship *Malta Maru* to bring suit against the United States of America;

H. R. 6853. An act to relinquish the title of the United States to the land in the preemption claim of William Weekley, situate in the county of Baldwin, State of Alabama;

H. R. 7631. An act for the relief of Charles T. Clayton and others;

H. R. 7780. An act for the relief of Fred J. La May;

H. R. 8169. An act for the relief of John J. Dobbertin;

H. R. 8226. An act granting relief to the First State Savings Bank of Gladwin, Mich.;

H. R. 8267. An act for the purchase of land adjoining Fort Bliss, Tex.;

H. R. 8298. An act for the relief of Byron S. Adams;

H. R. 8333. An act to restore homestead rights in certain cases;

H. R. 8366. An act to add certain lands to the Santiam National Forest;

H. R. 8410. An act to change the name of Third Place NE. to Abbey Place;

H. R. 8438. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River from Cliff Street, McKeesport, to a point opposite in the city of Duquesne;

H. R. 9028. An act to authorize the addition of certain lands to the Whitman National Forest;

H. R. 9160. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to submit to the Court of Claims certain claims growing out of treaties and otherwise;

H. R. 9495. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery;

H. R. 9537. An act to authorize the Secretary of Commerce to transfer to the city of Port Huron, Mich., a portion of the Fort Gratiot Lighthouse Reservation, Mich.;

H. R. 9688. An act granting public lands to the city of Red Bluff, Calif., for a public park;

H. R. 9700. An act to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan;

H. R. 10143. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.;

H. R. 10348. An act authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold donated to the United States for park purposes;

H. R. 10411. An act granting desert-land entrymen an extension of time for making final proof;

H. R. 10412. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River;

H. R. 10590. An act authorizing the Secretary of the Interior to sell certain land to provide funds to be used in the purchase of a suitable tract of land to be used for cemetery purposes for the use and benefit of members of the Kiowa, Comanche, and Apache Tribes of Indians;

H. R. 10596. An act to extend the times for commencing and completing the construction of a dam across the Red River of the North;

H. R. 11030. An act to revive and reenact the act entitled "An act authorizing the construction, maintenance, and operation of a private drawbridge over and across Lock No. 4 of the canal and locks, Willamette Falls, Clackamas County, Oreg.," approved May 31, 1921;

H. R. 11214. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, as amended by the act of December 30, 1910;

H. R. 11255. An act granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.;

H. R. 11445. An act to amend the national defense act;

H. R. 11500. An act to amend an act entitled "An act to consolidate national forest lands";

H. R. 11668. An act granting consent of Congress to the States of Missouri, Illinois, and Kentucky to construct, maintain, and operate bridges over the Mississippi and Ohio Rivers at or near Cairo, Ill., and for other purposes;

H. R. 11952. An act to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park; and

H. J. Res. 342. Joint resolution to authorize the appointment of an additional commissioner on the United States Lexington-Concord Sesquicentennial Commission.

PURCHASE OF UNAPPROPRIATED PUBLIC LANDS

Mr. SINNOTT. Mr. Speaker, I present a conference report, for printing under the rules, on the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3 and agree to the same with an amendment as follows: After the word "corporation" insert a colon and the following proviso: "*Provided further*, That

this act shall not be construed as in any manner abridging the existing rights of any settler or entryman under the public land laws"; and the Senate agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

ROBERT N. STANFIELD,
PETER NORBECK,
KEY PITTMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands submit the following written statement explaining the effect of the action agreed on:

Senate amendment No. 1 grants the right to purchase to any owner in good faith of land shown by the official public land surveys to be bounded in whole or in part by the erroneously meandered area and who acquired title to such land prior to the passage of the bill.

Senate amendment No. 2 requires the applicant to show that the lands sought to be purchased are not in the legal possession of an adverse claimant under the public land laws.

Senate amendment No. 3 authorizes the Commissioner of the General Land Office, where the meandered line is bounded by two or more tracts, to divide the meandered area so as to permit a fair division of the meandered area among the owners of the surrounding or adjacent tracts. Amendment No. 3 further provides that, in case of conflict of claims, any claimant having placed valuable improvements upon the land involved, or having reduced the same to cultivation, shall be given a preference to the extent of his improvements or cultivation; also that the preference rights shall be limited to 160 acres in one body. The amendment to Senate amendment No. 3, agreed upon in conference, protects the existing rights of any settler or entryman under the public land laws.

Senate amendments Nos. 4, 5, and 6 merely correct the section numbers in the bill.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent that the first 12 Senate amendments be considered en bloc.

Mr. BLANTON. I am going to object to that, Mr. Speaker, so that question need not be put. We ought to vote on them separately.

Mr. BRITTEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRITTEN. Was not that request submitted as a part of the original request?

The SPEAKER. No.

Mr. BLANTON. Mr. Speaker, if the gentleman would make that request with respect to all the amendments except the proposed salary increase amendment, I would not object.

Mr. DICKINSON of Iowa. That is just what I am doing.

Mr. BLANTON. I did not understand that.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the first 12 amendments be considered en bloc. Is there objection?

There was no objection.

The Clerk read the first 12 amendments as follows:

Senate amendment No. 1: Page 1, line 13, strike out the words "reading clerk, $4,500" and insert in lieu thereof the words "chief clerk, who shall perform the duties of reading clerk, $4,500."

Senate amendment No. 2: Page 1, line 15, strike out the word "chief" and insert the word "principal."

Senate amendment No. 3: Page 1, line 17, strike out the word "principal" and insert the word "legislative."

Senate amendment No. 4: Page 5, line 12, after the figures "$2,590" insert the words "assistant clerk, $1,940."

Senate amendment No. 5: Page 6, line 9, after the words "in all," strike out the figures "$368,170" and insert the figures "$370,110."

Senate amendment No. 6: Page 6, line 21, after the figures "$106,400," strike out the words "in all, $601,300" and insert in lieu thereof the words "messenger, $1,520; in all, $602,820."

Senate amendment No. 7: Page 9, line 7, strike out the figures "$1,800" and insert in lieu thereof the figures "$2,000."

Senate amendment No. 8: Page 22, strike out all of lines 1 and 2, and line 3 through the word "Representatives," and insert in lieu thereof the words "1924, $45,000, of which $25,000 shall be disbursed by the Secretary of the Senate and $20,000 by the Clerk of the House of Representatives."

Senate amendment No. 9: Page 23, after line 18, insert a new line, as follows: "For surgical treatment of trees on the Capitol Grounds, $5,000."

Senate amendment No. 10: Page 24, after line 2, insert as a new paragraph the following:

"For extension and changing of electric wiring of the attic floor to provide necessary electric lighting for the storage rooms, $1,000; for concrete floor for the attic story, $15,750; for new revolving door for ground floor, southwest corner, Senate Office Building, $1,750; in all, $18,500."

Senate amendment No. 11: Page 27, line 12, after the figures "$745,000," insert the words "and authority is hereby given to enter into a contract or contracts or otherwise incur obligations not in excess of this sum."

Senate amendment No. 12: Page 31, line 19, strike out the figures "$106,498" and insert in lieu thereof the figures "$104,398."

Mr. DICKINSON of Iowa. Mr. Speaker, these 12 amendments are mostly changes on the part of the Senate employees. It involves the guard question, which is the Stengle amendment, and I want to say to the gentleman from New York that the salary is retained at $1,200 and the number is fixed at the number now employed in the Library. I understand that that is satisfactory to the gentleman from New York.

The next amendment of importance is the authorization for contract liability in the Library. Only $345,000 is appropriated in the bill, but it gives them contract authority for the entire amount of $745,000. The House conferees see no objection to any of these amendments. Does the gentleman from Colorado wish any change in these amendments?

Mr. TAYLOR of Colorado. They are satisfactory to the minority members.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask for a vote.

The question was taken, and the first 12 amendments were agreed to.

The Clerk read as follows:

Page 39, after line 9, insert:

"SEC. 4. That section 4 of the legislative, excutive, and judicial appropriation act, approved February 26, 1907, as amended, is amended to read as follows:

"'That on and after March 4, 1925, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of the executive departments who are members of the President's Cabinet shall be at the rate of $15,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioner from Porto Rico, and Resident Commissioners from the Philippine Islands shall be at the rate of $10,000 per annum each.'"

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House concur in the Senate amendment, and I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER. We are considering this in the House as in Committee of the Whole.

Mr. MADDEN. Mr. Speaker, I ask for recognition.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Speaker, the question of whether a man can afford, as a Member of Congress, to work for $7,500 a year is one for him personally to decide. It is not a question of whether he has money enough out of which he can contribute to any loss that may accrue as the result of his services. It is a question of what the service is worth, and whether the Members of Congress are entitled to the same sort of treatment in the matter of pay as other people who may be employed by the Government.

Since 1907—when our last increase in pay went into effect—there has been added to the annual pay roll by giving further increases in pay to all branches of the Government, $350,000,000. Included in this sum is the amount in the new postal pay bill which the House approved. That is the charge now, $350,000,000 more per annum than it was in 1907. Take, for instance, the $160,000,000 to the men engaged in the Postal Service. The clerks in that service and supervisory officials have had their pay increased 104 per cent.

Mr. HUDSON. Exclusive of the $68,000,000 in the pending bill.

Mr. MADDEN. Exclusive of the percentage increase under the $68,000,000 provided in the pending bill, the Army offi-

cer's pay has been increased, the naval officer's pay has been increased, and everyone, everywhere, has had an increase in pay.

Nobody denies that every man who serves in Congress, if his service is long enough, if he depends on the income, will leave Congress a fit subject for the poorhouse. [Applause.] Now, if a man has an income out of which he can contribute to prevent his going to the poorhouse when he finishes his term, the question is, Ought he to be required by the American people to do it?

Mr. BUTLER. He ought to go before he comes. [Laughter.]

Mr. MADDEN. Yes; he ought to go before he comes. I will leave the question, as chairman of the Appropriations Committee, to the judgment of every man here. It is an individual question. Every man will have to act on his own responsibility. He can tell best whether he can afford to serve his country for less than it costs him. I am sure that the American people are not desirous of securing anybody's services for less than it actually costs him to live.

Now, every man here knows that in addition to having to live on his pay he must defray his election expenses. Sometimes this is as much as he gets, and sometimes more. I do not undertake to say as to that. What I do undertake to say is that although I do not need this increase of compensation, and I do not want it, I do think that I ought not to stand here as a stumbling block in the way of the membership of the House on the right to determine that question for themselves. [Applause.]

Mr. BYRNS of Tennessee. Mr. Speaker, this is a matter which affects the individual membership of the House, and as the gentleman from Illinois has just said, each Member understands his own situation, and, of course, will act upon his own individual responsibility. But I can not permit this amendment to be considered without entering a very earnest protest against it. I have consistently, ever since I have been a Member of the House, and a member of the Committee on Appropriations, opposed every unnecessary expenditure, and I do not regard this as either a proper or necessary expenditure.

I think that we should think of the people back home, those whose taxes make it possible to run this Government, and I do not believe that at this time when the people are being taxed both by the National Government and in their States and municipalities more than ever before in the history of the country Congress ought to add to that burden by the increase of their own salaries.

Another fundamental objection to the adoption of this amendment is that it proposes to increase the salaries for the next Congress, Members to which were elected last November and a Congress to which most of us were reelected.

It is, as I view it, a direct and specific violation of the spirit of rule 8, section 1, which provides that Members shall not be required to vote upon bills or measures in which they have a pecuniary interest. Section 369 of Jefferson's Manual lays it down as a principle that a Member shall not vote on a matter involving his private interest. I think that if the time has come, as many contend, that the salaries of Members should be increased, we ought to make that provision apply two years hence for the Seventieth Congress and permit the people back home to have a voice in the question as to who shall represent them at the increased salary.

Mr. TUCKER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Very briefly.

Mr. TUCKER. I want to know if this amendment is open to amendment, for I am opposed to the whole amendment, and it looks as if I am not going to have a chance to express that fact, and I want to express it now.

Mr. BYRNS of Tennessee. It is subject to an amendment, but I do not know whether an amendment would be adopted or not, but I do wish to say, gentlemen, I am opposed to increasing the salaries even for the Seventieth Congress at this time. I would prefer that Members should return home, discuss the matter with their people and get their views, and then during the next session consider the question. What I am contending for here to-day is that we ought not to pass this amendment which increases our salaries for the term to which we have been elected. We knew what the salaries were going to be. We sought the office, and the people elected us with the understanding that our salaries were to remain during the term for which we were elected at the amount it was then and we should not increase them merely because we hold the purse strings and have it within our power. While it is embarrassing for me to stand here and take this position upon matters which affect the individual interests of every Member of this House, I could not in justice to myself, in justice to my past record on the question of appropriations, fail to express my views and make this protest against the passage of this amendment. I hope that it will not prevail. [Applause.]

Mr. SNYDER. Mr. Speaker and gentlemen of the House, as you all know I am leaving the service of this House on the 4th of next March. I have served here 10 years and, in the main, the membership of this House has given the country, during that period, in my judgment, earnest, careful, and efficient service. It can not be said that less than 75 per cent of the membership of this House live here in the city of Washington with less conveniences and comforts than they do at home, and it can not be said by at least less than 75 per cent of the men that they can live here in reasonable comfort and with the reasonable conveniences which they have at home, upon the salaries that they now receive. But I want to say in leaving this House, which I will soon do and go back to be a normal taxpayer, that I believe the taxpayers of this country will be more than satisfied if you men, without regard to the opposition that is raised, at this time and for the next Congress increase your salaries to $10,000 a year. [Applause.] There is, whether right or wrong, a sentiment throughout the country that something has happened which has deteriorated the efficiency of the membership of this House. Certainly an increase to $10,000 a year from the $7,500 now received will not have a tendency to lower further the quality of the men who come here. There is no question but what there are many men who desire to come to Congress and who are able men who are earning more than the salaries received here, who do not feel they are able to give up the services they are rendering at home to come to Congress, live, and pay their election expenses upon the amount received. Now, in conclusion I want to say that in my country it is believed that the Congress not having had any increase in salary since before the war, and everyone else in the Government service having had an increase in salary except the Congress, they are entitled to it, and I hope that these men who are here who realize that they are worth the money the Government is paying them, will have the moral courage to vote for the thing you are entitled to, and, therefore, I am glad, going out as I am, to have the privilege of standing up here to-day and doing the thing I believe is right, in advocating and voting for this increase. [Applause.]

Mr. CRISP. Mr. Speaker and gentlemen of the House, I am aware that what I am about to do will not be popular with my colleagues, and I sincerely regret it, for I covet the good will and friendship of each Member of this House, and I entertain for all feelings of affection; but the only guide for any Representative is to vote and speak as his judgment and conscience dictate. I shall always pursue that course. I never question my colleagues' votes.

I can not vote for the Senate amendment to increase my own salary to $10,000, and I think it would be a serious mistake for the amendment to be adopted. In my judgment, a serious public policy is involved in it, to wit, the voting by legislators out of the Treasury increased compensation to themselves. When I became a candidate for Congress, in the November election, I did so with the knowledge that the salary was $7,500 per year. I have been elected for two years. If I vote to increase the salary, I will be voting to myself, if Providence spares me to live out my term of office, $5,000, and this I can not do. Let me call your attention to one of the rules of the House which we ourselves adopted, rule 8, which reads as follows: "Every Member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question." Every Member of this House who is reelected to the Sixty-ninth Congress has a direct pecuniary interest in this amendment. Certainly no one can complain if a Member votes against his own interest, which I shall do. If this amendment proposed to increase the salary of Representatives, to take effect at some future date, the beneficiaries of the amendment to be elected after the salary had been raised, it would present a different proposition. I believe a Representative who faithfully performs his duty is entitled to compensation commensurate with the service rendered, and there may be merit in the amendment to increase the pay to $10,000, but it should not, in my judgment, be enacted as is here proposed—to railroad the bill through the House without serious debate or opportunity to amend it and without a roll call. My colleagues, the public will not approve of legislating in this way, and we subject ourselves to serious criticism. I can not conscientiously consent to it. If our salaries are inadequate, the proper legislating committee should report a

bill providing for an increase and it should be given due and orderly consideration under the general rules of the House.

Some of my colleagues may say I am insincere in my attitude and that, if the amendment is adopted, I will draw the increased salary. Of course I will, for if the law is changed and makes the salary $10,000, I shall accept the compensation that other Congressmen draw, but what I am urging you to do is not to agree to the amendment but to let the salary remain as it was when the Sixty-ninth Congress was elected.

There is a great demand throughout the country for economy in Government expenditures so that taxes may be reduced. I am in perfect sympathy with this demand, and I believe it the paramount duty of Congress not to add to the expenses of Government. This amendment will increase expenditures a million and a half dollars a year. This increase will be borne by the people of the United States. Let me earnestly counsel you not to make the mistake of agreeing to the Senate amendment. Undoubtedly, the wise course for us to pursue is to leave our salaries as they were when we were elected.

I know the personnel of this Congress and that no finer body of men, as a whole, can be gathered together anywhere in the world. In character, industry, ability, and mental attainments, they compare favorably with any like number of men that could be assembled together, drawn from the professional, commercial, and industrial world; but, notwithstanding this, Congress does not enjoy the confidence of the people that it is entitled to. We have been misjudged and often willfully and maliciously misrepresented and held up unjustly to public contumely; and, my friends, if this salary increase is enacted into law, this action will have a tendency to accentuate the hostile attitude of the public.

No one realizes better than I the financial difficulties that beset Congressmen without private means, for I have practically no income save my salary. I am frank to say I do not see how Members of this House with large families can support them without financial embarrassment and the strictest economy; but, be that as it may, we all knew the salary attached to the office when we became candidates for it. I appeal to you to defeat the Senate amendment. It will redound to our credit if we do so.

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

Mr. CRISP. Yes; I yield to the gentleman from Tennessee.

Mr. McREYNOLDS. I am opposed to this measure, and I am going to vote against it. When we were elected last November, we knew the salary, and I feel that we have no right to cry sacrifice now. Does not the gentleman feel that if any raise is to be made that it should be after two years, when our terms expire?

Mr. CRISP. Yes; I have fully expressed my views.

Mr. WRIGHT. Mr. Speaker, will my colleague yield?

Mr. CRISP. Yes.

Mr. WRIGHT. If the proposed amendment were so framed that it becomes effective on March 4, 1927, this would be a different proposition?

Mr. CRISP. Certainly; very different.

Mr. WRIGHT. I want to say that I concur fully with the gentleman's remarks. I am opposed to this salary increase and shall vote against it.

Mr. MILLS. Mr. Speaker and gentlemen of the House, it seems to me that there is only one question here to be decided, and that is, What is adequate compensation for a Member of Congress? Certainly there are no better judges as to what is adequate and proper compensation than the Members themselves. It is, of course, regrettable and it is obviously a source of embarrassment to all of us that those of us who are Members of the next Congress have a personal interest at stake. But it is nevertheless our duty, in spite of that embarrassment, to make this decision in as impersonal a manner as possible. Now it seems to me that there is one class of men that we do not want to see as Members of Congress; that is, men to whom a salary of $7,500 is an inducement. [Applause.] And it seems to me that it would be undesirable if Congress were composed exclusively of a group of men whose personal fortunes made the matter of salary a matter of total indifference to them [applause], because they would obviously represent too limited a class for a truly representative body. [Applause.] The kind of Congress that we want to see is a Congress composed of that great class of men for whom the salary, while necessary, is not a consideration; of men who are willing to come here at some personal sacrifice, in order to render service, and because a position of honor appeals to them; and we should fix our salary at the point where the sacrifice will not be too great and that class of men will come to Congress.

If you fix it at $7,500 it is my absolute judgment, and it must be known beyond question to many of you that you are fixing it at a point where it is totally inadequate from the standpoint of that class of men. [Applause.] The professional and business man when he comes here—and he has to come here for a number of terms in order to be really effective—loses all business connections. That in itself is a great sacrifice. In addition, in order to remain here he must make a campaign every two years, and if his district is at all doubtful that is an expensive proposition.

In the third place, he has to come and live in the city of Washington, where the cost of living is high, and where it is infinitely higher than it was when the salary of $7,500 was originally fixed. He ought not to be asked to do it. He will not do it. The successful man who is earning $15,000 or $20,000 or $25,000 a year will come here if you will allow him a salary to enable him to maintain something like the standard his family is accustomed to, and $10,000 will do that. He will not come here and live according to a standard that he is not accustomed to, sacrifice his business future, and put away the chance of laying aside a sum to take care of the vicissitudes of old age, if the United States Government can not meet him half way and pay a salary commensurate with the work and responsibilities assumed and the sacrifices entailed.

Gentleman talk of economy, and frankly I frequently disagree with gentlemen on the other side of the House who insist on what I consider the worst kind of economy, the economy which consists in getting the second and third best at bargain rates. The proper economy in business is to pay salaries that will enlist the most competent service. [Applause.]

There is nothing that has offended my knowledge and experience more than the argument, which I have repeatedly heard on this floor, in favor of paying miserable, picayune salaries to second-rate men, instead of the United States Government paying adequate salaries and getting the best men and not forcing them to remain in private life. [Applause.] What we want in Congress are men above the average; men that are coming to the front in their communities. We can get them for much less than private enterprise, but we can not afford to push this advantage too far. To-day we are losing our good men. We shall lose more, and unless something is done the time may not be distant when we shall be getting $5,000 men for our $7,500.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BLACK moves to concur in Senate amendment No. 13 with an amendment: On line 13 strike out the figures "1925" and insert the figures "1927."

Mr. BLACK of Texas. Mr. Speaker, the House of Representatives being a representative body, I do not believe that we should pass any measure which we may not reasonably expect the people to approve. I believe that is a sound rule of legislation to follow. In the first place, under the circumstances, and considering the present financial condition of the country and the general complaints at the overhead expenses of Government, I do not believe that the people will approve the passage of this salary increase; and I am certain that if Congress does concur in this amendment it ought to adopt my amendment to postpone its effective date until March 4, 1927.

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

Mr. BLACK of Texas. I yield.

Mr. RANKIN. I agree with the gentleman from Texas, that the Senate amendment providing for these salary increases ought not to be adopted. This is a day of declining prices, and is no time for such legislation. Besides, every Member knew what these salaries were before the election, and did not protest then. But does not the gentleman think it would be better just to strike out the Senate amendment or refuse to concur and leave this matter as it now stands? Of course, I would rather see the amendment of the gentleman from Texas adopted than to see the House concur in the Senate amendment, but I am of the opinion that we ought to just defeat, or refuse to concur in the Senate amendment and leave the law as it is.

Mr. BLACK of Texas. Well, I will say to the gentleman from Mississippi that I intend to vote against the whole proposition to concur, just as he intends to do. But we can not strike out the Senate amendment. Parliamentary procedure would not permit us to do that. We either have to vote

the motion up or down to concur in the amendment. The Congress that has already been elected for the Sixty-ninth Congress was not elected upon any issue of increase of salary and I dare say it was not discussed in any of the States; and therefore, if adopted at all, the Senate amendment ought not to be made effective until the 4th of March, 1927.

Mr. BARKLEY. Will the gentleman yield?

Mr. BLACK of Texas. Yes; I yield to the gentleman from Kentucky.

Mr. BARKLEY. Without regard to the merits of the proposed increase, how does the principle laid down by the gentleman, that the Members of this incoming Congress ought not to vote to increase their salaries, affect the Senate, which is a continuing body, and two-thirds of which will be in office at the beginning of the next session?

Mr. BLACK of Texas. I do not undertake to speak for the Senate, and I want to say to the gentleman——

Mr. BARKLEY. But if the gentleman's principle is correct, it should not take effect for six years.

Mr. BLACK of Texas. I am not undertaking to impugn or question the motives of any gentleman who votes upon this proposition, but I do say that if it is to become a law it should not become effective until March 4, 1927. The Sixty-ninth Congress has already been elected, and those of us who will be Members of it will assume office March 4, 1925, and I contend we should make no effort to increase our salaries until the people have opportunity to pass upon it in some way.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BLACK of Texas. Yes; I yield to my friend from Virginia.

Mr. MOORE of Virginia. In view of the arguments which have been made here, does not the gentleman think that if we are to take this step we should take it entirely in the open and have a roll call upon the proposition?

Mr. BLACK of Texas. I agree absolutely with the gentleman from Virginia. In the first place, we ought not to take up the matter as a rider on an appropriation bill. It is the legislative policy of the House, the asserted policy of the House, that we will not take up legislation as riders on appropriation bills. That is a wise policy as many precedents which could be cited will prove. If Congress is to make this exception in its own favor, then Members of the House ought to be willing to go on record and place our vote in the CONGRESSIONAL RECORD. We should not subject ourselves to the criticism that we in any way dodged the issue.

Mr. BLANTON. Will the gentleman yield?

Mr. BLACK of Texas. Yes. I yield to my colleague from Texas.

Mr. BLANTON. The gentleman spoke of the Senate. The press of Washington reported that Senator SHEPPARD was the only Senator who voted against this salary raise when the Senate passed it the other night. Had two or three Senators made a determined fight against it they could have stopped it, for when a Senator once gets the floor he can hold it as long as his physical endurance lasts. May I ask my distinguished colleague this question, whether it is not a fact, this being new legislation on an appropriation bill, that if any Senator had made a point of order against it he could have knocked it out?

Mr. BLACK of Texas. That is my understanding of the rules of the Senate.

Mr. CELLER. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. CELLER. I just want to state to the gentleman that he was wrong when he said this question did not enter into any campaign. I introduced a bill providing for an increase in the Members' salaries last year and that was used in my campaign.

Mr. BLACK of Texas. I dare say it was an issue in very few campaigns. I stand corrected as to the gentleman's own campaign.

In my own campaign for reelection from the first congressional district of Texas I pledged my constituents to make a consistent fight for economy in public expenditures. I feel that to vote myself an increase in salary would be a violation of that pledge, both in letter and in spirit. Therefore I will vote against the salary increase and will demand a record vote upon it.

Mr. TILSON. Mr. Speaker and gentlemen of the House, if it is right to pass an amendment increasing the salary of Members of Congress at all, it is right to pass it now. [Applause.] There is no good reason why the men who are here to-day, who have the courage of their convictions to stand up and say that they believe the compensation of Members of Congress should be $10,000, should be deprived of it for the next two years. When will it be more sorely needed than now? It is something that must be done by this body if done at all. No other agency of our Government has the power to do it.

The question as I see it is: What, in the long run, is going to be best for our country? This is what we as the representatives of the people of the country should consider. Is it going to be best for the country as the years come and go that we should continue paying grossly inadequate salaries to the Members of Congress? What effect is it going to have upon the character and quality of the Congress? The gentleman from New York [Mr. MILLS] has indicated what, in his judgment, would be the effect. The inevitable tendency must be that men to whom $7,500 is an inducement will come here in increasing numbers along with a number of rich men to whom the salary is a matter of trifling importance. We should then have Congress made up principally of these two classes, and they would be the only ones who could afford to stay here long enough to rise to positions of power and influence in Congress. Do we wish this situation brought about? In my judgment, every year that we postpone a reasonable increase in the salary of Members of Congress we are doing our country an injury, an injury that will grow in its effects as the years go by. Let me cite but a single example of irreparable loss that this body suffered on account of the inadequate salary. It is for purpose of illustration only. Numerous other cases will suggest themselves to the older Members of the House. In the retirement of John J. Fitzgerald, of New York, from this House for financial reasons the country lost an invaluable public servant; one who was worth fully $1,000,000 a year to this country. [Applause.]

Considered from the standpoint of expense, what does this increase mean? The additional cost will be a little over $1,000,000 a year. Let us figure it out. We may safely assume that the service rendered by a more adequately paid body will be in some degree a better service. What will this better service cost the people of the United States? Just about 1 cent apiece per year for each citizen of this country? [Applause.]

Let us for just a moment consider what it costs to live now and then compare it with the time when the present salary was fixed. I am one of those Members who must live and support a family on the salary of a Member of Congress. I perhaps have about the average family, so that without impropriety I may take my own case as typical. I have a wife and three dependent children, so that I know what it means to try to live and maintain a family on such a salary. I live at a congressional hotel which charges reasonable prices. My entire salary would not pay my hotel bill alone if I brought my family here and lived as becomes a Representative of the people in the Congress of the United States. [Applause.] My case is individual, but I doubt not that, as stated, it represents substantially the facts in the case of a number of others. What happens as a necessary consequence? We leave our families at home. Gentlemen, we are entitled to have our families here to live with us. [Applause.] We should be better men and better legislators by having here the gentle and helpful influences of our families. We should not be denied the privilege of having them by reason of an admittedly inadequate compensation for our services. [Applause.]

Just a word in regard to the cost of living as compared with the time when the present salary was fixed. When the salary now paid was fixed, in 1907, the Bureau of Labor's price index on the 1913 basis was 93, while in January, 1925, the price index on the same basis was 160. In other words, it costs now, on the average, almost double for everything we have to buy what it cost in 1907.

Applying these official price-index figures to the present salary we find that $7,500 in 1907 would purchase as much of the necessities of life as can now be purchased for $12,900. In other words, the salary would need to be increased to $12,900 in order to live as well now as in 1907, when the present salary was fixed. Turning the figures around and applying them in another way we find that $7,500 will be required to purchase what $4,350 would purchase in 1907. Meanwhile the average period of actual service in Washington, with its additional expense, has increased from about 10 months in 2 years to about 18 or 20 months in 2 years, so that it has become practically impossible to carry on any business whatever at home.

Summing up this phase of the matter, it is not overstating the facts to say that the work of a Member of Congress and the necessary expense of maintaining the position have fully doubled, while the purchasing power of the salary has shrunk about one-half. Is it not about time that we face the facts and meet the situation like honest, courageous men?

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. McSWAIN. Mr. Speaker, I am opposed to any salary increase at this time, and am opposed to the manner in which this vote is now about to be forced, and I entirely agree with the manly expression of noble sentiments just uttered by the gentleman from Georgia [Mr. CRISP]. I know something of the expense of living in Washington with a family, modestly though it be. I am the man who threatened four years ago to stretch my tent on the Capitol grounds to escape the excessive and unreasonable hotel charges then proposed to be exacted during inaugural week. But, Mr. Speaker, we can not escape from the fact that the Constitution has made us judges of the salary that shall be paid ourselves, and I think that we ought to resolve the doubt against ourselves because we are in a delicate responsibility. I can not overlook the fact, and the country will not overlook the fact, that we have established rules of this House whereby bills concerning all matters, including salaries, must first be introduced and referred to the appropriate committee, and after consideration by the committee be reported to the House and the House act on it line by line and word by word. That is the way we have been considering the bill for the raise of the salaries for postal employees for the last four years. They will think it strange that the Members of Congress, knowing the technical parliamentary rules, have worked those rules to escape all this long, tedious preliminary public discussion, and here to-day, like a bolt of thunder from a clear sky, are about to vote upon this Senate amendment to increase the salaries of Senators and Representatives.

I believe this amendment could never have originated in the House, because some of us who are opposed to this way of raising salaries, would have made the point of order under our rules, and the Chair would have sustained it, and the proposed salary increase would have gone out. We can not escape from the fact that this increase has never been considered by a committee of either the Senate or the House. I am not very familiar with the Senate rules, but I do not see how this amendment could ever have passed that body except by unanimous consent. I now declare that it shall not pass this body by unanimous consent, because I am not only opposed to it and opposed to the manner of bringing it up, but I propose to rise and demand that a record roll call shall be taken, and I hope that there will be enough Members in this House to agree with me to constitute the necessary one-fifth required by the Constitution.

The $7,500 now received, supplemented by the revenues from some property that I have, enables me to live decently and pay my life-insurance premiums and taxes. If a bill were introduced in the regular way and were properly considered with a provision that it should not become operative until 1927 so that one election may intervene, then there would be a very different question before this body. But we should not permit ourselves, being judges in our own cause and knowing the parliamentary game, to raise the salaries of Members already elected to Congress. Mr. Speaker, that was the reason why, when the bonus bill was under consideration, I explained to the House that I was pledged to vote for the bonus, but because I come within its provision I have failed and refused to file an application for any benefit under that law. I served my Government in war at $2,400 per year and since the war at $7,500, and I propose to keep the record straight, and I shall never vote for any measure and be the recipient of any benefits thereunder. The gentleman from Connecticut [Mr. TILSON], who has just made a speech in favor of the amendment, says the question is, "What is best for our country in the long run?" And I think that is the test. But there is no need in view of the long future that we believe awaits our country for this haste in raising congressional salaries. Therefore, I must oppose with every means in my power this increase at this time and in this way.

Mr. JOHNSON of Kentucky. Mr. Speaker——

Mr. LONGWORTH. Will the gentleman yield a moment?

Mr JOHNSON of Kentucky. Yes.

Mr. LONGWORTH Mr Speaker, I ask unanimous consent that all Members may have five legislative days within which to extend their remarks in the RECORD on this subject.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, reserving the right to object, I think one ought to have an opportunity to express his views before he votes on this question. I shall not vote in this way to increase our salaries. There is no time now to discuss the merits of the proposition, but I wish time to register my opposition to the manner in which it has been prepared and brought before us. The method of presenting it in the Senate and now in the House is, in my judgment, unusual and improper and not in accordance with orderly procedure. Without opportunity to speak of the merits of the proposition a Member should at least be given a chance to say that he opposes this way of doing business, to express his opposition before he votes and not simply be permitted to insert something in the RECORD after the matter has been disposed of. The question of increase of salaries could have been considered at the session of the Congress last June when it could have been brought up in a regular, orderly, becoming way. It is presented now in anything but an orderly becoming way, if in fact its presentation and hasty consideration is not in violation of the rules. If I had any intention of voting an increase of our salaries, I certainly would not so vote at this time or in this kind of proceeding.

Mr. BUTLER. Mr. Speaker, there are many of us in the same position

The SPEAKER Is there objection?

Mr. McLAUGHLIN of Michigan. I object, Mr. Speaker.

Mr. JOHNSON of Kentucky. Mr. Speaker, I think too many gentlemen have pitched the discussion of this matter upon the question as to whether or not a Member of Congress can live on $7,500 a year. I think that is a false premise. Anybody with the average family can live on $7,500 under some circumstances, but he can not live on that under all circumstances. I can recite in my own service here that several times while I was down at my home in Kentucky, I have paid more than $1,000 to hold an empty house that I might be able to come back here and find a place to live. That is but one of several items that has to be considered.

I was present on the floor of this House in 1907 when the salary was increased from $5,000 to $7,500. I saw timid men then hesitate about raising their own salaries, but I venture the opinion that not one of them heard a word of complaint about it when he got back to his constituents. I never heard the question mentioned in my own district after the salary was raised, and I predict now that the intelligent people of the United States in nobody's district will ever raise the question that $10,000 is too much. [Applause.]

But I do not wish to discuss the question as to whether or not a man can live on $7,500 a year. The question is, Are the services of the proper man here worth more than that much money? If you will go among my neighbors down at home, those who are intimate with my affairs, they will tell you that when I came to Congress I was making more than three times this salary. Then some may ask me why I came to Congress? I did not come here to make money. I came out of ambition that I might be reckoned during my own life and during the lives of my children as one of the prominent men of a great State. [Applause.]

Henry Clay, actuated by ambition and patriotism, came from Kentucky, came to the American Congress for $5 a day. James B. McCreary, from my own State, came to Congress worth half a million dollars. After long years here he made an enviable reputation for integrity, service, and patriotism, but went home penniless and to-day lies in an unmarked grave. He did not come here for the salary. He came for the cause of his country and the ambition of himself and the pride of his children. If my constituents should say that I am not worth $10,000 a year here, then my answer to them is, Send somebody who is. [Applause.]

Ben Hardin, in his day the foremost lawyer south of the Ohio River, rode 800 miles horseback across the country to Washington, to achieve his ambition and serve his country.

Charles A. Wickliffe, another of my predecessors in this Chamber, did likewise.

John Ronan, another townsman of mine, but who preceded me nearly 100 years, all but lost his life in swimming his horse across a swollen stream while coming to Washington to serve his country.

Proctor Knott, another predecessor of mine, the greatest constitutional lawyer of his day, sacrificed a fortune to come to Congress.

Judge William Lindsay and John G. Carlisle quit wonderfully lucrative practices at the bar in Kentucky to come to Congress at the call of ambition and patriotism.

Each and every one of these and others whom I could name retired to private life broken in health and in fortune.

Their failure financially has deterred others in making the political venture because their children need bread.

Every man worth a continental wishes to excel—to outstrip his fellow man in the race for honors. Many such are here to-day. Why starve them into retirement to be replaced by others less competent and wholly lacking experience?

There are but two classes of men in this Union to-day who can afford to come to the United States Congress. One class is made up of those who are earning virtually nothing at

home, and the other class is made up of men rich enough to come here and serve for but little or no compensation.

The question is, Are gentlemen here to-day too timid to vote for a proposition for which, down in their hearts, they favor? [Applause.] I imagine that this increase is going to pass; and when it has passed and the salary is available, there will be a foot race among some of those who are opposing it to get to the Treasury first to get their money. [Applause.]

If there be any who may say that my services here have not been worth more to the country than $7,500 a year, I would remind them that John W. Yerkes, an eminent Kentucky lawyer, many times said that I, as chairman of the Committee on the District of Columbia, beat him out of a hundred thousand-dollar fee when I was largely instrumental in saving about $3,000,000 which his client, the B. & O. Railroad, was about to take from the Treasury. Again, I would answer, that through my efforts $2,600,000, wrongfully withheld by the District of Columbia, at last found its way into the Federal Treasury.

I see before me the faces of many Members through whose individual efforts millions have been saved.

If they, even if I, had been paid as lawyers are paid, the annual compensation would not be $7,500—but perhaps ten or twenty times as much.

Every two years duty to family drives some of our best men out of this Chamber.

The congressional salary should be sufficiently large to permit them to remain. It should be large enough to induce the very best men to come to Congress.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. DICKINSON of Iowa. Mr. Speaker, I move the previous question on the motion and all amendments thereto.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

Mr. CANNON. Mr. Speaker, I desire to present a point of order.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Mr. Speaker, I make the point of order that under Rule VIII no Member of the House who is a Member elect of the Sixty-ninth Congress is entitled to vote on this proposition, and that it is the duty of the House and the function of the Speaker to enforce that rule.

The rule provides that Members shall be excused from voting on any question in the event of which they have a direct personal or pecuniary interest. It is one of the oldest rules of the House, adopted in 1789 at the first session of the First Congress, and that particular clause has remained unaltered through every revision of the rules down to the present Congress.

Its application to the pending question can not be questioned. Every Member elect of the Sixty-ninth Congress voting on this measure is voting on the question of increasing the amount of his salary for the next two years. The interest is neither contingent nor speculative. It is not intangible or indefinite. It is a direct, personal, pecuniary interest of exactly $5,000. This long-established and salutary rule undoubtedly applies, and if the precedents of the House are to be followed, will preclude any Member whose credentials are now on file with the Clerk of the House as a Member elect of the Sixty-ninth Congress from voting either on the amendment or on the final passage of the bill.

The SPEAKER. The Chair thinks that provision of the Constitution is in conflict with the other provision of the Constitution which says that the House shall fix its own salaries, and the Chair is of opinion that the universal practice has been to hold it in order. The Chair overrules the point of order.

Mr. BACON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. Thirty-five gentlemen have arisen, not a sufficient number.

Mr. BLANTON. I demand a division.

The SPEAKER. The gentleman from Texas demands a division.

The House divided, and there were 62 ayes and 278 noes.

So the amendment was rejected.

The SPEAKER. The question is on the motion of the gentleman from Iowa, that the House recede and concur in the Senate amendment.

Mr. BLANTON. On that I demand the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. All those in favor of taking the question by the yeas and nays will rise. [After counting.] Sixty-one Members have arisen, not a sufficient number.

Mr. BLANTON. I ask for the other side.

The SPEAKER. There is not a sufficient number according to the count which the Chair has just made. The yeas and nays are refused.

Mr. BLACK of Texas. Mr. Speaker, I demand a division.

The House divided; and there were 237 ayes and 93 noes.

So the motion of Mr. DICKINSON of Iowa to concur in the Senate amendment was agreed to.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the motion was agreed to and lay that motion on the table.

The SPEAKER. The gentleman from Iowa asks unanimous consent to reconsider the vote by which the motion was agreed to and lay that motion on the table. Is there objection?

Mr. BLANTON. I object.

Mr. DICKINSON of Iowa. Mr. Speaker, I move to reconsider the vote by which the motion was agreed to and lay that motion on the table.

The question was taken; and on a division (demanded by Mr. BLANTON), there were 229 ayes and 49 noes.

So the motion to reconsider was laid on the table.

SALARY INCREASES TO MEMBERS OF CONGRESS

Mr. LONGWORTH. Mr. Speaker, I renew my request that Members have five legislative days in which to extend their remarks in the RECORD on this amendment.

The SPEAKER. The gentleman from Ohio asks unanimous consent that Members have five legislative days to extend their remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I agree with the gentlemen who have previously spoken on the measure that the question of salary increase for Members of Congress is one that each individual must settle according to his own conscience and his conception of the merits of the proposition. For my part I am opposed to the increase at the present time. The present is a time for continued economy in governmental expenditures, and we can not divorce ourselves from the fact that in this increase of over $1,000,000 we, as Members of Congress, will be the beneficiaries.

Secondly, Members of the present House, who were reelected last November, were candidates for the positions anxious to secure the support of the voters with the distinct knowledge that the salary had been fixed by previous law at $7,500 yearly. So far as I know, no candidate made it a part of his appeal to the people to increase the salary. We who were elected, were not only willing to serve at the salary designated by the law, but our opponents would have gladly taken our places at the same pay.

So far as I am aware, a position in Congress has never been forced upon a man. We are here voluntarily and anxious to continue.

However justified an increase may be in the future, I feel that I made a distinct engagement with the Federal Government through my constituency to serve during the Sixty-ninth Congress at a stipulated price and should not, at this time, ask for a change in the conditions under which I was elected. I am therefore opposed to the amendment whereby the salaries of Members of Congress are increased.

Mr. WILLIAMSON. Mr. Speaker, I can not give my assent to the rider tacked onto the legislative appropriation bill by the Senate whereby it is proposed to increase the salaries of Members of Congress from $7,500 to $10,000 annually. It is true that most of us enjoyed a larger income before we came here than $7,500 a year and that our expenses here are greatly in excess of what they are in the districts we represent, notwithstanding the fact that few of us have either as commodious or comfortable living quarters as we enjoy in our home States.

To those of the character and ability required to perform the right kind of services here even $10,000 annually would not be adequate compensation if money alone were to be considered. There is another factor which enters in which should not be overlooked and that is the opportunity for public service. In the main our compensation must come from that satisfaction which comes to every man because of services well and unselfishly rendered to his fellowmen. If this does not appeal to us as a measure of compensation, I concede that many of us can not afford to stay here at our present salaries.

The gentleman from Kentucky [Mr. JOHNSON] has just said that at the present salary the only ones who can afford to come to Washington as Members of Congress are those who are

either rich so that they can draw upon resources from their private fortunes or those incapable of earning anything at home. I do not believe that the gentleman is willing to state that this body is made up of that kind of men at the present time nor that it has been made up of that kind at any time in the past. It is certainly fair to presume that the people will continue to elect men equally well qualified in the future. If this is done the average of services rendered by the people's representatives will continue to be high.

I admit that one has to live modestly to stay within his congressional salary, but it can be done if his campaign expenses are kept within due bounds. If his services here are of such character as to entitle him to the approval of his constituents he should not be required to expend large sums in his campaigns for reelection.

With the hard conditions which have prevailed within our own State during the last few years and the continued refusal of our own people to increase the salaries of our State officials I do not feel justified in supporting the Senate amendment.

Mr. FROTHINGHAM. Mr. Speaker, I was glad to be assured by the gentleman from Iowa in charge of this bill in answer to my question that this proposition to increase salaries is not coming to a vote without some opportunity for those against it to voice their objections.

I only regret that the time was not long enough for all who wished to get recognition, and I desire to put these few words on record as my reasons for opposing the proposition now before the House.

The objections to voting to increase one's own salary seem to me fundamental even if permitted by the rules of this House.

It seems to me the arguments presented here by the gentleman from Tennessee go to the root of the whole matter. Let us remember, too, that this proposition was attached to an appropriation bill in the Senate and never has had a hearing before any committee of this House. Let us realize that we are not only voting to raise the salary for those of us who are to be Members during the next Congress but that we leave here March 4, when that Congress begins, and do not expect to return to Washington for more than a few months of the next 12.

Mr. JONES. Mr. Chairman, we are to vote on the question of increasing our own salaries. Those who have charge of the measure have determined that the debate thereon shall be limited.

I am opposed to the increase for three reasons, all of which I consider good and sufficient.

In the first place, there is a demand, a righteous demand, for economy throughout the country, and a desire to have the expenses of the Government reduced. I think, therefore, that no salary should be increased except in cases of absolute necessity.

Again, while the present salary is not a large one, it carries with it a position of honor and distinction, which offers great opportunities for service.

The number of Members of the House is too large. It should be reduced to not more than 300 instead of 435 as at present. Until the number of Members is reduced, there should be no increase in salary.

For these reasons I shall vote against the proposed increase, and shall join in a request for an aye and no vote on the measure. I regard the entire proposal as untimely.

Mr. LOZIER. Mr. Speaker, since I entered Congress I have consistently voted on every occasion for measures that would, in my opinion, promote economy in the expenditure of public funds. By my voice and vote I have urged radical retrenchment in governmental expenses, and that unless this Nation made a sincere and honest effort to practice economy, we should quit preaching economy.

We get nowhere by talking economy unless we coin our professions into acts of real economy. As an abstract or concrete proposition, there is much argument in favor of raising the salaries of Senators and Representatives, in view of the excessive, unreasonable, and extortionate cost of living in Washington, but under present conditions I do not favor the Senate amendment to this legislative appropriation bill which increases the salaries of Senators and Representatives in Congress. Until this Nation has recovered from the effects of the World War; until our industrial, commercial, and agricultural classes have been economically rehabilitated; until the farmers of the Nation are relieved of the economic handicap under which they have labored for years, Members of the House and Senate should not, in my opinion, act on any proposal for the increase of their salaries. We can not consistently advocate a reduction of expenses in other departments of our Government if we vote this increase in the expenses of the legislative department.

I believe the last increase in the salaries of Senators and Representatives was in 1907, since which time the cost of living has increased tremendously, probably doubled, and relatively a salary of $10,000 now will not go as far as a $7,500 salary in 1907. I concede that salaries of all other Government officers and employees have been tremendously increased since 1907, and comparatively speaking, the salaries of Members of Congress are lower than the salaries of any other officers of the Government. But while this is true, I still think we should not vote this increase.

If the salaries of other officers and employees of the Government have been increased unreasonably, that does not justify us in increasing our salaries at a time when the Nation, in order to get rid of its war indebtedness, should rigidly adhere to a policy of retrenchment and economy in governmental expenses. If Congress has gone too far in raising the salaries of other officers and employees of the Government, we do not get back on the right track by voting ourselves an increase of salaries, which under my view of present-day conditions, should not be done.

I realize that there is force in the argument that the present salary of Senators and Representatives in Congress is too low to attract the best talent in our Nation, and as a result, very frequently the ablest men in a district or State earn so much more in private or professional life that they can not afford to enter the Senate or House. In this way the public may be losing the benefit of the services of many of its ablest men. But I think for the present the safe and sane policy is not to incuf this add tional expense. I think the Congress should be willing to go along and be satisfied with the present salary until economic conditions among all classes will justify such an increase. If Congress refuses this increase in salaries, it will be practicing real economy, and will thereby translate our professions into actual and sincere practice of economy. For the reasons stated, I shall vote against this salary increase.

Mr. BOX. Mr. Speaker, for several days it has been known to Members of the House that it is proposed to increase the salaries of Members of the House of Representatives and of the Senate from $7,500 to $10,000 per annum, and to increase the salaries of Cabinet members, the Speaker of the House, and the President of the Senate from $12,000 to $15,000 per annum.

The proposition had already been added to an appropriation bill by the Senate. It was known among Members here for some days beforehand that this was contemplated, and that it was planned to avoid making a record of individual votes on the proposition. Foreseeing that the proposition would be handled so as to limit debate, I, on yesterday, obtained leave to extend my remarks in the RECORD so that I might briefly discuss this objectionable amendment.

This morning, when it was certain that the item was coming up, I sought for time within which to discuss the amendment on the floor but failed to obtain it. When this amendment had been discussed very briefly, and when comparatively few Members had had an opportunity to discuss it, the gentleman in charge of the bill on the Republican side was recognized by the Speaker and moved the previous question, which motion was adopted. This had the effect of closing the very brief debate on the subject.

I therefore take advantage of this, my only available method of stating my position in opposition to this proposal to increase my own salary and that of other Members and other officials to the extent named.

The salary paid to Members of Congress, while not as large as it looks to those who are not acquainted with the absurdly high cost of living here, in my judgment should not be increased as proposed. We are continually talking of reducing Government expenses and yet go on increasing them. This is and has been true of appropriations for the executive departments and other branches of governmental activity. Now, we are proposing to increase our own salaries, those of Senators, and the others mentioned to the total annual extent of approximately $1,365,000.

I have uniformly opposed and voted against the propositions involving increased Government expenses and consequently an increase in taxation. I propose to apply to myself and my colleagues the same rule which I have applied to the beneficiaries of other appropriations. I believe that this increase is not justified.

It is peculiarly unfortunate that we are voting an increase of salary beginning March 4 next, which will inure to the personal benefit of every Member of the present Congress who has been reelected, as I have, to the Sixty-ninth Congress, to the

extent of $2,500 per annum. In passing on this issue between us and the taxpayers we are the judges between ourselves and them. We should be very sure that we are right before doing it, and that our personal interest is not influencing us to do what is unjustified. This action is in itself unwarranted, and the fact that we are beneficiaries of the action aggravates the evil of it. In judging a question between ourselves and the people of America, we had better make a mistake against ourselves than to wrong them.

I consulted with other gentlemen of the Texas delegation who hold the same views which I entertain. Hon. EUGENE BLACK, my senior in service here, with my knowledge and with the support of myself and several Texas colleagues, offered an amendment proposing to make this increase effective March 4, 1927, so that we would not be so certainly and immediately the interested beneficiaries of our own action. If he had succeeded in getting that amendment adopted, which he did not, I still would have opposed the proposition, because I am opposed to the increase; but if the increase is to be made, I would much prefer to see it become effective two years hence than now, for then I would know that neither I nor other Members would receive the increase for a two-year term to which we have already been elected.

More unfortunate still was the proposal to cut off the debate and to avoid making a record vote on the question. If gentlemen believe that this increase ought to be made under these circumstances, they ought to be willing to vote it and let the country know what they are doing. I have voted against the proposition and have done what I could in conference with colleagues in opposition to it, and have made every effort to get a bona fide record of the vote on the question.

I was one of those who supported the demand for the ayes and noes, as most of my colleagues know. In an action involving a question between us and the American people concealment is the last thing desirable on the part of the American Congress. I sincerely regret that a sufficient number of my colleagues did not support the demand for the ayes and noes to enable each Member of the House to vote according to his judgment, have his vote known, and meet whatever responsibility resulted.

Mr. LAGUARDIA. Mr. Speaker, I voted for the legislative salary increase.

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, on yesterday, anticipating that there would to-day come before the House the amendment of the Senate increasing the compensation of Senators and Representatives, effective March 4, 1925, and having no assurance that I could secure opportunity to express my views in debate to-day in opposition to the amendment, I secured consent to extend my remarks in the RECORD. Accordingly I avail myself of this opportunity to say that I am opposed to the Senate amendment increasing the salaries of Senators and Representatives.

I am in favor of the amendment of the gentleman from Texas [Mr. BLACK] making the provision effective March 4, 1927, instead of March 4, 1925. If that amendment is adopted the House will not be placed in the attitude of voting for an increase for the Sixty-ninth Congress to which Members have already been elected. The increase would not become effective until after the next election. However, even in the event that the Black amendment is adopted I shall then vote against the increase as amended, since I am opposed to the increase in any form.

This is a measure upon which the House should act by a roll-call vote and not simply by a rising vote. For that reason I shall vote for a roll call. We should in a case affecting our own salaries leave the RECORD clear as to where we stand and how we act.

Gentlemen will find that if their action is criticized more criticism will be leveled at the failure to have a roll call than will be directed at the measure itself.

Mr. DICKINSON of Missouri. Mr. Speaker, the increase of salaries of Members of the House of Representatives and of the Senate from $7,500 to $10,000, and of Cabinet members, Speaker of the House of Representatives, and President of the Senate from $12,000 to $15,000 per annum passed the Senate with little opposition. It came to the House as an amendment by the Senate on the legislative appropriations bill, and on motion made to concur in said amendment, it was agreed to by a vote of 229 ayes and 93 noes. I deem it proper to present in the RECORD my position relative to this increase. When it came up for passage, I voted in favor of a roll call, so that each Member could better evidence his attitude toward this increase by a record vote. I joined in the demand for a roll call and record vote, and then voted against the increase. I was opposed to voting an increase of my own salary in the next Congress. I felt I would better represent the views of the people of my district on this subject by voting against said increase. I did not believe the depressed conditions in the agricultural district, that I am trying to represent, would justify my voting for this increase and I opposed it, thus representing my own position and the supposed attitude of my constituents.

I am friendly to some changes affecting congressional service. I favor and believe it would be helpful to the country and to Congress to elect Representatives for terms of four years rather than for short terms of two years, taking their seats now 13 months after election. With this change Members would be able to give more of their time to legislation and less toward seeking reelection, and thus save the enormous expense of biennial elections, the cost of which is as large as the annual increase in salaries provided in this bill just passed. I favor also a change in the law requiring Congress to meet in January after election in November without waiting 13 months before consideration of the matters in the public mind and discussed prior to election, and not wait for new issues to be injected by great influences while the voice of the people is forgotten. These changes by constitutional amendments would benefit the general public and be helpful to Representatives in Congress without any increase in salary, and in this connection I express the hope that the Norris joint resolution for a constitutional amendment requiring Congress to meet in January after the November elections, that has already passed the Senate, may be taken up and passed by the House of Representatives before adjournment of Congress. Such a joint resolution I introduced at the beginning of this term of Congress. This change is essential, if popular government is to live and be effective in the future.

Mr. TAYLOR of Tennessee. Mr. Speaker and gentlemen of the House, I think it regrettable that ample time was not permitted for every Member of the House to express himself as to the merits of this measure to increase the salaries of Members of Congress. I am glad, however, that general permission has been granted to the Members of the House to extend their remarks in the RECORD on this subject, and I desire to avail myself of this privilege by simply inserting in the RECORD a statement issued by me immediately after the action of the Senate and two days before the measure came up for consideration by our body. I gave out this statement to make my views known because I apprehended that I might not have an opportunity to explain myself on the floor of the House, My statement was as follows:

"Regardless of the merits of the proposition as to whether they are rightfully entitled to an increase of salary," said Representative TAYLOR, "I do not agree with the action of the United States Senate Monday night in increasing the salaries of Members of Congress from $7,500 to $10,000 a year, effective July 1, next. If it is proper and just to increase the salaries of the officials, the increase certainly should not become effective until the terms of office to which they have been elected shall have expired. To do otherwise would neither be fair to the people nor fair to those who entertain congressional aspirations.

"We contracted with the people to serve them for $7,500 a year and now, simply because we happen to have temporary charge of the people's purse strings, to increase our salaries without the consent of the people can not be justified in good morals. The fact that we happen to be serving the public does not make us different from any other employee, and what employee would think for a moment of raising his own salary without the consent of his employer, simply because he may happen to have control of the treasury? What other employee could do such a thing? The principle of the proposition is wrong, and should not, and in my judgment will not, prevail."

Mr. BUSBY. Mr. Speaker, because of the very limited time allotted for debate on the item in the conference report proposing to raise the salaries of Senators and Representatives from $7,500 to $10,000 it was impossible for many of us to secure time in which to present our positions. Since my own salary is directly affected by the vote on this question I am going to avail myself of the opportunity afforded and extend some remarks on the question. I have not had a suggestion from my district concerning this question. However, since I came to Congress I have consistently voted my best judgment to conserve public funds and to economize in expenditures, while keeping in mind the proper service our Government should render to the people. Keeping in mind these principles now I can not see the necessity of my supporting this proposed increase of salary, and I shall therefore vote against it.

Mr. CLAGUE. This amendment, in the form of a rider, increasing the salaries of Members of Congress should not have been attached to this bill. It is a cowardly and unlegislative method of trying to secure an increase of salary without giving a chance to discuss the measure on its merits. I am opposed to

the increase at this time. We are pledged to a policy of economy and were elected knowing that our salaries were to be $7,500, and it is not fair to our constituents to vote an increase at this time. Ample time should have been given by the House for a full discussion on the amendment for this increase. I could not secure recognition at the time the matter came up in the House to state my opposition to this increase. In fairness to all the people of the United States a record vote should have been allowed on this important measure.

Mr. GUYER. Mr. Speaker, I have two reasons for not voting for the pending measure increasing salaries at this time:

First, because it violates an implied pledge to my constituency, I, with all Republicans, having made a campaign upon the issue of economy.

Second, because it will increase the cost of Government, with the consequent increase of the burden of taxation.

Dismissing for the moment the first reason, permit me to call attention briefly to the record:

The increase in cost of Government, Federal, State, and municipal, has shamed the prophecy of the pessimist. At the present time the cost of our Federal Government for one year exceeds the entire cost of Government from 1790 to 1861. The increases in the cost of State and municipal governments have been likewise prodigious.

At the inception of the Republic in 1789 we had a foreign and domestic debt amounting to $54,000,000 and State debts amounting to $25,000,000, an aggregate of about $80,000,000. When Alexander Hamilton proposed that the Government assume and pay that debt it appalled the boldest. In that age $80,000,000 was a stupendous sum.

On the theory that no nation is any stronger than its public credit, the Secretary of the Treasury insisted upon the assumption and payment of this debt, and it was done, and the financial integrity and credit of the Republic was established. At that time the wealth of the Nation was not much more than $2,000,000,000. To-day we spend more money in the operation of the Government in one year than the entire wealth of the thirteen colonies in 1776. Decade after decade we have increased the cost of Government until the stupendous amount staggers the imagination as well as the taxpayer. The cost of the Civil War was about three and a quarter billion dollars. We are spending practically that amount every year in current expenses in time of peace. At a time, too, when agriculture has not yet recovered from the shock of war, and industry, shattered and disorganized by the war and the sudden advent of peace, must bear the great burden of taxation.

No doubt, as a general proposition, the Government is economically administered; but considering the needs of agriculture and industry, it is no time to add to their burdens by such increases of salaries. These increases may be just, and there is no doubt that men are here at a sacrifice from their business and their homes, but that is the test of patriotic service.

I do not know how it is in other States, but in my State (Kansas) there have ever been those who are willing to sacrifice themselves on the altar of a legislative office of this great Government. I have no reason to believe that there may be a dearth of those in the future ready to immolate themselves on the altar of their country at the present salaries.

If it is contended that higher salaries will bring greater ability to this forum of legislation, with due respect to the Members of both branches of the National Legislature, I ask that we contrast the present with a quarter of a century ago, before the last increase of salaries, and determine whether we have gained in that respect. Comparisons are odious, but I am sure we can not claim a great advance over the days of Reed and Crisp, John Sharp Williams and Nelson Dingley. Men do not come here for the matter of salaries. Our party went down to defeat a third of a century ago under the odium of a "billion-dollar Congress," in spite of Speaker Reed's rejoinder that "this is a billion-dollar country." That appropriation was for two years. Now we find it necessary to more than double that for one year. I maintain that this is not an appropriate time for the proposed salary increase of over $1,000,000 per year for salaries of Members of Congress, and I warn my party against this reversion of policy since the campaign of November last.

We have need of public buildings over the country—not pork-barrel demands, but real needs dictated by public economy and efficiency. We have wisely postponed this program, but we can not longer delay without a loss in efficiency. This building program will necessitate the spending of millions. Is this, I ask, the time to vote an increase in our own salaries?

There is a just demand for an increase of pensions for Spanish War veterans and for the soldiers of the Civil War and their widows. These demands should be granted, which necessarily will mean a further burden of taxation.

We have provided a just increase in the salaries of postal employees with its consequent burden, and in the end the people pay the bills whether in direct or indirect taxes, or in postal rates. I do not believe this is the time to add to that burden.

Permit me to recur to my first objection to this measure: Because it violates an implied pledge of economy made in the campaign.

The cardinal issue in the campaign of 1924 was economy. President Coolidge received his enormous majority by reason of his consistent and courageous stand for economy in the face of threatened defeat. The Republican majority in the Sixty-ninth Congress was secured because the President galvanized a campaign into vitality with a living issue, which might otherwise have been a humiliating and defensive apology for alleged corruption ending in inevitable defeat. That issue was economy backed by a record never excelled for courageous consistency. Consistency in this not only is a jewel but a necessity if we are to maintain our political self-respect.

The only pledge that I made to my constituency was to support the President upon this issue of economy, and it would seem to me that by making that campaign for economy and then voting for this amendment I would stultify myself, not only in the opinion of my constituency, but in my own sense of self-respect. Is this Congress going to match the courage of our Executive, or let the fervor of last November's "economy and more economy" be chilled by the vote of February?

Mr. SPROUL of Kansas. Mr. Speaker, in the eastern part of our country where the population is much congested, and where the cost of living is high, and where higher salaries are paid State and municipal officers, and where higher wages are paid industrial workers, the reasons for better salaries for Members of Congress are quite apparent. On account of the alleged inadequacy of the salaries of Congressmen many strong and able Members, including both business and professional men, are withdrawing from Congress and returning to private life, thereby depriving the country of their valuable services; yet notwithstanding the conditions herein referred to there are, in my judgment, very good reasons why the matter of raising the salaries of Cabinet officers, Members of Congress, and others might very appropriately be deferred until some more suitable time in the future. The agricultural section of our country in the mid-West has suffered a great depression generally since the late war, and while in some sections of the country, for the present, conditions are improved, yet not sufficiently so in my judgment to warrant such a raise in the salaries of Members of Congress as is provided in House bill 12101. Such a raise in salaries, in my judgment, is not in harmony and accord with the economy and retrenchment policy of our President. For these reasons I have opposed the raising of the salaries of the members of the Cabinet and Congressmen as provided in said bill, H. R. 12101.

Mr. BRIGGS. Mr. Speaker, although Members of the House know that I voted against the passage of the Senate proposal contained in its amendment to the legislative appropriation bill for increase in the salaries of Members of Congress and other officials, and that I also voted against the previous question, cutting off debate, and was one of those who stood up and sought to have a roll-call vote upon such Senate amendment, I also desire to have the official RECORD of this House reflect my opposition to the salary increase proposal and to say that I do not think that the House should indorse the action of the Senate. Certainly every Member of the House, irrespective of his views, was entitled to be heard upon the question and ample time for debate should have been accorded; but this was denied by the action taken in moving and adopting the previous question.

The House should also have insisted upon a record vote, so that all those who favored and those who opposed the Senate proposal for salary increase might have been readily apparent to all. This I think the House ought to have insisted upon both in justice to itself and as due the people of the whole country, who, in a matter of such a personal character, are especially entitled to know how their respective Representatives voted. The salary increase proposal is unwise, untimely, and ill-advised, and should not be adopted.

Mr. BARBOUR. Mr. Speaker, I voted for the amendment to the legislative appropriation bill increasing the salaries of Cabinet officers, Senators, and Representatives.

Mr. TUCKER. Mr. Speaker, I find myself totally unable to support the pending measure, which has for its object the increase of the salaries of Members of Congress. That Congress

alone is the only power that can increase the salaries of its Members is clearly indicated in the Constitution of the United States. If this were not true, the original per diem of $6 during the sessions of Congress would now be in existence. To my mind, the question is not whether the salary is adequate or not, for we accepted the office with the present salary. The question is not whether we can support our families on the present salary. To my mind, it is alone a matter of procedure. If the benefited parties have the power, and they alone the power, to increase their salaries, even if the increase be right and proper, it should be done in the open, with every opportunity to discuss it, and not be pushed through without a roll call and without the opportunity of every Member to have it known by his people how he voted on the measure. My own views on this subject are so perfectly reflected by one whose honored name I bear that I shall content myself with inserting the remarks of Judge Henry St. George Tucker, of Virginia, on the subject of increasing the "compensation of Members" in the Fourteenth Congress, first session, Friday, March 8, 1816, as follows:

Mr. Tucker said that as the yeas and nays were called on the passage of the bill, he felt it his duty to state in a few words the reasons which induced him to vote against it in committee and would lead him to adhere to that vote. He did so because he did not wish to shrink from a candid expression of his opinion. He believed, with many others, that the pay of Members of Congress ought to be such as to enable not the rich only but men of merit, however moderate their circumstances, to take a seat in this House. It was the true republican principle, for otherwise the Government would degenerate into an aristocracy. But though such were his opinions on this subject, without deciding whether a per diem allowance or annual compensation were preferable, he could not vote for any bill which gave additional compensation to himself. He had been elected under the expectation of receiving $6 per day for his services; he could not think himself justified in increasing it. Gentlemen had termed this a *squeamish* delicacy. He had from his childhood been taught on all occasions of this kind that it was safest to err on the side of delicacy. He should therefore vote in the negative, though he would have had no objection to an increase of the allowance to Members if its operation were postponed to a future Congress.

It is of interest to his descendants to know that Judge Tucker would never take or receive the increase in his salary, but that it has remained in the Treasury of the United States to his credit for 108 years.

Mr. HUDSON. Mr. Speaker, I am convinced of the justice of the proposal before us to increase the salary of the Members of the Congress and also the members of the Cabinet. I should be glad to see a record vote on the amendment. That not being possible, I take this opportunity to put in the RECORD my position and state I voted "aye."

Mr. HILL of Maryland. Mr. Speaker, I voted for the amendment to the legislative appropriation bill increasing the salaries of the Vice President, Cabinet officers, Senators, and Representatives.

Mr. WILLIAMS of Michigan. When the proposal to increase the salaries of Members of Congress from $7,500 to $10,000 a year came up I voted for it because I believed the increase fully justified. During the consideration of the subject a proposal was made by way of amendment to have this increase go into effect March 4, 1927. I would have preferred to have this amendment carry and accordingly voted for it. We need at least $10,000 men in Congress. It is obviously a matter for each district to decide as to whether it is sending men to Congress of that type.

Mr. KVALE. Mr. Speaker, I voted against the amendment increasing the salaries of Cabinet officers, Senators, and Representatives. I have consistently opposed the manner in which measures carrying appropriations are rushed through the House. But even with a full and free discussion of the merits of such legislation I should have voted against it. With a denial by this Congress of practically every concession I have asked for the people I represent, a denial of simple justice to the farmers of the Northwest, I could not under any circumstances vote anything for myself out of the Treasury of the United States.

Mr. PEERY. Mr. Speaker, I conceive it to be my duty to vote against the proposed amendment increasing the salaries of Members of Congress.

A large majority of the membership now called upon to vote upon this proposition were reelected to Congress for the term beginning March 5, 1925. At the time of our election there was no proposition then under consideration looking to an increase in our salaries. We ran for office knowing that the salary incident thereto was $7,500 per year, and now, very soon after that election and within less than a month from the time at which the term to which we are reelected begins, the proposition comes to increase our own salaries. The proposition comes not as a clear-cut bill with only the one object in view but as a rider to the legislative appropriation bill. A vote for it in its present form is a vote involving our own personal interests without affording our constituents an opportunity to pass upon the question before it becomes effective.

The question is a matter for each individual Member to pass upon. As I view it I feel it to be my duty under all the facts and circumstances to vote against the increase.

Mr. SANDLIN. Mr. Speaker, having made it a practice of going on record on all matters proposing legislation coming before the House for action, I want to say that I voted against the amendment to the legislative appropriation bill increasing the salaries of Cabinet officers, Senators, and Representatives.

Mr. BACON. Mr. Speaker, in view of the fact that there was no record vote on the provision increasing the salaries of Members of Congress, I desire to avail myself of the permission granted Members to extend their remarks in the RECORD in order to state my position on the amendment in the form of a rider to the legislative appropriation bill increasing our own salaries. This measure passed the House with merely limited debate and without a record vote. Only a few Members had an opportunity to express themselves on the subject, and considering that the efforts of a few to force a record vote were unsuccessful there was no chance for an individual Member to show his position on this provision.

With these circumstances in mind, I desire to state that I was 1 of the 61 Members who voted in favor of a roll call on the final passage of the provision in order that there should be a record vote, and I also was 1 of 93 who voted against the passage of the increase.

I make this statement because I believe that my constituents are entitled to know how I voted on this important measure. I also wish to record my opposition to the action of Congress in putting through an increase in their own salaries without being willing to go on record as to their position in the matter.

I believe, and think I can fairly state, that my vote against this increase was entirely consistent with my votes in support of a real economy program. Furthermore, I have long thought that the salaries of many Federal employees, especially those in the Customs, Immigration, and Postal Services, were inadequate, and therefore I did not feel that I could vote to increase my own salary at this time, even though I am willing to concede that present congressional salaries are probably also inadequate.

As there is no other way, I am simply taking this means of recording my vote on this proposition.

Mr. ALMON. Mr. Speaker, the Senate added an amendment to the legislative appropriation bill increasing the salaries of the Cabinet officers, the President of the Senate, and Speaker of the House from $12,000 to $15,000, and the Members of Congress from $7,500 to $10,000, and on motion to concur in this amendment no opportunity was given me to discuss the amendment or record my opposition to it. So I take the only available method of recording my vote and opposition to the amendment.

While it may be true that there is merit in the amendment on account of the extortionate and unreasonable high cost of living in the city of Washington, and while we have increased the salaries of most all of the Government officials, still in the interest of economy and tax reduction, for which there is a demand throughout the country, I do not believe that there should be any increase of salaries where it is not absolutely necessary. Our farmers and business men have not recovered from the effects of the war and while they are laboring under these handicaps and the burdens of taxation I do not feel justified in voting for this amendment. The Members of Congress who have been reelected had no right to expect that their salaries would be increased for the next two years and should be satisfied without an increase. I have consistently voted to curtail the expenses of the Government and reduce taxes wherever it could be done and for that reason I opposed and voted against this increase of salaries.

Mr. GREEN. Mr. Speaker, as I cast my vote against the Senate amendment increasing the salaries of the Members of the House, a proper respect for the views of my colleagues impels me to place in the RECORD my reasons for such action.

My course in this respect does not imply any criticism of the Members who saw fit to approve this measure. On the contrary, I feel that I was in a different situation from most of the Members of the House. In the first place, I have never so much as intimated publicly that I favored such a measure, although I had often said in private conversations that I con-

sidered the salary insufficient; and that, in view of all the expenses connected with the position in Congress, including the necessary election expenses, a Member having a family consisting of a wife and one or more children would not receive any more net at the end of the year than a clerk who got a $4,000 salary without any expense connected therewith. This is something that the people back home do not realize, but which can easily be demonstrated.

If the motion of the gentleman from Texas [Mr. BLACK] to make the increase in salary commence in 1927 had carried I would not have been able to see any objection to the bill on its merits, for then my constituents would have had an opportunity to express their approval or disapproval, as they saw fit. But this motion failed, and I did not feel that I could consistently vote on a matter which so directly involved my own interests as the bill did when that motion was lost.

There was, besides this, another feature that compelled me to vote against the measure if I was to be at all consistent. I have repeatedly—in fact, in season and out of season—criticized the action of the Senate in putting riders containing legislative provisions on appropriation bills, and have said it was an entirely wrong method of legislating which I never would approve except as I was, in many instances, compelled to in order to secure the necessary appropriations to carry on the Government. If I voted for the measure I would expose myself to the just reproach that I was opposed to such procedure in a general way, but when my own personal interests were involved I was ready to change my course for my own benefit. I did not feel that I could do this.

Mr. CLARKE of New York. Mr. Speaker, I am convinced that the membership of the House of Representatives is too large, the pay too small. I, therefore, vote for the increase in pay and express my regret at the indirect way the measure comes before us. I feel sorry that you do not go all the way with the bill I introduced at the last session of Congress to reduce the membership and increase the pay; that would be real economy in my judgment, for it would first decrease the cost in money and decrease the overdose of laws the citizens of the United States now suffer from with the consequent breaking down of the enforcement and disrespect of law, that is the tragedy that threatens to destroy our American institutions.

I am for $10,000 a year Congressmen and it is the fault of our citizens if they fail to get $10,000 per year Representatives. If I had my way I would be glad to vote for a law that would fine or prevent a citizen from voting who, without reason, failed to vote. I believe one of our greatest dangers to-day is the failure of citizens to exercise their right of franchise for it enables active organized minorities to get their Representatives in Congress instead of Representatives dedicated to fair play for all and special privilege to none in a Government conceived and dedicated to equality for all.

Mr. GILBERT. Mr. Speaker, as no record vote was taken on this bill I take this opportunity to advise such as care to know how I voted and the reasons therefor. I voted against the increase because no knowledge had been brought to my constituents of such probable action. I represent an agricultural people who have not prospered during these years of Republican administration.

Mr. CHRISTOPHERSON. Mr. Speaker, while there is much force in what has been said as to the increased cost of service in Congress—that is, living expenses and necessary expenses incident to campaigns under our present political system—nevertheless I opposed the increase provided for in the amendment of the Senate.

During my service in Congress I have consistently voted for economy, and in view of the economic conditions throughout and especially the depression which the agricultural sections of our country have encountered, I feel that the need for economy is still with us, and the matter of increase of salaries could well be postponed until better conditions prevail. Further, the constitution of my State has a provision which prohibits the State legislature from increasing allowances of public officers for the term for which such officers were elected, and while that is not controlling in Federal affairs, it nevertheless is a pronouncement against increases during the term for which an officer has been elected. Therefore I voted first for the amendment providing that this increase should not be effective until March 4, 1927, which, if adopted, would have postponed this increase until after another election. Then on final passage I voted against the increase in salary.

Mr. WEFALD. Mr. Speaker, I believe the proposed salary increase unwise. Coming as I do from an agricultural community where the after-war deflation has wiped out fortunes, where business only pays a small dividend, and where wages and salaries are low, I did not vote for the increase.

Mr. WAINWRIGHT. Mr. Speaker, I am constrained to object to this sudden proposal to increase our compensation as Members of Congress from $7,500 to $10,000 a year. It is not so much what we are proposing to do as the manner of doing it, which seems to me objectionable. I am well aware of all the moving considerations, of all the strong, if not impelling, reasons that might under other circumstances justify this increase. Indeed, under other conditions I might feel justified in giving it my support. But this comes too suddenly. Through an overnight amendment, hastily attached to an appropriation bill, to my mind, is no way for us to dispose of a matter of such peculiar personal interest to each of us. It should come before us only in separate bill form, after full consideration in committee, with ample notice to those who sent us here. Somehow in thus rushing this proposal through it seems as though we said, "If it must be done 'twere well it were done quickly."

I regret to part company with so many of my colleagues who appear to favor this proposal, but must vote against it.

Mr. MORRIS. Mr. Speaker, I voted for the increase of salary and take this opportunity to supply this information, as no record vote was had upon this question.

I came to Washington 15 years ago as private secretary to Hon. J. Campbell Cantrill. Throughout these years I have been a close observer of congressional life in Washington. A Congressman who represents a great district must maintain the dignity of the position. I saw Mr. Cantrill lead a dignified but inexpensive life here and become poorer each year. During the 15 years he was here his necessary expenses exceeded his salary by more than $30,000. I have seen able Congressmen who have devoted the best years of their life to their Government go home on railroad tickets purchased out of their last month's salary.

Such references as "salary grab" certainly can have no application to me. I was not a candidate for reelection nor will I draw one dollar of this increase. I also am aware my position, known to be the just one here, can be distorted and made unpopular at home; but knowing the situation and having no personal interest in the matter, I voted what I knew to be to the best interest of the country.

The enormous responsibility and wonderful opportunity for great service here require the best men—$10,000 men—and if the Representative of any district is not worth $10,000, the district should find a $10,000 man and send him here.

Mr. KNUTSON. My attention has been called to an item appearing in one of the Twin City papers to the effect that my colleague [Mr. CLAGUE] and myself voted for the Senate amendment to the legislative appropriation bill which provided for an increase in the salaries of Senators and Representatives of $2,500 per annum. Mr. Speaker, the truth of the matter is that neither Mr. CLAGUE nor myself supported this measure. He and I talked the matter over before the vote was taken and we were both of the opinion that for us to vote for the adoption of the amendment at this time, when the country is calling for rigid economy, would not be proper. I realize that the salary for those who are obliged to maintain two homes, one in their district and another in Washington, is not sufficient, but I take the position that we all knew what the salary was when we became candidates for the office, and in any event the increase should not have been made effective until after the next general election, so that the voters might have had an opportunity to pass judgment upon the action taken by the House.

Mr. HULL of Tennessee. Mr. Speaker, the one test of the attitude of a Member of Congress on a bill under consideration, which can not be controverted, is his vote for or against its final passage. The only way such a vote can be recorded so as to constitute an open public record is by a call of the roll of the membership, each Member voting "yea" or "nay" on the passage of the bill. Under the rules of the House such a roll call and such a record of the yeas and nays on the passage of a bill can not be had unless one-fifth of the Members present join in demanding the same.

In considering the measure to increase the salaries of Members of the two Houses of Congress, 61 Members of the House joined in asking for a roll call and record vote as just described, or 7 short of the requisite number under the House rule. The very brief time allowed for discussion of this measure only permitted a half dozen of the 433 Members hurriedly to state how they would vote. The only recourse left those of the other more than 400 Members who were desirous of having placed on record their vote and actual attitude is to write in the RECORD, as I now am, a candid statement as to how they stood and voted on the salary increase measure. Without entering into a discussion of the merits of this subject, pro or con, I do feel constrained to say that it is, and from the beginning has been, my earnest and unalterable belief that this

is not the time to consider this question in any of its phases. I, therefore, voted against the passage of the salary increase provision. I joined in the demand for a roll call and record vote. I also voted for the amendment to make this legislation take effect two years hence, if passed. My judgment is that whenever Congress legislates on this subject it is better public policy that such legislation should be made to take effect in a new Congress later to be elected by the people.

In thus expressing the views and attitude I maintained at the time of the passage of this measure, I concede to my colleagues who voted the other way the same conscientious motives and judgment which I claim for myself.

Mr. AYRES. Mr. Speaker, after the amendment to increase the salaries of United States Senators and Members of the House, as well as Cabinet members and the Vice President, had been tacked on to the legislative appropriation bill as a rider, I knew it would have to be considered in the House. I then gave out an interview clearly stating my position on this question. I stated:

[Topeka Capital, February 19, 1925]

"If there is justification for such an increase, as contended by some," said Representative AYRES, "the present is not an opportune time. There is, or should be, a united effort for retrenchment and reduction of taxes. In any event, a measure of this kind should be presented in the open and regular way, fully considered and discussed, and not in the manner it is being engineered. I am bitterly opposed to the proposition and look forward to its defeat."

There also appeared in the Kansas City Times, of the issue of February 19, 1925, the following:

AGAINST CONGRESS PAY HIKE

STRONG ANTAGONISM IS COMING TO LIGHT IN THE HOUSE

Strong opposition is developing in the House to the movement in Congress to put through legislation in the closing days of the session increasing salaries of Senators and Representatives and Cabinet officers.

The proposal, which has been adopted by the Senate, is embodied in an amendment to an appropriation bill, and when the amendment comes to a vote an effort will be made to pass it without a roll call, thus avoiding placing Members on record.

Representative AYRES of Kansas announced to-day he would vote against the salary increases. In commenting upon the amendment he said:

"If there be justification for such increases, as some Members contend, the present is not an opportune time for such legislation. There should be united effort in Congress for retrenchment in Government expenditures and reduction of taxes. In any event a proposal of this kind should be submitted in the regular way and in the open. Then it could be discussed fully. I am opposed to it, and believe it will be defeated."

It was reported to-night an effort might be made in the House to-morrow to accept the Senate amendment.

I do not intend to discuss the question of whether there should or should not be an increase in salaries. The main question is, Could the country at this time afford it? Furthermore, each and every Member of both branches of Congress knew what the salary would be in the Sixty-ninth Congress when he was seeking the votes of his people to elect him as a Member of that Congress. If not satisfied with that salary, I feel it was his duty to have said so in the campaign and then his constituents could have decided the question for him.

As I said in that interview, this question should not have been presented in this manner. It should have been brought up and presented in the usual and orderly way. It should have been presented by the proper committee, under the rules of the House, giving ample time and opportunity for each Member of Congress to have expressed his opinion and a chance to have cast his vote either for or against it, and to have had that vote made a matter of record. This was not done, and because of that fact alone, if for no other reason, I would be opposed to the amendment and do what I could to defeat it, and I feel justified in making this statement.

Along with some 50 others I stood up and voted for a roll call. It seems to me in view of the overwhelming majority for this measure the proponents should not have hesitated to have allowed a roll call, giving all a chance to be recorded. It was very evident at the time it was submitted for a vote this amendment would carry. Therefore I felt, as did 60 other Members, it would show better taste at least to amend it, making the increased salary effective in the Seventieth Congress, or in 1927, instead of the next Congress, but that amendment was overwhelmingly defeated.

I appreciate this salary question is a matter which affects the individual Member and on him alone rests the responsibility of his acts regarding it. It was a question for each individual Member of Congress to decide for himself. I am convinced that the reasons I have given were sufficient to justify me in taking the position I did in voting against this measure and I have every reason to believe this is what my constituents expected me to do under such circumstances.

Mr. KETCHAM. Mr. Speaker, I was present in the House during the entire proceedings in connection with the salary increase amendment and voted upon every question raised during its consideration.

I voted against the salary increase, believing that such a vote would reflect the majority sentiment of the district I represent.

I voted for the Black amendment which would have deferred the increase, if granted, until 1927. This amendment would have met the ethical questions raised and would have fully answered the adverse criticisms concerning snap judgment and lack of consideration.

Mr. ROMJUE. Mr. Speaker, I think it is a matter for each Member of this House to decide for himself as to how and which way he should vote on this and on any and all other legislative matters coming before this body to be voted upon. I accord to every Member the right of free exercise of his own judgment and assume the same privilege for myself.

In other words, one's own conscience and judgment should guide them and determine their course in the performance of their duty to the country, to their constituency, and to themselves.

It is as natural for men to differ in their opinions as it is for the sun to shine. I am not ready to impugn bad motives to a man simply because he differs with me as to our views on public questions.

I shall not welcome the day when I should think all men wrong but myself. I am sure some Members of this body vote for salary increases for Cabinet members and for Members of the Senate and House honestly and conscientiously believing they should do so.

I am opposed to and voted against this salary increase for the reason that I believe such legislation should not under all the circumstances be enacted.

Economy should be practiced in public expenditures, and, in fact, unless more economy is practiced in both public and private expenditures throughout the United States we will make slow progress not only at reducing our indebtedness, but there will be more lack of private financial independence.

In keeping with these views I recently voted against an appropriation of $14,000,000 to build a bridge across the Potomac River at Washington, D. C., to connect the Lincoln Memorial with Arlington Cemetery.

The bridge no doubt would be, when built, a magnificent structure. But how are we as a Nation to get out of debt? For myself, I am satisfied we must not spend money where it can well and legitimately be avoided.

Holding these views, I cast my vote against the salary increase.

Mr. HARRISON. Mr. Speaker, without a word of criticism of the gentlemen who feel it proper to vote for the proposition to increase the salaries of the Members of Congress and of the Cabinet officers, I take the only method afforded of briefly stating my own objections to the proposition.

(1) I consider the proposition inconsistent with the pretences of the present administration. The proposition to give adjusted compensation to the soldiers who fought our battles was vetoed on the ground that patriotic service was not measurable in dollars and cents. The proposition to increase the postal salaries of some very poorly paid postal clerks was vetoed on the ground that it carried no increase of taxation to pay for the expenditure. I feel that some consideration should be given by the Members of Congress in their own case to render patriotic service without too close an analysis of pecuniary compensation. Many of the highest officers of this Government, because of duty, serve at salaries which are very meager in comparison with their earning capacity in private life, and this bill carries no increase of taxation to pay for the expenditure.

(2) I consider the time very inopportune. Many of us have just been reelected to Congress on the present salaries. I never heard of the suggestion seriously considered before the election of any increase in salaries. It was an issue wholly foreign to any question raised in the campaign. I therefore think it should be left to the next Congress to consider and pass upon the matter in the proper legislative method.

(3) I am opposed to the method adopted. As a proposition it should not have been brought before Congress as a rider on an appropriation bill without opportunity for full considera-

tion and discussion by Members of the Senate and of the House.

There can be no question but that the compensation of a Congressmen at the present salary imposes a sacrifice on most Members of the House, but it seems to me that this has been voluntarily assumed and should be cheerfully borne, especially in view of the widespread depression in the agricultural industry, which is the livelihood of the great body of my constituents.

Mr. BOWLING. Mr. Speaker, I voted for the amendment to the legislative appropriation bill increasing the salaries of Senators and Representatives.

Mr. GARDNER of Indiana. Mr. Speaker, the House has voted on concurring in the Senate amendments to the legislative appropriation bill. One of the amendments is to increase the salaries of the Cabinet officers, President of the Senate, Speaker of the House, Senators, and Representatives. There was no record vote taken on this amendment. I am willing for those who care to, to know how I vote on all questions coming up for passage. I feel that the people are entitled to this information if they care for it, and for that reason I am making this statement. I do not care to discuss the merits of the amendment, nor do I want to criticize the vote cast by any other Member of Congress on this amendment. I have expressed myself, both publicly and privately, as being in favor of economy and against increasing the burdens of taxation. For that reason I voted against the proposed increases because I felt that it was a consistent vote with the principles I have always advocated and a vote in the interest of the people I represent.

Mr. THATCHER. Mr. Speaker, I have opposed the Senate amendment to the legislative appropriation bill which provides for an increase in the salaries of Members of the House and Senate. Roll calls being denied, I voted upon rising votes and was counted in opposition to the passage of the amendment by the House and in favor of a roll call upon such passage. Because the majority in the House in favor of the amendment was so overwhelming as to preclude a roll call and a record vote, I desire in this way formally to record my opposition to the proposed increase and to give, briefly, some reasons for my opposition.

I have no criticism for those who have favored the increase, especially those who openly proclaimed their position. Candor and courage always command respect. I deem it unfortunate, however, that there was no roll call upon the question. The fact that record votes have been denied will, I fear, subject Congress to the charge that its Members fear to have their constituents know how they voted, and that, therefore, the increase is not a proper one. Had there been record votes, and if thereupon the proposed increase had been adopted, any criticism of the increase would have been less severe, and, in my judgment, less merited.

As an abstract proposition I fully concede the force and merit of the arguments made in favor of the proposed increase. The compensation of most of our Federal officials and employees has been substantially increased in the past few years because of the greatly increased cost of living brought about by the World War; but no increase has yet been provided for Members of Congress. Measured by every reasonable standard, I concede that the present salary of the Members is hardly an adequate one. I believe, however, that the "right thing" should be done in the "right way." In my judgment, it would be appropriate for Members of this Congress who will be Members of the Sixty-ninth Congress to vote for an increase in the compensation of Members to become effective at any future date after the expiration of the Sixty-ninth Congress; but, however much those of us who are Members of the Sixty-eighth Congress and who will be Members of the Sixty-ninth Congress may feel the need for the proposed increase, I have believed it to be unwise and inappropriate for us to vote it.

I believe that public policy opposes the action of official incumbents in providing for an increase of their own compensation. Many State constitutions contain explicit inhibitions against the increase of the compensation of any State, county, or municipal officer during his term of office. My own State—Kentucky—has in its constitution such a provision. This principle was also recognized by Congress at the very beginning of its existence when, in 1789, the House adopted a rule providing that its Members shall be excused from voting on any question in the event of which they have a direct personal or pecuniary interest. This rule has never been changed and is included in the present rules of the House. I have always considered the policy maintained by the rule and by the indicated constitutional provisions to be wise, and, notwithstanding any personal considerations involved, I must adhere to that opinion.

Congress, I fear, will now be literally "swamped" with requests and demands for increased compensation on behalf of Federal officials. The action of to-day may render it more difficult to deny these importunities. If I vote to deny myself an increase of compensation I shall certainly feel free to oppose increases to others in all cases where I do not believe them to be justified. If the salaries of all our vast army of Federal officeholders are to be added to and multiplied, except in cases of undoubted merit, further tax reduction may be long delayed or rendered impossible, and our entire policy of governmental economy seriously impaired.

Mr. GARBER. Mr. Speaker, the proposed amendment increases the salary of Members of Congress from $7,500 to $10,000 per year. It also provides that the Speaker of the House, the Vice President, and Cabinet Members shall receive an increase from $12,000 to $15,000 per year.

The positions of the Members of Congress and of the Cabinet were voluntarily sought and accepted by each Member at the then-existing salaries, which created and implied agreement between the people as the employer and the member as the employee. In substance that agreement was: The rendition of certain services in consideration for the then-existing salaries. This agreement should be carried out by the respective parties. The employer has no right to discharge the employee; neither has the employee a moral right to arbitrarily raise his salary.

Being the direct beneficiary, he is not qualified to act in an impartial representative capacity.

Voting to increase one's own salary is like a judge sitting in his own case. The amendment offered to have the increases apply only to the Congress to be elected two years hence presented an entirely different proposition than the one now being considered. When the people selected their Representatives for the Sixty-ninth Congress their budget carried a salary of $7,500 annually for each Member. Had they been informed of the increase now proposed to be made, they might have refused our employment and selected others of higher ability to represent them. The presumption is that the increased salaries would have given them the opportunity of making their selection from a higher quality of services.

Were conditions prosperous, times good, expenses cut down, and taxes reduced and the proposed increase submitted to the people with their approval and the present compensation shown to be inadequate, an increase in salary for the Congress yet to be elected might be a subject worthy of consideration. Under present conditions it is not.

I therefore shall vote against the amendment. Because the present compensation is inadequate to meet the high cost of living is insufficient justification.

There are 6,500,000 farmers producing necessary foodstuffs who have been unable to meet their expenses during the last four years, and yet they are not asking for a price fixing bill to raise their wages, although with equal propriety and merit they have every moral, legal, and political right to do so.

Mr. COOK. Mr. Speaker, I do not desire to discuss the merits of the question of whether the present salaries of Members of Congress are sufficient. Should we not look beyond that? It seems to me that on account of the existing heavy burden of State and Federal taxation, the depressed condition of agriculture, and the industrial condition of other classes we should go very slow at this time in increasing salaries. For that reason I shall vote against the proposition. Would it not be wiser to increase the term of the Members of the House of Representatives to four years, the same as the President, and provide that Congress should convene in January after the election instead of over a year afterwards? This increased term would indirectly increase the present salaries of Members of the House without any additional burden to the taxpayers and also enable them to render better legislative service for the people who send them here.

Mr. TAYLOR of West Virginia. Mr. Speaker, as a member of the West Virginia Legislature in 1921 I consistently voted against all salary increases asked for elective State and county officers who, in the campaign just preceding, had made a solemn contract with the people to serve them for a definite term at a stipulated pay. My contention then was that for these public servants to ask for an increase was to break faith with the people who had honored them. The country had but recently by an overwhelming majority voted to go "back to normalcy," and in view of this vote I held that salary increases were not proper.

The fact that I am now to be the beneficiary of a salary increase if it finally becomes law does not change my attitude in the least. I am one of the 61 Members who asked that a record vote be taken, and I am one of the 93 Members who

voted against increasing the salaries of Senators and Representatives.

Mr. McDUFFIE. Mr. Speaker, having lived almost continuously in Washington during the past six years of my service as a Member of Congress, I have found from experience that it is most difficult, if not indeed impossible even by simple and most economical living, for a Member of Congress with a family and without an income from outside sources to live as his constituents would have him live, and occupy such a station as they are entitled to have him occupy on $7,500 per annum. I devote practically all of my time to my official duties and have no income other than my salary. I believe this is true of a majority of the Members of the House of Representatives. In order that there may be no question as to my position on the Senate amendment increasing the salaries for Senators and Representatives from $7,500 to $10,000 a year, and in view of the fact that no record vote was had, I have taken advantage of the opportunity to extend my remarks to say that I voted for the amendment.

Mr. BECK. Mr. Speaker, I take this method of voicing my opposition to increasing salaries of Members of Congress at this time, because the motion for the previous question cut me off from doing so on the floor of the House. I voted for the increase in salaries of postal employees because they are the most faithful and poorly paid employees in the service of the Government. I have voted for some other increases in salaries, but I shall vote for no more increases in salaries until the producers of wealth in this country are better able to stand it. I moved for a roll call on this salary increase, which was denied, and I voted against this increase itself. I am not only opposed to this increase in salary itself but am opposed to the way it was brought in as a rider on the legislative bill from the Senate. The legislative bill itself was one that had to become a law and the Senate took advantage of this to get a salary boost. I am opposed to that method of securing any kind of legislation.

Mr. ROBINSON of Iowa. Mr. Speaker, permission having been granted Members to extend their remarks and explain their vote in the RECORD on the proposed salary increase, and there being no opportunity for me to express myself at the time the vote was taken, I desire to state my position thereon.

I am opposed to the increase of salaries of Members of Congress at this time.

I do not, however, believe that a salary of $10,000 is too large for a Member of Congress, but I do believe that this very responsible and important position fully justifies a salary of that amount. Seven thousand five hundred dollars was established as the salary about 18 years ago and has not been increased, although it is true that during that period of time there have been large increases in salaries of others in public life. The expenses of living and the requirements of the position have very largely increased during that time, with the result that the net salary at the present time is probably lower than that of any other position of like importance.

My opposition to the proposed increase from $7,500 to $10,000 is based upon the following:

I do not approve the method of procedure followed. If we are to increase salaries, it should be done only after full consideration and discussion and with a record vote. The present proposal for increase comes to us from the Senate as an amendment to an appropriation bill; was passed by the Senate without discussion and without a record vote.

The objection to voting to increase our own salaries seems to me very obvious.

The great Middle West section of our country, from which I come, is still suffering severely from depression. Agricultural conditions are not good, but are below normal. Incomes are small. It is not a time of increasing salaries, but rather a time of utmost economy, and I believe my district would prefer that Congressmen's salaries be not advanced at this time. I have consistently voted for economy in all public expenditures. I have even voted against and opposed some measures, such as the bridge bill, that I would have favored under better financial conditions.

For these reasons I voted for an amendment to the proposed increase of salary making it not effective until March 4, 1927, at which date a new Congress will have been elected and enter upon their term of office. This amendment failed to pass, and I then voted against any increase of salary, following which I voted for a record vote or roll call, so that every Member might personally record his judgment on this question.

I wish, however, very definitely to say that I have no criticism, either implied or expressed, of those who voted for the increase, and in no sense do I question their motive or judgment, for I realize that the net salary of a Member of Congress does not provide for him and his family the comforts that most of us enjoy at home, and that at least a part of our remuneration under present conditions must come from a sense of public service well rendered. For the reasons already stated, and others that will suggest themselves, I have felt under obligation to vote against the increased pay at the present time because of the need of economy in public expenditures, and especially because business and agricultural conditions in my home State call for rigid economy and carefulness.

Mr. BROWNE of New Jersey. Mr. Speaker, "What price Congress?" is a subject about which there seems to be considerable difference of opinion. That the present compensation is inadequate can hardly be denied, and it is also true that the "wages" of Senators and Members of the House is the only pay that has not been increased in the neighborhood of a hundred per cent during the last 15 years, or since the present schedule was put into effect. That these facts are appreciated is shown by the overwhelming anonymous majority which put over this increased pay amendment in so rapid and remarkable a way. I voted for this amendment because I believe that if "the laborer is worthy of the hire" the hire should be worthy of the laborer. Many opposed this measure, though it is possible, if not probable, that this opposition would have been less had its proponents really expected to succeed. The reasons given for this opposition were partly along the lines of so-called economy and partly due to the modesty of Members who felt embarrassment in voting more pay for themselves. Such modesty in Congress is as refreshing as it is unusual. As for economy, there are those, myself included, who do not believe the mere saving of money is always an economical measure, though in this I admit we disagree with some high—perhaps the highest—officials in the service of the Nation.

To my mind, Mr. Speaker, it is true economy to pay good men good wages and demand good work, and this is true whether these men be members of the Cabinet, Members of the Congress, or postal employees. A Member of the Congress is either worth $10,000 to the country or he is worth nothing at all. If he is worth the money the Government should pay it; if he is worth nothing his district or State should not send him. Representatives are the test of representative government.

In line with real economy would be a proposition to cut down very materially the membership in Congress and pay the survivors more; it is probable that a hundred unhampered and efficient Members could do the work better and quicker than is now the case.

May I also state, Mr. Speaker, that while I advocated the increase I deplore the manner in which this legislation was voted upon. Upon this measure and in company with a few others—mostly those who opposed the increase, however—I asked for a roll call. If the increase is just we should not be afraid to say so, though I greatly fear, if you will pardon the paraphrase, that politics makes cowards of us all. We know what we want, but we do not always want our constituents to know it, though along this line there are many who think we would get better government if all our votes were cast in camera; at least Members would then vote more often in accord with their honest convictions, and under such conditions it is quite possible that such impracticable legislation as the eighteenth amendment and the Volstead Act would never have been enacted. However, this can not be discussed here, and I apologize for so "extending" my remarks. I voted for the increased pay for reasons given above and also, as a matter of courtesy to my successor, how could I do otherwise?

Mr. WINTER. Mr. Speaker, under leave to extend my remarks I simply desire to state in the RECORD, inasmuch as the yea and nay vote was not taken, that I voted for the amendment increasing the salaries of the Vice President, Cabinet officers, Senators, and Representatives. I so voted because I considered it right and just. That was the only question. If it is right, if the increased compensations are no greater than the offices and the service rendered therein merit, then there is no adequate reason why it should not be given and given now.

The same objections which have been raised against this increase could with the same justifications and reasons be raised any time in the next 18 years the same as they have been raised for the last 18 years, since the date of the last increase, in 1907. Since that date the purchasing power of the old salary, $7,500, has been reduced to less than $3,000. A salary of $10,000 now has no greater purchasing power than $5,000 had 10 years ago.

The intelligence, good judgment, and fair-mindedness of the American people, on full consideration, will approve of and

indorse this action. Incidentally, I wish to add that I am in favor of reducing the number of Representatives from 435 to approximately 300, which from the money standpoint would more than offset this increase. At this session I introduced House Joint Resolution 324 to amend the Constitution so as to provide for the apportionment of the Representatives on the basis of the presidential vote cast in each State instead of the present basis of population. The joint resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That clause 3, section 2, Article I, of the Constitution be amended to read as follows:

"Direct taxes shall be apportioned uniformly among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. Such enumeration shall be made every 10 years in such manner as Congress shall by law direct.

"Representatives shall be apportioned uniformly among the several States upon the completion of each decennial census according to the votes counted at the presidential election next preceding such apportionment, and each State shall have at least one Representative."

Upon the completion of each decennial census it shall be the duty of Congress to determine the number of Representatives to which each State is entitled, based upon the votes counted therein at the presidential election next preceding such apportionment, and notify the governor thereof; whereupon the legislature may divide such State into the allotted number of congressional districts and the people shall elect one Representative for each district; and each State shall have at least one Representative.

After the adoption of such an amendment Congress can make apportionment after the first presidential election thereafter, in such manner and on such basis as would reduce the House membership to a proper number, which I consider to be from 250 to 300. The tendency would then be for the people of a State to secure as many Representatives as possible by casting as near as might be 100 per cent of the qualified votes of the State. This of itself would be of incalculable benefit to the country and its citizenship. But should the vote and the consequent representation again increase the total number of Representatives to an unwieldy number, another apportionment by Congress increasing the number of votes cast necessary for entitlement to one Representative, and thus again reducing the total number of Representatives, could be had at any time after any general election.

The proposed amendment is fair, impartial, nonpartisan, just, and beneficial to the country and its people. It shall be my duty and my privilege to reintroduce this joint resolution, providing for the submission of such an amendment to the States, in the Sixty-ninth Congress.

Mr. RUBEY. Mr. Speaker, it had not been my intention to extend my remarks upon the provision increasing the salary of Members of Congress, but so many of my colleagues have extended their remarks that I have concluded to avail myself of the privileges given to Members to extend remarks.

I shall not enter into a lengthy discussion of the provision but shall content myself in saying that, in my opinion, this is a very inopportune time to increase salaries, and especially of increasing our own salaries. This is a time when the most rigid economy should be practiced in the administration of governmental affairs. I therefore voted against the provision to increase the salaries of Members of Congress.

Mr. OLIVER of Alabama. Mr. Speaker, no appropriation bill carrying new items, or substantial increases in items heretofore regularly appropriated for, should be allowed to pass without a record vote showing how each Member voted thereon. It is my opinion that the rules of the House should make this mandatory as to any bill increasing the pay of its Members.

Entertaining these views, I joined with 60 other Members of the House in asking for a roll call and record vote on the Senate amendment to the legislative bill carrying increase pay for Cabinet officers and Members of the House and Senate.

Since only 61 Members—7 short of the requisite number under the House rules—joined in the request for a roll call, no record appears of how the Members voted on this amendment, and feeling that my constituency are entitled to know my position, I take this opportunity to say that I voted for the amendment.

Mr. LOWREY. Mr. Speaker, I can not vote for the amendment providing for increase of the salaries of Congressmen and Senators, and I have a very serious conviction that it ought not to pass.

Of course, I realize the truth of the contention that the salaries of many Government employees, the wages of organized labor, and the necessary cost of living have increased a hundred per cent since the present congressional salaries were fixed. Yet the situation with the agricultural classes and with many of the business people in the districts which most of us represent has grown harder all the while. Their cost of living has increased just as ours has; their tax burdens have grown heavier; and their income has increased little, if any.

These things being true, we, as their Representatives, should for the present be willing to waive our own claims and, if need be, to sacrifice our rights until a better economic balance is restored.

The greatest strength and the only safety that any government has is a contented and loyal constituency. Just now we have perhaps the most serious situation at this point that our country has known for many years. Large numbers of our people really feel that the Federal Government is abusing rather than protecting their rights, and that officialdom in Washington is more interested in itself than in the general welfare. I think this is a mistaken impression, but all the more it behooves us to do nothing to encourage it. Certainly we can afford to make any reasonable sacrifice rather than run the risk of lending color to this impression by voting this salary increase to ourselves.

All Government officials must accept their pay largely in something besides money. Perhaps all of the men in the Cabinet, for instance, and certainly many of the men in this body, could command larger incomes by turning their energies elsewhere. Their devotion year after year to Government work indicates that they themselves place a higher value on the privilege of service than on gold. It would be folly to try to make Government salaries compete in dollars and cents with commercial salaries. And it would be wrong, because it would be a perversion of the ideal of public service. The salary of a public official ought to be sufficient, considering the demands on him, to provide for him and his family as the average American is provided for, but it ought not to be disproportionately more.

Finally, if we are to legislate on this subject, we ought to make it effective two years hence, when the raise in salary would not apply to the terms to which we have already been elected; or, better, wait until the matter can be canvassed before the people in a political campaign and the public is given a chance to speak on the subject.

Mr. BLANTON. Mr. Speaker, this Senate amendment proposing to increase congressional salaries is a legislative matter and should come only from a legislative committee. It has no business whatever on this legislative appropriation bill. The Senate has improperly attached this proposal to this appropriation bill as a legislative rider. If such an attempt had been made in the House of Representatives, when this bill originated before us for framing and passage, the amendment would have been out of order. Had any Member then proposed to attach this salary increase as a rider to said bill, I would have made a point of order against it and kept it out of the bill.

HOUSE HELPLESS AGAINST SENATE RIDERS

But we Members of the House are helpless against Senate riders. Unfortunately our rules provide that when the Senate inserts a legislative rider upon an appropriation bill we lose our right to knock it out on a point of order, and the only way we can eliminate it is to vote it out of the bill. Hence unless we can muster a majority of the votes against this salary increase amendment placed as a rider on this apropriation bill by the Senate it will become a part of the law of the land. And it is my very best judgment that if we can muster enough votes to secure a roll call and force a record vote we can defeat the Senate amendment.

HAVE CONSISTENTLY STOOD FOR ECONOMY

My record here on this question is well known. I have fought here almost daily from the floor of this House for economy. I have fought against waste. I have fought against extravagance. I have fought against creating so many big-salaried positions. I have fought against creating new positions. I have fought for sane retrenchment in governmental expenses. In no other ways will Congress ever reduce taxes.

MEMBERSHIP ENTIRELY TOO LARGE

You, colleagues, will remember that while we were framing this legislative appropriation bill, before we passed and sent it to the Senate, I proposed an amendment to it to reduce the membership of the House from 435 to 304 Members. My amendment would have reduced the number of Congressmen

in my own State of Texas from 18 to 13, and in exactly the same ratio and proportion it would have reduced the Congressmen in the other States.

Counting their salaries, mileage, stationery, and clerical help, my amendment would have saved the Government $1,572,000 annually, besides also saving the tremendous expense of furnishing these surplus 131 Congressmen with offices and furniture. And if we would eliminate 131 Members and reduce the membership from 435 to 304, we would then have an active, wide-awake, ever-present, interested, able, and efficient legislative body prepared to keep in close touch with and to digest and assimilate all legislation, good and bad, so voluminously brought before us. The present House with 435 Members is entirely too large and unwieldy. But a point of order was promptly made against my amendment which defeated it. We all should have been willing to take our chances of being the ones eliminated in our home States, and let the fittest survive.

AGAINST RAISING OUR OWN SALARIES

I am wholly dependent upon my salary. I have no private income. I am giving all my time to the people. I engage in no private business during recess, but continuously devote the entire time to investigation of Government bureaus and departments, and to the business correspondence of my constituents. My expenses eat up my salary each month. Such a raise as now proposed would mean more to me than possibly to any other colleague. I fully realize that all of us are sorely tempted. But I feel that I should not vote to raise my own salary. I have been against the proposal at all times since I have been here. My position is well known. I will quote just a few excerpts from the press illustrating the present situation:

[From the Washington Herald, February 18, 1925]

SENATORS SHYLY AGREE TO RAISE THEIR OWN PAY

With only one objection, without debate, the Senate last night passed in 12 minutes the legislative bill for $16,000,000 to increase salaries of Senators and Representatives to $10,000.

The one objection was recorded by Senator SHEPPARD, of Texas, who voted against it, but made no attempt to debate his point.

[From the Baltimore Sun, February 19, 1925]

There was set under way in the House a movement to prevent a roll call on the Senate amendment for increased salaries. Representative BLANTON, of Texas, is demanding a roll call, but there is hope of "calling him off," and since it is required that one-fifth of the membership raise hands to force a record vote the House probably will emulate the Senate and furnish no accounting of what Member voted to add to his own compensation.

[From the New York Times, February 19, 1925]

SEEK A WAY TO PASS PAY RAISE IN HOUSE—AN EFFORT WILL BE MADE TO FORCE IT THROUGH WITHOUT A ROLL CALL

The friends of the increase will try to get the amendment passed by the House to-morrow without a roll call, as was done in the Senate. This will not be accomplished without a struggle, however, because Representative BLANTON, of Texas, Democrat, intends to do all he can to put Members on record. To make a roll call a certainty, Mr. BLANTON must rally to his support one-fifth of the Members present when he makes his demand, and to-night it is a question whether he will be able to do this. If he is successful, the amendment is likely to be defeated.

[From the Washington Herald, February 19, 1925]

PAY RAISE BILL TO GO BEFORE HOUSE TO-DAY—AND BLANTON WILL DEMAND ROLL CALL

Representative BLANTON, of Texas, has served notice that he will demand a roll call on the salary amendment.

I shall demand that this vote be taken by the yeas and nays. If this raise is to be passed, let every man go on record and by roll-call vote register his position. I find that a number of my colleagues think just as I do upon this question. It is a problem that each of us must face and solve individually.

SIMILAR ATTEMPT IN HOUSE JANUARY, 1921

Some of my colleagues will remember that in January, 1921, an attempt similar to that executed by the Senate was made in the House to place a rider on this same appropriation bill to raise salaries, and was blocked by my point of order. Concerning same I quote the following from a leading Texas paper:

[From the Fort Worth Star-Telegram, page 15, January 12, 1921]

BLANTON BLOCKS SALARY INCREASE

WASHINGTON, January 12, 1921.—An effort to increase salaries of Congressmen and Senators from $7,500 to $10,000 was blocked in the House Tuesday by Representative BLANTON. When the item appropriating funds for salaries was reached, Representative Cambell of Pennsylvania offered an amendment fixing salaries at $10,000. BLANTON promptly made a point of order. He claimed it was general legislation, having no place on an appropriation bill. Representative LONGWORTH, in the chair, sustained it.

SHOULD AT LEAST PUT OFF RAISE UNTIL 1927

If Congress is determined on this raise, it should pass the amendment, which is to be offered by my colleague from Texas [Mr. BLACK] to prevent the raise from becoming effective until the Seventieth Congress in 1927. Then our people back home would have an opportunity to approve or disapprove of such action in passing on the reelection of all Members in 1926.

Mr. HILL of Washington. Mr. Speaker, I voted against the proposition to increase the salaries of Members of Congress. The basic law of my State prohibits the increase or decrease of the salary of an elected State or county officer during the term for which such an officer is elected. While this law has no legal force in respect to the salaries of Members of Congress, I think the principle is wholesome and should be adhered to.

Furthermore, I am unwilling to vote to increase my own compensation when nothing substantial is being done or is in contemplation by Congress to relieve the economic discriminations against agriculture. I feel that the farmers of this country are in greater need of economic relief than are the Members of Congress.

Mr. BRAND of Georgia. Mr. Speaker, I did not vote for the amendment providing for increase of the salaries of Representatives and Senators. On the contrary, I voted against the proposition to increase our salaries.

The Speaker, in submitting the proposition to the House for a vote, announced that all who were in favor of the increase in salaries will rise and remain standing until they were counted, and all who were opposed to the provision increasing their salaries will make it known by rising and remain standing until counted.

Every Member of Congress present, all persons in the galleries of the House, and the Washington correspondents of daily newspapers from all portions of the United States, including the State of Georgia, who were then and there in the press gallery at the time the vote upon this proposition was taken, witnessed this vote.

There was no opportunity for me to express myself at the time the vote was taken except by rising in my place and standing until counted by the Speaker when he requested Members who were opposed to the increase in their salaries to rise and remain standing until counted.

Of the total membership in the House, consisting of 445 Members, brief speeches were made by only 11 Members, 5 of whom were Republicans and 6 Democrats. These five Republicans and one Democrat spoke in favor of the amendment to increase the salaries, and the other five Democrats spoke against this amendment, there being only 30 minutes' time allotted for debate upon this proposition.

Not having the opportunity to make a speech upon the subject at the time the vote was taken I have availed myself of the privilege granted Members to extend their remarks so that the people whom I have the honor to represent and all others interested may officially know that I voted against the amendment proposing an increase in the salaries of Congressmen and Senators.

EVENING SESSION

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that to-night between 8 and 11 o'clock it shall be in order to consider bills unobjected to on the Private Calendar.

The SPEAKER. The gentleman from Ohio asks unanimous consent that to-night it be in order to consider bills unobjected to on the Private Calendar. Is there objection?

Mr. BLANTON. Reserving the right to object, I would not object to any night next week, but for the rest of this week I will object.

Mr. LONGWORTH. I will say that we will probably not have a night next week.

Mr. ALLEN. I object.

Mr. BLANTON. Here is the gentleman from West Virginia who also objects.

Mr. LONGWORTH. Any gentleman who wants to stop the consideration of the Private Calendar for the session can take the responsibility.

Mr. BLANTON. I have been here on the floor of the House at both day and night sessions every hour that the House has been in session since we convened the session.

Mr. LONGWORTH. The gentleman takes the responsibility of blocking the Private Calendar for this session.

Mr. BLANTON. I am ready to take that responsibility. There are many bad bills involving millions on the calendar, and we have little chance to defeat them at night sessions.

SENATE BILLS REFERRED

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 117. Joint resolution transferring the possession and control of the Fort Foote Military Reservation, in Prince Georges County, Md., to the Chief of Engineers of the Army, to be administered as a part of the park system of the National Capital; to the Committee on Military Affairs.

S. J. Res. 169. Joint resolution authorizing the Secretary of Agriculture to waive all requirements in respect of grazing fees for the use of national forests during the calendar year 1925; to the Committee on Agriculture.

S. J. Res. 178. Joint resolution to provide for the loaning to the Pennsylvania Academy of the Fine Arts of the portraits of Daniel Webster and Henry Clay; to the Committee on the Library.

S. J. Res. 186. Joint resolution authorizing the sale of the old Federal building at Toledo, Ohio; to the Committee on Public Buildings and Grounds.

S. 3824. An act to provide for the appointment of a leader of the Army Band; to the Committee on Military Affairs.

S. 4107. An act to authorize the President in certain cases to modify visé fees; to the Committee on Foreign Affairs.

S. 339. An act for the relief of Harry Scott; to the Committee on Claims.

S. 449. An act for the relief of Katherine Southerland; to the Committee on Claims.

S. 1229. An act for the relief of the estate of Moses M. Bane; to the Committee on Claims.

S. 2013. An act for the relief of Immaculato Carlino, widow of Alexander Carlino; to the Committee on Claims.

S. 2253. An act for the relief of the P. Dougherty Co.; to the Committee on Claims.

S. 2294. An act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

S. 2438. An act for the relief of Helen M. Peck; to the Committee on Claims.

S. 2454. An act to extend the benefits of the employers' liability act of September 7, 1916, to Gladys L. Brown, a former employee of the Bureau of Engraving and Printing, Washington, D. C.; to the Committee on Claims.

S. 2491. An act for the relief of August Michalchuk; to the Committee on Claims.

S. 2619. An act for the relief of John Plumlee, administrator of the estate of G. W. Plumlee, deceased; to the Committee on Claims.

S. 2780. An act for the relief of William Wooster; to the Committee on Claims.

S. 2895. An act for the relief of W. P. Dalton; to the Committee on Claims.

S. 2896. An act for the relief of Joseph B. Tanner; to the Committee on Claims.

S. 2935. An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives; to the Committee on Printing.

S. 3118. An act to authorize the Rock Creek and Potomac Parkway Commission to dispose of certain parcels of land; to the Committee on the District of Columbia.

S. 3153. An act to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum; to the Committee on the District of Columbia.

S. 3203. An act for the relief of Joseph Harkness, jr.; to the Committee on War Claims.

S. 3264. An act for the relief of Horace G. Knowles; to the Committee on War Claims.

S. 3303. An act for the relief of Frederick MacMonnies; to the Committee on Claims.

S. 3377. An act for the relief of George E. Taylor; to the Committee on Claims.

S. 3618. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols; to the Committee on Claims.

S. 3839. An act to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes; to the Committee on the Public Lands.

S. 3850. An act for the relief of Mark J. White; to the Committee on Claims.

S. 3899. An act to create a Library of Congress Trust Fund Board, and for other purposes; to the Committee on the Library.

S. 4207. An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes; to the Committee on the District of Columbia.

S. 3378. An act for the relief of Isabelle R. Damron, postmaster at Clintwood, Va.; to the Committee on Claims.

S. 3379. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake, in the State of Wisconsin; to the Committee on the Public Lands.

S. 3510. An act for the relief of James Doherty; to the Committee on Claims.

S. 3549. An act for the relief of Roy A. Darling; to the Committee on Naval Affairs.

S. 3581. An act for the relief of Francis J. Young; to the Committee on Claims.

S. 4209. An act to authorize the building of a bridge across the Santee River in South Carolina; to the Committee on Interstate and Foreign Commerce.

S. 4210. An act to authorize the building of a bridge across the Congaree River in South Carolina; to the Committee on Interstate and Foreign Commerce.

S. 4211. An act to authorize the building of a bridge across the Catawba River in South Carolina; to the Committee on Interstate and Foreign Commerce.

S. 4212. An act to authorize the building of a bridge across the Broad River in South Carolina; to the Committee on Interstate and Foreign Commerce.

S. 4213. An act to authorize the building of a bridge across the Santee River in South Carolina; to the Committee on Interstate and Foreign Commerce.

S. 4214. An act to authorize the building of a bridge across the Savannah River, between South Carolina and Georgia; to the Committee on Interstate and Foreign Commerce.

S. 4217. An act granting the consent of Congress to the Susquehanna Bridge Corp. and its successors to construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.; to the Committee on Interstate and Foreign Commerce.

S. 4225. An act to extend the times for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.; to the Committee on Interstate and Foreign Commerce.

S. 4229. An act granting the consent of Congress to the State Highway Commission of North Carolina to construct a bridge across the Chowan River at or near the city of Edenton, N. C.; to the Committee on Interstate and Foreign Commerce.

S. 4230. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American centennial; to the Committee on Coinage, Weights, and Measures.

S. 4239. An act to provide for the exchange of certain lands now owned by the United States, in the town of Newark, Del., for other lands; to the Committee on Public Buildings and Grounds.

S. 4254. An act for the relief of Ishmael J. Barnes; to the Committee on the Public Lands.

S. 4289. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.; to the Committee on Interstate and Foreign Commerce.

S. 2441. An act for the relief of R. Clyde Bennett; to the Committee on War Claims.

S. 3118. An act to authorize the Rock Creek and Potomac Parkway Commission to dispose of certain parcels of land; to the Committee on Public Buildings and Grounds.

S. 3514. An act authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson; to the Committee on Claims.

S. 3613. An act to provide for retirement for disability in the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

S. 4016. An act for the relief of the Royal Holland Lloyd, a Netherland corporation, of Amsterdam, the Netherlands; to the Committee on Claims.

REGULATING THE SALE OF MILK, CREAM, AND ICE CREAM

Mr. REED of West Virginia. Mr. Speaker, I call up the conference report on the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes.

The conference report and statement were read, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "The words 'person' or 'persons' in this act shall be taken and construed to include firms, associations, partnerships, and corporations, as well as individuals: *Provided further*, That the health officer may accept the certification of a State or municipal health officer"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the word "twenty" insert the word "forty"; and the House agree to the same.

STUART F. REED,
FLORIAN LAMPERT,
THOMAS L. BLANTON,
Managers on the part of the House.

L. HEISLER BALL,
ARTHUR CAPPER,
ROYAL S. COPELAND,
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 bill (S. 2803) submit the following statement in explanation of the report:

Amendment No. 1 relates to the issuance of permits, and the Senate agrees to this amendment with the restoration of certain language in the original bill.

Amendment No. 2 strikes out the words "supply of any such firm, corporation, partnership, or mutual association," in section 3, and inserts the words "cream, or ice cream supplied by any person." The Senate agrees to this amendment.

Amendment No. 3 relates to the form of rating cards, and the House recedes from the amendment.

Amendment No. 4 strikes out the word "fifty," in line 9, page 9, and inserts the word "twenty." The conferees recommend the figure "40."

STUART F. REED,
FLORIAN LAMPERT,
THOMAS L. BLANTON,
Managers on the part of the House.

The conference report was agreed to.

CHILD LABOR

The SPEAKER laid before the House a communication from the Governor of the State of Delaware inclosing certified copy of house joint resolution No. 2 of the house of representatives of that State relative to the proposed amendment to the Constitution concerning labor of persons under the age of 18, which failed of passage.

MIGRATORY BIRDS

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 745) for the establishment of migratory bird refuges, and so forth.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the migratory bird bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 60 yeas and 8 noes.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point that there is no quorum present.

The doors were closed, and the Sergeant at Arms was ordered to bring in the absentees, and the Clerk called the roll.

The question was taken; and there were—yeas 274, nays 43, not voting 114, as follows:

[Roll No. 76]

YEAS—274

Ackerman	Dyer	Linthicum	Sanders, N. Y.
Aldrich	Eagan	Longworth	Schafer
Allen	Edmonds	Lowrey	Sears, Nebr.
Allgood	Elliott	Lozier	Shallenberger
Almon	Evans, Mont.	Luce	Shreve
Arnold	Fairchild	Lyon	Simmons
Aswell	Faust	McClintic	Sinclair
Ayres	Fish	McKeown	Sinnott
Bacharach	Fisher	McLaughlin, Mich.	Smith
Bacon	Fleetwood	McLaughlin, Nebr.	Smithwick
Barbour	Foster	McReynolds	Snell
Barkley	Frothingham	McSwain	Snyder
Beck	Fulmer	McSweeney	Speaks
Beedy	Gambrill	MacLafferty	Sproul, Ill.
Beers	Garber	Madden	Sproul, Kans.
Bixler	Gardner, Ind.	Magee, N. Y.	Stalker
Black, N. Y.	Garrett, Tex.	Magee, Pa.	Steagall
Black, Tex.	Gasque	Major, Ill.	Stedman
Bland	Geran	Major, Mo.	Stephens
Bloom	Gibson	Manlove	Stevenson
Boylan	Gifford	Mapes	Strong, Kans.
Browne, N. J.	Graham	Mead	Strong, Pa.
Browne, Wis.	Green	Merritt	Summers, Wash.
Buchanan	Griest	Michaelson	Swank
Bulwinkle	Griffin	Michener	Swing
Burdick	Guyer	Miller, Ill.	Swoope
Burtness	Hadley	Miller, Wash.	Taber
Burton	Hall	Mills	Taylor, Colo.
Busby	Hammer	Minahan	Taylor, Tenn.
Butler	Hardy	Mooney	Taylor, W. Va.
Byrns, Tenn.	Harrison	Moore, Va.	Temple
Cable	Hastings	Moores, Ind.	Thatcher
Campbell	Haugen	Morgan	Thomas, Okla.
Cannon	Hawes	Morrow	Thompson
Carter	Hawley	Murphy	Tillman
Casey	Hayden	Nelson, Me.	Tilson
Celler	Hickey	Newton, Minn.	Timberlake
Chindblom	Hill, Ala.	Nolan	Tincher
Christopherson	Hill, Md.	O'Connell, N. Y.	Tinkham
Clague	Holaday	O'Connell, R. I.	Treadway
Clancy	Hooker	O'Connor, La.	Underhill
Clarke, N. Y.	Howard, Nebr.	Oldfield	Underwood
Cleary	Hudson	Oliver, N. Y.	Upshaw
Cole, Iowa	Hudspeth	Paige	Vestal
Cole, Ohio	Hull, Tenn.	Park, Ga.	Vincent, Mich.
Collier	Hull, Morton D.	Parker	Vinson, Ga.
Collins	James	Patterson	Voigt
Colten	Jeffers	Peery	Wainwright
Connery	Johnson, S. Dak.	Perkins	Wason
Connolly, Pa.	Johnson, Tex.	Phillips	Watres
Cook	Johnson, Wash.	Prall	Watson
Cooper, Ohio	Jones	Purnell	Weaver
Cooper, Wis.	Kearns	Quin	Wefald
Cramton	Keller	Ragon	Weller
Croll	Ketcham	Rainey	White, Kans.
Crosser	Kiess	Raker	White, Me.
Crowther	King	Ramseyer	Williams, Ill.
Cullen	Knutson	Ransley	Williams, Mich.
Cummings	Kopp	Rathbone	Williams, Tex.
Dallinger	Kurtz	Rayburn	Williamson
Darrow	Kvale	Reece	Wilson, Ind.
Davey	LaGuardia	Reed, W. Va.	Wingo
Davis, Minn.	Lampert	Reid, Ill.	Winslow
Denison	Lanham	Richards	Winter
Dickinson, Iowa	Lea, Calif.	Robinson, Iowa	Wood
Dickstein	Leach	Robsion, Ky.	Woodruff
Dowell	Leatherwood	Romjue	Woodrum
Drewry	Leavitt	Rosenbloom	
Driver	Lineberger	Sanders, Ind.	

NAYS—43

Abernethy	Crisp	Huddleston	Morehead
Bell	Davis, Tenn.	Humphreys	Pou
Blanton	Deal	Kent	Rankin
Bowling	Dickinson, Mo.	Kincheloe	Rubey
Box	Doughton	Larsen, Ga.	Sanders, Tex.
Boyce	Drane	Lazaro	Thomas, Ky.
Brand, Ga.	Garrett, Tenn.	Mansfield	Tucker
Briggs	Gilbert	Martin	Vinson, Ky.
Browning	Glatfelter	Milligan	Watkins
Canfield	Goldsborough	Montague	Wright
Connally, Tex.	Hill, Wash.	Moore, Ga.	

NOT VOTING—114

Anderson	Fulbright	McFadden	Schall
Andrew	Fuller	McKenzie	Schneider
Anthony	Funk	McLeod	Scott
Bankhead	Gallivan	McNulty	Sears, Fla.
Begg	Garner, Tex.	MacGregor	Seger
Berger	Greenwood	Moore, Ill.	Sherwood
Boies	Hersey	Moore, Ohio	Sites
Brand, Ohio	Hoch	Morin	Spearing
Britten	Howard, Okla.	Morris	Stengle
Brumm	Hull, William E.	Nelson, Wis.	Sullivan
Buckley	Hull, Iowa	Newton, Mo.	Sumners, Tex.
Byrnes, S. C.	Jacobstein	O'Brien	Sweet
Carew	Johnson, Ky.	O'Connor, N. Y.	Tague
Clark, Fla.	Johnson, W. Va.	O'Sullivan	Tydings
Corning	Jost	Oliver, Ala.	Vaile
Curry	Kelly	Parks, Ark.	Vare
Dempsey	Kendall	Peavey	Ward, N. Y.
Dominick	Kerr	Perlman	Ward, N. C.
Doyle	Kindred	Porter	Welsh
Evans, Iowa	Kunz	Quayle	Wertz
Fairfield	Langley	Reed, Ark.	Wilson, La.
Favrot	Lankford	Reed, N. Y.	Wilson, Miss.
Fenn	Larson, Minn.	Roach	Wolff
Fitzgerald	Lee, Ga.	Rogers, Mass.	Wurzbach
Frear	Lehlbach	Rogers, N. H.	Wyant
Fredericks	Lilly	Rouse	Yates
Free	Lindsay	Sabath	Zihlman
Freeman	Logan	Salmon	
French	McDuffie	Sandlin	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Fitzgerald with Mr. Gallivan.
Mr. Reed of New York with Mr. Rouse.
Mr. Free with Mr. Garner of Texas.
Mr. Scott with Mr. Sites.
Mr. Ward of New York with Mr. Kindred.
Mr. Kelly with Mr. Lindsay.
Mr. Roach with Mr. Tague.
Mr. Perlman with Mr. Sullivan.
Mr. Wurzbach with Mr. Lilly.
Mr. Zihlman with Mr. Jost.
Mr. Andrew with Mr. Kunz.
Mr. Brand of Ohio with Mr. Lee of Georgia.
Mr. Fairfield with Mr. Kerr.
Mr. Britten with Mr. Johnson of West Virginia.
Mr. Frear with Mr. Doyle.
Mr. Hoch with Mr. Rogers of New Hampshire.
Mr. Fredericks with Mr. Salmon.
Mr. William E. Hull with Mr. Fulbright.
Mr. Vincent of Michigan with Mr. Quayle.
Mr. Freeman with Mr. Dominick.
Mr. Hersey with Mr. O'Sullivan.
Mr. Fuller with Mr. Buckley.
Mr. Anderson with Mr. O'Brien.
Mr. Larson of Minnesota with Mr. Logan.
Mr. Evans of Iowa with Mr. Ward of North Carolina.
Mr. Nelson of Wisconsin with Mr. McNulty.
Mr. Valle with Mr. Wolff.
Mr. Peavey with Mr. Berger.
Mr. McFadden with Mr. Byrnes of South Carolina.
Mr. Curry with Mr. Morris.
Mr. Kendall with Mr. Clark of Florida.
Mr. Dempsey with Mr. Bankhead.
Mr. MacGregor with Mr. McDuffie.
Mr. Lehlbach with Mr. Favrot.
Mr. Anthony with Mr. Howard of Oklahoma.
Mr. Begg with Mr. Johnson of Kentucky.
Mr. Porter with Mr. O'Connor of New York.
Mr. McKenzie with Mr. Oliver of Alabama.
Mr. Sweet with Mr. Sabath.
Mr. French with Mr. Sandlin.
Mr. Rogers of Massachusetts with Mr. Spearing.
Mr. Seger with Mr. Tydings.
Mr. Funk with Mr. Stengle.
Mr. Fenn with Mr. Carew.
Mr. Brumm with Mr. Wilson of Louisiana.
Mr. Wyant with Mr. Corning.
Mr. Morin with Mr. Parks of Arkansas.
Mr. Newton of Missouri with Mr. Reed of Arkansas.
Mr. Wertz with Mr. Greenwood.
Mr. Vare with Mr. Jacobstein.
Mr. Hull of Iowa with Mr. Sherwood.
Mr. Welsh with Mr. Langford.
Mr. Boise with Mr. Sears of Florida.
Mr. McLeod with Mr. Sumners of Texas.
Mr. Yates with Mr. Wilson of Mississippi.
Mr. Moore of Ohio with Mr. Logan.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DARROW). A quorum is present, the Doorkeeper will open the doors.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 745, with Mr. LUCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 745, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 745) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes.

The CHAIRMAN. The Clerk will again report the pending amendment.

Mr. JONES. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

Mr. JONES. Mr. Chairman, I move to strike out the last word. Mr. Chairman, on page 6 of this bill there is a provision for a division of the fund which is to be collected from this license system. According to this section 9 not less than 45 per cent of this fund must be used for enforcing the migratory bird laws and only 45 per cent for the purchase and lease of refuges for the birds. I shall offer an amendment, when we reach that, to increase the amount that is to be expended for Government preserves and sanctuaries from 45 to 65 per cent and to reduce the amount that is to be used for enforcement from 45 per cent to 25 per cent. Now, gentlemen, I think that amendment, or some similar amendment, should be agreed to. According to the estimate made by the various game protective associations there are about five or six million sportsmen in the United States. If half of those pay their $1 fee there will be a fund of about $3,000,000, and according to the terms of the bill 45 per cent of that fund must be paid for game wardens and for the enforcement of the provisions of the act. That will employ a great number of game wardens and that great number running around over the country might bring the entire law into disrepute.

Mr. TINCHER. Will the gentleman yield?

Mr. JONES. In a moment. Now, the bill seems scheduled to go through, and I think, as a matter of reason and common sense, 25 per cent of this fund ought to be enough to spend for enforcement. I yield to the gentleman from Kansas.

Mr. TINCHER. The gentleman does not mean to say that fund has to be spent. It is limited to that amount.

Mr. JONES. It says "not less than 45 per cent thereof for enforcing the migratory bird treaty act, the Lacey Act," and so forth. It would be different if it said "not more than," but it says "not less than 45 per cent" of this fund shall be expended in the enforcement of these acts. Now, it ought to say "not more than," or it ought to be limited to a smaller percentage.

Mr. ANTHONY. I think the gentleman's contention is right in regard to the "more or less" proposition.

Mr. BLANTON. Mr. Chairman——

Mr. TREADWAY. Is not the gentleman arguing a little ahead of time?

Mr. BLANTON. Mr. Chairman, I want to commend the gentleman from Texas for convincing the chairman in charge of this bill that the bill is improperly written and ought to be amended in a vital particular. If he can convince so distinguished a gentleman from Kansas, he might convince the other fellows who belong to this body, and since they have raised their salaries here, Mr. Chairman, they ought to be here to pass on this bill, and I make the point of order that there is no quorum present.

Mr. JONES. I will say I did not vote for the increase.

The CHAIRMAN. The Chair will count.

Mr. JONES. I will ask the gentleman to withdraw the point of no quorum. The gentleman from Kansas says he agrees to my proposition.

Mr. BLANTON. I want the membership to hear the gentleman.

Mr. TREADWAY. Mr. Chairman, the gentleman is not talking on the paragraph before the House. It is the next paragraph.

Mr. JONES. I hope the gentleman will withdraw his point.

Mr. BLANTON. Oh, yes; we want a quorum, Mr. Chairman. I am sincere in wanting a quorum.

Mr. ANTHONY. Mr. Chairman, I move a call of the House, and on that motion I ask for tellers.

The CHAIRMAN. A call of the House is not permitted in committee.

Mr. TINCHER. I move that the committee rise, and on that I ask for tellers.

The CHAIRMAN. The gentleman from Kansas moves that the committee rise, and on that motion he asks for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. HAUGEN and Mr. BLANTON) reported that there were—ayes 6, noes 101.

So the motion was rejected.

The CHAIRMAN. The vote discloses the presence of a quorum.

Mr. JONES. Mr. Chairman, I do not care to discuss the proposition further since the chairman of the committee has agreed to the principle of the amendment, so I do not care to take up the time of the House in further discussion of the proposition. If this amendment or some similar amendment is adopted, it will materially help the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto do now close.

Mr. DEAL. I object.

Mr. HAUGEN. I ask unanimous consent, Mr. Chairman, that all debate on this amendment and all amendments thereto be now closed.

Mr. DEAL. I object.

Mr. BLANTON. The gentleman from Virginia has objected, Mr. Chairman.

Mr. HAUGEN. I ask unanimous consent then, Mr. Chairman, that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this amendment and all amendments close in 10 minutes. Is there objection?

There was no objection.

Mr. WHITE of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Kansas: Page 5, line 17, after the word "abode," insert "or on any land adjoining or contiguous thereto with the owner's consent."

Mr. WHITE of Kansas. Mr. Chairman and gentlemen of the committee, I offer this amendment because I think it is a very important one and a very proper one. We have a situation over in the Missouri Valley—you might call it the Middle West, as we often call it now—very different from that in most of the States of the Republic. If we could have an open season continuing for 12 months we would actually have only about three or four days in the spring and fall, during the period of the migration of the birds in the spring to the North and in the fall back to the South, in which we could shoot any migratory birds.

If you will allow me, gentlemen, I wish briefly to state that over there we do not have a great amount of water naturally. That State was pretty dry even before prohibition. But we have a good many artificial ponds, reservoirs, and lakes, covering usually from an acre to 5 or 10 acres of surface. Now, the purpose of this amendment is that a farmer's boy, standing by the wall of his father's reservoir, shooting a duck that rises up from the surface of the pond, where the birds have stopped temporarily to feed and rest, and that duck lighting across the wire fence on his neighbor's property, ought not to be considered a violator of the law, ought not to be subject to arrest.

Now, there is no conflict of disposition out there at all about this law. The few men out there and the few boys in whose blood tingles the love of sport are in favor of the law and its purposes. But here is a man with a quarter section of land, and he has a little pond or reservoir, and his neighbor has a little pond or reservoir. The ducks rise and fly over the hills to the next pond. Two of those boys want to go out hunting on a morning. They want to go together with the old shotgun. They do not kill many of the birds, but they have an awful sight of fun, and it is a hundred times better for the boy to have another boy with him, whether he kills a bird or does not. There is no question about that.

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

Mr. WHITE of Kansas. Certainly.

Mr. McKEOWN. The gentleman's idea is that he should not be required to pay for a Federal license if he has the consent of the neighbor?

Mr. WHITE of Kansas. Exactly.

Mr. McKEOWN. In some of the States you must have the consent of the owner even if you do have a license.

Mr. WHITE of Kansas. Yes; I think that is all right. I think we ought to do that. There is a good deal of perturbation in the minds of these boys out there. They have a wholesome respect for the law, and their parents want them to obey the law. They are schoolboys, the sons of farmers in Kansas and Nebraska and Oklahoma and Colorado, and this will not affect the beneficent purposes of this bill. I think the amendment should be adopted. I think I have said enough to show you that it should be adopted, and I ask you to support it. [Applause.]

Mr. PEERY. Mr. Chairman, I offer an amendment by way of substitute to the amendment offered by the gentleman from Kansas [Mr. WHITE]. It is an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. PEERY: Page 5, line 3, strike out the whole of section 7 on said page, and in lieu thereof insert the following:

"SEC. 7. That each person who at any time shall take any migratory bird, or nest or egg thereof, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, upon any area of the United States which heretofore has been or which hereafter may be acquired, set apart or reserved as a bird or game refuge or public shooting ground under this act, shall first procure a license, issued as provided by this act, and then may take any such migratory bird, or nest or egg thereof, only in accordance with regulations adopted and approved pursuant to the migratory bird treaty act (act of July 3, 1918, 40 Stat. L. p. 755); and nothing in this act shall be construed to exempt any person from complying with the laws of the several States."

Mr. PEERY. Mr. Chairman and gentlemen of the committee, the purpose of the amendment which I offer by way of amendment to the amendment of the gentleman from Kansas [Mr. WHITE] is to eliminate from this bill the requirement for a license fee to anyone except those who seek to hunt upon the area covered by the refuge.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. PEERY. Yes.

Mr. WHITE of Kansas. My attention was diverted for a moment, and I did not get the purport of the gentleman's amendment. Does it affect in any way the amendment I have offered.

Mr. PEERY. My amendment is simply this, to eliminate all license fees to any one throughout the country who wants to hunt migratory birds except those who want to hunt on the game refuges. It leaves it open so that no one will have to take out a Federal license to hunt in the State of Kansas, for example, unless he seeks to hunt on the game refuge.

Mr. WHITE of Kansas. Then it would be germane, so far as I can see.

Mr. PEERY. Mr. Chairman, I am in sympathy with the general purpose of this legislation. In order that you may appreciate my viewpoint, you will, I am sure, pardon me if I tell you that when I left home to come to the present session of Congress I left two bird dogs, one an English setter, the other a white-and-tan pointer, both of good lineage, both handsome dogs. More than once some of their habits have brought me in for friendly but firm admonition at the hands of my good wife, but when the golden days of autumn come and I take my boys with guns and go with these dogs into the forests and fields I feel amply repaid for any of the troubles which their keep and possession bring to me. And when at the close of this session I return home I believe that the birds will be among my earliest callers. Every spring the robins foregather on my front lawn. Many times have I counted more than 20 there at one time. There they woo their mates and build their nests in the maples. Nothing is allowed to be done to prevent their coming and I fancy that in some way they divine they are welcome visitors.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. PEERY. Yes.

Mr. WILLIAMSON. Does the gentleman think that with the amendment submitted by the gentleman from Kansas [Mr. WHITE] and the amendment submitted by the gentleman from Virginia this bill will afford any adequate protection at all to migratory birds?

Mr. PEERY. Yes. I am coming to that, and I will refer to it in just a moment.

Soon after the entry of our country into the World War there appeared a picture that had a peculiar appeal to me. It was the picture of an American home with the son clad in his khaki suit, with his gun in hand, responding to his country's call, leaving home for the front. His setter dog is seen following him to the gate and with uplifted paw shows his eagerness to go with the master. The young master with affection answers the mute appeal with the words, "Not this time, old pal."

Life in God's great outdoors makes of us better men. It cultivates a spirit of freedom and of right. It helps to make of us true sportsmen, and we need true sportsmen for every problem of life.

Many of my friends with whom I have enjoyed the pleasures of a hunt have urged my support of this game refuge bill. And so I approach the consideration of this measure in sympathy with the main purpose of the bill. I favor the preservation of our wild life in America. I favor the protection of our birds. I favor the establishment of proper sanctuaries for our migratory birds.

But I am also the official Representative of one of the congressional districts in a State that has played no inconspicuous part in the history of our country, and whose philosophy and traditions have at all times sought to preserve one of the fundamental principles upon which our form of government is founded, namely, that—

the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

The bill now under consideration involves an application of this fundamental principle and is of far-reaching importance upon our present-day political life.

In my brief discussion of this bill I shall attempt two things:

First. I shall present my objections to the present bill; and

Second. I will in a general way outline what I believe would be a proper bill for the accomplishment of our common object.

The bill means a further encroachment of the Federal Government upon the rights of the States. It means that the Federal Government shall be charged with the execution of functions that should be left alone to the State governments. It means the further centralization of power in the Federal Government at Washington. It means the further extension of the principles of Federal bureaucracy.

The bill provides for the establishment of a commission, to be known as the Migratory Bird Refuge Commission (sec. 1.) It provides (sec. 3) that the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by said commission, and to acquire by purchase, rental, or gift areas for migratory bird refuges and public shooting grounds. The money with which these lands are to be acquired or rented is to be derived by imposing an annual license tax upon any and all persons who hunt migratory birds. It provides that no person shall take any migratory bird or nest or egg thereof upon any such area except in accordance with the rules and regulations to be made and promulgated by the Secretary of Agriculture. It provides that no person shall at any time or upon any land in the United States hunt or take any migratory bird or nest or egg thereof without first procuring said Federal license, the only exception being that such license shall not be required of any person or any member of his family to hunt such migratory bird on any land owned or leased by such person and occupied by him as his place of permanent abode.

Most of the States already have game laws for the protection of the migratory birds within their borders. The State which I have the honor to represent in part has laws that amply protect the migratory birds so long as they are within the borders of the State. There is a game warden in every county of the State whose duty it is to see that the fish and game laws are obeyed and enforced. We have cause for gratification at the way in which these laws are being enforced in our State. There is a wholesome public sentiment favoring the preservation of our fish and game which is helpful in securing the enforcement of these laws. The enactment of this law will result in the duplication of laws already in existence and in the duplication of the agencies for the enforcement of the law. Where we now have State game wardens for the enforcement of the game laws, this bill will create new offices and add Federal game wardens for the enforcement of the new Federal game laws. There will be a duplication of agencies and a division of responsibilities.

The man who makes two blades of grass to grow where only one grew before may be and is a benefactor to his day and generation, but not so of the legislator who makes a new law where a sufficient law already exists.

The bill provides new civil and criminal penalties. After providing criminal penalties for the violation of sections 6, 11 and 12 of the act, it provides that any person who shall violate any other provision of the act shall be liable to the United States in the sum of $5 for the first violation and in the sum of $25 for each subsequent violation to be collected in a civil action, and provides that the gun or other firearm carried or used by any such person shall be liable and may be seized by any United States game warden or deputy game warden until such liability is discharged. The result will be that in addition to having State game wardens looking after the proper enforcement of the game laws of the respective States we would have Federal game wardens or their deputies, throughout the States, spying and prying around for any supposed violators of the Federal game laws.

Gentlemen, we have already come to the point in our national life where thoughtful students of our Government are coming to view with alarm the continued tendency of the Federal Government to encroach upon the rights and powers of the States. There is already a demand on the part of many that this tendency be stopped. This protest is voiced on both sides of the aisle. The gentleman from Massachusetts [Mr. TREADWAY] in his speech on this bill, referred to this tendency. All of us know from experience that when you once establish a new bureau in Washington it readily acquires the art of extension and self-perpetuation. A Federal bureau once obtained is seldom relinquished. A Federal bureau once established rarely ever dies, or in any way limits its functions. On the other hand, it rapidly grows and seeks to extend its functions and activities throughout the land.

It is high time we return to our original moorings. It is of vital import that we demand rigid adherence to the fundamental principles underlying the foundation of our Government. Let not the Federal Government encroach upon the rights and powers of the States unless changed economic conditions or development of our national life make it necessary. While I am one of those who believe in the doctrine of State rights, in common with others I recognize that in the course of our development it may become necessary that the States yield some of their reserved rights to the National Government. One instance is in the control and enforcement of prohibition, some phases of which can not be enforced by the States. In such cases it becomes reasonably necessary that the States yield to the Federal Government some of the rights reserved to them, in order to provide for the common good and welfare of all. We should, however, before yielding these rights on the part of the States to the Federal Government, be very sure that a real necessity exists therefor.

The distinguished minority leader [Mr. GARRETT] some days ago, in his great speech on the proposed Wadsworth-Garrett amendment, announced the true rule in this language:

> I think the sound rule of action may be found in the policy of leaving all powers that can be as well exercised through State agency to be there exerted, and extending the arm of the Federal Government only to those things and themes which the States can not—I do not mean will not; I mean can not—reach.

There is a tendency on the part of some to extend the arm of the Federal Government to State activities where it will be merely more convenient for the Federal Government, or, as they claim, more effective for the Federal Government, to exercise the function. This is the cause for alarm that is now being voiced and to which I referred above. Many are asking the questions "Where and when will it end? What, if anything, will be left to the States?"

The gentleman from Arkansas [Mr. RAGON] in his speech in favor of this bill made the statement that people in his State had a more wholesome regard for Federal laws and the Federal agencies for the enforcement of those laws than they had for the State laws and the State agencies for the enforcement of State laws and argued for the passage of this bill on that ground, but, gentlemen, I have not yet come to that point, and I hope I never will. I believe that the States are capable of enforcing their laws and that we should not abdicate on the part of the States in favor of the Federal Government. I believe that "the best governed people are the least governed people." It is wrong in principle and unwise in policy to add Federal laws where State laws that meet the situation already exist. It is unsound economics and bad business to enact laws that provide duplication of agencies. It is unwise to produce a division of responsibility. The result oftentimes is a lax enforcement of the law on the part of both agencies. Oftentimes it results in absolute failure of enforcement.

This bill means a duplication of license taxes. Most of the States are already levying license taxes for the privilege of hunting. We have such a license tax already in Virginia. This bill proposes to add an additional Federal license tax for the privilege of hunting migratory birds anywhere in the United States.

We are told that the bill is backed by the sportsmen of the country, and that the sportsmen of the country would not back anything that was not a good bill. The gentleman from Massachusetts [Mr. TREADWAY] told us that there was a strong propaganda throughout the country favoring the passage of this bill. The gentleman from Arkansas [Mr. RAGON] would have us believe that the cost of providing these game refuges and shooting grounds under the bill will be borne by the sportsmen throughout the country. Ah, just there is the joker in this bill. There is a tremendous propaganda back of the bill. It is the cleverest sort of propaganda, the kind that is so arranged that the other fellow pays the greater part of the cost.

The bill may be and is backed by certain sportsmen, yet under the bill as drawn the sportsmen who will get the greater benefits from the passage of the bill are not good enough sportsmen to propose to pay their just proportion of the cost. Under the bill the sportsman who is financially able to pay his own railroad fare, ride in a Pullman car, stop at an expensive hotel, and pay the fees for expensive boats and guides when he goes to these shooting grounds to hunt is called upon to pay only $1 per year, while every fellow back home—every miner, every laborer, every farmer, every school boy who wants to take a day off and go with his dog and gun into the field and forest to hunt, if he hunts anything from a woodcock to a woodpecker, providing it is a migratory bird, must likewise pay this Federal license of $1 per year or become a violator of the law. It has been stated in the debate on this measure that there are probably 6,000,000 people who, under this law, would be required

to pay this license. Of that number I doubt if there would be one-tenth of 1 per cent who would be able to avail themselves of the privilege of hunting in these game refuges or shooting grounds. Yet every man, woman, or boy who even "attempts to hunt" a migratory bird anywhere in the United States must pay this Federal license tax of $1 per year; and the professional sportsman of large income and ample means pays no more for the privilege in these Federal shooting grounds than the fellow back home who will never be able to go there because of the expense.

It has been aptly stated on the floor that this bill, as drawn, is a rich man's bill.

The gentleman from Kansas [Mr. TINCHER] chides us on the Democratic side of the isle with the statement that in the Democratic platform adopted at the New York convention our party declared itself in favor of the conservation of migratory birds, the establishment of game preserves, and the protection and conservation of wild life and argues that because of this platform declaration we should support the present bill.

I was one of those who spent a goodly portion of the summer in attendance upon the somewhat hectic ordeal incident to that convention and am willing to abide by the party declaration on this question; but it by no means follows that we are obligated to favor the passage of this present bill, which garnishes the general principle with such obnoxious features and provisions and carries provisions that utterly violate some of the fundamental principles of our party policy.

In reply to the gentleman from Kansas, I might remind him that he, in company with his Republican brethren at their last national convention held in Cleveland, declared in favor of a reduction of taxes, and yet in the advocacy of this present bill he urges a reversal of policy on that point and proposes, instead of reducing taxes, to add another new tax upon a substantial body of the citizens of our country. If I were viewing this bill from a purely partisan standpoint I would feel like saying to the gentleman from Kansas and to the other sponsors of the bill on his side of the aisle, "Go to it" and pass the bill, so that we on this side of the aisle might observe with some gratification the peculiar pleasure that will come to those of you who represent country districts when you go back home and the boys gather around you and tell you how glad they are that you gave them the privilege of paying another license tax on the exercise of the God-given privilege to hunt, and how delighted they will be to have a Federal agent constantly hanging around to see whether or not they or their boys are hunting bull bats, woodcocks, or woodpeckers without having first obtained a Federal license.

Section 9 of this bill is open to serious objection. It provides that all moneys received for licenses shall be set aside as a special fund in the Treasury to be known as the "migratory-bird protection fund," 45 per cent thereof to be expended in the purchase or rental of lands and waters for use as bird refuges and public shooting grounds and for the administration, maintenance, and development thereof and—

the construction of cabins and other necessary improvements—

And 45 per cent thereof for enforcing the migratory-bird treaty act, the Lacey Act—

including salaries in Washington, D. C., for cooperation with local authorities in the protection of migratory birds—

And so forth.

Under this section a special fund, or revolving fund, is created. This is unwise in policy and will prove bad in practice. Opposition to the policy was voiced by the gentleman from Idaho [Mr. FRENCH], a member of the Committee on Appropriations, who offered an amendment to the bill providing that all moneys received should be covered into the Treasury of the United States to be appropriated and paid out as other funds are, subject to the control of the Budget and under the usual checks and balances.

And note, if you please, one of the things to which a portion of the funds may be devoted—"construction of cabins." It is a safe prophecy that these "cabins" will soon develop into luxurious hunting lodges.

The proposed law would be exceedingly difficult to enforce. It would be an unpopular law. A great majority of our citizens who would be affected by the law would be resentful of its enforcement. It goes without saying that the ordinary mountain man who has been accustomed to exercise the right and privilege of the hunt and chase, which has been exercised and enjoyed by his ancestors throughout the years, would resent the idea of being compelled to pay not only a license to the State, but a license to the Federal Government, each year in order to continue to exercise this right and privilege. I confidently venture the assertion that the cost of collecting these license taxes and enforcing the law, with all of its attendant civil and criminal penalties, would greatly exceed the 45 per cent of the fund proposed to be devoted to that purpose. In fact, I believe that there would be a popular contempt for the law which would result in the nonenforcement of the law. To this good day there are some upright mountain men who sincerely believe that they should have the right to manufacture the juice of their own corn and the fruit of their own vine, but they fail to properly measure the injury that may result to others from their action. But there is no inherent wrong or resultant injury to others in exercising the privilege of the hunt at the proper season, and there will be many, yes, very many, who will continue to believe that they should have the right to continue to exercise this right without having to pay a tax therefor to the Federal Government. A law that is incapable of reasonable enforcement along common-sense lines should never be enacted. Such a law breeds contempt for law in general.

I submit that the bill in its present form should not become a law.

And now, having briefly outlined some of the objections that I urge to the bill, let me suggest in a general way my idea of a proper bird refuge bill.

Let the Federal Government, if it may properly do so under the Constitution and laws, acquire by purchase, rental, or gift the necessary areas for game refuges, but let such areas be paid for, just as the Government pays for the forest reserve lands. Let them be paid for out of the Treasury. The result will be that the income-tax payers of the country, who under our present laws pay according to a graduated scale, will pay the greater part of the cost. Under the income-tax law the man of large wealth and income pays more in proportion than the poor man. In that way the professional sportsman with a large income will come nearer paying his just proportion of the cost of this law. Impose no general license tax, except upon those who hunt in the game refuges. Let the man back home continue to exercise the privilege to hunt subject alone to the laws of his State.

Let the Federal Government have Federal game wardens to patrol the game refuges to be acquired and owned by it, but none elsewhere.

Let the States make and enforce the game laws everywhere throughout their own borders, except upon the areas to be so acquired and held by the Federal Government.

To my mind this general plan will simplify the proposition. It will preserve our fundamental philosophy of reserving to the States the rights which properly belong to them and yielding to the Federal Government on the part of the States only such rights as should be exercised by the Federal Government. In this way the duplication of laws will be avoided, the duplication of agencies for the enforcement of the law will likewise be avoided. We would also escape duplication of taxes. The law could be enforced in an economical and common-sense way. The law will commend itself to the public and will be capable of enforcement.

It was my privilege when I was a student of law at Washington and Lee University to receive instruction from a Virginia gentleman who was for a number of years a distinguished Member of the lower House of Congress, Hon. John Randolph Tucker. May I say of him with reverent affection that he was one of the most delightful and one of the greatest men I ever knew. He was the father of our present distinguished and beloved colleague from Virginia [Mr. TUCKER]. One of the quaint expressions often used by him in his teaching and which sank deep into my memory was this, "Shinny on your own side." I think we may to-day very pertinently apply this expression to the relation between the Federal Government and the States. Let the Federal Government "shinny" on its own side. Let it not, upon the argument of mere convenience or caprice, take unto itself the exercise of any of the rights reserved unto the States and which should continue inviolate in the States. And let the State governments "shinny" on their own side in the enforcement of laws which they should enforce.

The amendment offered by me to section 7 of the bill seeks to accomplish this very purpose. If adopted and the remainder of the bill is made to conform thereto, we may accomplish a righteous object in a righteous way. We will not do so by passing the bill in its present form.

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

Mr. PEERY. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. All time for debate has expired. The question comes on the amendment offered by the gentleman from Virginia.

Mr. HUDSPETH. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

Mr. ANTHONY rose.

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. ANTHONY. Mr. Chairman, I rise to ask recognition in opposition to the amendment.

The CHAIRMAN. The time for debate on this section and all amendments thereto has expired.

Mr. ANTHONY. But, Mr. Chairman, no time has been allowed in opposition to the amendment. I ask unanimous consent to proceed for one minute in order that I may speak in opposition to the amendment.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. DEAL. Mr. Chairman, I understood that the gentleman from Iowa would accord me five minutes. I objected to his request; but when it was put, I understood I was to have five minutes.

The CHAIRMAN. The parliamentary situation is that all time for debate has now expired on this section and all amendments thereto.

Mr. HAUGEN. Does the gentleman want to address himself to the pending amendment?

Mr. DEAL. I am interested in this amendment and also in one which I might probably offer myself.

Mr. HAUGEN. Mr. Chairman, of course, it is not for me to allot the time. I understood the gentleman to ask for time and I regret exceedingly that the gentleman was not granted time. I ask unanimous consent that the gentleman from Virginia [Mr. DEAL] may proceed for five minutes and the gentleman from Kansas [Mr. ANTHONY] for one minute.

The CHAIRMAN. The request now is that the gentleman from Virginia [Mr. DEAL] have five minutes and the gentleman from Kansas [Mr. ANTHONY] one minute. Is there objection?

There was no objection.

Mr. DEAL. Mr. Chairman, if I understand correctly the amendment offered by the gentleman from Virginia [Mr. PEERY] it provides that there shall be no license fees required of those hunting their own lands or those of their neighbors when consent is given. Is that right?

Mr. PEERY. If the gentleman will yield, I will say in answer to the gentleman that the object of my amendment is to eliminate all license fees except as to persons who hunt upon the area covered by a game refuge.

Mr. DEAL. I understand. I favor that amendment, because it estops the Federal Government and a little king, who will be at the head of the commission, from being granted the right to make rules and regulations which will have the binding force of law, with respect to lands that may be owned by men and women who pay taxes to their own States and license fees for the privilege of hunting.

These lands are not bird refuges and the Federal Government should not be given any jurisdiction nor should the chairman of a commission have the right to make rules and regulations that would control the hunting upon my lands or those of my neighbor.

The members of the feathered tribe that are comprised within the limits of this bill might, and undoubtedly will, ravage the crops of many persons who are engaged in the interest of farming. I know of areas on which it has been necessary to employ guards, with powder and shot, to protect the crops. At certain seasons there are tens of thousands, perhaps hundreds of thousands, of wild geese that invade certain territory within my State and literally destroy our wheat crops by pulling the wheat out of the ground. Now, the gentleman from Kansas wants an exception for his particular State. I want an exception for my State, and I dare say that the conditions in every State in the Union will more or less differ with respect to the interest and hunting conditions of their people. For that reason I think there should be no Federal game law whatsoever other than providing for refuges, not to be hunted but for the purpose of preserving game life.

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

Mr. ANTHONY. Mr. Chairman, I think that if either of these amendments was adopted, either that of the gentleman from Kansas [Mr. WHITE], or that of the gentleman from Virginia [Mr. PEERY], it would destroy the effectiveness of the bill. The amendment offered by the gentleman from Kansas [Mr. WHITE] would so widen the number of those who would escape the license that there would be but little territory left upon which license fees could be collected. The other amendment would so greatly lessen the number of licenses that would be applied for that it would take the life out of the bill, and there would be but limited funds for the purpose of carrying out the objects of the bill. Both amendments should be voted down.

Mr. McKEOWN. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McKEOWN. Can a man in the city who owns a farm out in a county hunt on that land without a license?

Mr. ANTHONY. I do not think so, unless he lives on his farm at least part of the time.

The CHAIRMAN. The gentleman from Kansas [Mr. WHITE] offered a perfecting amendment; the gentleman from Virginia [Mr. PEERY] offered an amendment in the nature of a substitute for the whole section as a substitute for the pending amendment, going, however, to the essence of the whole section. According to the practice of the House, the perfecting amendment should be first put.

Mr. HUDSPETH. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Kansas.

The amendment was again read.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 28, noes 62.

Mr. BLANTON. Mr. Chairman, I make the point of no quorum. The vote demonstrates there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and thirty gentlemen present, a quorum.

So the amendment was rejected.

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from Virginia [Mr. PEERY].

The amendment was again reported.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. PEERY) there were—ayes 29, noes 66.

So the amendment was rejected.

Mr. DEAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DEAL: On page 5, line 13, after the figures "755" and the bracket, strike out the remainder of the paragraph and insert in lieu thereof the following: "Such license, however, shall not be required of any person or any member or friend of his family to take any such migratory bird on any land owned or leased by such person; and nothing in this act shall be construed to exempt any person from complying with the laws of the several States."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. DEAL) there were—ayes 27, noes 67.

So the amendment was rejected.

The Clerk read as follows:

SEC. 8. That licenses where required under this act shall be issued, and the fees therefor collected, by the Post Office Department, under joint regulations to be prescribed by the Secretary of Agriculture and the Postmaster General. The provisions of the act of January 21, 1914 (38 Stat. L. p. 278), as amended by the act of July 2, 1918 (40 Stat. L. p. 254), shall apply to such licenses and funds received from sales thereof in possession of postmasters.

With the following committee amendment:

On page 6, line 1, strike out the figures "254" and insert in lieu thereof the figures "754."

The committee amendment was agreed to.

Mr. TREADWAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: On page 5, strike out, in line 22, after the word "Department," the remainder of line 22, and line 23, and insert the following: "under regulations prescribed by the Postmaster General."

Mr. TREADWAY. Mr. Chairman, the object of this amendment is simply to make regular orders given to postmasters. It does not seem to me we should prescribe that the duties of the employees of the Postal Department should be regulated by a joint board. This in no way affects the efficacy of the section, but is simply to have orders to post-office employees given by

the Postmaster General, rather than by a joint commission of the Postmaster General and the Secretary of Agriculture.

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was adopted.

The Clerk read as follows:

SEC. 9. That all moneys received for such licenses shall be covered into the Treasury and shall constitute a special fund to be known as the "Migratory bird protection fund," which is hereby reserved, set aside, appropriated, and made available until expended, as follows: Not less than 45 per cent thereof——

Mr. BLANTON. Mr. Chairman, I make a point of order on the section. The Clerk has read far enough to show that this is in violation of the rules of the House. If the Chair will read the first clause of this paragraph the Chair will see this bill appropriates money in violation of the rules. This committee has no appropriating power at all. Only the Committee on Appropriations has that power.

The CHAIRMAN. The gentleman observes that has been striken out by a committee amendment.

Mr. BLANTON. Yes; but it is in the bill, and I will call the Chair's attention to the fact that you can not cure the objection by a committee amendment. The Speaker has so held. This language is in the bill and we are going to have to vote on this particular paragraph. The committee will be called upon to vote on the question of whether they shall substitute this committee amendment for the language of the bill. If the Chair has any doubt about it and will call upon the parliamentary clerk, he will call the Chair's attention to the rulings on it.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard on the point of order?

Mr. TINCHER. The point has been raised several times in the House since the Budget law was enacted and the Chair has invariably held that the bill was not subject to the point of order because it contained such language—just the opposite from the contention of the gentleman from Texas. This point has been decided twice since the Budget law was passed, and the decision has been just the contrary of the opinion expressed by the gentleman from Texas. It has been held that this language in the bill is subject to a point of order, but the bill itself is not subject to a point of order.

Mr. BLANTON. If the gentleman were as good a parliamentarian as he is head of the steering committee, it would be all right.

Mr. TINCHER. Oh, well, those who do not talk so much about parliamentary law, perhaps, know as much as others that take up considerable time.

Mr. BLANTON. That is a fact.

Mr. STEVENSON. I agree with the gentleman from Texas; the language of this bill as it stands before the adoption of the committee amendment, "is hereby reserved, set aside, appropriated, and made available until expended." It is even more objectionable than the rest of them because it is made available for not only the fiscal year for which this bill provides, but for all time. The fact that the committee has attempted to put in an amendment does not cure the defect which is fatal to the section of the bill.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order.

Mr. TINCHER. Mr. Chairman, I offer a new section to be known as section 9.

The CHAIRMAN. The gentleman from Kansas offers an amendment as a new section, which the Clerk will report.

The Clerk read as follows:

SEC. 9. That all moneys received for such licenses shall be reserved and set aside as a special fund in the Treasury to be known as the "Migratory bird protection fund," to be appropriated from time to time by Congress, and when appropriated shall be available until expended, as follows: Not less than 45 per cent thereof for the purchase or rental or necessary expenses incident to the acquisition of suitable land, waters, or land and waters for use as migratory-bird refuges and public shooting grounds, and for the administration, maintenance, and development of such refuges and grounds and the construction of cabins and other necessary improvements; not less than 45 per cent thereof for enforcing the migratory bird treaty act, the Lacey Act (secs. 241, 242, 243, and 244, Criminal Code), including salaries in Washington, D. C., for cooperation with local authorities in the protection of migratory birds, for investigations and publications relating to North American birds, and for printing and engraving licenses, circulars, posters, and other necessary matter under this act; and not to exceed 10 per cent thereof for expenditures as follows: First, such sum as the Secretary of Agriculture and the Postmaster General may determine to be necessary for the issuance of licenses under this act, of which sum the Secretary of the Treasury shall be duly notified at the commencement of each fiscal year; second, for the repayment of the $50,000 as provided by this act; and, third, for any expense necessary to give effect to this act; but any part of the 45 per cent last mentioned, or of the 10 per cent, of such moneys received in any fiscal year and remaining unexpended and against which there are no liabilities at the expiration of two years from the date such moneys become available for expenditure shall revert to the surplus fund of the Treasury. The Secretary of Agriculture shall make an annual report to Congress of receipts and expenditures under this act.

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is in effect an appropriation; the purpose is to take money out of the Treasury. It is not an authorization for an appropriation. I call the Chair's attention to this language: It says, "All moneys received for such licenses shall be reserved and set aside as a special fund in the Treasury to be known as the "Migratory bird protection fund." Now, because it says "to be appropriated by Congress" does not cure the situation. The Chair is one of the best parliamentarians in the House. He was, before he came here, in the Legislature of Massachusetts, and he knows that when you take public money that otherwise would go into the general fund in the Treasury of the United States and set it aside in a special fund such as proposed in this bill that of itself is an appropriation of general funds in the Treasury. A distinguished colleague of the present occupant of the chair, Mr. Walsh, who now adorns the bench of the supreme court in the Commonwealth of Massachusetts, raised this very point in the House and was sustained by the present Speaker of the House, when he raised the question that when you take money from a public fund and set it aside it is an appropriation.

The CHAIRMAN. In the ordinary use of the word "appropriation" there is a departure of money from the Treasury and the purpose to which it shall be applied. The Chair is of the opinion that the ordinary term "appropriation" should be construed in that light. The Chair overrules the point of order.

Mr. JONES. Mr. Chairman, I offer the following amendment to the pending amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES to the amendment offered by Mr. TINCHER: Page 6, line 12, after the word "than," strike out the figures "45" and insert in lieu thereof the figures "65"; in line 19, strike out the figures "45" and insert the figures "25;" and in line 19, strike out the word "less" and insert the word "more."

Mr. JONES. Mr. Chairman, that is practically the same amendment that we were talking about a few minutes ago. Under the terms of the bill not less than 45 per cent would be spent for bird reserves and not less than 45 per cent for the enforcement and wardens. I have changed it so that not less than 65 per cent would be spent for game refuges and not more than 25 shall be spent for enforcement. Under the terms of the bill, as it reads now, the ones in charge of the commission would be compelled to spend not less than 45 per cent, whatever might be collected, and it is estimated that there are 6,000,000 sportsmen. There might be two or three million dollars collected, and there would be more than a million dollars that this commission would be compelled to expend for wardens and enforcement.

Mr. TREADWAY. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Texas.

The CHAIRMAN. The gentleman from Massachusetts offers a substitute for the amendment of the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. TREADWAY, as a substitute of the amendment of Mr. JONES: Page 6, section 9, line 12, strike out the figures "45" and insert "66." Strike out all of section 9 after the semicolon, page 6, line 19, and insert the following: "not less than 45 per cent thereof for enforcing the migratory bird treaty act, the Lacey Act (secs. 241, 242, 243, and 244, Criminal Code), for cooperation with local authorities in the protection of migratory birds, for investigations and publications relating to North American birds, and for printing and engraving licenses, circulars, posters, and other necessary matter under this act; for the issuance of licenses under this act; for the repayment of the $50,000 as provided by this act."

Mr. TREADWAY. Mr. Chairman, I do not think the country is suffering any from the fact that the migratory bird bill has been delayed in its passage for two years. I think the bill as presented to the House now is very much better than the one that was beaten two years ago. I never have been a very keen advocate of the principle of relegating State power to the Federal Government; I am not now. I find, however, that those interested in this legislation have made so much of an

item of it and have stirred up so much interest in it—call it propaganda starting from the Department of Agriculture if you wish, where I think a good deal of it did start, and working on through the various State officials, and so on into the game clubs—that a manufactured sentiment has been created. We all know it by the way in which we receive letters and telegrams, but the sentiment evidently has been established in behalf of legislation of this kind, and therefore I shall reverse my position of two years ago and support the bill, largely because I think it is a very much improved bill. Taking out the punshment clause, as has been done since this measure was originally considered here, is a very great factor in my change of position, and now, with the adoption of such an amendment as I have just offered, it will again make a perfecting provision which I think is vital. I criticized, and severely criticized, two years ago, the establishment of a lot of positions here in Washington under the bill. I would cut that out. I am assured that the friends of the bill do not desire to have established here sinecure positions which were possible under the original phraseology.

Mr. MONTAGUE. I agree with my friend's position in making that assertion, but does not the law permit that authority?

Mr. TREADWAY. I do not quite agree with my friend from Virginia, that the change of phraseology would permit it, because in my amendment, I will say to the gentleman from Virginia, I strike out the clause "including salaries in Washington, D. C.," with the understanding that all the employment that can be given in the city of Washington will be such clerical assistance as may be necessary to take care of the returns from the license fees. There will not be established, under the phraseology as I am offering it, and as agreeable, I understand, to the friends of the bill, an opportunity to establish new positions here in Washington. And, further than that, you will note a change of percentages, that instead of only 45 per cent being devoted to the use of the purchase or securing of land the change will make it 60 per cent, and then 40 per cent for the other features of the bill, including enforcement and the employment of such game wardens as may be necessary to give effect to the law.

Mr. STEVENSON. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. STEVENSON. In hearing the gentleman's amendment read, I understood him to put in the words, just before "printing and engraving licenses," the words "and personal services." What does that contemplate?

Mr. TREADWAY. Simply the clerical employment here to comply with the necessary statute law.

Mr. STEVENSON. Does it not add to rather than take away?

Mr. TREADWAY. No. As it reads in the committee draft it says "including salaries in Washington." That would leave the language wide open for everything, and I cut it out, as the gentleman will notice.

Mr. PEERY. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. PEERY. Does the gentleman believe this law providing for the collection of these licenses and the enforcement of these penalties, civil and criminal, can be enforced with 40 per cent of the funds derived from the licenses?

Mr. TREADWAY. The friends of the measure claim that more than a million huntsmen will take out licenses in a year under the provisions of the law, and it is estimated that the number may even reach to 2,000,000, and a fund of $2,000,000, 40 per cent of that, is a great deal of money; and in connection with the work of State game wardens certainly it seems to me it would be ample for the enforcement in the areas where game preserves are established.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. I ask for two minutes additional.

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

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. FRENCH. Reserving the right to object, I want three or four minutes.

Mr. HAUGEN. I will make it 15 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

Mr. FRENCH. Reserving the right to object, may I have five minutes?

Mr. HILL of Maryland. Reserving the right to object, I would like five minutes.

Mr. BLANTON. Make it 20 minutes.

Mr. PEERY. Will the gentleman make it 20 minutes?

Mr. HAUGEN. I will ask that it be made 18 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 18 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TREADWAY. Mr. Chairman, let me get back to my amendment. It is this: The 40 per cent will combine the other activities of the law other than that of buying land. In the phraseology of the committee there are several different schemes proposed; 25 per cent for enforcement, and 10 per cent for license, and 10 per cent for something else. My amendment simply concentrates them all in one and makes the law no less effective as a law; and it seems to me it would make it very much more workable, as long as we are going to have this game refuge bill, and I therefore trust the amendment will be adopted. [Applause.]

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, the gentleman from Massachusetts [Mr. TREADWAY] has stated that two years ago he voted against the bill, but that now the bill had been so modified with reference to its punishment features that he proposed to vote for the bill.

I desire to call Mr. TREADWAY'S and your attention to the punishment features. Section 6 of this bill provides that no person shall take any migratory bird. Section 17 provides that the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

Now, let us see what the penalty for the violation of that act is. I do not think this bill from the general point of view of criminal legislation is properly prepared. It is a cardinal rule of criminal legislation that when you create a crime the act which creates that crime should make the penalty perfectly clear. You have got penalties in this bill camouflaged by references to existing acts. For instance, on page 10, by section 16, it is provided that—

> any person, association, partnership, trust, or corporation who shall violate any of the provisions of section 12 of this act shall be punished as is provided for in section 219 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States."

Why does not the bill say that the penalty provided in the Penal Code, section 219, is not more than five years in the penitentiary and not more than $500 fine?

Mr. COLTON. Or both.

Mr. HILL of Maryland. Yes; both fine and imprisonment. Why should not that appear? Then, in section 11 it says that any person who shall violate or fail to comply with any provisions of sections 6 and 11 of this act shall be punished as is provided for in the migratory bird treaty act of July 3, 1918.

Why does it not say they shall be given a fine of not more than $500 or not more than six months' sentence in jail, or both, in accordance with the terms of the law?

When the proper time comes I shall move amendments that will set forth the punishments really provided in this act, which substitute the punishments provided for the camouflage which is in the bill.

But I want to say to you at the present time that it is a very improper thing to create here new Federal crimes without expressing their penalties definitely on the face of the bill, and I rose especially to say this because I opposed this bill two years ago. I would be glad to vote for the bill if I could conscientiously do so, but I can not agree with the gentleman from Massachusetts [Mr. TREADWAY] in his statement that these objections have been removed. I shall ask the Clerk to read the two amendments I propose to offer.

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

Mr. HILL of Maryland. Yes.

Mr. TREADWAY. I referred to the fact that in the changed draft the clause is entirely eliminated requiring the man who is arrested to appear before the Federal court. That was in the phraseology of the old bill.

Mr. HILL of Maryland. But you should remember that when a man goes before the United States court with the possibility of five years' imprisonment and the payment of $500 fine under section 16, he has got to go to the United States court.

Mr. TREADWAY. Then I will vote for the gentleman's amendment.

Mr. HILL of Maryland. I do not think you want to put into this bill a misleading and false statement of what the penalties are. If you are going to vote for the bill, you want to know what it is.

The CHAIRMAN. The reading of these amendments has consumed some of the time allotted to debate.

Mr. HILL of Maryland. Is it possible to have the amendments read without taking the time from the debate? I ask unanimous consent that that be done.

The CHAIRMAN. The time was set for the conclusion of the debate, 18 minutes. Is there objection to the reading of the amendments?

Mr. TABER. I object.

The CHAIRMAN. Objection is heard.

Mr. FRENCH. Mr. Chairman, I ask the Clerk to read, in my time, a short amendment that I plan to offer as a perfecting amendment, after the House shall have disposed of the amendments now pending.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Idaho.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 6, line 4, strike out all the language of the Tincher amendment and insert in lieu thereof the following: "That all moneys received for such licenses shall be covered into the Treasury of the United States."

Mr. FRENCH. Mr. Chairman and gentlemen of the committee, for quite a number of years the Congress has been trying to get away from the revolving funds that have been set up in years past in one department or another. Here in this bill we are proposing to set up a sort of revolving fund to be carried as a distinct fund in the Treasury, and to be applied for particular purposes, as Congress shall direct.

The amendment that I propose will require that the money received shall be turned into the Treasury of the United States as are other receipts. Then the departments in enforcing the law would go before the Budget Bureau, submit their estimates for administration of the duties under the law, the purchase of lands and, in fact, all services required. No one knows what the receipts will be under the pending bill. They have been estimated at $750,000. They have been estimated within the last few minutes as high as $2,000,000. I have here the report of the Secretary of Agriculture written less than a year ago in which a statement is made to the effect that it is estimated that more than 6,000,000 people in the United States engage in hunting of one kind and another each year. This morning I read in a magazine devoted largely to bird life a statement that in the last 30 years the vast sum of $100,000,000 has been paid into the treasuries of the several States for licenses of one kind or another.

The State of Pennsylvania in 1922 collected $400,000 in hunting fees. No one knows how much money will be turned into the revolving fund set up by this bill. It ought to go into the Treasury. Then, annually, according to the estimates made by the Budget, this Congress ought to consider the appropriations that shall be made for the maintenance of the service to which this bill pertains.

Mr. ANTHONY. Mr. Chairman, I want to clarify or have an understanding regarding the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY]. As I understand it, the language of his amendment begins after the colon in line 12, on page 6, and leaves intact all the previous language.

Mr. TREADWAY. That is correct.

Mr. TINCHER. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. TINCHER. I asked the gentleman from Idaho to yield when he was discussing the amendment he has offered. There can not be any misunderstanding about the French amendment. The gentleman wants these sportsmen to pay their money in, turn it over to the appropriating committee of the House and then come here each year, on bended knee, and ask the Appropriations Committee whether they can have a part of their money back to administer the law and buy game reserves. Does not the gentleman think the appropriating committee of the House has pretty nearly enough power now without wanting to take the money these sportsmen pay and function on it?

Mr. ANTHONY. In that connection I want to say, in regard to the French amendment, that the sportsmen of the country who come here and voluntarily ask to be permitted to raise a fund to create these game refuges and carry this law into effect stand in a little different light than the general taxpayers of the country, and I think their money should be considered in a little different manner and that they are entitled to have all of it applied to the objects of this bill without going through the labor and effort which would be involved at each session of Congress, of coming here and asking that it be appropriated for this purpose or that purpose. The language set up by the bill safeguards its expenditure in such a manner as to avoid being improperly diverted.

Mr. LAGUARDIA. But the fund is made up of license fees. It is not a voluntary contribution.

Mr. ANTHONY. That is true.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts as a substitute for the amendment offered by the gentleman from Kansas.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The next question is upon the amendment as amended to the amendment offered by the gentleman from Kansas.

Mr. TINCHER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TINCHER. The gentleman from Idaho offered a substitute for my amendment.

Mr. FRENCH. If the gentleman will permit, we have not reached the stage where I can offer it. As soon as this vote shall be taken then I will present the amendment.

The CHAIRMAN. The question is on the amendment as amended to the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I offer as a substitute the amendment which the Clerk read a moment ago.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Idaho.

The Clerk read as follows:

Amendment to the amendment offered by Mr. TINCHER: Page 6, strike out all the language——

Mr. TREADWAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TREADWAY. My substitute prevailed in place of the Tincher amendment, did it not?

The CHAIRMAN. No; the Tincher amendment is amended by the substitute and is still in existence. The Clerk will read the amendment offered by the gentleman from Idaho.

The Clerk read as follows:

Amendment to the amendment offered by Mr. TINCHER: Strike out all of the language of the Tincher amendment and insert in lieu thereof the following: "That all moneys received for such licenses shall be covered into the Treasury of the United States."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 27, noes 50.

Mr. FRENCH. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Idaho demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Seventeen gentlemen have risen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The CHAIRMAN. The question now comes upon the amendment offered by the gentleman from Kansas as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 10. That each applicant for a license shall pay $1 therefor, and shall sign his name in ink on the face thereof, and each license shall expire and be void after the 30th day of June next succeeding its issuance. Any person who shall take any such migratory bird or nest or egg thereof shall not only possess such license but shall have it on his person at the time of such taking, and he shall exhibit such license for inspection to any person requesting to see it.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 7, line 24, after the word "person" strike out the words "requesting to see it," and insert "authorized by law who requests to see it."

Mr. ANTHONY. Would the gentleman consent to modify his amendment by striking out the words "by law who requests to see it" and have inserted "authorized to see it"?

Mr. JONES. That is perfectly all right. I started to draft the amendment in that way in the first place. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN. Without objection the Clerk will report the modified amendment.

There was no objection.

The Clerk read as follows:

Modified amendment offered by Mr. JONES: Page 7, line 24, after the word "person" strike out the words "requesting to see it" and insert in lieu thereof "authorized who requests to see it."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. We will discuss this bill a little more. It is developed now that the title of the bill is a misnomer. It reads, "For the establishment of migratory-bird refuges, to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds." All of those words should be stricken out.

This bill is put forward in the name of conservation. To me it looks like 1 per cent bird conservation and 99 per cent makers of ammunition and shotguns. [Applause.]

Do not make any mistake about it. A great many Members on the floor say that they are indifferent as to the consideration of the bill, that it will not have time to pass the other body. The place to show activity is now. [Applause.] You may find in a very few years that the little cabins mentioned here on page 6 have become hunters' lodges and clubhouses. Is the neighborhood hunter to come with his old double-barrel shotgun and his old farm coat and join the expert professional hunters who come from Boston, Baltimore, and New York?

Mr. BLANTON. Will the gentleman yield? We all agree with the gentleman, but how can we defeat a bill when it is fathered here by the gentleman's colleague from Kansas [Mr. ANTHONY], who can carry almost any measure he wants to on the floor.

Mr. JOHNSON of Washington. I do not think the gentleman will want to carry this through. He is willing, I understand, to give up the $1 license scheme. Why should the States give up their dollars? Why should they pay when if the States handle the funds they could buy all of the bird refuges that they need? [Applause.]

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 12 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 12 minutes. Is there objection?

There was no objection.

Mr. PEERY. Mr. Chairman, I move to strike out the last two words.

Gentlemen, I was not fortunate enough to make my position very clear in the few moments I had a while ago, and I ask the indulgence of the committee for just a moment.

The gentleman from Kansas [Mr. ANTHONY] suggested that if either the amendment that was offered by the gentleman from Kansas [Mr. WHITE] or myself should prevail, there would be no money for the establishment of these game refuges. The gentleman from Massachusetts voices the alarm that is felt—and it is common to both sides of this aisle—that Federal authority is gradually encroaching upon State authority. The gentleman also says there is a propaganda back of this bill promoted by sportsmen for the passage of the bill. Ah, yes, gentlemen, it is propaganda, and it is clever propaganda in that instead of the sportsmen themselves paying the cost of this, they propose to levy it upon every coal miner, upon every laborer, upon every farmer or farmer's son who takes a day off and goes out into the woods or fields to hunt anything, [applause] ranging from a woodcock to a woodpecker, so long as it is a migratory bird, and they propose to make every mother's son of them pay a dollar a year for that privilege.

The States are already taxing them for this privilege. This bill proposes a duplication of laws. It piles a Federal law upon a State law. It produces duplication of agents to enforce the law. It produces a duplication of taxes in that it imposes a Federal tax upon a privilege already taxed by the States.

I am not opposed to the game refuge, but I am opposed to the provision of this bill, with which it is garnished, that this money shall be taken from the pockets of the men throughout this country who take a day off and go into the fields to hunt.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. PEERY. I regret I can not yield in the five minutes I have.

My proposition is this: Let the game refuges be bought, but let them be paid for just as we pay for the forest reserve land, and instead of sending Federal agents throughout the country to see that these Federal laws are enforced, to see that no farmer's son has hunted a woodcock or a bullbat without a Federal license, let us leave that to the States and to State game wardens where such enforcement properly belongs, and let only the license provision apply to the area that is covered by the game refuge. [Applause.] In this way you will simplify the proposition. You will meet the demand for the establishment of game refuges. You will get away from the proposition that we are piling Federal laws upon State laws. The result is that wherever you have a duplication of law you will not have the enforcement of either law, and that is known to all of us. We should not pass a law that can not be enforced.

My good friend, the gentleman from Massachusetts [Mr. TREADWAY], said that this law can be enforced with 40 per cent of these license fees that are collected. Taking my own State, what is the situation there? We have a game warden for each county in the State of Virginia and there are 100 counties. If you assume that these game wardens are paid a salary of $1,000 a year, that means that in the State of Virginia the cost of enforcing the game laws in the employment of game wardens alone amounts to $100,000 a year. If you extend this throughout all the States of the Union, you will have all of this fund taken up in the employment of game wardens and in enforcing the law you are enacting here.

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

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. HAUGEN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. DEAL. I object. I have an amendment to offer and I want to speak upon it.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Iowa moves that all debate on this section and all amendments thereto be closed in 15 minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I am moved by conflicting emotions, as I follow the debate on this bill. First I am elated that all birds are to be protected and bird life of America is to be conserved, that grounds and refuges are to be provided for the birds, and then suddenly I am brought down to find that we are only feeding the birds and concentrating them on a refuge so that they may be more easily shot. I for one can not understand how it is possible to make a hunting ground out of refuges. The idea seems paradoxical to me.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. No; I will not yield, because I think the gentleman may ask me something in just one moment. What I do not understand exactly is, how it is that in the stress of the last few days of the session it is possible for the committee to obtain a rule for the special consideration of a bill of this kind. If the Rules Committee was in the temper and in the mood to ask the House to consider a bill for conservation, I personally would have preferred that they would have brought in a bill that would have conserved the childhood of the District of Columbia by bringing in a rule for the consideration of the rent bill.

Mr. BLANTON. The rent bill is as dead as Hector.

Mr. LAGUARDIA. The rent bill, after months of hearings, after having been recommended by the President of the United States, a bill which would have given a chance to some of the children in the District of Columbia who, by reason of the fact that such a large portion of the earnings of the family must be paid in rent, can not get sufficient nourishment. To give these children a chance, gentlemen, would have been a conservation measure in the highest and noblest sense of the word.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Would it not stand a better chance if those in favor of monopoly would get behind the passage of the rent bill?

Mr. BLANTON. The President of the United States is behind it.

Mr. LAGUARDIA. I believe that nothing is more to be desired than the protection of the childhood of this country. [Applause.] If one-tenth of the interest that has been dis-

played in the so-called conservation of bird life, which is only collecting birds to make it easier for them to be shot, the happiness of the childhood of the District of Columbia would be insured. I think that would be spending our time to better advantage than the conservation of birds. I sincerely hope that the District Committee will make the rent bill the first to be considered on the next District day, and, failing that, I hope the Committee on Rules will respond to the prayer of thousands and thousands of families in the District and give us an opportunity to vote on the President's rent bill.

Mr. McKEOWN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 7, at the end of line 24, add: "That applications for license may be received at any post office in the several States."

Mr. McKEOWN. Mr. Chairman, it is my opinion that the license of $1 is going to rise and plague you more than any other part of the bill. I think that the people of the country will resent this license fee. But I am sure you will find that they resented the passage of the migratory bird law before the treaty was made. What I think is that you ought to take the money out of the Treasury of the United States and buy these grounds, pay for them, without levying a license on the people. But if you do insist on this dollar—and, as I say, that will be the one thing that will plague you—if you levy the license you will irritate and cause resentment on the part of the people throughout all sections of the country. If you insist on putting the $1 license in you ought to adopt this amendment, because you give the man access to the license without a great deal of trouble. In other words, he can go to the post office and get his license. When a fellow goes out hunting he gets ready to go before he thinks of his license. Speaking from experience and observation, about the last thing he thinks of is getting the license.

Now, you ought to make it convenient if you are going to make a boy buy a license. Let him go to the post office, because that is the nearest agency, and it will save money for the Government. They can make their application to the postmaster to get a license. I do not think there ought to be a license; but if you make one, make it convenient for them to get it.

Mr. McSWAIN. The gentleman says in his amendment, "may be received in any post office." Ought it not to read, "received and issued by any post office"?

Mr. McKEOWN. I take it that if he makes application there he would receive his license there. But you ought by all means give him an opportunity to get a license as quickly as he can.

Mr. HILL of Maryland. Does the gentleman mean a prescription or a license?

Mr. McKEOWN. I mean a license. We do not have prescriptions in Oklahoma. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. McKEOWN. Mr. Chairman, I demand a division; I think we ought to have a rising vote.

The committee again divided; and there were—ayes 41, noes 38.

So the amendment was adopted.

Mr. DEAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. DEAL: Page 7, line 20, after the word "person," insert "other than the owner or member of his family while upon his own land."

Mr. ANTHONY. Mr. Chairman, may the Clerk report the amendment again, I did not catch the page or line.

The CHAIRMAN. Without objection the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. DEAL. Mr. Chairman, this bill takes from the landowner an inherent right granted to him by the Constitution of the United States. It were better far that the entire feathered tribe should become extinct rather than that this principle should cease to exist. It was Mr. Madison, I believe, who said in the Constitutional Convention, and later while Secretary of State under Mr. Jefferson, that if our republican form of government should fall within itself it would be because of the usurpation of power by its legislative branch.

Mr. SNELL. Will the gentleman yield for a question?

Mr. DEAL. In just a moment. It seems that Congress has determined that it will encroach upon the personal and property rights of its citizens, that confiscation of property has become so common that we cease to treat it seriously any more. This bill is as sumptuary as any that has been enacted. Even the prohibition laws, with all of their viciousness and intolerance, have not got a thing on this bill, gentlemen. [Applause.] I yield to the gentleman from New York.

Mr. SNELL. I would like to ask the gentleman to say in a word just where the State right is taken away from a man. Any man must obey the game laws of a State and Nation on his own land. This law will in no way interfere with the present law.

Mr. DEAL. It gives the Secretary of Agriculture the right to make rules and regulations concerning his own land after the State has given him a license.

Mr. SNELL. As I understand it, it in no wise interferes with the laws in any individual State.

Mr. HILL of Maryland. But does it not also create another class of cases in which men can be tried for the same offense by the Federal Government as by the State government?

Mr. DEAL. Why, certainly it does.

Mr. HUDSON. Mr. Chairman, I move to strike out section 10.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 17, strike out section 10.

Mr. HUDSON. Mr. Chairman and members of the committee, I make this motion not hoping that it will be carried because I assume it would not, because it might entirely wipe out the objects of the bill, but I offer it for this reason. Again and again I have said to my constituents that I would stand for any policy of conservation, and I stand for game refuges and for the protection of migratory birds. I stand for the conservation of all life, but I can not give my vote to a bill that creates another species of licenses. [Applause.] I understand this does not disturb our game laws within my State. We have a game warden to every county. We have one of the best conservation departments of any State, but this does create additional game wardens, this does create additional burdens, this does create additional expense upon the average citizen of the United States, and I can not in good conscience vote for it unless this license feature in some way can be striken out of this bill.

The CHAIRMAN. The time of the gentleman has expired, all time has expired.

Mr. HUDSON. Mr. Chairman, I ask unanimous consent I may proceed for three additional minutes.

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

Mr. HUDSON. Mr. Chairman, I am interested, as I said, in the matter of the conservation, and I had a great deal of sympathy with the gentleman from New York a moment ago when he said that we can take time on this piece of legislation, but somehow or other we can not have the time on this floor to consider the conservation of human life. Four hundred thousand employees of this Government have been knocking at the door of this Congress to conserve their lives in their old age, but we can not get their consideration before this House.

Mr. SNELL. Will the gentleman tell me why the District Committee could not bring the rent legislation up in regular order on Monday——

Mr. HUDSON. I am not talking about rent legislation. I am talking about the retirement bill. [Applause.] I want to repeat it again, so that it may go into the RECORD and back to my constituents that I want to preserve the natural resources of the country, but I do not want to vote to go on and on levying burdensome taxes on the people in this way.

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

Mr. HUDSON. Yes.

Mr. TINCHER. In the ideal way of preserving your game in Michigan that the gentleman speaks of you have no way of preventing them from migrating in the summer time?

Mr. HUDSON. No; I do not claim that.

Mr. TINCHER. Are you going to British Columbia and prevent them from going there?

Mr. HUDSON. We have a treaty with Canada, and they protect them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. DEAL].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. ANTHONY. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas calls for a division.

The committee divided; and there were—ayes 36, noes 43.
Mr. DEAL. Tellers, Mr. Chairman.
The CHAIRMAN. Tellers are demanded.
Tellers were ordered; and the Chairman appointed Mr. HAUGEN and Mr. DEAL to act as tellers.
The committee again divided; and the tellers reported—ayes 48, noes 55.
So the amendment was rejected.
The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. HUDSON] striking out the section.
The question was taken, and the Chairman announced that the noes appeared to have it.
Mr. HUDSON. A division, Mr. Chairman.
The CHAIRMAN. A division is demanded.
The committee divided; and there were—ayes 39, noes 61.
So the amendment was rejected.
The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

SEC. 11. That no person shall alter, change, loan, or transfer to another any license issued to him pursuant to this act, nor shall any person other than the one to whom it is issued use such license.

Mr. KINCHELOE. Mr. Chairman, I move to strike out the last word.
The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.
Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, we have heard from the proponents of this bill that the purpose of it is to conserve the migratory birds of this country and Canada. The truth is that the purpose of it is to preserve these birds long enough to get them collected on these shooting grounds and game refuges so that the millionaire hunters can go there from miles away and kill them. That is the purpose. [Applause.]
Yesterday my friend from Arkansas [Mr. RAGON] said in his speech in advocacy of the bill that it can be enforced better by Federal officers than by State officers because the people are more afraid of the Federal officers and Federal courts than they are of the State officers and the State courts. I want to remind him of what might happen under this bill when some red-blooded Arkansas boy throws a stone at a woodpecker and happens to kill it. Some Federal officer of the law will swoop down on him, take him to the courts and punish him under the terms of this bill to the limit of the law, then he will appreciate Federal authority contravening State authority.
Why, gentlemen, if you want a conservation bill, if you want something to protect the wild fowl of this country, why do you not establish refuges and make them inviolate, and make it a criminal offense for any man at any time to go in there and kill one of them? Instead of bothering the people throughout the country with the necessity of taking out a Federal license in order to secure money to defray the administrative expenses of the law, to buy shooting grounds and refuges, why not vote it out of the Treasury of the United States and establish these game refuges for the purpose of conserving the birds in this country and Canada by not permitting a gun to be fired in these refuges?
The proponents of this bill are invoking more Federal power. This question of protecting the migratory birds is becoming so vital not only to this generation but to the generation to follow that we ought to create these game refuges and have a law efficiently enforced, and pay the expense out of the Federal Treasury.
You are not satisfied under the terms of this bill to establish public shooting grounds for the professional hunters, but after the refuges are established, the Secretary of Agriculture is empowered to turn these professional hunters into them. I call upon you to strike out that license fee. I would have you strike out the hunting-grounds provision and amend the law so that birds can not be shot on the game refuges. Only in that way will you preserve the wild fowl of this country. [Applause.]
Mr. BLANTON. Mr. Chairman, will the gentleman yield?
Mr. KINCHELOE. Mr. Chairman, has my time expired?
The CHAIRMAN. It has not.
Mr. KINCHELOE. I yield to the gentleman.
Mr. BLANTON. If you were to do that, you could not find a corporal's guard who would support this bill. This is really not a conservation bill. This is a millionaire sportsman's bill. [Applause.]
Mr. KINCHELOE. Exactly. I was trying to get a conservation bill out of it.
Mr. PEERY. Mr. Chairman, will the gentleman yield?
Mr. KINCHELOE. Yes.
Mr. PEERY. Assume that 4,000,000 people will pay for a license. What percentage of them does the gentleman think would be able to go to these game refuges and shooting grounds?
Mr. KINCHELOE. That would depend on how many of them are rich enough to lose the time and to pay their expenses out there or go out there in their high-powered automobiles.
Mr. PEERY. Not one-tenth.
Mr. KINCHELOE. I do not think so.
Mr. DEAL. And behind this is a purpose also of controlling the public waters through the Secretary of Agriculture.
Mr. KINCHELOE. Oh, yes; everything will be controlled under this.
Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto close in eight minutes.
The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto be closed in eight minutes. Is there objection?
There was no objection.
Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, I ask you to read carefully section 11 of this bill. This section creates a new Federal crime. It creates a new Federal crime which, by a subsequent section, is punishable with a fine of $500 or six months in jail, or both.
Let us read that section and see what this new Federal crime is. I read:

That no person shall alter, change, loan, or transfer to another any license issued to him pursuant to this act, nor shall any person other than the one to whom it is issued use such license.

Now, gentlemen, you have got to keep some sort of balance of penalties in the Penal Code of the United States. When the laws were recodified and the present Penal Code was adopted the work was done very carefully.
Mr. WATKINS. Will the gentleman yield?
Mr. HILL of Maryland. Yes.
Mr. WATKINS. Does the gentleman refer to section 12 or section 11?
Mr. HILL of Maryland. I am referring to section 11. I am moving to strike out section 11. I am glad the gentleman asked that question, and I will explain to the gentleman. If the gentleman will turn to page 10, section 16, he will find this language:

Any person who shall violate or fail to comply with any provision of sections 6 and 11 of this act shall be punished as is provided for in the migratory bird treaty act of July 3, 1918.

Now, section 6 of the migratory bird treaty act of July 3, 1918, imposes a penalty for the violation of that act or any regulation made under that act of six months' maximum imprisonment or a $500 maximum fine, or both.
Now, to go back. When the Penal Code was adopted an attempt was made to put an even balance on violations of the Federal Penal Code. What are you doing here? You provide for the issuance of $1 licenses, and then, if you shoot or attempt to shoot without a license, all you get is a $5 fine for the first offense, payable to the Secretary of Agriculture. For a $1 license the penalty is $5 for violating the law, but if you loan your $1 license to a friend, or if some one else uses the license you have loaned to him, he may get a $500 fine, six months in jail, or both.
Mr. BLANTON. Will the gentleman yield?
Mr. HILL of Maryland. Yes.
Mr. BLANTON. I thought the gentleman was in favor of license laws and to make them as cheap as possible.
Mr. HILL of Maryland. It has interested me to see the gentleman from Texas standing on the floor of this House and finally have him unable to keep from bringing out his true standing as an able constitutional lawyer, because everything the gentleman has said to-day on the floor of this House is an argument against the eighteenth amendment and the Volstead Act, which I did not bring into the discussion.
Now, gentlemen, there is the situation. I should like to be able to vote for this bill, but I do not see how any Member of this House can vote for a bill that contains a penalty of $500 or six months in jail, or both, for lending a man a $1 license where the maximum penalty for doing that is $5.
Mr. BLANTON. Will the gentleman from Maryland yield again?
Mr. HILL of Maryland. Yes.
Mr. BLANTON. Just because the Congress of the United States prescribes a penalty of so much in the way of a fine and a penalty of so many months in jail is no reason for arguing

that everybody is going to be put in jail, is it? Some fellows escape jail and they escape fines, do they not?

Mr. HILL of Maryland. Yes. I have noticed a great many people escape jail and fines who ought to be put in jail or pay fines during my course of practice as a United States attorney. But I do not see how that applies to this.

The rule by which Congress should pass a law is that they do not pass a damn-fool law expecting it not to be enforced. Congress should pass laws that have sufficient merit in them that the judges of the United States courts will consider the laws seriously and attempt to impose decent penalties.

Mr. RAGON. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. RAGON. The gentleman has several times said that the penalty under sections 6 and 11, if this law were enacted, provided a fine of $500 or six months in jail.

Mr. HILL of Maryland. Or both, as a maximum.

Mr. RAGON. Well, why has not the gentleman been stating that all the time?

Mr. HILL of Maryland. I intended to do so, and I think I have done so.

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

Mr. HILL of Maryland. Mr. Chairman, may I have one minute more?

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. HILL of Maryland. Nobody knows better than the gentleman from Texas [Mr. BLANTON], who is an excellent lawyer, that the orderly procedure in criminal jurisprudence in this country is to do away with minimum jail sentences, because when you have minimum jail sentences the jury knows that if they convict a man he is going to jail, so they do not convict. I remember very well, as United States attorney, trying the president of a bank who should have gotten six months in jail, but under the law the minimum penalty was five years in the penitentiary and the jury would not convict the man because they knew he would get five years in the penitentiary, which the jury considered excessive. There is only one rational method of applying penalties under the Federal law, and at the present time in most Federal criminal laws there is no minimum. If, in all I have said, I created the impression that there was a minimum, I withdraw the statement. It is a maximum penalty of a fine of $500 or six months in jail or both, in the discretion of the judge.

The CHAIRMAN. The time of the gentleman from Maryland has again expired. Did the Chair understand the gentleman from Maryland to offer an amendment striking out section 11?

Mr. HILL of Maryland. Yes; I offered an amendment to strike out section 11.

Mr. ANTHONY. Mr. Chairman, should the amendment offered by the gentleman from Maryland be adopted it would be a direct invitation to all the criminals of the country to at once engage in the counterfeiting of these licenses, because there would be no penalty for doing it.

Mr. HILL of Maryland. The gentleman is referring to section 12, while I have been referring to section 11.

Mr. ANTHONY. I am talking about section 11. It would be an invitation to everybody in the country to practice fraud upon the Government of the United States through the misuse of these licenses.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HILL of Maryland. I suggest that the distinguished author of this bill read his bill.

Mr. ANTHONY. I am sorry I am not the author of this bill.

Mr. HILL of Maryland. The gentleman is talking about section 12, which deals with counterfeiting, while I have moved to strike out section 11, which deals with something else.

Mr. ANTHONY. The gentleman protested here the other day against the severity of the penalty for counterfeiting under section 12. The gentleman would like to so weaken this bill as to make it absolutely ineffective and would condone a fraud against the Government in the way of counterfeiting. I wish the gentleman would try to help us perfect the bill.

Mr. HILL of Maryland. I do not think that is a fair suggestion about my stand on the bill. However, I think the bill ought to bear on its face what the true penalties are, so that when Members of the House read the bill they will know what the penalties are without having to go into the Library and get a couple of big tomes of the size of those on the table in order to find out what the penalties are, which we have had to do with reference to this bill. It is a fundamental provision of criminal jurisprudence that the penalties for violation of any law must appear clearly and unquestionably in the particular law itself, and not be tucked away in another law passed years ago.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was rejected.

The Clerk read as follows:

SEC. 12. That no person shall imitate or counterfeit any license authorized by this act, or any die, plate, or engraving therefor, or make, print, knowingly use, sell, or have in his possession any such counterfeit license, die, plate, or engraving.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. HAUGEN. Will the gentleman yield?

Mr. HILL of Maryland. Certainly.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in seven minutes.

Mr. HILL of Maryland. Mr. Chairman, I shall only take two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Chairman and gentlemen, I simply want to call your attention to the fact that this section reads as follows:

That no person shall imitate or counterfeit any license authorized by this act, or any die, plate, or engraving therefor, or make, print, knowingly use, sell, or have in his possession any such counterfeit license, die, plate, or engraving.

The penalty imposed for the violation of this section, which creates a new Federal crime, is contained in camouflaged form in section 16 on page 10, and the penalty for counterfeiting a $1 license is a maximum of five years in the penitentiary or a fine of $500 or both. If you gentlemen want to vote for that, all right, I can not follow you.

Mr. WINTER. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. WINTER. Would not the gentleman's argument be just as good against counterfeiting a one dollar bill?

Mr. HILL of Maryland. Gentlemen, I am not arguing the question of counterfeiting. I am asking that when you pass a criminal law, why do you not put the penalty right where you set out the crime in the act and not camouflage it so that you have to go to some other book in order to know the penalty?

If you want to fill more Federal jails, you can do it, but do it openly. I call your attention to a news item from the St. Louis Post-Dispatch of February 18, 1925, which is as follows:

JAILS TOO CROWDED TO HOLD BOOTLEGGERS—"I'VE REACHED MY LIMIT," JUDGE FARIS SAYS IN LETTING THEM OFF WITH FINES

A policy of sending Volstead violators to jail instead of fining them has filled to capacity the jails at St. Charles, Union, and Warrenton, Mo.

In line with this policy, Federal Judge Faris yesterday sentenced six men to these jails and three others, convicted under old internal revenue laws, to Leavenworth Penitentiary. To-day, after sending three more to jail, it was learned there was no room for Jacob Kuluch, a second offender, who had pleaded guilty to a Volstead Act violation.

"I am sorry I can't send you to jail," Judge Faris remarked to the defendant, "I've reached my limit. The jails are full, but perhaps you'll remember to obey this law in the future, aided by this reminder. I'll fine you $800."

The Federal Court for the Eastern District of Missouri has five designated county or city jails to which prohibition violators may be committed. These are at St. Louis, St. Charles, Union, Warrenton, and Ironton. The St. Charles, Union, and Warrenton jails are filled to capacity, the Ironton jail is considered unsatisfactory, and the St. Louis jail is so crowded with other prisoners it has been requested that Federal prisoners be sent elsewhere.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the last word. [Applause.]

Mr. Chairman, when this bill was before the House in 1923 I felt constrained to oppose it. I do not now discover within its terms any such changes as would justify a modification of the views and convictions I then entertained.

I will not enter upon the larger aspects of this bill. It has been suggested here that it is clearly within the constitutional authority of our Government by reason of the treaty with

Canada. I am willing to concede that it is within the authority of that instrument so far as the establishment of game refuges and the protection of game are concerned, but I resist the contention that the establishment of national shooting grounds is within the purview of the treaty with Canada or within our constitutional authority. But I leave that aside.

I am as much in favor of the conservation of the migratory game of America as any Member of this House. In a small way I have been a huntsman all my life; but when the amendment of the gentleman from California was voted down yesterday, an amendment which prohibited shooting of migratory game within and upon the refuges and sanctuaries where these birds are to rest to save their lives, then the mask was torn from this bill. It is evident that it was no longer the purpose to conserve game, but to destroy it, and to destroy it at the instance of the few who could take advantage of the special privileges given them by this bill. [Applause.]

A moment ago an amendment was offered that the United States should have some supervision of these privileges by covering into the Treasury the collection of fees provided for in the bill. But this was voted down. So we of this mighty Government must turn over to the so-called hunters of the country the powers of the Government, to be used by them not for public purposes but for private advantages.

I, for one, can not subscribe to any such principle or practice. I concur with the gentleman from Kentucky. If you will write into this bill the establishment of refuges and provide that no one shall hunt or disturb these game sanctuaries, I will vote for the bill.

But it is said that the public shooting grounds are for the poor people of America. O Liberty, what crimes have been committed in thy name! How can the poor people of America get to these public shooting grounds?

Mr. McSWAIN. In steam yachts.

Mr. MONTAGUE. Steam yachts and private cars and automobiles. Every one of these game reserves, if adequate to meet the alleged purposes of this bill, is in an isolated community with a surrounding population of negligible numbers. Poor people! Their number within practical distance and communication with these hunting grounds, I repeat, is negligible.

Some gentleman yesterday explained that these great preserves are already taken up by people that move from zone to zone with the climate and the temperature. The poor man of America can not move from zone to zone to accommodate himself to the rise and fall of thermometers. He has no means. He can hardly hunt now with the present cost of shells and guns and State licenses. What will he do with the burden of Federal licenses or fees and drastic feudal regulations, with fines and imprisonment?

So as earnestly in favor as any Member of this House for the preservation of the wild, migratory game, I submit that this bill in its administrative features gives extraordinary advantages, extraordinary privileges to the few, and will be administered by the few, and not by the 5,000,000 hunters referred to in debate. Those are simply paper figures. I feel like quoting Disraeli—"there are three sorts of lies; lies, damn lies, and statistics."

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

The Clerk read as follows:

SEC. 13. That in all necessary instances, for the purpose of carrying out the provisions of this act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the migratory bird treaty act upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce said treaty act. All birds or parts, nests or eggs, thereof taken or possessed contrary to this act or to any regulation made pursuant thereto shall be disposed of in like manner as seized birds or parts, nests or eggs, thereof are disposed of under the provisions of section 5 of the migratory bird treaty act.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen, it might be well to take a minute to call attention to the fact that the march of Federal invasion goes steadily on. The setting up of so-called bird refuges over which men may hunt on buying a Federal license is just one more advance in the grand Federal movement which none of us seems able to stop. I am afraid we are being misled by the words of the title of the bill. The words "for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds" have an alluring title, and the public has been led to believe that protection of the birds is the main business of the bill. But what are the next words of the title? Read them. They say for the "establishment of public shooting grounds." In other words, to authorize the shooting of migratory birds on the migratory-bird refuges. Ah, gentlemen, either the title needs to be amended or the bill needs to be amended.

A large part of the country west of the Missouri River is now in Federal reserve of one kind or another. Unless this bill is amended further than it has been any one of these reserves now in full control of the Federal Government and not controlled in any way by the States may have placed upon it as many of these so-called "cabins" as those who execute this law may desire to place there, regardless of the expense of the cabin. What is named here as a cabin may become a hunter's lodge in a forest reserve and not far from the forest ranger's house. What does the word "cabin" mean? It does not mean hut or shack. It means the place where the game-refuge keeper is to live—the master of the hunt, perhaps. And this is supposed to be a bill to give the nonclub hunter—the poor fellow—a chance! He will find at the cabin, I am sure, the fine-booted, leather-coated, fancy hunter, to whom the $1 for Federal license is nothing. Those who make and sell ammunition, powder, and guns seem to be responsible for a large part of the propaganda and promotion; and already, before this bill has become a law, the very men who are promoting this game-refuge proposition in the name of saving the wild bird life of the country, which Emerson Hough said was a delusion and a sham—the very men who are creating this great propaganda by sending out circulars and agents, are beginning a propaganda to increase the number of birds which the hunter may kill; and all in the name of Federal control.

Oh, my friends, I live in the far Pacific Northwest. I am familiar with three great forest reserves. I have seen too many agents of the Federal Government lay the heavy hand of the law on some poor, ignorant homesteader who finds himself surrounded by Federal reserves. Only a couple of years ago I saw the wife of an eastern Member of Congress arrested for picking a little worthless mosslike weed in a western park; and I have noticed during all the years I have been here, my friends, that whenever summer time comes and the playgrounds of the West are alluring, the Federal agents of every kind from Washington, D. C., are always with us out West. [Laughter and applause.]

Mr. McSWAIN. Mr. Chairman, I move to strike out the last word. Before I proceed I would like to ask a question of the gentleman from Kansas [Mr. ANTHONY], the author of the bill, who seems to know a great deal about these matters—and I say it in perfect sincerity. It seems that the bill was introduced December, 1923, and reported favorably by the committee in May, 1924. Recently I have received two letters from the chief game warden of South Carolina, who confesses frankly that this will be a measure of great advantage to the sportsmen of the country, and said that there would be presented an amendment by the friends of the bill that would render it less obnoxious to some of us who still have some delusion about what we call "State rights." I want to ask my friend from Kansas if he has heard of this proposed amendment?

Mr. ANTHONY. Yes; the provision is in the bill providing that no land shall be taken without the consent of the State.

Mr. McSWAIN. But that was in the bill reported in May, 1924.

Mr. KINCHELOE. If the gentleman will allow me, although it is not closely related to his question, I want to say that if I get recognition I propose to offer an amendment to recommit which, if adopted, will forbid any hunting in these refuges and cut off the license fee of the bill.

Mr. McSWAIN. I can imagine the gentleman's amendment does not originate from the same source as the information of the game warden which I was discussing. What I want to know is who will offer the amendment. I wrote back and asked the game warden who it was, and he wrote that he did not know who was going to offer it. I have been looking for that amendment.

But now here is one I offered. Strike out this section 13. Why? Because this legislation can not add any force to that already existing in reference to the enforcement and existence of a treaty concerning migratory birds. Simply by repeating a law that is already on the statute books we can not add any force to it. But the purpose was this: To provide here that the employees of the Department of Agriculture appointed to enforce this act shall have the authority herein conferred and any person who violates the regulations to be made by the Department of Agriculture in regard to the enforcement of this act shall be subject to the fines, punishments, penalties, and forfeitures herein provided. Gentlemen, I think it is time for

Congress to do the legislating and deny to any executive branch of this Government the right to make rules and regulations having the force of law. [Applause.] I remember a few years ago when we had the Texas fever tick law a client of mine came and asked if he might bring a cow out of Anderson to a butcher in Greenville, and I looked up the law. Of course, we had quite a difficult proposition then to find the law, for we did not then have any Federal compilation, and after a lot of study I told him I could not find any law to prevent it. Finally the fellow came to me and said that he had been indicted in a Federal court. And he was indicted for what? For violating a regulation of the Department of Agriculture that set up an arbitrary geographical line or division between those two counties, and there was no lawyer under the sun who had constructive knowledge of what was contained in a private regulation by the bureau. Liberty means a chance to know the laws by which we are bound to live and act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. Mr. Chairman, one reason why I want to speak is that I could not attend to any business in my office because I was being bombarded by telegrams from my good political friends at home urging me to support their pet measure. I dictated a form answer to every one of them and I myself got away and came over here and desire to say these few words before voting against it. O gentlemen, this bill is a mere incident. You may be deceived about it; I am not. A whole lot of good people will vote for it who believe it is all right. But the basis of my objection does not go to this little bill itself. It is the underlying philosophy of it that is vicious, gentlemen, just a mere incident in the accumulated processes that are going on to destroy our dual system of government. We heard some strange doctrines yesterday and the last day or two.

A few weeks ago I sat in New York City at a lawyers' banquet and heard one of the great lawyers of this Nation lay down the proposition that the Constitution of the United States authorized what he called quasi legislative powers of the Supreme Court, and to my surprise I saw the leading lawyers of that great city applaud the gentleman. He was ex-Senator Beveridge. And yesterday we had a strange doctrine from one of the ablest young men who ever came to this House. He is a brilliant idealist, but a Hamiltonian; I am a Jeffersonian; that is the difference. But all the cocksureness in the world can not sweep aside as a mere quibble the objection. He said, what has the State got to do with anything in a treaty of the United States with a foreign nation? Well, just what is this Government, what is this country, what are the States? Are they mere paper shells? No, gentlemen, the States are the great aggregation of units of citizens who granted to this Federal Government—mind you, granted—certain powers and no others and reserved the remainder to themselves and to the States. I will tell you what the States are. They are the reservoir of power, and, gentlemen, one of the vicious features of the bill is that when you started to do directly what you do in this bill the courts said you could not do it, and then you resorted to a subterfuge and had a treaty with a foreign nation, and because the Constitution makes a treaty the supreme law of the land then you think you can come in here and by indirection can swing onto the coattails of a treaty an inherent right of the Federal Government, of course, and propose to do things that absorb, override, and destroy the inherent reserved powers of the people represented by their local State organizations. Ah, yes, gentlemen, you will pass your bill. I have committed many mistakes in the 10 years I have been upon this floor, but I made a promise at the beginning of this session that, so help me God, so far as I had political courage during the short time left to me in my public service, I would try to resist the temptation and the importunity to destroy the philosophy of our Government by continually adding Federal bureau on top of Federal bureau and centralizing power here in a bureaucratic government in Washington. [Applause.]

It is coming. Doubtless I will not see it fully developed in my day, but our children will suffer from it. The duty of a public man is to care not merely for things that concern his own generation, but to hand down to his children, unimpaired, the great free institutions that we have had handed down to us and which we enjoy. Gentlemen, graft, indifference, contempt of law follow in the footsteps of every one of these movements that creates a new bureau in the city of Washington.

Gentlemen, you sow the wind, and you will reap the whirlwind; and the whirlwind of this kind of sowing will be bureaucracy, with resulting fraud, inefficiency, indifference to the public interest, and corruption in public affairs. [Applause.]

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

Mr. SCHAFER. Mr. Chairman, I rise to ask some one of the proponents of this measure if it is possible for regulations to be issued that will make it possible for people to hunt or shoot within the confines of an established game refuge?

Mr. ANTHONY. What is the gentleman's question?

Mr. SCHAFER. I ask whether the father of this bill believes that, under the law, regulations can be adopted that will permit shooting within the confines of a game refuge?

Mr. ANTHONY. I do not catch the point of the gentleman's question.

Mr. SCHAFER. Whether, if a game refuge is established under this bill, it will be possible that regulations might be made which will permit hunters to hunt within the confines of what is called a game refuge?

Mr. ANTHONY. Yes. The present law now permits the Department of Agriculture to issue regulations under which migratory birds may be shot, and they do issue such regulations, and undoubtedly in certain instances, where the nature of the refuge is such as to permit hunting during the season, shooting could be done. But in very many cases the refuges will be called "sanctuaries," where no shooting will be permitted. It was thought better to leave it finally in the discretion of this commission, composed of the Secretary of Commerce and the Postmaster General and the Secretary of Agriculture, to decide where the shooting could be done and where it could not be done, knowing that these gentlemen would exercise intelligence in making the regulations.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 14. That in order to pay initial expenses, including purchases of supplies, printing and distributing of licenses, circulars, posters, and other necessary matter, and all other expenses that may be necessary to carry into effect the provisions of this act, the sum of $50,000 is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available, upon the passage and approval of this act until expended, which sum shall be covered into the Treasury in five equal annual payments from the migratory-bird protection fund.

With a committee amendment, as follows:

Page 9, line 4, after the word "hereby," insert the words "authorized to be."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last word.

Mr. HUDDLESTON. Mr. Chairman, "migratory bird" legislation has had an interesting history in Congress. It was fathered originally by certain clubs of wealthy sportsmen, who induced Congress some 15 years ago to pass a migratory bird law. That law was stricken down by the courts as an unconstitutional invasion of the police powers of the States.

Thereupon, for the deliberate purpose of evading the Constitution and doing by indirection that which the Constitution prohibited to be done directly, the same interests induced our Government to enter into "the migratory bird treaty" with Great Britain; and thereafter the treaty having been ratified, they again came before the House Committee on Foreign Affairs and caused that committee to report out a migratory bird act, which was passed by Congress and has been held by the courts to be the legitimate exercise of the power of Congress to pass laws to enforce treaties. They evaded the Constitution, ravished its spirit, and accomplished by indirection what they were not permitted by the Constitution to do directly.

At the time they were carrying on this agitation the elements pressing for action professed that their concern was with the song birds only; they spoke poetic and beautiful speeches about the feathered songsters. I remember that one of my best loved friends, who I am most happy to say is yet a Member of the House, supported that bill with a wonderful speech about the glory of the mocking birds and other songsters. In the burst of sentiment which that speech evoked the House passed—only a few feeble voices like my own being raised in protest against it—the House passed the migratory bird act to enforce the treaty and presumptively to protect the songsters.

Now, we find that these same elements that brought forward for the original bill and then caused our Government to negotiate a treaty for the deliberate purpose of evading the Constitution—we find that they now come back here with a bill, which is at least frank enough in its purpose, which is to afford them a place to shoot game. They now come out from under their cover and disclose their true purpose. Their spirit is that of

the sixteenth century English squire who would hang a peasant for snaring a rabbit for his dinner, not because of mercy for the rabbit and to save him but because his lordship wanted to kill the rabbit himself. This bill is not for the protection of birds; its real purpose is for the protection of bird *hunters*. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 15. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Mr. MONTAGUE. Mr. Chairman, I move to strike out section 15, and I beg the indulgence of the House for a moment upon an unrelated line of thought.

Section 15 is a useless piece of verbiage. It simply embodies a canon of construction adopted by the Supreme Court and by every court of every State since the beginning of our Republic in determining when a law is constitutional or unconstitutional. For some six years, in the two committees of which I have been a member, I have protested that the inclusion in bills of such a canon of construction had no possible compulsory effect upon the courts of our country and had but one meaning, and one meaning alone, namely, an implied and gratuitous criticism of the American judiciary, and a criticism, if you please, from the legislative department of another independent and separate department, the judiciary.

No court in declaring a law unconstitutional will do so unless it declares and preserves the constitutionality of the residue of the statute, unless the unconstitutional portion of the bill is inextricably and inseparably interwoven with the entire bill and the divisibility or separation is impossible. That is the elementary and fundamental rule of construction. Yet we uselessly, dangerously—and I am not criticizing this section any more than other similar sections—have gotten into the habit, through our drafting committee, of attaching a rider of construction on almost every bill, which is a direct and gratuitous reflection upon the judiciary of this country, and thereby we American legislators are helping build an unjustifiable sentiment against the judiciary, the last bulwark of American institutions.

I submit, gentlemen, it is unnecessary; and is utterly futile in that it is a declaration or rule of construction adopted by every court, and no legislative declaration or gratuitous expression of compulsion is needed by the courts to aid them in constructing laws. It seems to me that we, as responsible Members of a legislative body, should at least repress unnecessary and unwarranted criticisms of our courts. No court desires to declare enactments of Congress invalid, and when they unwillingly do so, it is their function, and not that of the Congress, to say what and how much of a given law is unconstitutional. It is wholly beyond our authority or power to give such direction. It is the court's business and not our business. [Applause.]

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amendment offered by Mr. MONTAGUE: Page 9, line 9, strike out all of section 15.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 61, noes 45.

So the amendment was agreed to.

Mr. TYDINGS rose.

The CHAIRMAN. For what purpose does the gentleman from Maryland rise?

Mr. TYDINGS. Mr. Chairman, I rise for the purpose of suggesting the absence of a quorum.

The CHAIRMAN. The vote just taken has shown the presence of a quorum. The Clerk will read.

The Clerk read as follows:

SEC. 16. That any person, association, partnership, trust, or corporation who shall violate any of the provisions of section 13 of this act shall be subject to the penalties prescribed by section 210 of the Criminal Code of the United States; and any person, association, partnership, trust, or corporation who shall violate or fail to comply with any provision of this act or with any regulation made pursuant to this act shall be subject to the penalties prescribed by the migratory bird treaty act (act of July 3, 1918, 40 Stat. L. p. 755).

With the following committee amendment:

Strike out all of section 16 and insert the following:

"SEC. 16. That any person, association, partnership, trust, or corporation who shall violate any of the provisions of section 12 of this act shall be punished as is provided for in section 219 of the act of March 4, 1909, entitled 'An act to codify, revise, and amend the Penal Laws of the United States'; any person who shall violate or fail to comply with any provision of sections 6 and 11 of this act shall be punished as is provided for in the migratory bird treaty act of July 3, 1918; and any person who shall violate or fail to comply with any other provision of this act shall be liable to the United States in the sum of $5 for the first violation and in the sum of $25 for each subsequent violation, to be collected in a civil action in the name of the United States: *Provided, however,* That any person desiring to relieve himself from such action may pay such sum to the Secretary of Agriculture under such regulations as he may prescribe, and said Secretary is authorized to mitigate or remit the liability hereby created, and the gun or other firearm carried or used by such person shall be liable for the payment of the aforesaid sum and may be seized by any United States game warden or deputy game warden to be held until said liability is discharged, whereupon it shall be forthwith returned to such person."

Mr. HILL of Maryland. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HILL of Maryland: Page 10, line 5, after the words "shall be," strike out the words "punished as is provided for in section 219 of the act of March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States,'" and insert in lieu thereof the following: "Fined not more than $500 or imprisoned not more than five years, or both."

Mr. HILL of Maryland. Mr. Chairman, I ask that the other amendment which I sent to the Clerk's desk be read for the information of the House. If the first amendment is adopted, I shall offer the second amendment, but if the House does not want the first amendment, it is needless to offer the second amendment.

The CHAIRMAN. Without objection, the Clerk will report the second amendment for the information of the House.

There was no objection.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HILL of Maryland: On page 10, line 10, after the words "shall be," strike out "punished as is provided for in the migratory bird treaty act of July 3, 1918," and insert "fined not more than $500 or be imprisoned not more than six months, or both."

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the House, I expect to vote against this bill, but I think you who propose to pass this bill should make the bill clear on its face. What I am proposing by these two amendments is not to change the bill but to make the bill tell the truth in section 16 what the penalty is and not make it necessary for any person or any prosecuting officer to leave the act which you are about to pass and go to some other law to find out what it means and to go to the migratory bird act to find out what the penalties are. What I am asking you to do is simply to substitute for the reference to a penalty in another law just exactly what the penalty is under the law you are discussing.

Mr. BLANTON. It will not change the law at all?

Mr. HILL of Maryland. It does not change the law at all, but my proposed amendments clearly state what the penalty is and make it appear on the face of the act.

Mr. WATKINS. Will the gentleman yield?

Mr. HILL of Maryland. Yes; with pleasure.

Mr. WATKINS. Would not that prevent many Members here from voting for it because it would show the harshness of it?

Mr. HILL of Maryland. I agree with the gentleman, and I am glad he asked that question. I asked some of the proponents of this bill whether the severe Federal penalties had been removed; they told me—I do not mean the Members in the House, but people outside of the House—that they had been removed.

Now, in section 16 you find the only stated penalty that is given is a $5 fine for the first offense, but you also find two camouflaged penalties, one of a maximum of five years in a penitentiary and the other six months in jail, a fine of $500, or both. Now, gentlemen, in ordinary fairness to this House and in ordinary decency toward the possible violators of this law,

if you pass it, I suggest that you let this law bear on its face what the penalties are. Why, gentlemen, it might be possible that another great body might pass it without taking the trouble to look up the penalties in the two acts referred to. Let us make the proposed law honest on its face; let us make it state in itself, and not by reference, what the criminal penalties are.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HILL].

The amendment was agreed to.

Mr. HILL of Maryland. Mr. Chairman, I offer another amendment to the committee amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL of Maryland to the committee amendment: On page 10, line 10, after the words "shall be," strike out "punished as is provided for in the migratory bird treaty act of July 3, 1918," and insert in lieu thereof the following: "Fined not more than $500 or be imprisoned not more than six months, or both."

The amendment was adopted.

Mr. McSWAIN. Mr. Chairman, I have an amendment, which I send to the desk.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MCSWAIN to the committee amendment: On page 10, line 20, after the word "created," strike out the remainder of line 20, all of lines 21, 22, 23, 24, and 25.

Mr. McSWAIN. Mr. Chairman and gentlemen, while we are passing this bill ostensibly to conserve bird life, we certainly ought not to include in it a provision that is certain to result in the destruction of a large amount of human life. Now, why? Under section 13 somebody is going to be appointed as an "employee of the Department of Agriculture" as deputy game warden to enforce it. Who is that going to be? First of all, it is going to be the keeper of the lodge or the local resident of the cabin. That is already the case in some States, and in one little State I know, they at one time had over 500 deputy game wardens in that State, so that a man could not find a good hole to fish himself because the game wardens had got there first, and he could not find a good place to shoot because the game wardens had already been there and killed everything. [Applause.] That may be the case under this bill. So that when here comes an innocent countryman who maybe has got a flivver, and here comes this other man, caretaker of a hunting lodge, walking across the country, the private citizen may have his license hid in his pocket.

The bill does not say he shall wear it on the outside of his hat, but provides that anybody who has the authority to demand it, shall be entitled to see the license. This other fellow has got his license hid in his pocket, but he claims this authority because he has concealed somewhere back yonder a commission as deputy game warden, and he walks up to this poor, little country fellow and says, "Look here, what are you doing out here at this season of the year, or on this particular land? You are violating Federal regulations. Give me that gun." Then he tries to take it away from him, and let me tell you that these poor fellows that ride around in Ford cars have got a little American manhood left, and be darned, if they don't use that old musket and they will shoot the liver out of somebody. [Laughter and applause.]

Now, that is fair talk. Who won the World War? Who do the shooting at the country's enemies? Alvin York, of Tennessee, is one of these fellows that go out on Christmas Day and train their old muzzzle-loading rifles and learn how to shoot by shooting turkey heads off as they stuck out of a hole in the top of a box. Alvin York and his crowd are the fellows that are going to want to hunt, and when some pompous, bebooted and leather-coated, dignified gentleman walks up and says, "Give me that rifle," he is going to get the load in the rifle. [Laughter and applause.]

Mr. WATKINS. Mr. Chairman, I move to strike out the paragraph.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on the section and all amendments thereto close in five minutes.

Mr. HILL of Maryland. Mr. Chairman, reserving the right to object, I desire to offer for consideration, without debate, the transfer of the penalties contained in section 6 from the six months' class to the $5 class. If I may have that opportunity, I shall not object.

The CHAIRMAN. The gentleman may submit his amendment.

The gentleman from Iowa asks unanimous consent that all debate on the pending section and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—73 ayes, 80 noes.

So the committee refused to rise.

Mr. WATKINS. Mr. Chairman, I hazard the assertion that everyone in this House believes in the conservation of game and the protection of migratory birds. The differences here are not on those propositions. I question whether anyone who understands the bill and has gone into it to any degree can support it. This bill has been discussed from various angles; therefore, I shall only mention two phases. The circuity by which its constitutionality has been obtained, if in fact obtained, is enough to damn it in the eyes of frank and fair-minded men.

This bill has but one paramount object in view—the protection of migratory birds. That is the main proposition. But you are not, in fact, doing that because you provide in this bill for the hunting on the migratory-bird refuges of the very birds that you are trying to protect. Now, if you want to protect game life, if you want to protect the migratory birds simply say that no hunting shall be done on these protected lands and you will get everybody here to support this bill. [Applause.] Furthermore, as pointed out by my colleague [Mr. SINNOTT] section 3 taken in conjunction with the act of 1888 confers on the Secretary the right of eminent domain. That is bad.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WATKINS. Later on I will be glad to yield, but not right now.

This measure, if enacted into law, will militate against the efficiency of the State game commissions; it will divide responsibility of State and Federal Governments; it will cause multiplication of officeholders, increase of taxation, duplication of authority, and extra and useless expenses to the sportsmen of this country. It means another commission, more bureaus, and additional bureaucrats. Furthermore, the bill is too indefinite—too vague. In fact, too large a proportion of the money goes for overhead instead of for bird refuges. [Applause.]

The real object to be accomplished by this bill is to provide a market for the sale of a lot of worthless real estate in this country. That is the real joker in the bill. Many interests have low, worthless bottom lands, absolutely worthless, and are trying to get a bill passed by Congress so that later they may dump this land on the Government.

Now, I say to you that if you believe in the conservation of game, animals and birds, vote for an amendment that is going to be offered to prohibit hunting on all these grounds, and you will get the unanimous vote of the House, because in the West, as everywhere, we believe in the conservation of game. We do not propose, however, to allow you to establish at the expense of the Government hunting grounds for professional politicians and provide a market for worthless real estate. Unless the amendment is adopted, I hope that you will recommit the measure and later enact a bill that not only in theory but in fact insures conservation of wild game. [Applause.]

Mr. WINTER. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. WINTER. I suppose the gentleman believes it is possible to conserve the forests and cut timber for a part of the season?

Mr. WATKINS. Yes; I do.

Mr. WINTER. Why is it not possible to conserve the game and kill a part of it in the season?

Mr. WATKINS. There is a monumental difference between the two. I have not the time to point out the distinction, but merely to state the gentleman's proposition produces sufficient distinction.

There is another section of the bill warranting its defeat. I refer to section 12, which carries a penalty that will send a man to the penitentiary for five years and a fine of $500 for the least infraction thereof. Furthermore, sections 6 and 11 carry punishment of a fine of $500 and six months in jail. That is absurd; penalties of that nature for the offenses named spell nonenforcement and contempt. [Applause.]

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

Mr. McSWAIN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 10, line 20, after the word "created" strike out the remainder of line 20, and lines 21, 22, 23, and 25.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. McSWAIN) there were—54 ayes, 59 noes.

So the amendment was rejected.

Mr. HILL of Maryland. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 9, after the word "of" strike out the words "section 6" and insert the word "section."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—63 ayes, 66 noes.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer an amendment to strike out all of the bill after the enacting clause, and I ask to be recognized. That is just like any other amendment.

The CHAIRMAN. Amendments to the section in question——

Mr. BLANTON. I ask recognition on my amendment for five minutes.

The CHAIRMAN. Amendments to this section are now in process of voting, and all debate upon this section has been closed.

Mr. BLANTON. I realize I am in error.

The CHAIRMAN. The amendment is not subject to debate.

Mr. BLANTON. I insist on my motion to strike out all of the bill after the enacting clause without debate.

The CHAIRMAN. That amendment is not in order at this moment.

Mr. BLANTON. That is a preferential amendment next in preference to a motion to strike out the enacting clause. That is in order at any time after the first section has been read, and it has been so held.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. It is this: There is already pending a motion to strike out all after the enacting clause.

Mr. BLANTON. No; the motion heretofore made was to strike out the enacting clause.

Mr. RAKER. Strike out all after the enacting clause, which has been defeated.

Mr. BLANTON. No; that was to strike out the enacting clause; but this is a different matter, and it is to strike out all after the enacting clause, an entirely different motion.

The CHAIRMAN. Did the gentleman submit any matter in place of that which is to be stricken out after the enacting clause?

Mr. BLANTON. Mr. Chairman, it has been held by numerous Chairmen in the Committee of the Whole House on the state of the Union that a motion to strike out the enacting clause is admissible at any time as a preferential motion. It has also been held a motion to strike out all after the enacting clause is not a preferential motion as against a perfecting amendment, but when all the perfecting amendments to a paragraph under consideration are exhausted then a motion to strike out all after the enacting clause is admissible at any time in the Committee of the Whole House on the state of the Union after the first section has been read.

The CHAIRMAN. Two sections of the bill remain to be read, and therefore it can not be held that the bill has been perfected.

Mr. GARRETT of Tennessee. Mr. Chairman, I move that the committee do now rise.

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

On a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 72, noes 99.

So the motion was rejected.

The CHAIRMAN. The question is on the committee amendment as amended.

Mr. BLANTON. Did the Chair rule the motion to strike out all after the enacting clause is not in order until all the bill is read?

The CHAIRMAN. It certainly is not in order until all the bill has been read. Whether it is then in order is a bridge the Chair will cross when he comes to it.

Mr. BLANTON. I will not appeal from the Chair, because I think too much of him.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was adopted.

The Clerk read as follows:

SEC. 17. That for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, after line 4, add a new section as follows:

"SEC. 17. Nothing in this act shall be construed as authorizing or empowering the Migratory Bird Refuge Commission herein created, the Secretary of Agriculture or any other bird commission, or officer, to declare, withdraw or determine, except as heretofore designated, any part of any national forest, national park or power site, a migratory game bird refuge or public shooting ground under any of the provisions of this act except by and with the consent of the legislature of the State wherein such area is located."

Mr. ANTHONY. Will the gentleman yield?

Mr. RAKER. I will.

Mr. ANTHONY. Would the gentleman consent to change his amendment so it would leave off this language "except by and with the consent of the legislature of the State wherein such area is located"? I suggest that for this reason, that it confers authority on the legislature in the disposition of land owned by the Government, and I think the language ahead of that accomplishes the purpose of the gentleman.

Mr. RAKER. No; it will not, it will help the gentleman's bill.

Mr. ANTHONY. I agree in substance, I think.

Mr. RAKER. The gentleman has no objection to the amendment as it is?

Mr. ANTHONY. I shall make no objection.

Mr. RAKER. Then I will not take any time. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, the Fish and Game Commission of California has been doing exceptionally fine work in regard to preserving wild life in the State of California. This is the consensus of opinion of the people of California who are behind the fish and game commission and their work almost to a man.

On July 10, 1922, Mr. F. M. Newbert, president Fish and Game Commission of California, wrote me as follows:

Hon. JOHN E. RAKER, M. C.

House of Representatives, Washington, D. C.

DEAR SENATOR RAKER: I wish to acknowledge receipt of your letter of July 1, and thank you for the consideration you are giving this vital subject.

While California sportsmen and this commission have no objection to the migratory bird treaty act, or the regulations of the imposition of a Federal license to hunt migratory water fowl, we do most strenuously object to any regulations or control of wild animals, fish, and birds, other than migratory birds, or any areas, no matter how they may be acquired.

California has fought an uphill fight for game conservation for many years, and we are now at the peak of our success. We have accomplished this without any Federal aid or assistance. We have enforced the migratory bird treaty act, made it respected, and put it on a par with our State laws. The Federal control of birds, game animals, and fish is but the entering wedge of Federal control. California sportsmen say "hands off."

I am inclosing herewith a copy of the House bill with the objectionable features marked out.

The inclosed picture, taken by one of our wardens, is a small band of antelope ranging on the portion of California which you represent. These animals were on the verge of extinction. In fact, so much so, that only 11 remained. As an example of our conservation work of recent years, you no doubt will be pleased to note the wonderful increase in the numbers of this valuable animal.

Very sincerely yours,

FISH AND GAME COMMISSION,
F. M. NEWBERT, *President.*

On May 29, 1922, Mr. Newbert, president of the Fish and Game Commission of California, telegraphed me as follows:

JOHN E. RAKER,

House of Representatives, Washington, D. C.:

California supported Anthony bill House 5823 entirely upon promised amendments eliminating interference with State wild life conservation instead of which bill amended to work worse confusion and destroy separate sportsmen's license contributions which they will resent bitterly when realized, thereby forcing our active opposition. Letter follows.

CALIFORNIA FISH AND GAME COMMISSION,
F. M. NEWBERT, *President.*

It will be noted that Mr. Newbert has had an interview with the various Government officials regarding the migratory bird refuges, and they have agreed to accept amendments thereto.

On February 28, 1924, the California State Fish, Game, and Forest Protective League, W. T. Wallace, secretary, wrote me as follows:

Hon. JOHN RAKER,

House of Representatives, Washington, D. C.

DEAR SIR: Representing through our affiliated clubs and individual members some 15,000 fishermen and hunters of this State, we urge you to use your influence and also your support of H. R. 745, commonly known as the public shooting ground refuge bill.

The proposed bill will effectively preserve our migratory game, which is threatened with destruction because of drainage projects the country over, and the proposed bill will also preserve the American system of free shooting for rich and poor alike.

This is a very popular bill with the outdoor men and women of this State, and in case the bill is in danger we would ask that you step out in front and argue and urge the passage of the same.

Yours respectfully,

CALIFORNIA FISH, GAME, AND FOREST PROTECTIVE LEAGUE,
W. T. WALLACE, *Secretary.*

On February 14, 1924, Mr. F. M. Newbert, of the California Fish and Game Commission, wrote me as follows regarding H. R. 745:

Hon. JOHN E. RAKER,

Washington, D. C.

MY DEAR MR. RAKER: The migratory bird treaty covenant and regulations between the United States and Great Britain for the protection of migratory birds in the United States and Canada concluded August 16, 1916, has since its enactment proven to be one of the greatest conservation measures ever passed. It directly and favorably effects every section in every State in which wild water fowl is present.

The early opposition by the several States to the taking over of the custody and care of migratory birds, we believe, has passed. The correlation and standardizing of bag limits in the United States, the establishment of seasons for the taking of waterfowl commensurate with the proper and safe periods for the taking, has proven the wisdom of the treaty.

We are sure the proposed game refuge public shooting grounds bill as provided in H. R. 745 will, by reason of the purpose of public-shooting grounds, be of even greater benefit to a larger number of unattached hunters and sportsmen, who are not so fortunate as to acquire a membership in a shooting club. Also it will provide a sanctuary for waterfowl where they are immune at all times from molestation.

California Fish and Game Commission at a regular meeting held in Sacramento indorsed H. R. 745 in its entirety and now requests that California Representatives in Congress assist in the passage of this bill that it considers the most vital measure affecting wild waterfowl.

Very truly yours,

FISH AND GAME COMMISSION.
F. M. NEWBERT, *President.*

On January 9, 1925, received the following letter from Mr. F. M. Newbert, president Fish and Game Commission of California:

JANUARY 9, 1925.

Hon JOHN E. RAKER,

Member of Congress, Washington, D. C.

MY DEAR MR. RAKER: The Federal migratory game bird refuge public shooting grounds bill (S. 2913; H. R. 745), now pending in Congress, has for its purpose the strengthening of the Federal game warden service and the further protection of the migratory-game birds under the jurisdiction of the Secretary of Agriculture.

There is, however, one thing that should be guarded against in all such legislation, and that is the unwarranted and unauthorized or arbitrary regulations of some Cabinet officer of matters and things not originally intended to be covered by such a law.

We have in California, as you know, nearly 19,000,000 acres of Federal-owned national forest land the timber, mineral, and grazing resources of which are administered by the Secretary of Agriculture. To guard against the possible withdrawal under this bill by some future Secretary of all such territory as public shooting grounds, and thus eliminate the control of the State over the game therein, I suggest that the bill be amended by adding thereto another section, to be numbered 19, as follows:

"SEC. 19. Nothing in this act shall be construed as authorizing or empowering the migratory bird refuge commission herein created, the Secretary of Agriculture, or any other board, to declare any national forest, national park, or power site a migratory game-bird refuge or public shooting ground under any of the provisions of the act, except by and with the consent of the legislature of the State wherein such area is located."

I trust that you may be able to have the proposed measure so amended as this will fully safeguard the State's rights as to game nonmigratory in character.

With best wishes for your continued success, I am,

Yours very truly,

FISH AND GAME COMMISSION.
F. M. NEWBERT, *President.*

Again on January 28, 1925, I received the following telegram from Mr. Newbert:

SACRAMENTO, CALIF., *January 28, 1925.*

JOHN E. RAKER,

House of Representatives, Washington, D. C.:

The California Fish and Game Commission is for bill S. 2913, H. R. 745, when amended, according to letter mailed you January 4. We believe it will benefit California greatly in the increase of migratory bird life.

F. M. NEWBERT,
President California Fish and Game Commission.

On February 9, 1925, I received the following telegram from Mr. Newbert, California Fish and Game Commission:

SACRAMENTO, CALIF., *February 9, 1925.*

Hon. JOHN E. RAKER,

House of Representatives, Washington, D. C.:

Your full support of migratory game refuge bill, with addition of section 19 as amendment, is earnestly requested. State's rights are fully protected with addition of this section.

F. M. NEWBERT,
President California Fish and Game Commission.

On February 14, 1925, I wrote to Dr. E. W. Nelson, biologist, and Chief, Bureau of Biological Survey, Washington, D. C., as follows:

FEBRUARY 14, 1925.

Dr. E. W. NELSON,

Biologist and Chief, Bureau of Biological Survey,
Washington, D. C.

In re H. R. 745, migratory game refuge bill.

MY DEAR DOCTOR NELSON: Referring to the above-named bill, I have had considerable correspondence with the Hon. Frank M. Newbert, president California Fish and Game Commission, and have also taken up the matter personally several times with Doctor Fisher, of your department.

Mr. Newbert is in favor of the migratory bird refuge bill and he voices the sentiment of the Fish and Game Commission of California, and, as I gather it, the great majority of the people of California, and particularly the public-land States, which are for the bill providing the bill be amended. The amendment suggested and most earnestly desired is as follows:

"On page 11, after line 8, of H. R. 745, a new section, to be known as section 19, as follows:

"'SEC. 19. Nothing in this act shall be construed as authorizing or empowering the migratory bird refuge commission herein created, the Secretary of Agriculture, or any other board, commission, or officer to declare, withdraw, or determine any part of any national forest, national park, or power site, a migratory game bird refuge or public shooting ground under any of the provisions of the act, except by and with the consent of the legislature of the State wherein such area is located.'"

Mr. Newbert writes me under date of January 9, 1925, as follows:

"The Federal migratory game bird refuge-shooting ground bill (S. 2913, H. R. 745) now pending in Congress has for its purpose the strengthening of the Federal game warden service and the further protection of the migratory game birds under the jurisdiction of the Secretary of Agriculture."

"There is, however, one thing that should be guarded against in all such legislation, and that is the unwarranted and unauthorized or arbitrary regulations by some Cabinet officer of matters and things not originally intended to be covered by such a law.

"We have in California, as you know, nearly 19,000,000 acres of Federal-owned national-forest land, the timber, mineral, and grazing resources of which are administered by the Secretary of

Agriculture. To guard against the possible withdrawal under this bill by future Secretaries of all such territory as public shooting grounds and thus eliminate the control of the State over the game therein, I suggest that the bill be amended by adding thereto another section to be numbered 19 * * *."

The amendment suggested is the one above set out.

I received the following telegram from the Fish and Game Commission of California under date of February 9, 1925:

FEBRUARY 9, 1925.

JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Your full support of migratory game refuge bill, with addition of section 19 as amendment, is earnestly requested. State rights are fully protected with addition of this amendment.

F. M. NEWBERT,
President California Fish and Game Commission.

I had an interview with Doctor Fisher yesterday and again to-day, and he advised me your department is satisfied with the amendment and can see no objection to it, and will consent to it being placed on the bill. With this amendment on the bill I am satisfied all the public-land States in which reserves are located will feel kindly disposed to the proposed legislation.

I trust you will send me your views on this Monday.

Respectfully submitting the same, I am

Yours most truly,

JOHN E. RAKER,
Member of Congress.

On February 16, 1925, I received from Doctor Nelson, chief of bureau, the following reply:

FEBRUARY 16, 1925.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR JUDGE RAKER: I have your letter of February 14, concerning the proposed amendment of H. R. 745, which is desired by the California Fish and Game Commission. You state that this amendment should be added to page 11, after line 8, of H. R. 745, as section 19, as follows:

"SEC. 19. Nothing in this act shall be construed as empowering the migratory bird refuge commission herein created, the Secretary of Agriculture, or any other board, commission, or officer to declare, withdraw, or determine any part of any national forest, national park, or power site a migratory game bird refuge or public shooting ground under any of the provisions of this act, except by and with the consent of the legislature of the State wherein such area is located."

Mr. Newbert, president of the California Fish and Game Commission, some time ago brought the proposed amendment to my attention, and as it did not appear to seriously interfere with the main purpose of the bill, I assured him I raised no objection to it. I have been informed that Representative BARBOUR, of California, has the amendment in hand to introduce when the bill comes up for consideration on the floor of the House. However, I have also learned that some of the other Representatives have raised objections to it, I believe on the ground that the bill does not contain anything which calls for an amendment of this character, and furthermore that the amendment is too sweeping in its effect. I sincerely trust that the matter may be adjusted satisfactorily to the California delegation and also to the California Fish and Game Commission.

In this connection I would like to call your attention to the fact that H. R. 745 is for the sole purpose of benefiting migratory birds and not for any other purpose. You will note in section 3 of the bill, lines 19 to 23, that the purpose of rental of lands is "for use as migratory bird refuges and public shooting grounds."

Furthermore, in section 6, page 4, lines 19 to 25, and lines 1 and 2, on page 5, you will note a specific clause guarding the rights of the States. On page 5, lines 18 and 19, it is said that "Nothing in this act shall be construed to exempt any person from complying with the laws of several States." Furthermore, section 4, page 3, specifically provides that no land may be acquired for the purpose of this act until the States have consented to such acquisition.

In drawing the bill originally every effort was made to safeguard the authority of the States, leaving merely the control of migratory birds in the hands of the Federal Government where it was placed by Congress in the migratory bird treaty act and confirmed by the Supreme Court. There has been no desire to interfere with the States' authority over nonmigratory game or birds or fish of any kind.

I am making this explanation in order to show you how carefully we have tried to safeguard the rights of the States in every practical way.

Sincerely yours,

E. W. NELSON, *Chief of Bureau.*

On February 16 I received the following telegram from F. M. Newbert, Fish and Game Commission, California:

SACRAMENTO, CALIF., *February 16, 1925.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Unless suggested amendment to migratory game bird refuge bill is accepted and made part of bill, am not in favor of passage in original form, as section 4 does not protect States rights.

F. M. NEWBERT,
President Fish and Game Commission.

The amendment which I have presented is the one set out in the letter from Mr. Newbert under date of January 6, and likewise the same as referred to in my letter to Doctor Nelson under date of February 14, 1925.

It will be noted in Doctor Nelson's letter under date of February 16, 1925, he wrote, as follows:

Mr. Newbert, president of the California Fish and Game Commission, some time ago brought this proposed amendment to my attention, and as it did not appear to seriously interfere with the main purpose of the bill, I assured him I raised no objection to it.

I also submitted this amendment to Doctor Fisher, of the Biological Survey, and had several interviews with him, and he advised me the same was presented to the Biological Survey of the Department of Agriculture and they had no objection to the same.

I submitted this amendment to the author of the bill, Mr. ANTHONY, who advised me that he had no objection and would consent to its adoption. With this amendment attached it will protect the interests of California and the other public-land States, and the Members of California can with propriety vote for the bill. Without this amendment we would be flying in the teeth of what the California Fish and Game Commission desire. They know the interest of California and wild life has been protected, and if there is anyone we can defer to we can surely defer to our fish and game commission, who have been so active in the matter and have made such a pronounced success.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section close in five minutes.

Mr. McSWAIN. Mr. Chairman, I have offered an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 11, line 8, after the word "kill," strike out the words "or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires."

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, the proposed amendment is to strike out those words to make "attempting to hunt" a crime.

The Constitution of the United States, that is so much magnified, provides that treason against the Government can be established only by proof of an overt act by two witnesses, and yet here we propose to enter into the minds and go down into the secret intent of a man who is walking in a little path in the woods, to see whether he is intending to shoot some game in a preserve. Perhaps he intends to walk through the preserve and shoot some crows or hawks that are destroying his property. In other words, we are going to try to read the minds of a man who has a gun or is going to borrow a neighbor's gun.

Answering the argument of my friend from Texas [Mr. HUDSPETH], who is very different from any evangelist I have ever seen before, I will say that if I were an evangelist and a sinner came up to join my crowd, I would ask every one to sing and rejoice and be happy and welcome him into the fold. I will say that I welcome them and rejoice that those gentlemen are now coming to recognize the fact that there is danger in this constant encroachment of Federal power upon the rights of the States. [Applause.]

Mr. RAKER. Mr. Chairman, I suggest that the section numbers should be changed.

The CHAIRMAN. Without objection, the Clerk will be authorized to correct the section numbers in accordance with the requirements.

There was no objection.

The question was taken, and the amendment offered by the gentleman from South Carolina was rejected.

The Clerk read as follows:

SEC. 18. That this act shall take effect upon its passage and approval, except the provisions requiring the use of licenses, which shall take effect on the 16th day of August, 1924.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 7, after the word "the," strike out "16th day of August, 1924," and insert in lieu thereof "1st day of July, 1925."

Mr. HAUGEN. That is simply changing the date when the bill shall take effect.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. What is the date fixed in the amendment?

The CHAIRMAN. July 1, 1925.

Mr. WINGO. Mr. Chairman, I offer an amendment to make it February 31, 1925.

The CHAIRMAN. The amendment can not be entertained, because there is no such date on the calendar. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out all after the enacting clause.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. BLANTON. Mr. Chairman, that motion is not in order when I offer a preferential motion to strike out all after the enacting clause. That is preferential to the gentleman's motion.

The CHAIRMAN. The gentleman will state his motion again.

Mr. BLANTON. I move to strike out of the bill all after the enacting clause.

The CHAIRMAN. Will the gentleman lay before the Chair some precedents for such a motion?

Mr. BLANTON. It has been held many times that such a motion is in order as an amendment to the bill, but it is not preferential to other amendments. As long as the committee wants to offer perfecting amendments this amendment of mine is not preferential, but it is in order, and it is in order to such an extent that you can not move to rise as long as that motion is before the House.

The CHAIRMAN. The practice of the House justifies the Chair in such a case as this in asking a citation to the precedents.

Mr. BLANTON. I cite the distinguished Chair to the distinguished parliamentarian, than whom there is no better in the United States. [Applause.]

The CHAIRMAN. The Chair rules the motion out of order. The gentleman from Iowa moves that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 745) for the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HAUGEN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BLANTON. Mr. Speaker, I ask for a separate vote on each and all of the amendments.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 3, line 2, insert after the word "fund" the following: "*Provided*, No lands acquired, held, or used by the United States for military purposes shall be subjected to any of the provisions of this act."

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 126, noes 9.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON (interrupting the count). Mr. Speaker, I withhold that while the gentleman from Tennessee makes a parliamentary inquiry.

Mr. GARRETT of Tennessee. Mr. Speaker, the stage for the recommittal of the bill is not passed, is it?

The SPEAKER. No.

Mr. BLANTON. Mr. Speaker, I renew the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-one Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 267, nays 38, not voting 126, as follows:

[Roll No. 77]

YEAS—267

Abernethy	Driver	Leatherwood	Scott
Ackerman	Dyer	Leavitt	Sears, Fla.
Allen	Eagan	Lee, Ga.	Sears, Nebr.
Almon	Elliott	Lehlbach	Shreve
Anderson	Evans, Iowa	Lilly	Simmons
Andrew	Evans, Mont.	Lineberger	Sinclair
Anthony	Fairchild	Longworth	Sinnott
Aswell	Faust	Lowrey	Sites
Ayres	Fenn	Luce	Smith
Bacon	Fish	McDuffie	Snell
Barbour	Fleetwood	McLaughlin, Mich.	Snyder
Barkley	Frear	McLaughlin, Nebr.	Speaks
Beck	French	McReynolds	Sproul, Ill.
Beedy	Funk	McSwain	Stalker
Beers	Gambrill	McSweeney	Steagall
Bell	Gardner, Ind.	MacLafferty	Stedman
Bixler	Garrett, Tenn.	Magee, N. Y.	Stengle
Black, N. Y.	Gasque	Magee, Pa.	Stephens
Black, Tex.	Geran	Major, Ill.	Stevenson
Bland	Gibson	Manlove	Strong, Kans.
Bloom	Gifford	Martin	Strong, Pa.
Boles	Gilbert	Mead	Summers, Wash.
Box	Goldsborough	Merritt	Swank
Boyce	Green	Michener	Swing
Brand, Ga.	Greenwood	Miller, Wash.	Swoope
Brand, Ohio	Griest	Mills	Taber
Briggs	Guyer	Minahan	Taylor, Colo.
Britten	Hadley	Montague	Taylor, Tenn.
Browne, N. J.	Hastings	Mooney	Taylor, W. Va.
Browne, Wis.	Haugen	Moores, Ind.	Temple
Browning	Hawes	Morin	Thatcher
Buchanan	Hawley	Morris	Thomas, Okla.
Bulwinkle	Hayden	Murphy	Thompson
Burdick	Hersey	Nelson, Me.	Tillman
Burtness	Hickey	Nelson, Wis.	Tilson
Burton	Hill, Md.	Newton, Mo.	Tincher
Campbell	Hill, Wash.	Nolan	Tinkham
Canfield	Hoch	O'Connell, N. Y.	Treadway
Cannon	Hooker	O'Connell, R. I.	Underwood
Carter	Howard, Okla.	O'Connor, La.	Vaile
Casey	Hudson	Oldfield	Vestal
Chindblom	Hudspeth	Oliver, Ala.	Vincent, Mich.
Christopherson	Hull, Iowa	Paige	Vinson, Ga.
Clague	Hull, Tenn.	Parks, Ark.	Vinson, Ky.
Clancy	Hull, Morton D.	Peery	Voigt
Clarke, N. Y.	Jacobstein	Perkins	Wainwright
Cleary	Johnson, S. Dak.	Phillips	Ward, N. Y.
Cole, Iowa	Johnson, Tex.	Purnell	Wason
Cole, Ohio	Johnson, Wash.	Ragon	Watkins
Colton	Jones	Raker	Watres
Connery	Kearns	Ramseyer	Watson
Cook	Keller	Ransley	Weaver
Cooper, Ohio	Kelly	Rathbone	White, Kans.
Cooper, Wis.	Kent	Rayburn	Williams, Ill.
Corning	Ketcham	Reece	Williams, Mich.
Cramton	Kincheloe	Reed, Ark.	Williams, Tex.
Crisp	King	Reed, N. Y.	Williamson
Croll	Knutson	Reid, Ill.	Wilson, Ind.
Cullen	Kopp	Robinson, Iowa	Wilson, La.
Cummings	Kurtz	Robsion, Ky.	Wingo
Dallinger	LaGuardia	Romjue	Winslow
Darrow	Lampert	Rubey	Winter
Davis, Tenn.	Lanham	Sabath	Woodruff
Deal	Larsen, Ga.	Sanders, N. Y.	Woodrum
Dickinson, Iowa	Lazaro	Sandlin	Wright
Dowell	Lea, Calif.	Schafer	Zihlman
Drewry	Leach	Schneider	

NAYS—38

Allgood	Doughton	Lozier	Sanders, Tex.
Arnold	Drane	Lyon	Shallenberger
Blanton	Fulmer	McLeod	Sherwood
Bowling	Garrett, Tex.	Major, Mo.	Thomas, Ky.
Busby	Hammer	Milligan	Tucker
Collier	Hill, Ala.	Moore, Ga.	Tydings
Collins	Howard, Nebr.	Morehead	Upshaw
Connally, Tex.	Huddleston	Park, Ga.	Wilson, Miss.
Crosser	Humphreys	Quin	
Dickinson, Mo.	Jeffers	Rankin	

NOT VOTING—126

Aldrich	Berger	Butler	Carew
Bacharach	Boylan	Byrnes, S. C.	Celler
Bankhead	Brumm	Byrns, Tenn.	Clark, Fla.
Begg	Buckley	Cable	Connolly, Pa.

Crowther	Hardy	Mapes	Rouse
Curry	Harrison	Michaelson	Salmon
Davey	Holaday	Miller, Ill.	Sanders, Ind.
Davis, Minn.	Hull, William E.	Moore, Ill.	Schall
Dempsey	James	Moore, Ohio	Seger
Denison	Johnson, Ky.	Moore, Va.	Smithwick
Dickstein	Johnson, W. Va.	Morgan	Spearing
Dominick	Jost	Morrow	Sproul, Kans.
Doyle	Kendall	Newton, Minn.	Sullivan
Edmonds	Kerr	O'Brien	Sumners, Tex.
Fairfield	Kiess	O'Connor, N. Y.	Sweet
Favrot	Kindred	O'Sullivan	Tague
Fisher	Kunz	Oliver, N. Y.	Timberlake
Fitzgerald	Kvale	Parker	Underhill
Foster	Langley	Patterson	Vare
Fredericks	Lankford	Peavey	Ward, N. C.
Free	Larson, Minn.	Perlman	Wefald
Freeman	Lindsay	Porter	Weller
Frothingham	Linthicum	Pou	Welsh
Fulbright	Logan	Prall	Wertz
Fuller	McClintic	Quayle	White, Me.
Gallivan	McFadden	Rainey	Wolff
Garber	McKenzie	Reed, W. Va.	Wood
Garner, Tex.	McKeown	Richards	Wurzbach
Glatfelter	McNulty	Roach	Wyant
Graham	MacGregor	Rogers, Mass.	Yates
Griffin	Madden	Rogers, N. H.	
Hall	Mansfield	Rosenbloom	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Vare with Mr. Carew.
Mr. Kiess with Mr. Kindred.
Mr. Madden with Mr. Weller.
Mr. Denison with Mr. Rouse.
Mr. Butler with Mr. Pou.
Mr. Morgan with Mr. Favrot.
Mr. Bacharach with Mr. Harrison.
Mr. Sanders of Indiana with Mr. McClintic.
Mr. Connolly of Pennsylvania with Mr. Moore of Virginia.
Mr. Patterson with Mr. Davey.
Mr. Aldrich with Mr. Lindsay.
Mr. Davis of Minnesota with Mr. Johnson of West Virginia.
Mr. Sweet with Mr. Fisher.
Mr. Curry with Mr. Byrns of Tennessee.
Mr. Frothingham with Mr. Prall.
Mr. Wood with Mr. Richards.
Mr. MacGregor with Mr. Ward of North Carolina.
Mr. Wyant with Mr. McKeown.
Mr. Seger with Mr. O'Brien.
Mr. Brumm with Mr. Morrow.
Mr. Foster with Mr. Kunz.
Mr. Timberlake with Mr. Glatfelter.
Mr. Wertz with Mr. Celler.
Mr. Graham with Mr. Rogers of New Hampshire.
Mr. Wurzbach with Mr. Jost.
Mr. Crowther with Mr. Griffin.
Mr. Porter with Mr. O'Connor of New York.
Mr. White of Maine with Mr. Boylan.
Mr. Yates with Mr. Oliver of New York.
Mr. Underhill with Mr. Rainey.
Mr. Parker with Mr. Quayle.
Mr. Frear with Mr. Smithwick.
Mr. Garber with Mr. McNulty.
Mr. Hardy with Mr. Sumners of Texas.
Mr. Mapes with Mr. Mansfield.
Mr. Holaday with Mr. O'Sullivan.
Mr. Sproul of Kansas with Mr. Wolff.
Mr. Michaelson with Mr. Dickstein.
Mr. Hall with Mr. Kvale.
Mr. Cable with Mr. Wefald.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment.

Mr. BLANTON. Mr. Speaker, I withdraw my request for a separate vote on each amendment.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I ask for the reading of the engrossed copy.

The SPEAKER. The gentleman from Texas demands the reading of the engrossed copy. Of course, it is not here.

HOUR OF MEETING TO-MORROW

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it shall adjourn to meet at 11 o'clock to-morrow morning.

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, may I ask the gentleman from Ohio, if he does not object to stating, how much time is going to be allowed on the bill that is coming up to-morrow under a rule?

Mr. LONGWORTH. I have just had a consultation with the gentleman from Tennessee [Mr. GARRETT]. I believe the rule provides for two hours' debate. The gentleman from Tennessee said he would like to have another hour's debate. I have consulted with the chairman of the Committee on Rules and he has no objection, so there will be three hours' debate, provided we can meet at 11 o'clock.

Mr. KINCHELOE. As I understand it, there will be one hour of debate on the rule and three hours on the bill.

Mr. BLANTON. There will be how much debate on the rule?

Mr. LONGWORTH. The rule is in the ordinary form, and the chairman, of course, has an hour.

Mr. BLANTON. Then there will be one hour on the rule and three hours on the bill.

Mr. LONGWORTH. There will be three hours' debate on the bill and as much of the hour on the rule as the chairman uses.

Mr. BLANTON. That is left with the chairman of the Rules Committee.

The SPEAKER. Is there objection?

There was no objection.

NAVAL RESERVE AND MARINE CORPS RESERVE

Mr. BRITTEN. Mr. Speaker, I present a conference report on the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, for printing under the rules.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 157. An act to authorize the more complete endowment of agricultural experiment stations, and for other purposes; and

S. 2357. An act for the relief of the Pacific Commissary Co.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10471. Authorizing the Postmaster General to permit the use of precanceled stamped envelopes; and

H. R. 11725. To legalize a pier and wharf in York River at Gloucester Banks, near Gloucester Point, Va.

REFORESTATION

Mr. CLARKE of New York. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by inserting an address delivered by me at Hartford, Conn.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLARKE of New York. Mr. Speaker, under special leave to extend my remarks in the RECORD I insert the following address delivered by me before the Connecticut Forestry Association at Hartford, Conn., January 31, 1925:

Gentlemen, Connecticut was fortunate in acquiring its reputation early in the wood business, for to-day she would hardly be able to make a beginning or long continue the manufacture of even wooden nutmegs; indeed, Connecticut would have difficulty in supplying the citizens of its own State with wooden toothpicks for a generation, so complete has been the devastation, destruction, and consumption of your forests.

God's original endowment to Connecticut was a forested area of approximately 3,000,000 acres out of 3,084,800 acres, the total land area of your State. Your timber stand to-day is 1,500,000,000 board feet of second and third growth timber, much of it of inferior quality; your present rate of consumption to 260,000,000 board feet per year. In other words, in six years' time this State, famous in agriculture, manufacturing, and industry, would be utterly stripped of trees if it had to depend on its own forests for its supply.

Your citizenry and their thought regarding the future supply of timber remind me a good deal of the June bug—the light is all behind. You know where you have been but you know not where you are going. The trail of idle acres is too self-evident, journey where you will. You are a good deal in the same state as the colored woman of liberal proportions, whose boy was dutifully taking her out for her first trip in his Ford. They were run into, and when Mandy finally came to her senses in the hospital, the surgeon, seeking to cheer her up, remarked, "Mandy, think of the damages you will get." And Mandy replied, "Mah Gawd, man, 'taint damages I want; it's repairs I need." That is the condition of the State of Connecticut; and the question of repairs is being placed squarely before the citizenship of this great State, called on to decide whether they want a forward-looking reforestation policy and want the legislature of this State to authorize a $5,000,000 bond issue for the purchase of land suitable for State forests and parks. I commend the proposition and urge the speedy authorization.

What has been done and is being done now is worthy of your attention, so I bring to you a couple of examples of reforestation accomplishment within my own knowledge, one of an individual in my own district and the other the record of my native State of New York, to serve as comparisons, for it is the things we can see with our own eyes that convince; and while I realize, as our good friend, Mrs. Malaprop, says, that "comparisons may be odorous," I sincerely hope that the perfumery of my comparisons will reach into the conscience of the re-

sponsible citizenship of Connecticut, for each record stands out as an example of what can be accomplished if you will only get busy under proper leadership.

Example 1: In dear old Delaware County, the county of my forebears, 8 miles from everywhere, amidst the inspiring hills of my boyhood, and in the town of Franklin of beloved memories, was an old, run-down farm, with a small natural stand of white pine, totaling about 5 acres. A public-spirited, looker-ahead citizen of the highest type, Charles G. DuMond, bought this "pine grove" farm, and with a wife who could and would cooperate, and a boy then 6 years old, to transfer a worthy heritage to, in the spring of 1914, started a campaign of setting out trees with the wife and boy as helpers and copartners. Here is the story:

The figures below give the entire cost of trees, express, cartage, and planting:

Spring, 1914, 20,000 white pine, 2-year-old seedlings	$70.08
Fall, 1914, 10,000 white pine, 2-year-old seedlings	30.00
Spring, 1915, 15,000; 500 white ash, 500 black locust, 500 white cedar (all 2-year-old seedlings), 1,500 white pine, 1,000 Scotch pine, 1,000 red pine, 1,000 Norway spruce	35.00
Spring, 1916, 5,000 white pine, 2-year-old seedlings	15.00
Fall, 1919, 4,000; 2,000 Norway spruce, 2,000 Scotch pine, 2 year-old seedlings	16.42
Fall, 1920, 5,000 Scotch pine, 3-year-old transplants	42.50
Spring, 1921, 25,000 Scotch pine, 3-year-old transplants	221.87
Spring, 1921, 1,000 white cedar, 24,000 Norway spruce, 2-year-old seedlings	113.26
Spring, 1922, 50,000; 20,000 Scotch pine (2-year-old seedlings), 30,000 Norway spruce, 2-year-old seedlings	222.20
Spring, 1922, 3000 red pine, 4-year-old transplants, free from Forestry College, Ithaca	12.00
Spring, 1922, 1,500 red oak acorns, planted cost included in first item in this year.	
Fall, 1923, 5,000; 1,500 white cedar (2-year-old seedlings), 1,000 white spruce, 1,000 Scotch pine, 1,500 black walnut, butternut, and hickory	13.00
Fall, 1924, 1,000 European larch	2.00
Fall, 1924, 1,000 European larch, free demonstration. The last 2,000 I set myself without cost.	
Total cost	793.33

Total trees planted, 170,500.

The seedlings overrun more than 30,000. The actual trees set are more than 200,000, and all coming along in good, healthy condition.

The total cost in fighting blister rust, beetles, and other enemies of trees, about two weeks of healthful, out-of-door exercise each year.

But the picture is larger than the brief story I tell, for it beholds the transformation of barren acres and idle woodlots in a few fleeting years, into an inspiring scene of what can be done with a little intelligent effort and at a minimum of expense. Good citizenship invites you to make such a helpful contribution in the little corner where you live. Mr. and Mrs. Good Citizen, of Connecticut, if you have the price to buy, or have idle acres, why not dedicate a little time, effort, and cash toward making those idle acres more glorious in the to-morrows, because you helped start growing thereon suitable trees, and if you want a good investment I commend you to Charley DuMond, Walton, N. Y., who can show that it pays in dollars and cents, for he has kept an accurate record.

On June 6, 1924, President Coolidge signed the so-called Clarke-McNary bill that established a national reforestation policy that, in the language of Colonel Greeley, Chief Forester of the United States, "represents a milestone of progress."

To celebrate the passage of this great conservation measure, there gathered on August 14, 1924, at Pine Grove, near Walton, N. Y., the Acting Forester of the United States, E. A. Sherman; Cliff Pettis, second graduated forester in the United States, who for over 20 years has been working under a splendid, sympathetic conservation commissioner, building up the State parks of New York, and promoting the growth of forests all over New York State; Dean Moon, the great leader of the State School of Forestry at Syracuse; Professor Collingwood, an indefatigable worker and champion of the policies of reforestation; and other leaders in and workers for reforestation, including thousands of plain citizens, to celebrate the passage of this reforstation law, but more particularly to dedicate Pine Grove Farm as a great outstanding example of what an individual could accomplish, the reforestation model or Exhibit A in the transformation of idle acres into glorious accomplishment.

We invite you, citizens of Connecticut, to come up into our beautiful Catskill country to see for yourselves Pine Grove Farm and other outstanding examples of reforestation that begin in and about that monumental engineering achievement, the Ashokan Reservoir, that furnishes New York City with water, where millions of young trees have been planted thereabouts as protection to and conservator of New York City's water supply.

Example 2: My own State of New York has been for over 20 years working on its forest problems. It has established nurseries that in 1924 distributed over 9,000,000 trees all through the State. It is building up great forest preserves or State parks that already contain over 2,000,000 acres in the Adirondack and Catskill regions alone, and at the last election we voted a bond issue of $5,000,000 to be used for the purchase of additional land within these areas. This will provide funds for a five-year purchase program. In addition to these two great parks, there are 8,500 acres in the Alleghany State Park, around 38,000 acres in the Palisades Interstate Park, approximately 1,000 acres in the Letchworth Park, and there are 38 other parks with smaller areas scattered throughout the State. In making the purchases for forest-preserve purposes, the State has paid from $1 per acre for land entirely denuded of timber and severely burned over, to $200 per acre for land covered with a heavy growth of pure, virgin, softwood timber. The average price for all lands is somewhere between $15 and $20 per acre, and the basis for land purchase, for unburned land and young growth, is about $4 per acre plus the value of the standing timber of merchantable size and quality. We have the cooperation of individuals, fish and game clubs, farm and home bureaus, women's clubs, chambers of commerce, and by next spring we hope to have a forest day that will see every school child in my district with a tree to plant according to a definite plan—and not any old kind of tree, but a suitable one—if our good women, under Mrs. Clarke's leadership, can bring it to pass.

Connecticut, it is time you get busy, for when I think of the measley little 10,500 acres that embody your State forest to-day I feel the time for action has come, the plan is before you, and the challenge is raised to the good citizens of Connecticut. If you measure up to the obligation that accompanies good citizenship, you will immediately start writing your legislators to vote this $5,000,000 bond issue, and you will go further. You have a splendid State forester, who badly needs additional funds in order to enlarge this infant nursery you have just started, so he can have trees to distribute to the citizens of Connecticut at not less than cost.

Again I bring to you the odoriferousness of comparison. The State of New York distributed well over 9,000,000 trees last year through its State conservation commission. These trees, 2 and 3 year olds, were sold to our citizens at from $2 to $4 per thousand, and many thousands distributed to our schools free. One man will easily plant 600 to 800 per day; but do not go at it single handed; take your boys or girls in as partners. The work is extremely light, intensely interesting, and you will set up in those little souls an interest in trees that will assure to the grandchildren a legacy in forests more worthy of them than your children are going to get from you.

We have an incorporated conservation association in the State of New York, individuals voluntarily joining and paying dues to this association, that seeks to back up all conservation measures. This association is urging and expects to see the capacity of our State forest nurseries increased so that 35,000,000 trees will be produced, distributed, and set growing in 1934, and we do not expect it is going to cost any huge sum of money, either.

Another thing you have got to impress upon your citizenry, especially those who toil in your factories, is the dangers that come from fire in our forests. You can obtain Federal cooperation and leadership in building fire-observation towers, to purchase equipment, and carry on this necessary fire-preventive work. Your people, like our own, need educating on the dangers from fires, carelessness, etc. Bring home to them the dangers of leaving camp fires burning after Sunday holidays and picnics in the woods. Your automobilists and joy riders especially need education, and a place to make the beginning is in your public press, through organizations like this one, in your Boy Scout organizations, and schools.

I want to paint you a little picture of what the State of Connecticut to-day is enjoying without effort on its part.

In the New England States, largely in New Hampshire, is the White Mountain National Forest. Why a national forest instead of a State forest is the question that naturally propounds itself, and here is my answer: It was my privilege to be invited by the select committee of the United States Senate to accompany it in its investigations that were carried on in 18 different States. We held our meeting in New York State and journeyed to Boston. From Boston our objective was the White Mountain National Forest.

As we journeyed toward it, we traveled for miles along the Merrimac River. We found community after community with their great manufacturing establishments dependent upon that stream for the employment offered to many thousands of people, dependent upon the evenness of the flow of that river for power that was harnessed, used, then harnessed and used again. We found the increase in the flow of the water and the steadiness of the flow of the Merrimac, even to its lowest reaches in Massachusetts, was due to this national forest, way up in the New Hampshire hills. Looking to the west you could see the Vermont hills, and trickling down through the valleys were streams, feeders of the mighty Connecticut. With extreme fluctuation in the flow of the river largely eliminated because the run-off of the water was slower, due to the forests, with a greater amount of water in the river during the entire year, meaning increasing the depth of the flow by 5 or 6 inches, thanks to a national forest in the hills of New Hampshire. As we journeyed from the Androscoggin River into Maine, we found history again repeating itself, mills and more mills, water power after water power, employment and more employment to thousands of people. We also learned that during the summer, in that national forest, well over 2,000,000 people spent their vacations. So it follows, as the day the night, that every

New England State shared in the benefits of a national law that is gradually building up a greater White Mountain forest that will prove of immense service in every phase of the economic and industrial life of the New England States, as well as in the commerce of the Nation. We need such national forests established in and about this State, and in and about many of the other forest regions to the north, south, and west, and it is up to the State of Connecticut and the other States to enlarge on and broaden out their State policy of reforestation and get it going so that they can join hands with the National Government in a program that shall tell the world of to-day that they are not falling down in their great opportunity to bring back to our hills and dales the trees, to adorn and make more helpful the to-morrows under that national leadership offered in the Clarke-McNary bill.

I

So centered have we been on our own plans and work in the to-day that we seem to have forgotten that there is ever going to be any to-morrows. What we need is a real awakening of the conscience and a clearing of the vision. Such a vision as is ascribed by Kipling to Cecil Rhodes in those words written on the monument erected in his memory at the top of Motoppes Hill, South Africa, where a veritable empire he foresaw spreads out at his feet. These are the words:

"There 'till the vision he foresaw
Splendid and whole arise,
And unimagined empires draw
To council 'neath his skies."

We need men and women whose hearts and minds are attuned to the idea of service to humanity; the kind of service described by Kipling, when he says:

"No one shall work for money, and no one shall work for fame;
But each for the joy of working, and each in his separate star
Shall paint the thing as he sees it for the God of things as they are."

Friends, let us this day rededicate our lives to service in that larger and nobler sense. Let us make our beginning by the appropriation you seek in this State. Let us bring back to our hills the trees and, with the trees, the birds, and fill again our woods with game and wild life. Let us again see our streams filled to the banks, and in those streams let us see the trout and bass at play, and let us make so strict the provisions for the protection to the wild life that will come within these woods and streams that no profane hand shall there raise itself to annoy or destroy. Bryant paints the picture thusly:

"Before these fields were shorn and till'd
Full to the brim our rivers flow'd
The melody of waters fill'd
The fresh and boundless wood;
And torrents dash'd and rivulets played
And fountains spouted in the shade."

Think how quickly the end would come to a great industry with 46 per cent of its capital idle. That's exactly the status of the State of Connecticut to-day, a great agricultural and manufacturing State, with 46 per cent of its total area in idle acres; with no forward-looking policy in sight for the utilization of these idle lands; with a huge yearly economic loss in eroded soil that ultimately finds its way into Long Island Sound; of the threatening shortage in the supply of water in many communities and of an inferior quality in many more communities; of the recurring damages from floods because there is no forest protection to prevent or delay the run-off; and finally, of the inevitable closing down of the industries of the State that are dependent on wood.

Forests in their last analysis affect every phase of your local life, as they do every phase of our national life. Agriculture finds it necessary to use the products of our woods, whether in the home, at the barn, or in the implements with which they till the fields. Industry and manufacturing demand wood products, whether in loom or spindle, at every turn. Connecticut is certainly paying the price for the wastefulness and extravagance that has denuded her hills of trees, as almost every other part of the country is paying the price. The time has come when each State must take up its fair share of the burden of cooperating with the Federal Government in setting these idle acres—81,000,000 in the United States—to work. The Clarke-McNary bill furnishes a national leadership, but there are certain phases of the work that each State in and of itself must undertake as well as private organizations and individuals. The beckoning hand of duty, as well as opportunity, demands that the citizenship of Connecticut make its real beginning in authorizing a $5,000,000 bond issue for the establishment of State forests. Municipalities, school districts, individuals, have their place to fill in this great movement.

Last summer I had an invitation to attend a little celebration of dear, old Tom Luther. Tom had been at work for years setting out trees on that light, sandy soil in and about Saratoga. The select committee of the United States Senate in its historical work of investigating this reforestation problem, visited the great nurseries of the State of New York at Saratoga. They also inspected the young trees Tom had set out, and this spring I was honored by Tom with an invitation to come up there to celebrate a monumental work by one individual. He had set out last spring over 1,000,000 young trees. I asked Tom how he came to do it, and, pointing to his children and grandchildren, he said, "CLARKE, these are my reasons." Citizens of Connecticut, "Go thou and do likewise."

EULOGY OF THE LATE SAMUEL GOMPERS

Mr. CASEY. Mr. Speaker, a dynamic personality has passed from American life. For more than 40 years Samuel Gompers, spokesman and head of the American labor movement, has been a constructive, stabilizing force in the development of the practices and traditions that determine the character and direction of life for the masses of our citizenry. That there has been steady progress in the thinking, the understanding, and the achievements of the wage earners of our Republic we owe to the quality of leadership that has directed the labor movement of this country.

The labor movement as it has developed in the United States has been an outgrowth of the conditions and the problems of American life and American thought. That our American labor movement has not followed foreign philosophies and practices we owe a great deal to Samuel Gompers, who came to this country at the age of 13 an immigrant boy, but who was inspired by a dominating love of freedom and who came to understand so truly the spirit and the method of American desire for democracy that he became one of the truest American patriots who have served our great Republic.

Born in Spitalfields, London, January 27, 1850, he spent his early years in scenes of poverty and oppression that characterize the Ghetto of East Side, London. His parents, both born in Amsterdam, Holland, had come to London seeking better opportunities. The Gompers family can be traced back for centuries, with branches in various European countries. Many members of the family rose to positions of importance and influence, but other branches were very poor and their members wage earners. From such a branch in Holland sprang the forbears of Samuel Gompers. His grandfather was a calico print cutter, his father a cigar maker. His first home consisted of practically one room. His early days were spent on the streets of London, where he learned the lessons of human nature and saw about him the life of an industrial community. Just across from the family home was a silk factory, the offices of which were immediately opposite the Gompers front door. Often he and his playmates were admonished to play quietly so as not to disturb the clerks in the office across the street; but there came a day when that office was vacant and the silk workers walked the streets instead of going to the factory. Although there were no longer the warnings against laughter and loud talk, this boy felt no desire for play or gayety. The silk workers were idle. After long years of patiently learning and perfecting the skill of their trade they found that machinery had been invented to do the work they had learned to do, and they were either dismissed or retained at lower wages. The men thrown out of work were reduced to the verge of starvation, and in groups walked the streets day and night shouting, "I have no work. My wife and kids want bread and I have no work to do." It was a tragic situation that made a deep impression on the boy's mind. As the years passed it recurred to him repeatedly, creating in him a deep sense of responsibility for doing what he could to advance the cause of the wage earners.

After four short years of schooling his father was forced to put him to work and he was apprenticed to learn the cigar-makers' trade. After the day's work was done he attended night school, and for diversion was sometimes permitted to attend a concert or a play. But conditions in the cigar-making industry were not good in London ,and even with the help of his elder son the head of the Gompers family found himself unable to supply the family necessaries and he determined to immigrate to the new world. With his wife and children he began life anew in the East Side, New York. There Samuel Gompers went into the cigar-making industry, spending his evenings in night schools or the diversions of boy's clubs and fraternal work.

As he grew older he became more keenly aware of the hardships and injustices which prevailed in the majority of the cigar factories of New York City. He felt more and more the responsibility for active work in the only agency which he found to remedy the wrongful conditions. With a group of fellow cigar makers he helped to develop a strong effective trade-union in New York City that was competent to deal with

the problems of the industry, and to enable the cigar makers to bargain more equally with their employers. From active work in the cigar-makers' union he was brought into the larger field of the union movement of the whole city, and then became active in the national organization of his trade. Because he had won a standing in his organization and a reputation for ability in industry, he was designated to represent the Cigar Makers' International Union in the congress held in Pittsburgh in November, 1881, which organized the national federation of labor organizations which preceded the present American Federation of Labor.

In the first organization, called the Federation of Trades and Labor Unions of the United States and Canada, Gompers was one of the leaders, serving practically continuously as one of its executive officers. When it became apparent that an effective organization of national trade organizations must be organized in order to protect the workers industrially, Mr. Gompers was one of those who took an active part in arranging for the reorganization which took place in Columbus, Ohio, in the fall of 1886.

The new federation consisted of only trade-union organizations and was primarily to promote economic organization. The conference decided to elect a president of the new federation to give his full time to its work. Because many efforts to organize a federated movement had failed and no one could foretell the future of the new effort, this office of presidency for the American Federation of Labor fairly went begging in the first convention. It was offered to Mr. Gompers, who at first refused, but after other prominent trade-union officials had also refused it seemed practically impossible to get some one of ability to accept the place, and then Mr. Gompers consented. The salary was only $1,000 per year, or rather a promise to pay this amount. But it was seldom possible to meet this obligation. He at the time had a large family dependent upon him. He returned to New York and set about the difficult task of giving substance to the plan for a new labor federation. There was no money in the treasury, no officers, no precedents, and no system of work. In a little back office room loaned by Cigar Makers' Local No. 144 of New York, Mr. Gompers began the work of building the federation of American trade-unions. However, he made many personal sacrifices in the work, though his family not infrequently were in need of food and clothing.

Though he often had to take from his own meager funds money to carry on the work of the office, sustained by a vision of what the federation might become and urged on by a deep sense of responsibility for bringing betterment into the lives of his people—the wage earners—he worked on. Despite discouragement, despite obstacles, despite lack of cooperation, and despite faithlessness from those who should have given sustaining cooperation, he stood by the ship and finally had the satisfaction of viewing achievements such as have been recorded by few, if any, other labor movements of the world.

It was a most difficult period in which the federation developed, for it paralleled a transitional period in industry. It was the period in which there was development of mechanical power followed by the concentration of production in larger units and the evolution of the quantity scheme of production. From the standpoint of organization of industry this meant the corporation and the big trust. As the power of management in industry became greater, labor organizations were under the necessity of developing corresponding organization and power. The federation was without power of any sort and had only such authority as was derived from a cooperative effort for defense of trade unions and their promotion. As Mr. Gompers so frequently expounded, the American Federation of Labor was built upon the principle of voluntarism, and owes whatever strength and achievement it secured fundamentally to the fact that it existed by the desire and consent of the wage earners of the United States.

It is quite true that the federation is one of the most marvelous demonstrations of what can be done without compulsion by the constructive method of education so that those concerned will cooperate in an effort to promote the best interest of all.

Mr. Gompers was a forceful personality, aggressive in his methods and unbending in his allegiance to principle. He had power because he did not attempt to dictate—because he did not attempt to compel. He won cooperation and earned the confident following of the wage earners of the United States. He had power and influence because he was the voluntarily chosen spokesman of millions of independent working men and women of our great Republic. The secret of his power was his unalterable allegiance to the principle of voluntarism. That he was incorruptibly honest no one doubted. That he could not be bribed none knew so well as political leaders. That he could not be bought many an employer had proof positive. That he could not be tricked or beguiled from allegiance to principle was demonstrated time and time again in most grilling hearings before committees of Congress and public commissions. Never could he be fooled into accepting a proposal for compulsion, whether compulsory arbitration, compulsory investigation, or laws curtailing the freedom of voluntary organizations by State regulation, State control, or State ownership. To him the principle of voluntarism was the key to human freedom. In his championship of this principle he was a great apostle for a cause fundamental for human welfare.

In the early days his voice was raised for the cause as one crying in the wilderness. The Nation came to value the message and to give heed to the counsel. There was laid upon his heart the burden of freedom for the wage earners of the United States, and as the spokesman for those whom he represented, he ever forced a hearing and consideration for his cause. Though all might not agree with Samuel Gompers, when he spoke they were compelled to listen with respect to his words.

Concrete evidences of the effectiveness of the leadership that built up the present American Federation of Labor are to be found in the following figures: The federation when Mr. Gompers assumed responsibility of leadership represented 125,000 wage earners. By 1896 the membership had grown to 265,000. In this period the federation was establishing its dominance over the Knights of Labor, was securing the affiliation of national unions, and organizing additional national trade-unions. During the period between 1886 and 1887 alone 19 new national unions were formed. The membership of the Knights of Labor in this year was 702,924. In 1897 there were approximately 272,100 members belonging to organizations affiliated to the American Federation of Labor, or 60 per cent. The membership of independent organizations was 174,900. In 1923 the membership of organizations affiliated was approximately 3,050,400, or approximately 80 per cent. The membership of independent organizations was 729,600. Since 1881 the trade-unions have been able to reduce the hours of work from 18, 16, and 12, until the eight-hour standard prevails for the greater number of wage earners. Wage rates have increased proportionately. At the present time the American Federation of Labor is housed in its own building which is unencumbered by debt.

The membership of its affiliated organizations is approximately 3,000,000. There are 108 national and international organizations affiliated to it. It carries on its activities through these organizations and their 32,157 affiliated local unions. In addition, there are 408 directly affiliated local trade and Federal labor unions. For local activities it has 855 city central bodies and 49 State federations of labor. Additional evidences of the genuine, constructive progress made by the American labor movement is found in figures given out by the International Labor Office at Geneva on real wages of working people, with London as the basis, or 100: Philadelphia, 214; Ottawa, 173; Amsterdam, 89; Warsaw, 83; Stockholm, 81; Paris, 73; Christiania (now Oslo), 72; Brussels, 59; Madrid, 57; Prague, 56; Berlin, 55; Vienna, 47; Milan, 46; Rome, 46; and Lisbon, 32. These figures related to the summer of 1924.

The high average for the United States could not have been reached without both increased productivity per worker and higher wages paid for work done. Not only has the American Federation of Labor achieved remarkable success in the economic field but its record in legislative achievements is highly creditable. It has sought and obtained legislation providing the eight-hour day on Government work; a constructive immigration policy to prevent lowering of American standards of life and work; the enactment into law of a declaration of fundamental economic philosophy, "The labor of a human being is not a commodity or article of commerce"; the seamen's act, freeing the last of the American bondmen; constructive compensation legislation; provisions for a Federal Board for Vocational Education and for the maintenance of constructive work through this agency; the establishment of the Federal Department of Labor. These are among the more outstanding of the legislative achievements due primarily to the leadership and the persistence of the American Federation of Labor under the leadership of Mr. Gompers. They are enactments of public policy that promote not only the welfare of a group but the welfare of the whole Nation. It must be remembered that these are enactments of Federal law and that in practically every State of the Union there is an ample record of achievement applying to the geographic area over which the State has jurisdiction, and it was the leadership of the American Federa-

tion of Labor that inspired this unity of action and purpose which has resulted in beneficent achievement for the wage earners of every locality.

Under the leadership of Samuel Gompers the American Federation of Labor has achieved its political and legislative success through a political policy distinctively the product of American conditions. Samuel Gompers refused to be beguiled by alluring political propaganda from foreign countries and maintained steadfastly a practical and constructive political policy within the American labor movement. He held that the issues involved concerned not only a group but the whole Nation, and he refused to let the federation be forced into a position of class partisanship.

The breadth of his ideals and his purpose was not fully revealed until the period of the World War, although at no time was he more distinctly and unreservedly an American patriot, battling for American ideals than when he, with two colleagues, Frank Morrison and John Mitchell, dramatized for the whole country the meaning of the abuse of the writ of injunction, against which labor protested. When in the Buck's Stove & Range Co. case he was confronted with a writ of injunction that forbade him the right of free speech and free press, he did not hesitate a moment to make known that he valued his constitutional rights and liberties more highly than he valued immunity from legal proceedings or prison sentence. When, condemned to jail for one year for exercising the right of free speech and free press and asked by the judge if he wished to make any statement as to why sentence should not be pronounced, in words that are worthy to rank with the utterances of Patrick Henry and Samuel Adams, he stated fearlessly that he, as an American citizen, had the right to discuss abuses and precedents that would undermine constitutionally guaranteed liberties. When the World War came Samuel Gompers, sooner than many others, perceived that the vital issue involved in that war was the perpetuation of democratic institutions. Even before our country was involved in the war he was taking an active part to prevent the labor movement from being drawn into the propaganda and giving unconscious service to the cause of German imperialism.

In contrast to his habitual practice of refusing to be drawn into governmental administrative responsibility, he accepted from the President of the United States appointment to the Advisory Commission to the Council of National Defense. This Advisory Commission consisted of private citizens, experts in some field of endeavor necessary to the conduct of a national war. In that capacity he rendered invaluable service to the Government, and by a most remarkably wise and understanding leadership he made it possible not only for the labor movement of the country to offer its cooperation to the Government for national defense, but for the Government to understand the spirit and the value of the offered cooperation and to enter into joint agreements which recognize the functions and the responsibility of the organized labor movement.

Not only here but abroad did the president of the American Federation of Labor render war service. It is said on undisputable authority that when Arthur Balfour was asked what was America's greatest contribution to the World War he answered in just one word, "Gompers."

When labor in allied countries had grown war weary and had about lost faith in the purposes of their respective governments it was then that Samuel Gompers undertook the mission of reviving allied labor and strengthening their determination to stand steadfastly by the cause represented in the allied coalition. Though not a young man, at the time weary by the incessant demands of war service in this country, he went upon that mission which would have daunted many a younger man, entailing as it did physical dangers and hardships, as well as the necessity of contending for leadership with some of the most subtle minds of European labor and socialists. He succeeded in that as he had succeeded in mobilizing the American labor movement in support of the American Government. When the peace treaty at Versailles was being written it was Samuel Gompers who was chairman of the international commission on labor legislation, and who in a large measure determined the form in which the labor provisions of the Versailles treaty were drafted.

An evidence of the truth of his statesmanlike mind and the youthfulness of his imagination occurs in the fact that one of the most important undertakings upon which he engaged at the close of the World War was the organization of the Pan American Federation of Labor. When after years of endeavor he had succeeded in helping the Mexican workers organize a Mexican Federation of Labor he planned to make this beginning the instrumentality for spreading the trade-union movement throughout the Pan American countries. In those countries where the Latin influence dominated and industrialism was not well advanced wage earners were under the double handicap of having to fight for political as well as economic rights. As the union of Pan American countries was developing it was obvious that industry and commerce must develop accordingly, and in world markets there would be competition between the standards of work and life in the United States and those of the Pan American countries. In order to maintain our own high levels of civilization and human life he planned to develop opportunities for the trade-union movement to render service on an international scale. How well he rendered that service and how fully it was understood and appreciated we had evidence in the last days of Samuel Gompers.

The recent convention of the American Federation of Labor was held at El Paso, Tex. The convention of the Mexican Federation of Labor was held across the international bridge in Juarez. There were joint meetings of these two federations of labor in which there were expressions of desire for international peace and for the welfare of the labor movements of both nations. Seldom has it been granted to anyone of any walk of life to hear such unreserved appreciation and commendation for long and honorable service as were given to Samuel Gompers at the joint meetings of those two federations, and when at the close of the convention Mr. Gompers went to Mexico City as the guest of the President elect, Gen. Plutarco Elias Calles, he was to observe the inauguration of a President who, for the first time in Mexican history, was to succeed his predecessor as the constitution provides. It was labor of the United States and Mexico that made possible that constitutional accession. The Mexican Federation of Labor has been the big stabilizing, constructive force in Mexican life, and is making it possible for Mexico to organize an industrial and civil life to promote the arts of peace.

It was after he had participated in these events that marked the grounding of a distinct period in the history of Pan American labor that Mr. Gompers was stricken down. As he had always wished, he was in the harness until the end. He died in service. He lived through the hurried journey that took him northward again onto American soil, and in the city of San Antonio, made famous by its heroic defense against a foreign government, he breathed his last, and the final words that passed his dying lips were a prayer for that which was dearest to him and that for which he had given a life of service:

God bless our American institutions; may they grow better day by day.

These were the dying words of this great American. May his soul rest in peace.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House, in accordance with its previous order, adjourned until to-morrow, Saturday, February 21, 1925, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on the District of Columbia. H. R. 12331. A bill to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906; with amendment (Rept. No. 1533). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. R. 12233. A bill establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the signing of the Mecklenburg Declaration of Independence at the city of Charlotte, N. C., on May 20, 1775, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; with amendments (Rept. No. 1534). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 11365. A bill to establish a national military park at Fort Stevens, in the District of Columbia, and to authorize the acquisition of such lands as may be necessary to preserve said fort; without amendment (Rept. No. 1537). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. 310. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle with the Sioux

Indians in which the commands of Major Reno and Major Benteen were engaged; with an amendment (Rept. No. 1538). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. S. 3824. An act to provide for the appointment of a leader of the Army Band; without amendment (Rept. No. 1539). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12343. A bill to create an additional judge in the district of Minnesota; with an amendment (Rept. No. 1540). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. J. Res. 186. A joint resolution authorizing the sale of the old Federal building at Toledo, Ohio; without amendment (Rept. No. 1541). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILBERT: Committee on the Library. H. J. Res. 28. A joint resolution authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical freize in the rotunda of the Capitol; with an amendment (Rept. No. 1542). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. J. Res. 341. A joint resolution to provide for the expenses of delegates of the United States to the Pan American Educational Conference; without amendment (Rept. No. 1543). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 7554. A bill to authorize the payment of an indemnity to the Government of Nicaragua on account of damages alleged to have been done to the property of Salvador Buitrago Diaz by United States marines on February 6, 1921; without amendment (Rept. No. 1544). Referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa: Committee on Military Affairs. S. 2294. An act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; without amendment (Rept. No. 1545). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 4059. An act to provide for an additional Federal district for North Carolina; with amendments (Rept. No. 1547). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORES of Indiana: Committee on Foreign Affairs. H. J. Res. 294. A joint resolution extending the sovereignty of the United States over Swains Island and making the island a part of American Samoa; without amendment (Rept. No. 1549). Referred to the Committee of the Whole House on the state of the Union.

Mr. REED of New York: Committee on Industrial Arts and Expositions. H. J. Res. 351. A joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in a permanent international trade exposition at New Orleans, La., to begin September 15, 1925; without amendment (Rept. No. 1550). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 12242. A bill to authorize the Hon. Stephen G. Porter to accept a medal and diploma from the Government of Brazil; without amendment (Rept. No. 1546). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12364) granting a pension to Lillian Pike, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERHILL: A bill (H. R. 12372) to provide for a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes; to the Committee on the District of Columbia.

By Mr. WELLER: A bill (H. R. 12373) incorporating the Veterans of Foreign Wars of the United States; to the Committee on the Judiciary.

By Mr. REID of Illinois: A bill (H. R. 12374) granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; to the Committee on Interstate and Foreign Commerce.

By Mr. SPROUL of Illinois: A bill (H. R. 12375) granting the consent of Congress to the county of Cook, State of Illinois, to construct a bridge across the Little Calumet River in Cook County, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. WEFALD: A bill (H. R. 12376) to extend the time for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, Minn., and the county of Traill and the town of Herberg, N. Dak., across the Red River of the North on the boundry line between said States; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG of Kansas: A bill (H. R. 12377) to prohibit the forging, counterfeiting, or altering of adjusted service certificates issued under the World War adjusted compensation act; to the Committee on Ways and Means.

By Mr. TEMPLE: Joint resolution (H. J. Res. 365) to provide for the expenditure of certain funds received and to be received from the Persian Government for the education in the United States of Persian students; to the Committee on Foreign Affairs.

By Mr. MACGREGOR (by request): Joint resolution (H. J. Res. 366) providing for adhesion of United States to International Court; to the Committee on Foreign Affairs.

By Mr. DAVILA: Joint resolution (H. J. Res. 367) authorizing the Secretary of Agriculture to cooperate with the Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924; to the Committee on Agriculture.

By the SPEAKER (by request): Memorial of the Legislature of the State of Montana, urging Congress to enact legislation to promote equality for agriculture under the American protective system in the case of those crops of which a normal surplus above domestic requirements is produced; to the Committee on Ways and Means.

By Mr. HICKEY: Memorial of the Legislature of the State of Indiana requesting the Congress of the United States to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army, made in furtherance of the national defense act of 1920; to the Committee on Military Affairs.

By Mr. GARBER: Memorial of the Legislature of the State of Pennsylvania urging Members to vote against passage of any legislation intended to increase the amount of water to be taken from the Great Lakes through the Chicago drainage canal for sanitation and power purposes; to the Committee on Rivers and Harbors.

By Mr. LEAVITT: Memorial of the Legislature of the State of Montana urging enactment of legislation to promote equality for agriculture under the American protective system in the case of those crops of which a normal surplus above domestic requirements is produced; to the Committee on Agriculture.

By Mr. MACGREGOR: Memorial of the Legislature of the State of Pennsylvania opposing legislation that will tend to increase the amount of water to be taken from the Great Lakes through the Chicago drainage canal for sanitation and power purposes; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CROLL: A bill (H. R. 12378) granting an increase of pension to Anna Bower; to the Committee on Invalid Pensions.

By Mr. JEFFERS: A bill (H. R. 12379) for the relief of C. B. Wells; to the Committee on Claims.

By Mr. KUNZ: A bill (H. R. 12380) for the relief of Harry A. Tedswell; to the Committee on Claims.

By Mr. PERKINS: A bill (H. R. 12381) for the relief of George S. Conway; to the Committee on War Claims.

By Mr. WELLER: A bill (H. R. 12382) for the relief of Charles Lacy Plumb (Inc.); to the Committee on Claims.

PETITIONS, ETC.

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

3853. By Mr. COLTON: Petition of Utah Mission of Seventh-Day Adventists, Ogden, Utah., opposing the enactment of S. 3218; to the Committee on the District of Columbia.

3854. By Mr. CULLEN: Petition of the Maritime Association of the Port of New York, indorsing H. R. 9535, the purpose of which is to grant to private shipowners a right of action when their vessels or goods have been damaged as a result of a collision with any Government-owned vessel, without recourse to the passage of a special enabling act in each case; to the Committee on Interstate and Foreign Commerce.

3855. By Mr. GARBER: Petition of the LeClaire Co., asking for support of legislation reducing postage rates; to the Committee on the Post Office and Post Roads.

3856. Also, petition of the Thomas Jefferson Memorial Foundation (Inc.), asking support of Senate Joint Resolution 166; to the Committee on the Library.

3857. Also, letter from Women's National Republican Club (Inc.), asking support of Wadsworth-Garrett amendment to the Constitution; to the Committee on the Judiciary.

3858. Also, petition of the American Federation of Teachers, the American Home Economics Association, etc., requesting opposition to House Joint Resolution 75; to the Committee on the Judiciary.

3859. By Mr. JOHNSON of Washington: Petition of Lawrence J. Hannan and 26 other citizens of Ridgefield and La Center, Wash., opposing the compulsory Sunday observance bill, S. 3218; to the Committee on the District of Columbia.

3860. By Mr. MICHAELSON: Petition of the Chicago Conference of Seventh Day Adventists, opposing the enactment of Senate bill 3218, or similar legislation; to the Committee on the District of Columbia.

3861. By Mr. O'CONNELL of New York: Petition of the New York State League of Savings and Loan Associations, concerning the word "savings" in the McFadden-Pepper banking bill; to the Committee on Banking and Currency.

3862. Also, petition of the Maritime Association of the Port of New York, favoring the passage of House bill 9535; to the Committee on Claims.

3863. By Mr. RAKER: Petition of C. A. O'Goode and Peter Claussen, Veterans' Home, Calif., urging passage of the Indian war pension bills, House bill 11798 and Senate bill 3920; to the Committee on Pensions.

3864. Also, petition of J. P. Thompson, vice president National Federation of Federal Employees, San Francisco, Calif., indorsing and urging the passage of the bill H. R. 8202; to the Committee on the Civil Service.

3865. Also, letter from the International Association of Police Women, Washington, D. C., indorsing and urging the passage of S. 4274 and H. R. 12248; also, letter from Apartment House Association of Los Angeles County, Los Angeles, Calif., protesting against passage of District of Columbia Rent Commission legislation; to the Committee on the District of Columbia.

3866. Also, letter from Mr. C. D. Kaeding, of Mills Building, San Francisco, Calif., urging support of the game refuge public shooting ground bills, S. 2913 and H. R. 745; also, letter from the California Development Association, San Francisco, Calif., urging the establishment of a forestry experiment station at Berkeley, Calif.; to the Committee on Agriculture.

3867. Also, letter from the Lee Highway Association, Munsey Building, Washington, D. C., urging passage of the Arlington memorial bridge bill; to the Committee on Public Buildings and Grounds.

3868. Also, telegrams from W. F. Mixon, secretary California Highway Commission, of Sacramento, Calif.; George W. Borden, president Western Association of State Highway Officials, of Carson City, Nev., and resolution adopted by the County Supervisors' Association of California, by Stanley Abel, secretary, all indorsing and urging passage of the Colton bill, H. R. 6133; to the Committee on Roads.

3869. Also, telegrams from Albert Bensinger, Jack S. Goldstein, and Joseph Levinson, all of New York City, urging support of provision eliminating Pullman surcharge; also, telegrams from the Sierra Railway Co., Jamestown, Calif., R. S. Busby, president, San Francisco, Calif.; S. H. McCartney, vice president Nevada-California Oregon Railway, of Alturas, Calif.; and the California Development Association, by N. H. Sloane, general manager, San Francisco, Calif., protesting against elimination of Pullman surcharge by direct legislation; to the Committee on Interstate and Foreign Commerce.

3870. By Mr. TILSON: Petition of Oscar Dowling, president of Louisiana State Board of Health, and other citizens of the United States, declaring their appreciation of the great help of the Federal Health Department and the Bureau of Fisheries toward the solution of the oyster problems, present and past; to the Committee on Agriculture.

SENATE

SATURDAY, *February 21, 1925*

(Legislative day of Tuesday, February 17, 1925)

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

SENATOR FROM SOUTH DAKOTA

The PRESIDENT pro tempore laid before the Senate the credentials of WILLIAM H. MCMASTER, chosen a Senator from the State of South Dakota for the term beginning on the 4th day of March, 1925, which were read and ordered to be placed on file, as follows:

UNITED STATES OF AMERICA,
STATE OF SOUTH DAKOTA.

Certificate of election

This is to certify that on the 4th day of November, 1924, at a general election held throughout said State WILLIAM H. MCMASTER was duly chosen by the qualified electors of the State of South Dakota to the office of United States Senator, to represent the State of South Dakota in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

In witness whereof I have hereunto set my hand and caused the seal of said State to be affixed at Pierre, the capital, this 7th day of January, 1925.

By the governor.

CARL GUNDERSON, *Governor.*

Attest:
[SEAL.]

C. E. COYNE,
Secretary of State.

COLUMBIA INSTITUTION FOR THE DEAF

The PRESIDENT pro tempore. The Chair announces the resignation of the Senator from Michigan [Mr. COUZENS] as a member of the board of directors of the Columbia Institution for the Deaf, and appoints the Senator from Washington [Mr. JONES] in the stead of the Senator from Michigan as a member of the board of directors.

CONDITION OF RAILROAD EQUIPMENT

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission, reporting (in compliance with Senate Resolution 438, agreed to February 26, 1923), for the month of January, 1925, on the condition of railroad equipment and related subjects, which was referred to the Committee on Interstate Commerce.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Second Assistant Secretary of the Department of Labor, requesting permission for the destruction of certain obsolete and useless papers in the files of that department. The Chair appoints as a committee on the part of the Senate to consider the advisability of granting the request the Senator from Colorado [Mr. PHIPPS] and the Senator from New Mexico [Mr. JONES]. The Secretary will advise the House of Representatives of this action.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the chairman and secretary of the Progressive Party of the State of Oregon, inclosing certain resolutions adopted by that organization. If there be no objection, the communication and accompanying paper will be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the matter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows: