Congressional Record

PROCEEDINGS AND DEBATES OF THE SIXTY-EIGHTH CONGRESS SECOND SESSION

SENATE

MONDAY, *February 23, 1925*

(Legislative day of Tuesday, February 17, 1925)

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

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

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

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

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

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

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Pursuant to a standing order of the Senate and an appointment heretofore announced, the senior Senator from Arizona [Mr. ASHURST] will now read Washington's Farewell Address.

Mr. ASHURST (at the Secretary's desk) read the Address, as follows:

To the People of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to be proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering; though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parted friend, who can possibly have no personal

motive to bias his counsel. Nor can I forget as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common danger, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *south*, in the same intercourse benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of these overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by *geographical* discrimination—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiations by the Executive and in the unanimous ratifications by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are *duties enjoined by* the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system; and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the dangers of parties in the state, with particular references to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternates domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of the kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundations of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment at least is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favored nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me fellow citizens), the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity imposes on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength,

and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views it in the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

Mr. FESS. Mr. President, recently President Coolidge appointed a commission to recommend to Congress and to the country a proper celebration of the bicentennial of the birth of George Washington, which will occur in about seven years. The President has made a formal statement of the significance of the proposed celebration. I ask unanimous consent that instead of taking the time to read it, it may be printed in the RECORD, in 8-point type.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. Under the rule it can not be printed in the RECORD in 8-point type.

Mr. FESS. It can be done by unanimous consent.

Mr. SMOOT. No; the House has an interest in the matter, and they would have to agree to it. If we undertake to do it in the one case, we will have to do it in all cases when requested.

Mr. FESS. Then I will ask to have it read at the desk so that it may appear in 8-point type.

Mr. MOSES. It could not be printed in 8-point type under the law.

Mr. FESS. Then I withdraw my request, and I will read it myself at another time.

PROPOSED REPEAL OF SALARY INCREASE

Mr. BORAH. I submit an amendment intended to be proposed by me to the deficiency appropriation bill, accompanied by a notice, which I ask may be received and printed.

The amendment and accompanying notice were ordered to lie on the table and to be printed; the notice being as follows:

NOTICE BY MR. BORAH

I hereby give notice that under Rule XL I will move to suspend paragraph 3, of Rule XVI, in order that I may propose to H. R. ———, making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes, the following amendment:

"SECTION I. That the following provision contained in H. R. 12101, being the legislative appropriation bill passed and approved February —, 1925, reading as follows:

"'SEC. 4. That section 4 of the legislative, executive, 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 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," be and the same is hereby repealed.'

"SEC. II. That on and after the passage and approval of this act the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of $12,000 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 $7,500 per annum each."

PROPOSED STATE TAX ON COTTONSEED-OIL PRODUCTS

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of the resolution which I send to the Secretary's desk. I do not think there will be any opposition to it, and if there is, I will withdraw it.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 344) was read, as follows:

Whereas the Constitution vests in Congress the exclusive power to regulate commerce between the States; and

Whereas the free and untrammeled commerce between the several States is a cardinal principle of the Federal Constitution; and

Whereas the strict observance of these fundamental principles is necessary to the promotion and preservation of proper and cordial relationship between the various States; and

Whereas the Senate has reliable information to the effect that the legislatures of some of the States have measures now pending regarding interstate commerce that would do violence to the principles of the Constitution and set a precedent fraught with grave danger to the whole country: Therefore be it

Resolved, That it is the sense of the Senate that such legislation would be in contravention of the principles of the Federal Constitution.

The PRESIDENT pro tempore. The Senator from Alabama asks for the immediate consideration of this resolution. Is there objection?

Mr. WATSON. I do not know on what the resolution is based, and what is the object of it?

Mr. HEFLIN. I may state to the Senator from Indiana that recently there was received by the Senator from North Carolina [Mr. OVERMAN] a telegram from the governor of his State, stating that in the State of Idaho, the State of California, and a few other States, measures are pending seeking to tax cottonseed-oil products in order to prevent them from coming into those States. The junior Senator from Idaho [Mr. GOODING] sent a telegram to his State legislature, or to the governor, the other day, urging them not to pass this legislation. This resolution is in line with the Federal Constitution, and I think it would be well for the Senate to adopt it.

Mr. WATSON. I have no desire to interpose an objection to a proposition of that kind, but I would like to have some information regarding it. Let it go over one day, so that we can look into it.

Mr. HEFLIN. Very well.

The PRESIDENT pro tempore. Objection is made, and the resolution will lie over for a day.

Mr. HEFLIN. I will withdraw the resolution for the present and submit it later.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed without amendment the following bills of the Senate:

S. 3765. An act to authorize a five-year building program for the public-school system of the District of Columbia, which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia; and

S. 4045. An act granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 5726. An act 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'"; and

H. R. 9343. An act authorizing the adjudication of claims of the Chippewa Indians of Minnesota.

The message further announced that the House had agreed to the amendment of the Senate to the bill of the House (H. R. 10533) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River.

The message also announced that the House had agreed to the amendments of the Senate to the bill of the House (H. R. 491) for the prevention of venereal diseases in the District of Columbia, and for other purposes.

The message further announced that the House had passed the following concurrent resolution (H. Con Res. 46), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That in enrolling the bill (H. R. 4202) entitled "An act to amend section 5908, United States Compiled Statutes, 1916, Revised Statutes, section 3186, as amended by act of March 1, 1879, chapter 125, section 3, and act of March 4, 1913, chapter 166," the Clerk of the House is authorized and directed—

(1) To strike out the words "That if," immediately after the enacting clause, and to insert in lieu thereof the following:

"That section 3186 of the Revised Statutes, as amended, is amended to read as follows:

"'SEC. 3186. That if'";

(2) To insert quotation marks at the end of such bill;

(3) To amend the title so as to read: "An act to amend section 3186 of the Revised Statutes, as amended."

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 2803. An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes;

S. 3173. An act 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;

H. R. 11703. An act 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;

H. R. 11737. An act authorizing preliminary examinations and surveys of sundry rivers with a view to the control of their floods;

H. R. 11825. An act to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio;

H. R. 11957. An act to authorize the President in certain cases to modify visé fees;

H. R. 12064. An act to recognize and reward the accomplishment of the world flyers; and

H. R. 12101. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes.

PERSONAL EXPLANATION

Mr. SPENCER. Mr. President, I desire to make the following brief statement to my colleagues:

On Saturday last the Department of Justice informed me that there had been lodged with the department a charge that at some time in the past I had violated the law in practicing before some department of the Government, and yesterday I saw in the press that "a man named Elliott brought these charges."

The charge relates to a contract in connection with the dyeing and handling of Government sealskins, which was entered into by the Government with a St. Louis corporation represented by Col. Philip B. Fouke, who negotiated the transaction.

The original contract was entered into 10 or more years ago. At the time of the making of the contract I did not personally know Colonel Fouke. I had no legal connection either with him or with any company with which he was associated. It was long before I was elected a Member of the Senate. I had nothing whatever to do with the contract, direct or indirect.

Since that time Colonel Fouke has become a personal friend of mine, and he and some of the interests with which he is connected have become valued clients of the firm with which I am connected, and that connection still exists; but never at any time have I in any way appeared before any department of the Government in connection with any of their contracts with the Government or in connection with any renewal or modification thereof, nor have I ever received, directly or indirectly, any compensation for anything along that line.

I ask unanimous consent that there may be read from the desk and incorporated in the RECORD as a part of my remarks a letter which I sent to the Department of Justice in this matter to-day.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the letter was read, as follows:

MONDAY, FEBRUARY 23, 1925.

The honorable the ATTORNEY GENERAL,
Washington, D. C.

DEAR GENERAL STONE: On Saturday last the Department of Justice, through Mr. Donovan, informed me that the attention of the department had been directed to a charge that I, at some time in the past, had, in violation of law, practiced before some Government department, and I saw in the press yesterday statements that "a man named Elliott brought the charges."

It is needless for me to say that there is not the slightest foundation of any kind, direct or indirect, for any such charge, but I beg to express the earnest hope that inasmuch as the charge has been made from any source that it may be inquired into promptly and with the most searching and unsparing thoroughness, and to say to you that if there is any information of any kind that either I or the law firm to which I belong can at any time furnish it will immediately be made subject to your direction.

Believe me, Mr. Attorney General, with great respect,

Very sincerely yours,

SELDEN P. SPENCER.

VIOLATIONS OF TRAFFIC REGULATIONS

Mr. DIAL. Mr. President, there appeared in the Washington Post this morning the following news item:

An automobile containing six persons were hurled 50 feet and thrown against a tree when it was struck by another machine at Four and a half and K Streets SW. shortly after 5 o'clock yesterday afternoon.

Four occupants of the former machine were injured, one probably fatally. Six negroes who were in the other machine fled after the collision. Two of them were captured. Police found empty liquor bottles in their machine.

Some of those who were injured were little children.

That tells the story, Mr. President. Some time since I introduced a bill proposing an amendment to the Criminal Code, authorizing the United States courts to put on the chain gang people who were guilty of such crimes against the United States. We have been creating judgeships here from time to time and have appointed a great number of additional judges, I take it, largely because the criminal courts have become congested with offenses similar to this, and due largely to liquor. In that way we have had to increase the court costs and naturally increase expenses on the taxpayers. I do not like to be harsh to unfortunate people, but I feel that while the Senate is not to blame wholly for these collisions, yet I do feel that we are not totally blameless. We ought to pass as rigid laws as are necessary to deter people from committing such crimes. I hope that our able Judiciary Committee will consider the bill which I introduced some time ago and will pass a law authorizing the judges of the United States courts to sentence convicts to the same penalty that they now receive in the State courts. In my State, where parties violate the prohibition law, the judges are allowed, for the second offense, to sentence them to the chain gang. I feel that those who willfully violate the law should help keep up the roads of the country. I do not believe the taxpayers should be expected or required to furnish boarding houses for such people. Furthermore, those who are tried in the United States courts are no better than those who are tried in our State courts. If they knew chain-gang sentences awaited them, they would not take chances. Anyway, the judges should have the authority to so sentence.

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

Mr. DIAL. I gladly yield to the Senator from Florida.

Mr. FLETCHER. I ask the Senator from South Carolina whether he knows of any effort on the part of the authorities or others looking toward the offering of a bounty to these people who run over and slaughter and slay the citizen who dares to use the streets as he has a right to use them? The authorities seem to turn every one of them loose, and I did not know but what there might have been a tendency to give a bounty of that sort, or even to strike off crosses of honor to reward them.

Mr. DIAL. If Congress should impeach somebody who is perhaps responsible it might help the situation.

MIGRATORY-BIRD REFUGES

Mr. BROOKHART. Mr. President, when the bill (H. R. 745) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, and so forth, was messaged over from the House on Saturday I asked that it lie on the table. I was not aware that under the rule it would not be printed under those conditions. In order that the bill may be printed for the information of the Senate I ask now that it be read twice and lie on the table.

Mr. SMOOT. I object to it being read twice. The message may be handed down.

The PRESIDENT pro tempore. The Chair lays before the Senate the following bill from the House of Representatives.

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, was read the first time by its title.

Mr. BROOKHART. I ask that the bill be printed and lie on the table.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I want an understanding about it. Does the Senator intend to have it considered at this time?

Mr. BROOKHART. The plan is to substitute for it the bill which the committee has already reported.

Mr. SMOOT. What changes are there in the bill that has been reported?

Mr. BROOKHART. There is no change in the principle of the bill. There is some change in detail. For instance, the most important change, I think, is that the original bill provided that not less than 45 per cent of the revenue should be expended for refuges, and as amended I think it requires 60 per cent.

Mr. SMOOT. I want to see the bill. I want to have an opportunity to read it.

Mr. BROOKHART. That is the reason why I want to get it printed. That is the only object I had.

Mr. SMOOT. The Senator asked that it be read twice.

Mr. BROOKHART. That was simply to get action on it.

Mr. SMOOT. I have no objection to its being handed down at this time.

Mr. BROOKHART. That is all I am asking.

The PRESIDENT pro tempore. Without objection the bill will be printed and lie on the table.

ADDITIONAL JUDGE IN MINNESOTA

Mr. STERLING. Mr. President, I ask unanimous consent to report from the Committee on the Judiciary favorably the bill (S. 4352) to create an additional judge in the district of Minnesota. It authorizes the President to appoint a district judge to fill the place made vacant by the death of Judge Magee. I report it with an amendment in the nature of a substitute and call the attention of the Senator from Minnesota [Mr. SHIPSTEAD] to the measure.

Mr. ROBINSON. I think there should be made an explanation of the emergency character of the legislation. I understand a judge has recently died; that the docket is very much crowded; and that it will be necessary, in order to relieve the congested condition of business in the district, to authorize the President to make an appointment, the judge who died having been a temporary appointee.

Mr. NORRIS. Does the Senator from South Dakota ask unanimous consent for the present consideration of the bill?

Mr. STERLING. I am leaving that to the Senator from Minnesota [Mr. SHIPSTEAD], who introduced the bill.

Mr. NORRIS. I want to call attention to the fact that there are only two hours left to debate the point of order now pending on the Muscle Shoals conference report. I think Senators ought to let those who want to discuss the appeal take the time for that purpose and not use so much time on matters that may well be taken up afterwards. That is only fair.

Mr. STERLING. I think it will take only a moment, and it is a matter of some emergency.

Mr. NORRIS. I understand; but there are only two hours allotted for discussion of the appeal. We may not consume all the time in that way; I do not know; but the Senator from Minnesota has told me that he wanted to talk on the appeal, and I want to talk also. I would dislike to have all the two hours taken up with other matters which can just as well be taken up afterwards.

Mr. STERLING. The bill could have been passed by this time.

Mr. NORRIS. Yes; and then there would have been other matters presented.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to have the bill considered after the vote on the point of order.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota?

Mr. NORRIS. Let us wait until we get through with the point of order.

Mr. SWANSON. I would like to have the bill read.

Mr. NORRIS. That is not fair. There are just two hours left to debate the point of order.

Mr. ROBINSON. Of course, an objection would determine the matter.

Mr. NORRIS. I do not want to object; but if we keep on calling up one thing after another we will consume the whole two hours in that way.

Mr. SHIPSTEAD. Very well; I withdraw the request.

The PRESIDENT pro tempore. The request is withdrawn.

Mr. NORRIS. I thank the Senator from Minnesota.

MUSCLE SHOALS

The Senate resumed the considertaion 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.

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

Mr. NORRIS. Mr. President, I thought the Senator from Minnesota [Mr. SHIPSTEAD] wanted to talk on the pending matter, but I understand he does not at this time. I do not expect to consume the two hours' time. I am anxious to have the matter settled.

The PRESIDENT pro tempore. The Chair probably ought to state, so that all Senators may be advised, that the two hours given for debate upon the question of the appeal began at 12.50 p. m.

Mr. NORRIS. Mr. President, I am anxious to have the attention of Senators at least to a portion of my remarks. We are about to vote upon a question that is of momentous importance, one that transcends the question that is involved, and even the bill that is here for consideration. If we are to overrule the decision of the Chair, in effect it repeals a positive rule of the Senate and we establish a precedent that will bring us trouble in the future. I know that often it is said that the Senate pays no attention to its rules and passes on questions of order in accordance with the idea of Senators as to the merits of the question involved and to which the point of order applies. Very often that can be done without any harm. Many of the rules could be set aside and the effect would only be temporary. But I want to call the attention of the Senate to the fact that this is a rule which goes to a very vital principle of legislation in a free country. If we are to abolish this rule then we might as well turn the legislation of the country over to conference committees to be enacted in secret and without any record.

Let me read the part of the rule that directly applies. It is paragraph 2 of Rule XXVII:

> The conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matters 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.

According to my understanding of parliamentary law that rule is a simple, concise statement of the general principles of parliamentary law governing conference reports.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield.

Mr. FLETCHER. Will the Senator now point out specifically what portions of the conference report are new matter and what portions were stricken out, or what should be put in in order to comply with the rule? I would like to have the conference report taken up and the Senator specify in what way it offends as to the particular language in the rule.

Mr. NORRIS. Of course, I expect to do that. As a matter of fact, I have already done it, and when I come to that part of my remarks it will be to some extent repetition of what I have said, but I am going into it.

Mr. FLETCHER. Particularly also as to the basis upon which the Chair sustained the point of order, not only the Senator's view but as he understands the ruling of the Chair. It may be the Chair has not followed the Senator's point all the way through, but if the Senator will point out in what respect the Chair sustains the point of order and in what respect the conference offends under the ruling of the Chair, I shall be glad to have him do so.

Mr. NORRIS. I expect to point those matters out definitely before I sit down.

I want first to offer a few observations, as I had started to do, about the importance of the rule. I hope Senators will not talk louder than I do when I am addressing the Senate.

The PRESIDING OFFICER (rapping for order). The Senate will be in order.

Mr. NORRIS. This is one occasion when I am anxious to have Senators hear what I say.

The PRESIDING OFFICER. The Chair hopes there will be as little confusion in the galleries as possible.

Mr. NORRIS. As I started to say when I was interrupted——

Mr. SIMMONS. Mr. President, would the Senator object to having a quorum call? There are very few Senators present. I agree with the Senator that it is a very important matter.

Mr. NORRIS. I think very few Senators would remain even if they were called in by a quorum call.

Mr. SIMMONS. The Senator does not care for a quorum.

Mr. NORRIS. No; as I said, if we are going to repeal this rule then we might just as well say, which we will in effect say by our action, that the conferees shall have a free hand; that they can put anything in their reports practically that they please. As I said, this is a statement in writing of what before was general parliamentary law. It is, as a lawyer would say, a statutory enactment of the common law. It means much more than the pending bill. It means, as I have heard many Senators say, that on as clear a proposition as this if the Chair is going to be overruled then henceforth as long as they remain in this body they are going to pay no attention to the rules, but they are on all occasions going to vote according to their belief as to the merits of the legislation involved.

We have solemnly agreed upon a rule. If we are going to set it aside for this case, then I give notice now that it is going to be set aside more or less for all cases, and what does that mean? What was the reason for the adoption of this rule? Why was it that we adopted it four years ago? We adopted it by a unanimous vote. It had become apparent that the rule of parliamentary law that prohibited conferees from putting new matter into conference reports was being violated, and that the Senate and the House were having their work nullified by conferees. There was a great clamor over the country that much of our work was done in secret; that, after all, the force and the power that controlled the conference committee controlled the legislation. I am only telling Senators what they all know. It was generally understood that the conferees were the powerful legislators when, as a matter of fact, they ought to have no legislative authority whatever.

Senators were commencing to clamor against the condition, and so amendments to the rules were offered—some of them by myself—and referred to the committee. One amendment was designed to prevent a Senator from serving as chairman, at least, of a conference committee unless he was chairman of the committee that reported to the Senate the bill which was under consideration. Why did that clamor arise? There was more objection to the practice in the Senate than there was in the other House, because a few Members in the Senate of long service had gradually worked themselves up to the top of all of the principal committees. We have somewhat changed that condition, in answer to that demand, and the condition is not so bad as it formerly was; but when a conference committee was named from the leading members of the committee, under the old practice, we always got the same Senators. It did not make any difference whether it was the Finance Committee, the Appropriations Committee, the Judiciary Committee, the Banking and Currency Committee, the Foreign Relations Committee, the Interstate Commerce Committee, or the Committee on Agriculture and Forestry; the Senator who was not the chairman of one of those committees was the second on the other committee or the second on still another committee. So the conference committees of the Senate were always practically composed of the same men. It became known to the country that the conference committees were the committees that actually controlled legislation and that the men who controlled conference committees could be counted on the fingers of one hand.

That was a dangerous condition; that was a condition that would break down the liberties of a free people. That was a condition contrary to the very fundamental principles of a democracy or of a representative republic; but that is where we had gradually drifted; that was the legislative condition of the Senate.

In answer to the cry that came not only from the Senate Chamber but from the country at large, the Senate adopted this rule. It was easier to adopt such a rule than it was to exclude those Senators from conference committees. We had quite a contest over a rule which I offered limiting the number of major committees upon which Senators could serve. That was offered with the object of getting at the composition of conference committees; it was to prevent the selection of the same Senators on conference committees. A kind of compromise was agreed to by party conference of the controlling party in the Senate. It was not definitely placed in the rules, but it was enforced for a while until it was forgotten about, and then the Senate again went on in the old way.

By that method the Presiding Officer would not appoint a chairman of one of the major committees as a member of the conference committee on any bill unless the bill came from the committee of which that Senator was chairman. For instance, I was chairman of the Committee on Agriculture and Forestry; I was also the ranking member on two or three other committees at that time, the Committees on Public Lands and Patents, and at one time of the Committee on the Judiciary, and of the Committee on Banking and Currency. So long as I was chairman of the Committee on Agriculture and Forestry, under that gentlemen's agreement I could not serve on any conference committee where the bill in dispute came from any of the other committees on which I was a member; but I was confined to one. That was intended to accomplish the same purpose as is this rule, to prevent control from being in the hands of three or four men.

Senators all know how conferences are carried on, and it must necessarily be so to some extent. There is not any stenographer there to take down what is said; there is not any record. The conference committees meet in secret. They may invite persons in if they wish to do so, and sometimes they do. Members of conference committees very often consult privately the heads of departments or the President, and carry their recommendations in the conference committee, although they never saw the light of day in either body. That was true in reference to the immigration bill; it happened in that instance. The conference report on that bill was defeated mainly on that ground, because the conferees put in a provision that neither House had inserted. The conferees did that at the request of the President. I am not discussing its merits. I am not saying that was wrong; that is not the point involved at all; but if conferees can do that, then they can legislate behind closed doors and in secret for 110,000,000 people, who suppose they have legislators here who are acting in the open. That is the importance of this question.

We have executive sessions, and we have tried to find out and then punish those who gave publicity to what happened behind closed doors. If the Senate should overrule the Chair in this case, it would itself put the stamp of disapproval and condemnation upon this rule, and Senators will find additional difficulty in conducting secret executive sessions. Senators will refuse to be bound when others are not bound.

I was dumfounded in talking to some of the Senators to learn of their attitude. I talked to two grave and reverend Senators, one of whom told me with his own lips that he had not listened to the point of order; that he did not know what was the point of order; that he did not know anything about it and had not had time to consider it, but he was going to vote to overrule the Chair, because that was what the Executive wanted. I do not mean to say that the Executive was taking a hand in this matter, but the Executive wanted the conference report, and that was the easiest way to get it. I talked with another Senator on Saturday, who looked me in the face and laughed and said, "I have got to vote to overrule the Chair, although the Chair is right." I want to ask Senators how long do they expect everybody else to abide by rules if they are going to trample them under foot like that on an important question such as is now before the Senate? When the Senate arrives at such a condition that none of its Members have any respect for the rules, then we will have a mob instead of an orderly, law-abiding body. I do not criticize the Senator who believes differently, but I know of my own personal knowledge that there would be no doubt about this vote if every Senator voted as he honestly believed he ought to vote under the rules. There are very few Senators who do not believe that the Chair was right in making the decision and that the conference committee did overstep their rights, their duties, and their privileges.

Mr. President, Senators may get away with this to-day, but these chickens are all coming home to roost. They are playing with fire. Let me tell you we are on dangerous ground when by brute force it is proposed to violate a rule of the Senate that is of such vast importance as is this one. It affects practically every law that will be put on the statute books in the course of the next hundred years. It has a direct bearing upon every bill that goes to conference, as a large number of them do go to conference; in fact, all important bills, as a rule, go to conference. If we are going to let conference committees legislate in secret, then we ought not to waste our time trying to legislate in the open only to have our work all undone, all upset, all turned inside out by a conference committee meeting in secret.

Mr. President, the Senator from Florida [Mr. FLETCHER]—and I am sorry he is not now in the Chamber—asked a question about the reasons given by the Chair in making the decision. It was a perfectly proper question, and I wish to discuss it. I wish to say that no Senator can crawl away from his responsibility by saying that the reasons given by the Chair are not good, although he believes other reasons are good. I had a Senator tell me that he thought the reasons given by the Chair were not proper, but that the reasons given in debate on the floor were good.

Mr. SHORTRIDGE. Mr. President——

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

Mr. NORRIS. I yield.

Mr. SHORTRIDGE. Speaking for myself, the regrettable fact is that the Chair did not deem it his duty to point out wherein the conference report does violate subdivision 2 of Rule XXVII.

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. I should be very happy to have the Senator convince me that the conference report does violate the true spirit of subdivision 2 of Rule XXVII.

Mr. NORRIS. I am going to try to do that, but before I do I wish to finish the point I am now on. It will appeal to the Senator from California, who is a great lawyer. Let us say he takes a case to the Supreme Court; he argues it on certain definite points and submits it to the court. After a while the court decides the case, and in its decision absolutely ignores every point the Senator has made in his brief, let us say, but sustains the Senator's contention for other reasons; the Senator is sustained just the same.

Mr. SHORTRIDGE. But suppose the court reverses me and does not give any reason for its action; I am left completely in the dark.

Mr. NORRIS. The court, of course, can pursue either course.

Mr. SHORTRIDGE. And the Senate is left in the dark in so far as the Chair's opinion is concerned.

Mr. NORRIS. Exactly. I will follow the case a little further. Suppose the Senator goes on to the next court and the next court sustains him again, but does it on the very grounds that he set forth. There is nothing wrong about that; that happens frequently; that is a common occurrence in courts which are supposed to be beyond criticism. The court may give no reason at all if it sees fit, but it can ignore the reasons given by the intermediate court or it can hold that the reasons so given were not good and go back and hold that the reasons given by the Senator in his argument in the lower court were good.

Mr. SHORTRIDGE. Then it remains for the Senator or others to point out that the decision of the Chair was correct, assigning the reasons for it.

Mr. NORRIS. Yes, sir.

Mr. President, if any Senator believes that this conference report has violated the rule I have read, he ought to vote to sustain the Chair, although he does not agree with the Chair in a single reason that the Chair gave. That is a fair proposition to a lawyer like the Senator from California, and he must admit it. He can not deny that. In other words, we are deciding it not alone on the reasons given by the Chair but on the reasons pointed out in the debate here.

One Senator told me that he thought the reasons given by the Chair were not good, but that he had listened to the Senator from Wisconsin [Mr. LENROOT], and the Senator from Wisconsin had convinced him; and then he was in doubt as to how he should vote, because he did not agree with the Chair. He did agree that the Senator from Wisconsin had made a good case, and had demonstrated that the point of order was good. There ought to be no doubt in a case of that kind. There is only one thing to do. It does not make any difference whether I give a reason that is good or bad, if somebody else gives a reason that convinces you.

It would be just as unreasonable, after some Senator had listened to me the other day in pointing out these errors that I believe were committed by the conference report, to say, "I did not agree with the Senator on anything," and then afterwards listen to the Chair in giving his analysis of the case, and say, "I did agree with the Chair," and then say, "Well, I will vote against the Chair because I did not agree with both of them." That is not logical.

Mr. SHORTRIDGE. Mr. President, may I make a further suggestion?

Mr. NORRIS. Yes; I yield again.

Mr. SHORTRIDGE. Of course, what we are trying to determine is whether this conference report does or does not violate subdivision 2 of Rule XXVII according to its true spirit and meaning.

Mr. NORRIS. That is right. The Senator has stated it much more explicitly and concisely than I could state it.

Now, Mr. President, I am going to take up some of these reasons.

Mr. COPELAND. Mr. President——

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

Mr. NORRIS. Yes.

Mr. COPELAND. What is the use of having a rule if we play battledore and shuttlecock with it, and simply have a vote every once in a while to determine whether we are going to apply it in this case or the other case? Why have a rule under those conditions?

Mr. NORRIS. We ought not, I will say to the Senator, and if we override a rule which is of such vital importance to legislation as this rule is, it will not be long until we will have no rules.

There is a great difference in our rules. Some are of vast importance and far-reaching. There is not another rule in our Manual that is so far-reaching as this one. There is not a single other rule that means so much for the liberties—I say the liberties—of our people. If we want to prevent secret legislation by conference committees, we must sustain the Chair now, for we are traveling right in the direction of that kind of a precipice.

I went over these reasons the other day. A good many Senators were not here at that time, and now most of the Senators have disappeared, when I am about to take them up at the request of some Senators who said they wanted light upon the matter, and who are not here.

Mr. COPELAND. Mr. President——

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

Mr. NORRIS. I do.

Mr. COPELAND. It seems to me we ought to have a call of the Senate.

Mr. NORRIS. There is no way to compel Senators to stay. I hope the Senator will not make the point. There are some few here yet.

Mr. COPELAND. Mr. President, unless the Senator seriously objects, I feel inclined to suggest the absence of a quorum. I think it is a shame to have a matter of this importance discussed in the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum.

Mr. NORRIS. I do not yield for that purpose, Mr. President.

The PRESIDING OFFICER. In the opinion of the Chair, the Senator can make the point of order whenever he desires to do so.

Mr. NORRIS. Whether I yield or not?

The PRESIDING OFFICER. Yes.

Mr. NORRIS. Very well.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Bayard	Fess	McNary	Simmons
Bingham	Fletcher	Mayfield	Smith
Borah	George	Means	Smoot
Brookhart	Glass	Metcalf	Spencer
Broussard	Gooding	Neely	Stanfield
Bruce	Hale	Norris	Stanley
Bursum	Harris	Oddie	Stephens
Cameron	Heflin	Overman	Sterling
Capper	Howell	Owen	Swanson
Caraway	Johnson, Calif.	Pepper	Trammell
Copeland	Johnson, Minn.	Phipps	Underwood
Curtis	Jones, N. Mex.	Pittman	Wadsworth
Dale	Jones, Wash.	Ralston	Walsh, Mont.
Dial	Kendrick	Ransdell	Warren
Dill	Keyes	Reed, Pa.	Watson
Edge	King	Robinson	Weller
Edwards	Ladd	Sheppard	Wheeler
Ernst	Lenroot	Shields	
Fernald	McKinley	Shipstead	
Ferris	McLean	Shortridge	

Mr. PHIPPS. I desire to announce that the Senator from New Hampshire [Mr. MOSES] and the Senator from Tennessee [Mr. MCKELLAR] are in attendance on a conference committee.

The PRESIDING OFFICER. Seventy-eight Senators have answered to their names. A quorum is present.

Mr. NORRIS. Mr. President, if Senators will refer to the bills where they are printed in parallel form, on page 17, they will find this language:

> The President is hereby authorized and empowered to employ such advisory officers, experts, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified,

and the sum of $100,000 is hereby authorized to enable the President of the United States to carry out the purposes herein provided for.

Mr. President, that provision is new. It is in neither the House bill nor the Senate bill. There is nothing in either bill that by any contortion of construction can be construed into meaning that. It is absolutely new. We never have had that question up in the Senate before the conference committee brought it in. The House never had it up in the House. It is new.

Suppose you wanted to amend that. Ought not the Senate and the House to have an opportunity to say that $100,000 is too much for that purpose? A mighty good argument can be made to the effect that nothing is necessary for that purpose. I do not think anything is necessary. Nobody ever thought anything was necessary, either in the House or in the Senate.

Suppose we wanted to have a chance to amend that. Suppose we thought $25,000 was enough. Suppose, on the other hand, we thought it ought to be $200,000. How would we get it? There is no way on earth to get it.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question right there?

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

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. I invite the Senator's attention to the language of the section he has just quoted. It is not an appropriation.

Mr. NORRIS. I do not care whether it is an appropriation or not.

Mr. SHORTRIDGE. It is, at most, an authorization.

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. And Congress might not appropriate it.

Mr. NORRIS. Of course not; but the President would be authorized to go ahead and make the contract. He is authorized to do it, he has authority to do it, and he can do it without an appropriation, and we are bound as a matter of law——

Mr. PITTMAN. Mr. President——

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

Mr. NORRIS. I yield to the Senator.

Mr. PITTMAN. The Senator asks what remedy we would have. We could vote down the conference report, could we not?

Mr. NORRIS. Oh, yes; we could.

Mr. PITTMAN. And in that event it would go back to the respective Houses.

Mr. NORRIS. Yes; and that is what will happen to it if the point of order is sustained.

Mr. PITTMAN. Exactly. There are two methods, however, of disposing of it.

Mr. NORRIS. Oh, yes.

Mr. PITTMAN. One is by a point of order, and the other is by a vote.

Mr. NORRIS. I admit that.

Mr. PITTMAN. We are not entirely without remedy, even if the point of order should be overruled.

Mr. NORRIS. The Senator is quite right about that. A Senator may vote against the conference report for the very reason that this language is found in it, and for no other reason, if he cares to; but, as a matter of fact, I think Senators as a rule would not do that. It is the object of the rule that a matter shall be brought up in the very way this has been brought up. The rule specifically says that a point of order may be made, and that if it is sustained, then the report must go back. It is better to have the report go back in this way, because then the conferees will have indicated to them where the error is. If there were a vote on the merits of the conference report, it might be voted down because it had in it things like this. The Senate might in reality want to adopt the conference report, and might adopt it if those things were not in it. This is the way to get such things out. This is the legal way to get them out and the proper way to get them out, because the rule specifically says so.

The Senator from California [Mr. SHORTRIDGE] has referred to the fact that this conference bill does not provide an appropriation. It does not make a particle of difference whether it is an appropriation or not. It will be the law. If it should be agreed to by both the House and the Senate, and be signed by the President, the next day the President could make a contract to the extent of $100,000, provided for here, and we would appropriate the money, or, if the case went before the Court of Claims in a suit against the United States they would render judgment against the United States for that amount, because here is specific authority for the President to make such a contract. It does not say "authorized as appropriated by Congress." It is definitely authorized; it is an absolute authorization.

Suppose the committee of conference, instead of inserting this little clause authorizing the expenditure of $100,000, had inserted a provision authorizing the expenditure of $10,000,000 or $100,000,000. There would be no way of getting rid of that except by defeating the whole conference report, if it were not subject to a point of order. That would not be a very good thing to do, because it would embarrass Senators. It might be thought that they were opposed to the whole conference report if they should vote to defeat it on that ground. Now, we have an opportunity to purify this report. If the conferees could put in $100,000, they could put in $100,000,000 just as well. Should we have anything to say about it? Does any Senator think that when this kind of a proposition is before us, we should not have a right to offer an amendment to it to increase the amount or to decrease the amount, to extend the authority or to limit the authority? We would have no opportunity of that kind. We never have had an opportunity to pass on it, have never had an opportunity to consider it, have never had an opportunity to offer an amendment, or anything of the kind. This is a plain violation of the rule. I do not see how anybody can get away from that. There can not be found, either in the bill as it passed the House or in the bill as it passed the Senate, a sentence or a clause that could be held to be a foundation for this proposition.

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

Mr. NORRIS. I yield.

Mr. SHORTRIDGE. I think we can save time by this Socratic method of argument.

Mr. NORRIS. I yield willingly.

Mr. SHORTRIDGE. The President is given certain powers to do certain things by the bill, is he not?

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. It is not expected that he would physically do these things, is it?

Mr. NORRIS. I do not suppose so.

Mr. SHORTRIDGE. Then, do we not impliedly give him the power to employ assistants——

Mr. NORRIS. No.

Mr. SHORTRIDGE. In the carrying out of the work?

Mr. NORRIS. He has his assistants.

Mr. SHORTRIDGE. That is my point, that impliedly we give him the power to call in assistants.

Mr. NORRIS. I concede that this provision would have been all right if offered as an amendment when the bill was before the Senate, but it was not offered and was not agreed to. Suppose it had been offered when the bill was before the Senate and had been voted down, would the Senator think that the Senate conferees could have put it back? They would have the same authority then they have now.

Mr. SHORTRIDGE. I am relying upon the principle which applies in construing or interpreting the Constitution of the United States. For instance, Congress has power to declare war. Impliedly, Congress has power to carry on war. Impliedly it has power to do anything necessary to the successful carrying on of war. Many other illustrations can be given. When we give specific power we impliedly confer necessary power to carry out the prime object of the power delegated, and in this case it has seemed to me that, giving the President the power to do something, as provided in the bill, it was clearly contemplated that we conferred upon him impliedly the power to employ experts and assistants in order that he might carry out the powers we specifically conferred upon him. As to the appropriation, there is none. It is, in the language of the provision, to be hereafter determined by the Congress. If the President, in the exercise of his implied power, employs somebody, even then it will still be for Congress to determine how much will be paid for the service rendered. That is my position.

Mr. NORRIS. Technically, of course, Congress could refuse to appropriate money to pay the President's salary. Suppose this provision were allowed to remain in the bill, and the President should enter into a contract with some one in which he would say, "I am going to employ you to draw up some papers, to go down to Muscle Shoals and look this over, to see what you think about it and report to me what you think about it, and I will give you $100,000." If he should make a contract with some one of that kind, the Government of the United States would be liable. The only reason why the man employed could not sue in an ordinary court and get judgment would be because one can not sue the Government without its consent. But the man could sue in the Court of Claims, and he would get a judgment for a hundred thousand dollars. That would be a contract made in pursuance of law.

The Senator says that we have the power to declare war. We have in this case authorized the President to make a lease.

Now, in this clause we are asked to give him authority to hire somebody to draw up the papers for him, let us say. Suppose Congress should pass a resolution declaring war, and conferees were considering the proposition and reported back. Remember, now, there is nothing before them but a simple declaration of war. If we are going to carry on a war against a country, it means a big Army, it means some more munitions, it means the purchase of a lot of things. Suppose the conferees, having that kind of a measure before them, put into it a provision directing the President immediately to draft a hundred million men, authorizing him to provide for the manufacture of a billion dollars' worth of cannon and munitions of war, and went into all the details, put everything into their report. Would the Senator contend for a moment that that would not be subject to a point of order, although the conferees could come back and say, as the Senator does in this case, "How are we to carry on war without all these things?"

The point is that Congress has jurisdiction to say how it shall be carried on. It is in their judgment to say how much money shall be spent. It is in their judgment, in this matter, to say how much a contract shall provide for. It is in their judgment as to whether anybody shall be employed to draw up the papers, to look over the lease, or anything of the sort. The President may think that is necessary, but the conferees can not legislate anything into a bill. All those things I have mentioned would be germane, but where would Congress come in?

Mr. President, of course this discussion is going to the merits of the proposition, which I do not care to discuss; but the Senator's question leads me to it. He says the bill does provide that the President shall do certain things, that it provides for the hiring of assistants to do certain things. That of itself, taken on its face, is subject to a point of order, because it is for Congress to say what assistants he shall have, whether he shall have one, or two, or a thousand; whether he shall pay them $10 a day or $100 a day; whether he shall have experts or not. Everybody knows he does not need any extra assistants. He has all he needs—the Attorney General, the Secretary of War, and everybody right down the line. There is no necessity for an additional assistant, if we come to that part of it, although Congress has the authority to put such a provision in if it sees fit to do so. The fact is that Congress did not put that provision in; neither the House nor the Senate put it in; the conferees inserted it.

Mr. SMITH. Mr. President——

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

Mr. NORRIS. I yield.

Mr. SMITH. I would like to ask the Senator a question, as the time is limited and I shall not take the floor to discuss this matter, because I take it for granted that there is not a Senator on the floor who does not acknowledge that there is absolutely new matter in this report of the conferees; that this amendment was not even contemplated, and therefore the question of the germaneness is as attenuated as to say it may be done at Muscle Shoals. Does the Senator from Nebraska remember whether there was anything said in the so-called Ford bill or in the bill that was ultimately passed by the Senate that contemplated giving the President the power to determine the value to the Government, in the matter of navigation, of the locks and dams?

Mr. NORRIS. No.

Mr. SMITH. Incorporated in this report is a provision giving the President the power to determine the value of the locks and dams to navigation, and, subtracting this amount from the cost of Dam No. 2, levy the 4 per cent on the balance. He could reduce it to the vanishing point and give the whole proposition to the lessee without his paying one cent.

Mr. NORRIS. There is no doubt about that, and before I get through I am going to discuss it. The Senator has anticipated me just a little.

Now, I want to pass on from this point, although I want to say to the Senator that if this point is good—and I can not see how anybody can dispute it for a moment—then the point of order must be sustained, and that means that the ruling of the Chair will be sustained, even though Senators do not believe another thing I say or anything the Chair says.

I want now to take up another point. In the conference bill, on page 13, there occurs this language:

> The appropriation of $3,472,487.25, 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.

There is not a thing in the bill as it passed the Senate or in the bill as it passed the House upon which that can be hinged; not a thing. That is entirely and absolutely new. The conferees have put that in.

The Senate bill contains no hint of anything of the kind. For fear some one may say that the language "the same being the amount of the proceeds received from the Gorgas steam plant" may make it in order because connected with the Ford bill, I want to read what the Ford bill said on that subject, on pages 16 and 17. Senators will remember that when Henry Ford made his original bid it included what is known as the Gorgas steam plant over on the Warrior River, that while action was pending here the Secretary sold that steam power plant. So the House in contemplating and trying to compensate Mr. Ford because that much included in his bid was sold by the Government and the Government no longer owned it, provided as follows in section 19, page 16 of the House bill:

> SEC. 19. The Gorgas steam plant and transmission line having been sold by the United States, and Henry Ford having included said steam plant and transmission line in his offer of May 31, 1922 (as found in section 12 and in subsection (d) of section 11 of said offer), in order to provide a substitute steam plant the Secretary of War is hereby authorized and directed to acquire by purchase or condemnation a suitable site for a steam power plant, to be located at or near Lock and Dam No. 17, Black Warrior River, Ala., together with a strip of land 100 feet wide to serve as a right of way between said steam power plant and nitrate plant No. 2, Muscle Shoals, Ala., with connection to Waco Quarry, near Russellville, Ala.
>
> The Secretary of War is further authorized and directed to contract with Henry Ford or the company to be incorporated by him for the construction at cost of a steam power plant having a generating capacity of approximately 30,000 kilowatt (40,000 horsepower), a transformer substation of similar capacity, and a transmission line of suitable design and capacity connecting said steam power plant with nitrate plant No. 2 and the Waco Quarry, all under the supervision of the Chief of Engineers, United States Army. The plans and specifications for said power plant, substation, and transmission line shall be prepared by Henry Ford, or the company to be incorporated by him, and approved by the Chief of Engineers, United States Army.

That has not any connection with this language. I read it only because it is the only place in the Ford bill where any reference is made to the Gorgas plant. This is an authorization of appropriation of about $3,500,000 to carry on the work down there. There is not a thing about it in either one of the bills except that which I have read, and it seems to me a blind man could see that it has no connection with it whatever.

Mr. President, it seems almost axiomatic; it seems so plain to me that it is embarrassing even to argue that anybody for a moment can say that a provision like that is not subject to the point of order. Suppose they said in there $40,000,000 instead of $3,000,000. Do not Senators think that we ought to have the right to amend it if we think it ought to be amended? Are we going to shut the door here and preclude ourselves from any amendment where millions and millions of dollars are involved? Yet we have no right to amend.

Has anybody in the House had a right to offer an amendment to that provision? No; the House has never considered it. Has any House committee ever had any right to suggest an amendment to it? No; no committee of the House has ever considered it. Has any committee of the Senate ever had any right to consider it or offer an amendment? No; none has ever been had and no opportunity ever given. Has any Senator ever had an opportunity to offer an amendment to it? No; we have never had it before us. Now, it comes before us in the shape of a conference report, where we are precluded from offering an amendment, from making a suggestion. We must either accept it or reject it as a whole. It is preposterous. It is delegating into the hands of two or three men behind closed doors the power to act for us and through us for our Government where more than $140,000,000 of the taxpayers' money is involved.

Mr. SMITH. And in violation of the rules of the Senate.

Mr. NORRIS. Of course, it is in violation of the rules.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

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

Mr. NORRIS. I yield.

Mr. SHORTRIDGE. Practically the same question was in substance put to the Senate by the Senator from Nevada [Mr. PITTMAN]. It seems to me it is quite conceivable that a point of order might not be well taken, and so the Chair would be overruled if we so held, but a Senator might vote against the

whole report because of his objection to some particular item in it.

Mr. NORRIS. Yes; I concede that.

Mr. SHORTRIDGE. So it does not necessarily follow that the Senate is driven to do something against its will because of the ruling of the Chair on the point of order. We still have the power to reject the report upon some particular ground, and then the conferees will meet again.

Mr. NORRIS. And put it back in again.

Mr. SHORTRIDGE. No; they would not do that.

Mr. NORRIS. How are the conferees to know that we reject it because this language is in if we do not sustain the point of order?

Mr. SHORTRIDGE. As a result of the argument they would see that it was objectionable, or rather they might be persuaded that it was.

Mr. NORRIS. Who is going to persuade them?

Mr. SHORTRIDGE. The Senator from Nebraska.

Mr. NORRIS. But they meet in secret session. I can not be there, and the Senator can not be there unless they invite us in.

Mr. SHORTRIDGE. They would take notice of what the Senator from Nebraska said.

Mr. NORRIS. No; they would take notice of what the Senator from California said. They would say, "The great Senator from California said it was not subject to a point of order," and would put it back again.

Mr. SHORTRIDGE. That would be to agree with me upon the technical point of order; but I might disagree with the conferees as to the substance of the item in the report.

Mr. NORRIS. The reason why the rule enables us to do it in this way is for that very purpose, so we will not be compelled to take the substance of something we have never had an opportunity to consider. That is the reason for the rule, not to let them legislate in secret and put it up to us without any opportunity to amend it or to change it any way.

Mr. SHORTRIDGE. I can understand how the conferees in good faith might make a report coming within the rule, and yet I might not agree with their conclusion.

Mr. NORRIS. Oh, yes.

Mr. SHORTRIDGE. In which event I might quite candidly and clearly say that the point of order raised against the item was not well taken, but that I, nevertheless, was opposed to the item and would vote to send it back to conference.

Mr. NORRIS. The Senator could say that. I concede that. But it seems to me, with all due respect to the Senator from California, that he is rather begging the question when he says that although this may all be true we can vote against the conference report for the very reason he is giving now against the item, which is true, but that would hardly be fair to the conferees. I take it that the rule was adopted for the reason that would enable conferees, when a report goes back to them again, to know what they have to take out and where they made the mistake. If we follow the line suggested by the Senator from California, there is no way for them to know that. They will say, "They have approved this report of ours when the particular attention was called to it by a point of order. The Senate approved it by a vote, therefore it is all right, and there is some other reason why they voted it down." Then the conferees will put it all back in even if we voted it down in that way and it went back to another conference.

The object of the rule is to expedite legislation and bring us sooner and more quickly to an ultimate conclusion. Therefore the rule provides that a point of order can be made against it, just as I have made it. If it is new matter which was not brought before either House, then it is the duty of the Senate under the rule to sustain the point of order.

Mr. President, I want to discuss again the question of fertilizer. I did it the other day, but the Senator from Alabama [Mr. UNDERWOOD] discussed it in reply, and I want to take up his reply.

Mr. SHORTRIDGE (at 2 o'clock and 10 minutes p. m.). Mr. President, may I inquire at what time the two-hour limit on debate expires?

The PRESIDING OFFICER. The two-hour limit on debate expires at 2 o'clock and 50 minutes p. m.

Mr. NORRIS. In my discussion the other day I said that the Ford bill provided for 40,000 tons of nitrogen. The Senate bill provided for 10,000 tons of nitrogen the third year, 20,000 tons of nitrogen the fourth year, 30,000 tons of nitrogen the fifth year, and 40,000 tons of nitrogen the sixth year and thereafter. Now, the conference report provides for less than either one of the other bills. In other words, to make it plain, let us eliminate some of the clauses in it and say that the House bill provides for 40,000 tons and the Senate bill for 10,000 tons. Now, the conference report provides for 5,000 tons. Clearly it is subject to a point of order. That is just what happened here, except that the amounts are different. If the Senator from California, who is interested in that matter, will refer to the Senate bill, on page 3, the conference bill, on pages 3 and 4, and the House bill, on page 10, he will find the references in that respect.

Now, to my amazement the Senator from Alabama [Mr. UNDERWOOD] in answering me said: "It is not less than the Ford bill, because that bill provided for no fertilizer at all. It did not provide for 40,000 tons of fertilizer. Under the Ford bill Ford or his company did not have to make any fertilizer at all unless he could make it at a profit." I wish that the people of the country would read the speech of the Senator from Alabama. That was one of the contentions over the Ford proposition. I would not have discussed the Ford proposition if this had not crept into it and been brought into it by the Senator from Alabama. Are we to be told now by the leader of those cohorts that wanted to turn this property over to Ford—the Senator from Alabama [Mr. UNDERWOOD]—that after all the critics of the Ford proposition were right and that Ford did not have to make any fertilizer? That is in substance what he said. The cloak is off finally. The truth is known now. The cat is out of the bag after Ford's proposition is withdrawn.

I was denounced from one end of the country to the other in all kinds of ways because I said under the Ford proposition it would not follow that he would have to make any fertilizer.

I could not use language which would be permissible on the floor here under the Senate rules if I should repeat the epithets that have been hurled at me because, in substance, I argued in that way. The farmers all over the country were told "Ford has agreed to make fertilizer containing 40,000 tons of nitrates annually." They all believed it, and that accounted for the powerful support that was behind the Ford proposal. Now comes the Senator from Alabama and makes a statement which I desire to read. It is found on page 4134 of the RECORD of February 19, 1925, and is as follows:

> But what I am contending is that the language of the Ford bill did not require the lessee, Mr. Henry Ford, absolutely to make 40,000 tons of fertilizer, but it provided that he might make that amount "when practicable" to do so and "according to demand."

I wonder if the farmers of Alabama and of the great South and all over the country will be surprised when they hear that language coming from the Senator from Alabama? Again the Senator from Alabama stated:

> I only say that to show that the conferees in considering the Ford bill and the Senate bill did not have before them provisions merely calling for the production of 40,000 tons of nitrogen, but they had in the Ford bill a provision which allowed the production of an indeterminate quantity.

Do the farmers of the country begin to realize that their great leader here is admitting that their entire cause was based on misrepresentation? Again the Senator from Alabama stated:

> Mr. President, as I have said, the conferees were not tied to a hard-and-fast requirement as to 40,000 tons, because the bill embodying the Ford offer was in conference and that bill did not make a hard-and-fast requirement as to the production of 40,000 tons of fixed nitrogen.

Mr. President, it is true that I argued, as others argued, that the Ford bill did not require the making of 40,000 tons of nitrogen. Furthermore, there were coupled with the proposal the words "according to demand." Personally, I never cared much whether the words "according to demand" went in or not; it was the other language with which I was concerned. If I was wrong during all the time that I was denounced as being wrong by the Ford adherents, it must be admitted that the Ford proposition was a mockery, a sham, and a deception upon the American farmer, or the Chair must be sustained in his ruling.

If Ford were required to make any fertilizer, 40,000 tons was the only amount designated. If he were not required to make that amount, he was not required to make any. If those who were behind the Ford offer and who are now to a great extent behind the Underwood bill wish to admit that the Ford offer never did provide for the production of 40,000 tons of fixed nitrogen, then I concede that, so far as that is concerned, my point of order is not good. Either the advocates of that proposition were practicing deception then, or their great leader is doing it now; they may take their choice. Either Ford was required under that contract to make 40,000 tons of nitrogen, or he was not. If he was not so required, then those favoring the adoption of his offer have been deceiving the people during this

whole fight. If Mr. Ford was not required to make any fertilizer, then, on that proposition, my point of order is not good. I have assumed that those making the contention were honest in their advocacy and that they conscientiously believed that Mr. Ford was required to make that amount of nitrogen. I assume that yet, Mr. President; I do not even now question anyone's sincerity about it; and, taking that assumption as true, then the point of order can not be overruled; then the Chair must be sustained; there is no other way out of it.

However, Mr. President, there is something else in the fertilizer provisions that is entirely new.

Mr. SIMMONS. Mr. President——

Mr. NORRIS. I yield to the Senator from North Carolina.

Mr. SIMMONS. I wish to ask the Senator if it be a fact that the words "if practical" were a mere limitation, and under that limitation Mr. Ford might not have been required to produce any fertilizer at all, under the conference bill would not the same condition exist, so that under certain circumstances no nitrogen would have to be produced at all but only phosphoric acid?

Mr. NORRIS. The Senator is absolutely correct.

Mr. SIMMONS. That is the point I wish the Senator would stress, because I want the farmers of the country to understand that this bill is now so drawn, however the Ford bill may have been drawn, that the farmer has really no assurance that he will get any increase in the quantity of nitrogen produced by reason of the adoption of the conference report, if it should be adopted, but will merely get an increase in the supply of phosphoric acid, a commodity which is already produced in this country far in excess of the demand.

Mr. NORRIS. The Senator is correct. I was coming to the provision in regard to phosphoric acid as found in the conference bill.

Mr. SIMMONS. The idea I wish to suggest to the Senator is that if somebody were juggling the Ford proposal so as to make it possible to deceive the farmer as to the amount of nitrogen he is going to get, somebody was also juggling the conference report so as to deceive the farmer.

Mr. NORRIS. I read from the bill as agreed to in conference as found on page 3 of the print in parallel columns:

> In order that the experiments heretofore ordered made may have a practical demonstration and to carry out the purposes of this act, the lessee or the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons during the third year of the lease period, and in order to meet the market demand said annual production shall be increased to not less than 40,000 tons the tenth year of the lease period.

Under the bill as it passed the Senate the lessee had to reach a production of 40,000 tons the sixth year. Therefore it is apparent that as much fertilizer will not have to be produced under the conference bill as would have been required to be produced under either the Ford bill or the bill as it passed the Senate. The Ford bill called for the production of 40,000 tons a year; the Senate bill brought the production up to 40,000 tons the sixth year, while the conference bill does not bring it to that point until the tenth year, and even that is modified. The clause reads:

> and in order to meet the market demand, said annual production shall be increased not less than 40,000 tons the tenth year of the lease period.

I should like the Senator from California, with his ingenuity and his ability, to explain how that does not go outside of the measure that was passed by the Senate and the measure that was passed by the House, if he assumes that the Ford people were telling us the truth when they said that Mr. Ford would be required to produce 40,000 tons a year.

Mr. SHORTRIDGE. Mr. President, if the Senator will give me five minutes of time before the hour of voting, I will undertake to make answer.

Mr. NORRIS. I thought the Senator would probably tell me immediately.

Mr. SHORTRIDGE. Then I will endeavor to answer the Senator now. I understand the argument to be that the Senate bill calls for the production of a certain amount of nitrogen.

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. I understand the argument to be that the House bill embodying the Ford plan was indefinite as to the amount.

Mr. NORRIS. No; it required the production of 40,000 tons.

Mr. SHORTRIDGE. No; the Senator from Alabama has explained that.

Mr. NORRIS. I am assuming now that the House bill did require the production of that amount of nitrogen. If the Senator takes the other view, then I concede, as I have said, that the point of order in that respect is not good.

Mr. SHORTRIDGE. Precisely.

Mr. NORRIS. If the Senator from Alabama is correct now, and says the Ford bill never did require the production of 40,000 tons of nitrogen, that it did not mean anything, then I concede that as to that point the point of order is not well taken. So it will not be necessary for the Senator to argue on that basis. But, assuming that the Ford adherents were not trying to deceive us, assuming that the Ford adherents were telling us the truth—that Ford did agree to produce 40,000 tons annually—then I should like to have any one on earth tell us how the conference bill gets inside of the rule.

Mr. SHORTRIDGE. I am not at present concerned with the attitude of the Senator from Alabama taken on a former occasion. I am now inviting attention to an argument which appears to me to be more or less persuasive. It was argued that under section 14, found on page 10 of the House bill, the quantity to be produced was not definitely fixed.

Mr. NORRIS. I hope the Senator will not take up my time with that, because I concede that point. I admit it. There is not any argument necessary, as far as I am concerned, on that point.

Mr. SHORTRIDGE. But it was for the conferees to reach a conclusion, an agreement as to amount.

Mr. NORRIS. Exactly. If that is true, if the Ford bill was a snare and a deception and a delusion, then the conferees, as far as the amount of fertilizer is concerned, were within their jurisdiction. To sustain this bill that is just what you have to argue, and I have wondered if anybody dared do it.

Mr. SHORTRIDGE. I dare to do it. I do not use the word in an offensive way.

Mr. NORRIS. The Senator, as I remember, was not going over the country advocating the Ford bill.

Mr. SHORTRIDGE. No. I had listened with great interest and profit to the splendid argument of the Senator from Nebraska.

Mr. NORRIS. The Senator can do that, then. The Senator is perfectly logical if he assumes that Ford was not required to make 40,000 tons of fertilizer annually. Then my point, as far as the amount of fertilizer is concerned, is not good; and they could have brought in here a measure providing that he did not have to make any fertilizer.

Mr. SHORTRIDGE. But he might have been obligated to make some quantity.

Mr. NORRIS. I do not think so. It might have been a pound or two, or a bushel, or a half bushel, or a peck, or something of that kind.

It seems to me this proposition is up to the Ford people: "Either you were deceiving us before or you are doing it now"; but I base my question to the Senator from California on the assumption that the Ford people were not deceiving us, and that they were telling us the truth, and that Henry Ford had agreed to make 40,000 tons of fertilizer a year. Assuming that to be true, then the point of order must be sustained on that point.

That, however, is not the only thing in the fertilizer. I will read you something else that is new, regardless of the trick that was in the Ford bill:

> In order that the experiments heretofore ordered made may have a practical demonstration, and to carry out the purposes of this act, the lessee or the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons during the third year of the lease period and in order to meet the market demand, said annual production shall be increased to not less than 40,000 tons the tenth year of the lease period, the terms and conditions governing the annual production within said 10-year period shall be determined by the President: *Provided*, That if in the judgment of the President, the interest of national defense and agriculture will obtain the benefits resulting from the maintenance of nitrogen fixation plant No. 2 or its equivalent in operating condition by so doing, then he is authorized to substitute the production of fertilizers containing available phosphoric acid (computed as phosphoric anhydride P 205) for not more

than 25 per cent of the nitrogen production herein specified at the rate of not less than 4 tons of phosphoric acid annually for each annual ton of nitrogen for which the substitution is made.

At no place in either bill was there any provision for a substitution of phosphoric acid for nitrogen production. It is absolutely and entirely new, just as though it came out of the clear blue sky. No suggestion is anywhere made in the Ford bill, no suggestion is anywhere made in the Senate bill for such a substitution. No suggestion is made for the production of phosphoric acid. In the conference bill the President is given authority, if he sees fit, to substitute phosphoric acid for nitrogen.

Mr. SMITH. And that means, Mr. President, if the Senator will allow me, under the terms of this bill not 40,000 tons annually but 75 per cent of it, 25 per cent of phosphoric acid to be substituted.

Mr. NORRIS. Yes; at the rate fixed in the conference bill. Senators, suppose that had been offered in the Senate bill. Do you not suppose that some Senator would have wanted to offer an amendment to it? Take the Senator from South Carolina [Mr. SMITH], who is an expert on fertilizer, who has had practical experience for many, many years in the application of fertilizer to the soil: Does anybody doubt but that if that had been in the Senate bill, where he had an opportunity, he would have offered some suggestion of improvement to it? Can we benefit by his experience and his knowledge now? No. He can not offer any amendment to that. He is precluded from offering an amendment to it.

Why, Mr. President, suppose that had been in the Ford bill and had come before the Committee on Agriculture and Forestry. We would have had our experts on that proposition from the Agricultural Department and chemists from other parts of the country to testify as to whether that was the right way to get fertilizer. If that is a good thing, we can get it a good deal cheaper than we can get it out of the air.

Mr. SMITH. And let me make another suggestion: There is a significant fact connected with this. There are but three ingredients commonly used—nitrogen, potash, and phosphoric acid. Potash is very difficult to get in this country. The fact is that potash for fertilizing purposes is not produced in this country to any extent. It is imported from Germany. Phosphoric acid, however, is almost as common as sand. If they were going to substitute something else, why did they not substitute the production of potash, which they can produce under the same process by which nitrogen is produced?

Mr. SHORTRIDGE. Mr. President, what are we all aiming at? It is to get fertilizer, is it not?

Mr. SMITH. Not in this bill.

Mr. SHORTRIDGE. Why, of course we are all trying to get fertilizer.

Mr. NORRIS. No; that is what we were aiming at when we considered the Ford bill, but we are told now that we were mistaken.

Mr. SHORTRIDGE. We may be.

Mr. NORRIS. But, Mr. President, because we are trying to get fertilizer for the farmer, when the House bill provides, let us say, for the production of potash, and the Senate bill provides for the production of nitrogen, and we send the matter to the conference committee, and they strike out both of them, so as to give the lessee less expense, and say: "Here, we will substitute phosphoric acid"—which, as the Senator says, is almost as common and as easily gotten as sand—does the Senator mean to say that they were within their province when they did that? That is what they have done here.

Mr. SHORTRIDGE. Mr. President, am I right, or do I dream? Are we not trying to produce fertilizer?

Mr. SMITH. Let me answer that.

Mr. SHORTRIDGE. I am not concerned as to the ways and means to achieve that result. I want some fertilizer for the farmer.

Mr. SMITH. Will the Senator let me answer that?

Mr. NORRIS. I yield.

Mr. SMITH. Yes; we are trying to produce fertilizer, the ingredient that we have not got. We have two; but the essential ingredient, the third ingredient in the combination, the one that is worth all the others put together, is nitrogen, which we have not got, and we have to depend upon Chile to get it.

Mr. SHORTRIDGE. In this atmosphere that surrounds our little globe, and out into God's heavens, there is a great deal of nitrogen.

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. But we do not know yet how to rescue it or tear it out of the atmosphere and make it a commercial success, according to the learning of my friend from Nebraska.

Mr. NORRIS. I agree with that. I admit that. That is true. There is not any doubt about it; but that has not any more to do with this point of order than the flowers that bloom in the springtime.

Mr. SHORTRIDGE. Of course, we are turning from the point of order. I want to say that the flowers are blooming in California right now.

Mr. NORRIS. Yes—well, they always bloom in California.

Mr. SHORTRIDGE. They do.

Mr. NORRIS. And we find the effects of it in the bright, charming countenances of the Senators that they send here.

Mr. President, the point we make on this point of order is that the Senate and the House never have had a chance to consider this proposition of phosphoric acid. That is something new. We provide for the production of nitrogen, which, as the Senator from South Carolina very well says, is the most expensive part of the fertilizer. We provide for that. The House provides for that. Our conferees get together, and they say: "Oh, let us throw that over. It is too expensive. We will let the lessee do it by providing phosphoric acid, which does not cost anything." We make the point of order against it. We say: "That was not in either the House or the Senate bill"; and, Mr. President, it is mighty important. It means a great deal. It means the changing of this lease. After all, we provided for leasing in the Senate bill; the House bill provided for leasing, and part of the consideration for that leasing was to produce nitrogen.

Now the conferees come in and say, "You do not have to produce nitrogen, or not nearly as much as the House and Senate bills provided, but you can produce phosphoric acid, which you can do a great deal easier"; and we make a point of order against it. There is not any doubt on earth but that that point of order is good.

Mr. President, if they could have put it in this way, they could have said that the lessee should produce so much sand, if they wanted to, and it would have been germane, because sand is in every fertilizer; and the Senator from California could have well said: "Why, we are trying to get fertilizer after all. Is not sand part of fertilizer? Well, then, it is all right to take out nitrogen and put in sand." We would make a good thing for the lessee. We would not do any good for the farmers. We would violate the Senate rules. We would nullify the legislation of the Senate and the House by the action in secret of the conferees. That is what we would do.

Mr. SHORTRIDGE. If we adopted that method, Mr. President, might we not make fertilizer cheaper, and thus benefit the farmer?

Mr. NORRIS. Yes; that would make fertilizer cheaper. If we solemnly enacted a statute that said, "Hereafter fertilizer shall consist of 100 per cent sand," that would make fertilizer cheap everywhere, but it would not make the crops grow. It would not do any good for the farmer. He would have to mix that up with some Christian Science; and that reminds me, Mr. President, of what the Senator from Alabama argued. He spoke of sections 1 and 2 of the bill, where they "dedicated" the whole thing to fertilizer—dedicated it—just as though, if we dedicated by law the Capitol of the United States to fertilizer, it would make the grass grow any better or produce a better crop of dandelions! This "dedication" business in the Senator's bill is nothing but the application of Christian Science to government. It does not make anything grow; it does not produce anything; and the only reason for its being there is as a peg that we can get hold of somewhere, trying to fool the farmer with the idea that we are going to convert water power into fertilizer, which every scientific man on earth who knows anything about it says is an impossibility.

Here is another thing that is new. I am not going to take the time to argue it. It is a provision in reference to national defense. I have not time to go over all of them in the limited time at my disposal. Here is another proviso:

Provided, That all contracts for the sale of said power for public utility or industrial purposes shall contain the proviso that said power may be withdrawn, on reasonable notice, at any time during the lease period, if and when said power is needed for the manufacture of fertilizers.

Mr. President, I contend that that is new. It is not only new, but it is mighty important. If that provision had been offered on the floor of the Senate, it would have been defeated. I concede that it is germane, but it is a thing that was not put in by either the House or the Senate. If it is to be possible for that power to be taken away without a moment's notice

to the lessee, without any opportunity for him to collect damages, then the plant will never be leased.

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

Mr. NORRIS. I yield.

Mr. SHORTRIDGE. Could not the Government, to protect itself, do that very thing without this being made a law?

Mr. NORRIS. No; the Government can not take anything without paying for it.

Mr. SHORTRIDGE. It could not under this bill.

Mr. NORRIS. Yes; it could under this. It is absolutely stated in so many words. The thing taken would be power. If it can be taken away, of course, the Government ought to pay whatever damages might accrue.

Mr. SHORTRIDGE. Mr. President, I do not wish a remark of mine to go into the RECORD in such form as to be indefinite. Let me make my meaning clear. What I mean to say is that the Government may under certain conditions, as, for example, in case of great necessity, of war, commandeer private property, but even then, ultimately there must be just compensation.

Mr. NORRIS. Oh, yes; I concede that.

Mr. SHORTRIDGE. That is the law.

Mr. NORRIS. There is no question about that. I want briefly to speak of the provision relating to the 4 per cent. We provided in the Senate bill for the building of Dam No. 2. In the Ford bill Dam No. 2 and Dam No. 3 were to be leased. It is provided that the lessee shall pay 4 per cent of the cost of the dam. In the case of Dam No. 3, the entire dam is to be taken into consideration. I am speaking now of the Ford bill. In the case of Dam No. 2, the lessee was to pay 4 per cent of the cost of the whole dam, including the locks, less the amount that had been expended at the time Mr. Ford made his offer, which was about $17,000,000.

In the conference bill it is provided as to both of these dams that the lessee shall pay a rental equivalent to 4 per cent of the total cost of both of the dams, less the cost of the locks, and, in addition to that, less whatever amount the President shall fix as the value of the dam to navigation. As the Senator from South Carolina [Mr. SMITH] so well said but a few moments ago, it would be within the power of the President to say that these dams were worth to navigation all they cost. Perhaps they are—I do not know—but if the President should say that, there would be no rental charge whatever.

Can anybody say that that is not outside of the scope of the measures that were given to the conferees? Can anybody say that such a provision as that can be justified either by the provisions of the Ford bill or of the bill which passed the Senate? Does it not follow logically, as certainly as the rising and setting of the sun, that in that instance the conferees went beyond their power?

They make no defense as to Dam No. 3, but as to Dam No. 2 they say "$17,000,000 is taken out." That is just as good as to Dam No. 2 as to Dam No. 3, because the President is not confined to $17,000,000 when he fixes the benefit to navigation. But as to Dam No. 3 they have not even that to go on. Under the Ford bill, when Dam No. 3 was leased the lessee was to pay 4 per cent of the entire cost—the cost of the locks, the dam, and all. Under the conference bill the President would deduct the cost of the locks and another amount, which he should deem a proper amount, to be charged as a benefit to navigation.

Mr. President, I have only a minute left, and I appeal to Senators. We are about to vote on something that will go down in history. We are laying down a precedent, and if Senators vote wrong it will come again to plague us. As I said at the start, we are playing with fire. This is the most important point of order I have ever heard raised in the Senate of the United States, and the real question is, Are we to permit legislation in behalf of 110,000,000 free people to be made in secret, in conference, or are we going to insist that it be made in the House and in the Senate?

The PRESIDENT pro tempore. Debate upon this question is closed.

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

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

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

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

The PRESIDENT pro tempore. Eighty-six Senators have answered to their names. There is a quorum present.

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

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

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. JOHNSON of Minnesota (when his name was called). On this question I have a pair with the senior Senator from Ohio [Mr. WILLIS]. I transfer that pair to the senior Senator from Massachusetts [Mr. WALSH], and vote "yea."

Mr. MCNARY (when his name was called). Upon this question I am paired with the senior Senator from Mississippi [Mr. HARRISON]. I transfer that pair to the senior Senator from Wisconsin [Mr. LA FOLLETTE], and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. If I were permitted to vote, I would vote "yea"

The roll call was concluded.

Mr. OVERMAN. I find that I can transfer my pair with the senior Senator from Wyoming [Mr. WARREN] to the junior Senator from Utah [Mr. KING], which I do, and vote "yea."

Mr. NORRIS. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness and to state that if he were present he would vote "yea."

Mr. COPELAND. The senior Senator from Massachusetts [Mr. WALSH] is unavoidably absent. If he were present, he would vote "yea."

Mr. GERRY. I wish to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from West Virginia [Mr. ELKINS] on this vote.

The result was announced—yeas 45, nays 41, as follows:

YEAS—45

Ashurst	George	Mayfield	Simmons
Ball	Glass	Moses	Smith
Borah	Gooding	Neely	Smoot
Brookhart	Harreld	Norbeck	Stanfield
Capper	Howell	Norris	Swanson
Copeland	Johnson, Calif.	Overman	Trammell
Couzens	Johnson, Minn.	Pepper	Wadsworth
Cummins	Jones, N. Mex.	Ralston	Walsh, Mont.
Dale	Jones, Wash.	Ransdell	Wheeler
Dill	Lenroot	Reed, Pa.	
Ferris	McKellar	Sheppard	
Frazier	McNary	Shipstead	

NAYS—41

Bayard	Edwards	Keyes	Shields
Bingham	Ernst	Ladd	Shortridge
Broussard	Fernald	McCormick	Stanley
Bruce	Fess	McKinley	Stephens
Bursum	Fletcher	McLean	Sterling
Butler	Gerry	Means	Underwood
Cameron	Greene	Metcalf	Watson
Caraway	Hale	Oddie	Weller
Curtis	Harris	Phipps	
Dial	Heflin	Pittman	
Edge	Kendrick	Robinson	

NOT VOTING—10

Elkins	La Follette	Spencer	Willis
Harrison	Owen	Walsh, Mass.	
King	Reed, Mo.	Warren	

So the decision of the Chair was sustained.

The PRESIDENT pro tempore. The decision of the Chair stands as the judgment of the Senate, and the report is referred to the committee of conference.

Mr. UNDERWOOD. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Alabama will state it.

Mr. UNDERWOOD. As I understand it from the ruling of the Chair, the bill automatically goes back to the same conferees?

The PRESIDENT pro tempore. So the rule provides.

PROPOSED ORDER FOR EVENING SESSION

Mr. PEPPER obtained the floor.

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

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

Mr. CURTIS. I desire to submit a unanimous-consent request.

The PRESIDENT pro tempore. The Senator from Kansas presents the following unanimous-consent agreement, which the clerk will read.

The reading clerk read as follows:

Ordered, By unanimous consent, that at not later than 5 o'clock p. m. to-day the Senate shall proceed to the consideration of executive business, and at the conclusion of executive business the Senate shall take a recess until 8 o'clock p. m., and at the evening session, not to extend beyond 11 o'clock p. m., nothing shall be considered except the following bills, and in the order set forth herein:

House bill 8887, the McFadden-Pepper banking bill;
House bill 11472, the river and harbor bill;
House bill 11354, omnibus pension bill;
House bill 11749, omnibus pension bill;
Senate bill 4151, the Kendrick irrigation bill; and
House bill 2688, the naval omnibus bill.

The PRESIDENT pro tempore. Is there objection to the proposed unanimous-consent agreement?

Mr. FERNALD. Mr. President, I ask unanimous consent for the immediate consideration of House bill 3933.

The PRESIDENT pro tempore. A unanimous-consent request is pending.

Mr. DILL. I object to the banking bill being first on the list.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Kansas?

Mr. DILL. I object.

The PRESIDENT pro tempore. The Senator from Washington objects. The Senator from Maine is recognized.

Mr. SMITH. May I call the attention of the Chair to the fact that the Senator from Washington said he objected if the banking bill came first. He indicated that he would not object otherwise.

The PRESIDENT pro tempore. The Chair is unable to distinguish between a partial objection and an entire objection. The Senator from Maine is recognized.

Mr. PEPPER. Mr. President, may I inquire of the Chair whether this is not the situation—that the Chair did me the honor to recognize me, and I yielded to the Senator from Kansas?

The PRESIDENT pro tempore. The Senator from Maine is recognized only to propose a unanimous-consent agreement.

Mr. FERNALD. I ask unanimous consent that we consider now House bill 3933.

Mr. ROBINSON. What is the bill?

Mr. FERNALD. It is the Cape Cod canal bill.

The PRESIDENT pro tempore. Is there objection?

Mr. HOWELL. I object.

Mr. FERNALD. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Pennsylvania was recognized.

NATIONAL BANKING ASSOCIATIONS AND FEDERAL RESERVE SYSTEM

Mr. PEPPER. I move that the Senate proceed to the consideration of Calendar No. 1096, being the bill H. R. 8887, the banking bill, to provide for the consolidation of national banks, and for other purposes.

Mr. FERNALD. Mr. President, I thought I was recognized.

The PRESIDENT pro tempore. The Senator from Maine was recognized for one purpose only. The Senator from Pennsylvania has the floor and was so recognized by the Chair, and he yielded to the Senator from Kansas. The question is upon the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of Calendar No. 1096, House bill 8887.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918, to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5209, section 5211 as amended, of the Revised Statutes of the United States; and to amend sections 13 and 24 of the Federal reserve act, and for other purposes.

Mr. CURTIS. Mr. President, will the Senator from Pennsylvania yield?

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

ORDER FOR EVENING SESSION

Mr. CURTIS. I ask unanimous consent that at 5 o'clock this afternoon the unfinished business be temporarily laid aside and the Senate proceed to the consideration of executive business; that at the conclusion of executive business the Senate take a recess until 8 o'clock to-night, and that at not later than 11 o'clock to-night the Senate take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that at not later than 5 o'clock this afternoon the Senate enter into executive session, and that when that is concluded the Senate take a recess until 8 o'clock this evening; and that at not later than 11 o'clock this evening the Senate stand in recess until 12 o'clock to-morrow. Is there objection?

Mr. BORAH. Mr. President, I desire to ask the Senator from Kansas a question. I want an adjournment of the Senate within the next day or two if we do not have it to-night. Will the Senator be willing to give it to us to-morrow?

Mr. CURTIS. So far as I am concerned I am perfectly willing to move an adjournment to-morrow.

The PRESIDENT pro tempore. Will the Senator from Idaho again state his request?

Mr. BORAH. I am simply trying to arrange if possible for an understanding with reference to adjournment to-morrow after we conclude our business. Owing to the situation with reference to a matter which I have before the Senate, it will require an adjournment, and I want to make arrangements for an adjournment if possible.

Mr. CURTIS. So far as I am concerned I shall ask for an adjournment to-morrow if the Senator wants it.

Mr. BORAH. I know that if the Senator asks for it, and asks for it hard enough, we will get it.

The PRESIDENT pro tempore. The request for unanimous consent made by the Senator from Kansas does not interfere with the suggestion made by the Senator from Idaho. Does the Senator from Idaho wish the suggestion to be attached to the request for unanimous consent?

Mr. BORAH. No.

Mr. CURTIS. To-night we are to take a recess until 12 o'clock noon to-morrow.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request submitted by the Senator from Kansas?

Mr. ROBINSON and Mr. FERNALD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas.

Mr. ROBINSON. I want to submit a suggestion. I inquire of the Senator from Kansas whether it would suit his convenience to modify his request so that House bill 11472, the river and harbor bill, may be taken up at the night session to-night, the banking bill to be proceeded with now under the unanimous-consent agreement?

Mr. FERNALD. I shall have to object to that. I have in charge a measure I would like to have taken up. I shall object anyway to a unanimous-consent agreement to take up that bill to-night.

Mr. ROBINSON. Very well; a motion can be made at the proper time to proceed to the consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas?

Mr. ROBINSON. I do not object.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

PRESIDENTIAL APPROVALS

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

On February 20, 1925:

S. 877. An act to provide for exchanges of Government and privately owned lands in the Walapai Indian Reservation, Ariz.; and

S. 2209. An act to amend section 5147 of the Revised Statutes.

On February 21, 1925:

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. 3352. An act to provide for the appointment of an appraiser of merchandise at Portland, Oreg.;

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. 4014. An act to amend the act of June 30, 1919, relative to per capita cost of Indian schools;

S. 4109. An act to provide for the securing of lands in the southern Appalachian Mountains and in the Mammoth Cave regions of Kentucky for perpetual preservation as national parks;

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; and

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

SENATOR FROM ILLINOIS

The PRESIDENT pro tempore laid before the Senate the credentials of CHARLES S. DENEEN, chosen a Senator from the State of Illinois, for the term beginning on the 4th day of March, 1925, which were read and ordered to be placed on file, as follows:

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT.

To all to whom these presents shall come, greeting:

Know ye that CHARLES S. DENEEN, having been duly elected United States Senator within and for the State of Illinois for the term of six years, beginning March 4, A. D. 1925, I, Len Small, Governor of the State of Illinois, for and in behalf of the people of said State, do commission him, the said CHARLES S. DENEEN, as United States Senator, and do authorize and empower him to execute and fulfill the duties of that office according to law.

To have and to hold the said office, with all the rights and emoluments thereto legally pertaining until his successor shall be duly elected and qualified to office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State. Done at the city of Springfield this 2d day of December, A. D. 1924 and of the independence of the United States the one hundred and forty-ninth.

LEN SMALL, *Governor.*

By the governor:
[SEAL.] LOUIS L. EMMERSON, *Secretary of State.*

SENATOR FROM ARKANSAS

Mr. CARAWAY presented the credentials of JOSEPH T. ROBINSON, chosen a Senator from the State of Arkansas, for the term beginning on the 4th day of March, 1925, which were read and ordered to be placed on file, as follows:

STATE OF ARKANSAS,
EXECUTIVE DEPARTMENT.

PROCLAMATION

To all to whom these presents shall come, greeting:

Know ye that whereas, at the general election held November 4, 1924, pursuant to the statutes made and provided, the following candidates for United States Senator received the following votes:

	Votes
J. T. ROBINSON, Democratic candidate	100,408
Charles F. Cole, Republican candidate	36,163

Now therefore, I, Tom J. Terral, Governor of the State of Arkansas, by virtue of the power and authority vested in me under the constitution and laws of said State and acting in my official capacity, do hereby declare that JOSEPH T. ROBINSON was duly elected United States Senator for Arkansas at the past general election held November 4, 1924.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of State in the governor's office at Little Rock, Ark., this the 18th day of February, 1925.

TOM J. TERRAL, *Governor.*

By the governor:
[SEAL.] JIM B. HIGGINS, *Secretary of State.*

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of the State of South Dakota, which was referred to the Committee on Military Affairs:

OFFICE OF CHIEF CLERK, HOUSE OF REPRESENTATIVES,
SOUTH DAKOTA LEGISLATURE,
Pierre, S. Dak., February 20, 1925.

The PRESIDING OFFICER OF THE UNITED STATES SENATE,
Senate Office Building, Washington, D. C.

DEAR SIR: I have the honor to submit herewith a copy of the concurrent resolution passed by the Legislature of the State of South Dakota memorializing the President and Congress relative to future wars.

Yours truly, WRIGHT TARBELL, *Chief Clerk.*

A concurrent resolution memorializing Calvin Coolidge, the President, and the Congress of the United States pertaining to future wars

Be it resolved by the House of Representatives of the State of South Dakota (the Senate concurring)—

SECTION 1. That we, the members of the State legislature in regular session assembled, representing the people of the Commonwealth of South Dakota, do hereby memorialize the Congress of the United States to enact into law the measure now before it known as the universal draft bill, sponsored by the American Legion, which is as follows:

"(1) That in the event of a national emergency declared by Congress to exist, which in the judgment of the President demands the immediate increase of the Military Establishment, the President be, and he hereby is, authorized to draft into the service of the United States such members of the unorganized militia as he may deem necessary: *Provided,* That all persons drafted into service between the ages of 21 and 30, or such other limit as the President may fix, shall be drafted without exemption on account of industrial occupation.

"(2) That in case of war or when the President shall judge the same to be imminent, he is authorized, and it shall be his duty, when, in his opinion, such emergency requires it—

"(a) To determine and proclaim the material resources, industrial organizations, and services over which Government control is necessary to the successful termination of such emergency, and such control shall be exercised by him through agencies then existing or which he may create for such purposes;

"(b) To take such steps as may be necessary to stabilize prices of services and of all commodities declared to be essential, whether such services and commodities are required by the Government or by the civilian population."

SEC. 2. That certified copies of this resolution be forwarded to the Governor of this State, to the Secretary of State at Washington, D. C., to the Presiding Officer of the United States Senate, to the Speaker of the House of Representatives of the United States, and to each Member of the South Dakota delegation in the National Congress.

CHAS. S. MCDONALD,
Speaker of the House.

Attest:
WRIGHT TARBELL, *Chief Clerk.*

A. C. FORNEY,
President of the Senate.

Attest:
W. J. MATSON,
Secretary of the Senate.

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

THE STATE OF IDAHO,
DEPARTMENT OF STATE,
Boise, February 17, 1925.

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

SIR: I have the honor to submit herewith a copy of Senate Joint Memorial No. 5, adopted by the Senate and House of Representatives of the Eighteenth Legislative Assembly of the State of Idaho.

Respectfully,

F. A. JETER, *Secretary of State.*

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, F. A. Jeter, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 5 (by Nelson), adopted by the eighteenth session of the Idaho Legislature, which was filed in this office on the 14th day of February, A. D. 1925, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 17th day of February, in the year of our Lord 1925, and of the independence of the United States of America the one hundred and forty-ninth.

[SEAL.] F. A. JETER,
Secretary of State.

LEGISLATURE OF THE STATE OF IDAHO, EIGHTEENTH SESSION

Senate joint memorial No. 5 (by Nelson)

To the honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent: That—

Whereas the speedy completion of the wagon road up the south fork of the Clearwater River in Idaho County, Idaho, from Castle Creek to Elk City, is a great public and national necessity, and being entirely within the Nez Perce National Forest reserve; and

Whereas said proposed highway would intersect the gold mining districts as follows: Clearwater, Tenmile, Elk City, Dixie, Oro Grande, and Buffalo Hump, all known to be gold-producing sections, and with proper transportation would yield a large output of the precious metal, now so much desired by the Government; and

Whereas said road has been under construction for four years and it will take at least six years more to complete it unless speedier action is had, thereby tying up the money already invested and delaying the realization of benefit from it; and

Whereas such a highway would not only be a great benefit in opening up the several gold districts mentioned, but would ultimately be extended and be another artery or highway extending across the country, connecting with the north and south highway, and would be a great benefit to the Government in lessening the operating expenses from both parcels post and forest reserve departments, and would also open up a vast grazing country and timberlands, and would be a great accommodation to something like 250 homesteaders along said route, or adjacent thereto: Now, therefore, be it hereby

Resolved, That we, your memorialists, do recommend that a sufficient sum of money be appropriated by the Congress of the United States to insure the speedy completion of said highway.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

This senate joint memorial passed the senate on the 2d day of February, 1925.

H. C. BALDRIDGE,
President of the Senate.

This senate joint memorial passed the house of representatives on the 9th day of February, 1925.

W. D. GILLIS,
Speaker of the House of Representatives.

I hereby certify that the within senate joint memorial No. 5 originated in the senate during the eighteenth session of the Legislature of the State of Idaho.

A. L. FLETCHER,
Secretary of the Senate.

The PRESIDENT pro tempore also laid before the Senate the following communications and certificate relative to the rejection by the General Assembly of South Carolina of the proposed child labor amendment to the United States Constitution, which were referred to the Committee on the Judiciary:

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, February 20, 1925.

The honorable the PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to transmit herewith by direction of the governor a certificate and communication relating to the rejection by the General Assembly of South Carolina of the proposed child labor amendment to the United States Constitution.

Very respectfully,

EDWARD MCDOWELL,
Secretary to the Governor.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia.

I certify that the attached communication is a true and correct copy of original communication which has been transmitted to me by the clerks of the Senate and House of Representatives of the General Assembly of South Carolina.

Given under my hand and the seal of the executive department, at Columbia, this 20th day of February, A. D. 1925, and in the one hundred and forty-ninth year of the American independence.

[SEAL.] THOS. G. MCLEOD,
Governor of South Carolina.

HOUSE OF REPRESENTATIVES, STATE OF SOUTH CAROLINA,
OFFICE OF THE SPEAKER,
February 18, 1925.

Hon. THOMAS G. MCLEOD,
Governor, State House, City.

DEAR SIR: I have the honor to transmit to you for your consideration the action of the house and senate on a concurrent resolution—house, No. 40; senate, No. 46—as follows:

Concurrent resolution

Whereas His Excellency Gov. Thomas G. McLeod has transmitted to the General Assembly of the State of South Carolina for its consideration, according to law and the custom in such cases made, a certified copy of a joint resolution passed on June 2, 1924, by the Senate and House of Representatives in Congress proposing an amendment to the Constitution of the United States, as follows:

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit labor of citizens 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 house of representatives (the senate concurring)—

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, rejected by the General Assembly of the State of South Carolina.

SEC. 2. That certified copies of the foregoing preamble and resolution be forwarded by the governor of this State to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, and the Speaker of the House of the United States.

The resolution was introduced January 21, 1925, and an aye-and-nay vote of the house of representatives being taken, shows the following result: Yeas 110, nays 1.

Said resolution was then sent to the senate, and on Januray 27, 1925, a vote in the senate was taken on same and resulted as follows: Yeas 38, nays none.

Respectfully submitted.

[SEAL.] J. WILSON GIBBES,
Clerk of the House of Representatives of the State of South Carolina.

I certify that the record given in the above communication by the clerk of the house of representatives as to the vote taken in the senate is correct.

JAS. H. FOWLES,
Clerk of the Senate of the State of South Carolina.

Mr. HOWELL presented a memorial of sundry citizens of Lincoln and vicinity, in the State of Nebraska, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

Mr. FRAZIER presented the memorial of William A. Larson and 17 other citizens of Williams County, in the State of North Dakota, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

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

Mr. JOHNSON of Minnesota presented the memorials of Mrs. Grace Rude and 17 other citizens of Rice County, of E. C. Anderson and 15 other citizens of Vining, and of Mr. and Mrs. Peter King and 47 other citizens of Virginia, all in the State of Minnesota, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

He also presented a telegram in the nature of a petition signed by Fred N. Bussgert and 175 other patients at United States Hospital No. 68, Minneapolis, Minn., praying an amendment to the so-called Reed-Johnson bill providing a 50 per cent permanent rating for arrested tuberculosis patients, which was referred to the Committee on Finance.

Mr. McLEAN presented a telegram in the nature of a petition from the Bridgeport (Conn.) Council of Catholic Women, praying for the passage of the bill providing increased compensation for postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Auxiliary No. 4, United Spanish War Veterans, of Hartford; of Wadhams Post, No. 49, Grand Army of the Republic, of Waterbury; of Charles B. Bowen Camp, No. 2, United Spanish War Veterans, of Meriden; and of G. A. Hadsell Camp, No. 21, United Spanish War Veterans, of Bristol, all in the State of Connecticut, praying for the passage of the so-called Bursum bill, proposing to grant increased pensions to veterans of the Spanish-American War and their widows, which was referred to the Committee on Pensions.

He also presented a telegram in the nature of a memorial from the Bridgeport (Conn.) Chamber of Commerce, remonstrating against the enactment of legislation proposing to

eliminate Pullman surcharges, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union, of Moodus, praying for the passage of the so-called Cramton bill, being 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 was referred to the Committee on the Judiciary.

He also presented a letter in the nature of a petition from T. E. Conway, chairman of the American Legion Legislative Committee for the State of Connecticut, of Waterbury, Conn., praying for the passage of the so-called Reed-Johnson bill and the Bursum and Lineberger bills, providing additional hospital facilities for disabled ex-service men, etc., which was referred to the Committee on Finance.

He also presented a memorial of Division No. 48, Ladies' Auxiliary of the Ancient Order Hibernians, of Hartford, Conn., remonstrating against the passage of the so-called Sterling-Reed bill, providing for the establishment of a department of education in the Federal Government, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES

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

A bill (S. 4358) for the relief of Rear Admiral Joseph L. Jayne, United States Navy, retired (Rept. No. 1208); and

A bill (H. R. 5759) for the relief of James F. Abbott (Rept. No. 1209).

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 3842) to provide for terms of the United States district court at Denton, Md., reported it without amendment.

Mr. SPENCER, from the Committee on the Judiciary, to which was referred the bill (S. 3777) to permit the United States of America to be made defendant, and to be bound by decrees and final judgments entered in land title registration proceedings in the Circuit Court of Cook County, Ill., and courts of appeal therefrom under the provisions of an act concerning land titles in force in the State of Illinois May 1, 1897, reported it without amendment and submitted a report (No. 1210) thereon.

Mr. REED of Pennsylvania, from the Committee on Immigration, to which was referred the bill (S. 4311) to provide for overtime pay for employees of the Immigration Service, Department of Labor, reported it without amendment.

Mr. REED of Missouri, from the Committee on the Judiciary, to which was referred the bill (S. 4302) incorporating the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, reported it without amendment and submitted a report (No. 1211) thereon.

Mr. BAYARD, from the Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 166) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document, reported it with amendments.

ENROLLED BILL PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on February 23, 1925, that committee presented to the President of the United States the enrolled bill (S. 2357) for the relief of the Pacific Commissary Co.

BILLS INTRODUCED

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

By Mr. HARRELD:

A bill (S. 4368) authorizing the reconstruction of a sawmill and appurtenances on the Menominee Indian Reservation in Wisconsin; to the Committee on Indian Affairs.

By Mr. FERNALD:

A bill (S. 4369) granting a pension to Myra F. Brown (with accompanying papers);

A bill (S. 4370) granting an increase of pension to Belinda E. Allen (with accompanying papers); and

A bill (S. 4371) granting an increase of pension to Harriet A. Sanborn (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4372) granting a pension to Leora A. Covill (with accompanying papers); and

A bill (S. 4373) granting a pension to Mary C. Nott (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 4374) granting an increase of pension to John Burri (with an accompanying paper); to the Committee on Pensions.

By Mr. STANFIELD:

A bill (S. 4375) to establish a scale for ascertaining the value of private property sought to be taken for a public use; to the Committee on the Judiciary.

By Mr. EDGE:

A bill (S. 4376) to prevent and punish the use for commercial or advertising purposes within the District of Columbia of any badge, insignia, crest, or coat of arms of any organization or unit of the United States Army, Navy, or Marine Corps; to the Committee on Military Affairs.

By Mr. ASHURST:

A bill (S. 4378) granting a pension to William H. Hatcher; to the Committee on Pensions.

DISPOSITION OF THE WATERS OF THE COLUMBIA RIVER

Mr. DILL introduced a bill (S. 4377) to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes, which was read twice by its title, referred to the Committee on Irrigation and Reclamation, and ordered to be printed in the RECORD, as follows:

A bill (S. 4377) to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana, respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes.

Whereas the Columbia River and its tributaries are interstate streams having their sources in a drainage area of approximately 250,000 square miles, said streams flowing through the States of Montana, Idaho, Washington, and the Columbia River forming the boundary between the States of Washington and Oregon; and

Whereas the above-named States are vitally interested in the possible development of the Columbia River and its tributaries for irrigation, power, domestic, and navigation uses; and

Whereas the Secretary of the Interior, in a letter to the President dated December 11, 1924, has pointed out that plans for future reclamation development must take into consideration the needs of the States and the water right problems of interstate streams and stated that efforts to reach an agreement for the economic apportionment of water of interstate streams by the States concerned "have the cordial approval and support of this department"; and

Whereas it is desirable that a compact for the economic apportionment of the water of the Columbia River and its tributaries for irrigation, power, domestic, and navigation purposes, be entered into by and between the said States of Montana, Idaho, Oregon, and Washington, and that the interests of the United States be considered in the drawing of said compact, by authorized representatives of each of said States and of the United States: Now, therefore,

Be it enacted, etc., That consent of Congress is hereby given to the States of Washington, Idaho, Oregon, and Montana to negotiate and enter into a compact or agreement not later than January 1, 1927, providing for an equitable division and apportionment among said States of the water supply of the Columbia River and of the streams tributary thereto, upon condition that two suitable persons, who shall be appointed by the President of the United States, one from the Department of the Interior and one from the War Department, shall participate in said negotiations, as the representatives of the United States, and shall make report to Congress of the proceedings and of any compact or agreement entered into: *Provided*, That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.

SEC. 2. The right to alter, amend, or repeal this act is herewith expressly reserved.

NATIONAL BANKING ASSOCIATIONS AND FEDERAL RESERVE SYSTEM

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918, to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5209, section 5211 as amended, of the Revised Statutes of the United States; and to amend sections 13 and 24 of the Federal reserve act, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. COPELAND also submitted an amendment intended to be proposed by him to House bill 8887, which was ordered to lie on the table and to be printed in the RECORD, as follows:

On page 32, line 13, strike out "one-half" and insert "25 per centum," and disagree to the committee amendment in the same line striking out "time" and inserting "savings."

ADDITIONAL JUDGE IN MINNESOTA

Mr. SHIPSTEAD. Mr. President——

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

Mr. PEPPER. I yield to the Senator from Minnesota for any purpose which will not deprive me of the floor.

Mr. SHIPSTEAD. I ask unanimous consent for the immediate consideration of the bill (S. 4352) to create an additional judge in the district of Minnesota.

Mr. President, this is a bill which was unanimously reported by the Committee on the Judiciary this morning. It provides for the filling of a vacancy created by the death of Judge McGee, the Federal judge in Minnesota.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint a judge to fill a vacancy created in the District Court of the United States for the District of Minnesota, occasioned by the death of Hon. John F. McGee, who was appointed as an additional judge in said district under the provisions of the act of Congress entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922.

SEC. 2. A vacancy occurring more than two years after the passage of this act in the office of the district judge appointed pursuant to this act shall not be filled unless Congress shall so provide.

SEC. 3. The judge appointed hereunder shall reside in said district and his compensation and powers shall be the same as now provided by law for the judge of said district.

SEC. 4. This act shall take effect immediately.

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.

SENATOR FROM IOWA

Mr. SPENCER and Mr. HEFLIN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. PEPPER. I yield first to the Senator from Missouri, and after that I shall yield to the Senator from Alabama.

Mr. SPENCER. Mr. President, there has been filed an election contest with regard to the election of the junior Senator from the State of Iowa [Mr. BROOKHART]. Ordinarily that contest, which is now filed in the office of the Secretary of the Senate, would not come before the Senate until the Sixty-ninth Congress, but information has reached us that a portion of the vote in Iowa was taken by election-voting machines and that one of those machines in Dubuque will be needed for a municipal election on the 7th of March. Both sides to the contest, the contestant and the contestee, have agreed that the present Senate may take up the contest for the purpose of examining the contents of the voting machine in Dubuque, and then shall wait until the next session of the Senate for the main part of the contest. Mr. President, I ask, if there is no objection, that the contest now filed in the Secretary's office be referred to the Committee on Privileges and Elections, and I report a resolution from that committee which ought to go to the Committee to Audit and Control the Contingent Expenses of the Senate if it meets with the approval of the Senate.

The PRESIDENT pro tempore. Is there objection?

Mr. WALSH of Montana. Mr. President, I desire to inquire of the Senator from Missouri if he is of the opinion that the present Senate has jurisdiction of this contest even with the consent of the parties?

Mr. SPENCER. We discussed that matter, and I have no doubt that, with the consent of the parties, the Senate, being a continuing body, may consider the whole case, but there is no disposition to do anything except to count the ballots in one voting machine.

Mr. WALSH of Montana. Is the Senator of the opinion that the consent of the parties is necessary?

Mr. SPENCER. I do not know. I rather came to the conclusion that, without consent, it was inadvisable, at least, to do it. I am not at all sure that we might not have the right to do it without consent, but without consent we would not have considered the suggestion.

Mr. WATSON. Mr. President, I can say that in the Committee on Privileges and Elections it was not doubted that we might go on now; but in order to have a perfect understanding among all the parties and no disagreement and no criticism by either the present Senate or the next, we chose to do it in this way.

Mr. WALSH of Montana. Mr. President, I merely desire to call attention to the overwhelming importance of this question and to point out to the Senate the serious consequences that may flow from the adoption of any such idea as is now advanced. I believe that everyone who has given any thought to the subject at all will concede that if this Congress has no jurisdiction in the premises, jurisdiction can not be conferred by the consent of anyone interested in the contest. So the serious question arises as to whether the Senate at the present time may enter upon an inquiry as to the qualifications and election of a Senator whose term does not begin until the 4th of next March.

It will be borne in mind that one-third of the Senators are about to go out. As a matter of course, quite a number of them have been reelected, but concededly one-third of the Senators now sitting might not be Members of the next body; they may be entirely repudiated by their constituents, and yet they undertake to pass upon the qualifications of a man who is to sit in the next ensuing Congress. I pointed out this absurdity some time ago when I discussed at some length before the Senate the accepted doctrine that the Senate is a continuing body and some of the disasters that might ensue from following to its logical conclusion that theory. We have such an instance before us to-day.

As I have said, it so happens that the complexion of the Senate will not be substantially changed, but it easily might be, and we would have Senators who really have no right to a voice in the matter at all passing upon the qualifications of Senators elected for the term beginning on the 4th of March next.

Mr. ROBINSON. Mr. President, will the Senator from Missouri yield to a question?

Mr. SPENCER. Yes.

Mr. ROBINSON. In view of the legal difficulty suggested by the Senator from Montana, what is the necessity for the Senate to take any action in the matter, particularly when it is said that the contestant and the contestee agree that the votes cast in a certain machine may be recounted and the machine itself returned? Why not let the proceeding be had pursuant to the agreement rather than by order of the Senate?

Mr. SPENCER. Mr. President, that is precisely what the resolution contemplates doing.

Mr. ROBINSON. What is the necessity for bringing the matter before the Senate at this time, when the Senate has no jurisdiction over the controversy, or at least when the question of jurisdiction is raised. This Senate, of course, can not determine that contest; I think that is admitted by everyone. So why consume the time of the Senate in the effort to secure an order for a proceeding which the Senator states has been agreed to by the parties in interest? Why can *not* the proceeding be had without regard to the action of the Senate?

Mr. SPENCER. The Senator from Arkansas does not understand the situation. The ballots cast in Dubuque are now locked up in a voting machine, and there is only one way by which it can be determined what the result of that vote is.

Mr. ROBINSON. The parties have agreed.

Mr. SPENCER. They have agreed that the Senate may take action and send two representatives to open that machine and recount those ballots, and that is precisely what the resolution proposes to do. There is no other way to do it; the machine is locked up.

Mr. PEPPER. Mr. President, may I suggest to the Senator from Missouri that, in view of the pendency of the banking bill and the evident difficulty of disposing of this matter, he take into consideration the propriety of bringing it up again to-morrow after further consideration?

Mr. SPENCER. That is a very fair request, and I will yield to it, if the Senator will indulge me for a moment to say to the Senator from Montana for his consideration that the statement of the Senator has great weight with me, not only because of its merit but because of the way in which he puts it. If it had to do with a court, it would be unanswerable. Consent of

parties can not confer jurisdiction upon a court; that is established; but the only qualification or limitation on the power of the Senate is by the Constitution, which provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

There is not a word that grants such power to any special Congress; it is granted to the Senate, and the Senate is a continuing body. I am not at all clear but that the Senate, as a continuing body, can take up any election contest where the election has passed and where a contest has been filed.

Mr. WALSH of Montana. I simply remind the Senator——

The PRESIDENT pro tempore. The Chair can not permit further argument upon the request for unanimous consent.

Mr. WALSH of Montana. Mr. President, with the permission of the Senator from Pennsylvania, I want to make a suggestion about this matter. The request is that this Senate shall take jurisdiction of the contest, to refer it to the Committee on Privileges and Elections, and then adopt the resolution presented by the Senator from Missouri. Of course, in that event, we have taken jurisdiction of the contest; there is no doubt about that. The suggestion of the Senator from Arkansas is, Why do that? If they are going to have an election in Dubuque, and they want to use the voting machine, why can not the two parties to the contest, without any action on the part of the Senate at all, agree that the machine shall be opened in the presence of the representatives of each of them? If there is no injunction of any kind had against such proceedings, there is no reason why they can not go ahead now and open the box.

Mr. SPENCER. The difficulty is, as I am advised, that under the laws of Iowa there can be no access to the machine unless the Senate or the courts take action.

The PRESIDENT pro tempore. The Chair has already announced that debate can not further continue upon the request for unanimous consent.

AMENDMENT OF COMPILED STATUTES

The PRESIDENT pro tempore laid before the Senate the resolution (H. Con. Res. 46), which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That in enrolling the bill (H. R. 4202) entitled "An act to amend section 5908, United States Compiled Statutes, 1916 (Revised Statutes, section 3186, as amended by act of March 1, 1879, chapter 125, section 3, and act of March 4, 1913, chapter 166)," the Clerk of the House is authorized and directed—

(1) To strike out the words "That if," immediately after the enacting clause, and to insert in lieu thereof the following:

"That section 3186 of the Revised Statutes, as amended, is amended to read as follows:

"'SEC. 3186. That if";

(2) To insert quotation marks at the end of such bill;

(3) To amend the title so as to read: "An act to amend section 3186 of the Revised Statutes, as amended."

Mr. CURTIS. I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution. It merely corrects a clerical error.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the concurrent resolution was considered and concurred in.

PROPOSED STATE TAX ON COTTONSEED PRODUCTS

Mr. HEFLIN. Mr. President——

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

Mr. PEPPER. Mr. President, if all the Senators who ask me to yield will agree to vote for the bill in my charge it will not be necessary for me to address the Senate at all. I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I presented a resolution this morning, S. Res. 344, which I subsequently withdrew for the purpose of meeting the objection of the Senator from Indiana [Mr. WATSON]. I have changed the phraseology of the resolution in a manner to meet his approval, and he withdraws the objection. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Does the Senator desire the resolution to be read again?

Mr. CURTIS. I ask that the resolution may be read.

The PRESIDENT pro tempore. The resolution will be read.

The reading clerk read as follows:

Whereas the Constitution vests in Congress the exclusive power to regulate commerce between the States; and

Whereas the free and untrammeled commerce between the several States is a cardinal principle of the Federal Constitution; and

Whereas the strict observance of these fundamental principles is necessary to the promotion and preservation of proper and cordial relationship between the various States; and

Whereas the Senate has reliable information to the effect that the legislatures of some of the States have measures now pending regarding interstate commerce that would do violence to the principles of the Constitution, and set a precedent fraught with grave danger to the whole country: Therefore be it

Resolved, That it is the sense of the Senate that such legislation would be in contravention of the principles of the Federal Constitution.

Mr. ROBINSON and Mr. CARAWAY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator ask for the immediate consideration of the resolution?

Mr. HEFLIN. I ask for the present consideration of the resolution.

Mr. KING and Mr. WADSWORTH. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HEFLIN. Who made the objection?

Mr. KING. I was one.

Mr. HEFLIN. The Senator from New York [Mr. WADSWORTH] was one, I understand.

NATIONAL BANKING ASSOCIATIONS AND FEDERAL RESERVE SYSTEM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918, to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5209, section 5211 as amended, of the Revised Statutes of the United States; and to amend sections 13 and 24 of the Federal reserve act, and for other purposes.

Mr. PEPPER. Mr. President, in the orderly discussion of this measure, which contains 18 sections, I had laid before the Senate the considerations which seemed to me to be applicable to the first 9 sections of the bill; and for the information of those Senators now present who were not in the Chamber when the measure was before the Senate on an earlier day, I should like to say that the most important feature contained in the sections which have heretofore been explained is the branch-banking feature of the bill.

This bill, if enacted into law, will give to national banks, and national banks only, the right to establish, under the jurisdiction of the Comptroller of the Currency, branch banks, limited in number, within the limits of the municipality in which the parent bank is situated——

Mr. DILL. Mr. President, will the Senator yield right there?

Mr. PEPPER. May I finish the sentence? And the permission thus given to national banks in cities is circumscribed by the following limitations: First, that there must be in force at the time this bill becomes law a State law, regulation, or usage with official sanction authorizing State banks to establish branches; and, in the second place, that the national bank, even in a State which has such legislation, regulation, or usage at the date this bill becomes law, may establish its branches in the city in which it is situated. It must appear that the population of the city is over 25,000. There can be one branch only between 25,000 and 50,000, and two only between 50,000 and 100,000.

I yield to the Senator from Washington.

Mr. DILL. The Senator may have answered my question. I am not certain. My question is this: Under this bill, can national banks establish branch banks in States where State banks are prohibited from having branches?

Mr. PEPPER. They may not, Mr. President. The provisions of this bill are applicable exclusively in States which have, at the date of its passage, already enacted laws or established regulations having the force of law to the effect that State banks may have branches; and even in such cases the privilege given by this bill does not extend as widely as the State permission to State banks. It is limited to the limits of the municipality in which the national bank is situated.

Have I answered the Senator's question?

Mr. DILL. The Senator has. At the present time there are a number of States where national banks can not have branch banks and State banks can have.

Mr. PEPPER. Mr. President, the situation is this: As national banks can have branches only if the national banking act permits it, and as at the present time the national banking act does not permit it, national banks may not with legislative authority have branches at all. This bill relaxes the national banking act to the extent only that I have stated; and that is in the interest of giving to national banks a fair chance

in competition with State banks within the limits of the municipality in which the national bank is situated.

Mr. SMITH and Mr. DIAL addressed the Chair.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. PEPPER. I yield to the senior Senator from South Carolina.

Mr. SMITH. Mr. President, I should like to ask the Senator if it is not a fact that national banks have branches now?

Mr. PEPPER. It is true, Mr. President, that, as it were, by the indulgence or favor of the comptroller, national banks are permitted in some jurisdictions to maintain what are called tellers' windows, where a limited amount of business is done in respect of the receipt of money and the cashing of checks; but there are no branch banks with legislative authority in the case of national banks now in existence, saving in the case of a very few instances where the following thing has happened; namely, that a State bank which under the law has branches in virtue of the State law has been consolidated into a national bank or has been converted into a national bank.

Mr. SMITH. And still retains its branches.

Mr. PEPPER. Under the existing law, in that case the branches are retained; and this statute, if enacted, will not disturb or disintegrate those situations.

Mr. SMITH. In reading the bill, my impression was that where a State bank, under the provisions of the proposed legislation, consolidated with a national bank, the branches that had attached to the State banks could not still be branches of that national incorporation unless they were within certain municipal districts.

Mr. PEPPER. The Senator is right in this regard—that as to consolidations and conversation taking place in the future between State banks and national banks in cities, such consolidation or conversion will confer no new right to the maintenance of up-State branches. I was speaking only of the status that exists to-day. In that case, where branch banks do exist and are maintained by national banks, they are maintained either by the indulgence of the comptroller in the case of tellers' windows, or they have resulted from consolidations or conversions of State into national banks.

Mr. SMITH. That is, where the parent bank consolidated with a national bank, the branches of the State bank that was thus consolidated still remain branches of the consolidation?

Mr. PEPPER. That is true; but I wish to make it perfectly clear to the Senator and to others in the Chamber that this liberty will not in the future follow consolidation or conversion. In the future, branch banks can be established or acquired by national banks not at all by future conversions or consolidations, but only by new establishment within the limits prescribed by this statute.

Mr. SMITH. Does the bill contemplate any retroactive effect? That is, where a State bank consolidated under the present status with a national bank having branches, does this law, when it goes into effect, disconnect those branches from the consolidation?

Mr. PEPPER. No, Mr. President; this bill disturbs no existing status. It does not disintegrate that kind of a situation.

Mr. DIAL. Mr. President——

Mr. PEPPER. I yield to the junior Senator from South Carolina.

Mr. DIAL. I should like to ask the Senator for his judgment as to allowing national banks to organize with a capital of less than $50,000. That is the law now, I believe; but my recollection is that during the first 10 months of last year something like 600 banks failed in the United States, and perhaps 83 per cent of those had a capital of less than $50,000. I was wondering whether or not it would be well to offer an amendment to the Senator's bill on page 7 by striking out, on line 9, after "organized," down to line 14, to the word "no," so that there would be no authority to organize national banks with less than $50,000 capital. I should like to hear the Senator upon that subject. I am not absolutely certain that it should be done, but I should like to have the benefit of the Senator's experience on that subject.

Mr. PEPPER. Mr. President, I can only answer the Senator in this way: There are various important problems connected with national banks with which this bill does not attempt to deal. The problem suggested by the Senator is one of them. My own judgment is that it would be unfortunate, in the case of an amendment proposed upon the floor, where so little consideration can be given to it, to deal with so important a problem in that fashion. I think that question requires study; and I venture the hope that the Senator will not undertake to amend the bill by proposing such an amendment, but will reserve it for independent legislative consideration.

Mr. DIAL. Some time ago I offered an amendment to that effect, but I have not pressed it, because I was somewhat uncertain as to whether it ought to become a law. There was, however, a great number of failures last year, and the number of failures was altogether out of proportion to the amount of the failures, and it discouraged the people about banks.

Mr. GLASS. Mr. President——

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

Mr. GLASS. The Senator from South Carolina can better estimate the probability of passing an amendment of that sort when I remind him that only last year the Senate and the House reduced from $25,000 to $15,000 the minimum capital of those banks that might become members of the Federal reserve system, which was a very absurd thing to do, as illustrated by the fact that no banks have become members under that amendment.

Mr. PEPPER. Mr. President, I pass on as rapidly as I can to a summary of the remaining sections of the bill.

Mr. SIMMONS. Mr. President——

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

Mr. PEPPER. I yield to the Senator.

Mr. SIMMONS. The Senator has said that under certain circumstances national banks are permitted to establish branches within the municipality. Is there any definition of the word "municipality" as used in that sense?

Mr. PEPPER. Yes, Mr. President; there is. The Senator asks whether there is any definition of the term "limits of the municipality." I answer that there is a definitive clause in the bill, which is as follows:

> The term "limits of the municipality" as used in this section shall be held to mean the corporate limits thereof, except in those cases in which the Comptroller of the Currency shall determine that cities, boroughs, towns, or villages actually contiguous to such municipality in fact constitute together with it a single commercial community; and in such cases only the term "limits of the municipality" shall be held to include such cities, boroughs, towns, or villages.

We have used the term "contiguous," Mr. President, so as to avoid the indefiniteness of "adjacent." We mean literally touching the boundary line.

Mr. SIMMONS. But not within the corporate limits?

Mr. PEPPER. But not within the corporate limits.

Mr. RANSDELL and Mr. FESS addressed the Chair.

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

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

Mr. RANSDELL. Mr. President, I think the Senator has already made clear one of the features of section 1 to which I shall ask him to return for a moment. There is a situation in my State where there is a national bank which has six branch banks; and, as I understood the Senator's statement, under the terms of this bill there would be no interference at all with the status quo.

Mr. PEPPER. Mr. President, if those branches to-day are maintained, as I assume they are, as the result of a law, regulation, or usage with official sanction, permitting State banks in Louisiana to maintain such branches, then they will not be affected by the terms of this bill.

Mr. RANSDELL. But a branch bank could not establish new branches in the State of Louisiana?

Mr. PEPPER. They could not establish any new branches in the State of Louisiana outside the limits of the municipality in which the parent bank is situated.

Mr. RANSDELL. That answers my question.

Mr. HEFLIN. Mr. President, I want to ask the Senator from Louisiana if these branch banks are in the city of New Orleans?

Mr. RANSDELL. No; they are in small country towns not very far from the city of Lake Charles, in the southeastern corner of the State.

Mr. HEFLIN. Does the Senator from Pennsylvania mean to say that this bill authorizes a large bank, for instance, in the city of New Orleans, putting small banks in the small towns about the State?

Mr. PEPPER. The Senator from Alabama has misapprehended me; I have not made myself clear. If this bill passes, it will authorize no national bank anywhere to establish a single branch outside the limits of the municipality in which the bank is situated. But the Senator from Louisiana has put to me a case in which a national bank in the State of

Louisiana already had branches existing under the present law.

Mr. RANSDELL. Which have been in existence for some years, I may add.

Mr. PEPPER. May I say to the Senator from Alabama that while I am not cognizant of that particular case, that doubtless results from the fact that this national bank was either at one time a State bank which was converted into a national bank, authorized under the existing law to retain its branches on conversion, or it was consolidated with a national bank and authorized by existing law to retain its branches on consolidation. In those cases, and those cases only, the existing branches may be maintained but in no others.

Mr. HEFLIN. I thought I understood the Senator from Pennsylvania to say the other night that hereafter branch banks would be confined to the cities in which the national banks were located.

Mr. PEPPER. I tried to make it clear, and I repeat the statement which I attempted to make then, that so far as future establishment is concerned, it is precisely as the Senator from Alabama has said.

Mr. HEFLIN. That is what I wanted to understand.

Mr. COPELAND and Mr. STERLING addressed the Chair.

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

Mr. PEPPER. I think the Senator from New York has been on his feet for some time. I yield to him, and then I will yield to the Senator from South Dakota.

Mr. COPELAND. There was a great deal of opposition in my State to this bill when it was first formulated, but I find the chief objection now comes from the savings banks. In our State the use of the term "savings bank" is limited to the mutual savings bank, nonstock savings banks, and I find now that the savings banks and the building and loan associations are objecting to the development of branch banking because of the fear they have that the term "savings" is to be used in the titles of those banks. I would be glad if the Senator at some time would address himself to that particular criticism.

Mr. PEPPER. I may as well do that at the moment, although that question arises under section 18 of the bill, and I should have come to that in a more orderly progress; but I take it up now on the Senator's inquiry.

The eighteenth section of the bill undertakes to give national banks the power to lend money on real-estate security for a term not exceeding five years, the present limit of law being one year. The committee were of the opinion, Mr. President, that it was good banking to relate those long-time investments, which are not as liquid as many of us would like to see the investments of a bank, to time deposits made by the depositors in banks, that there might be a relation between those deposits which are not callable on demand and those investments which have a good while to run; and for the sake of clearness it was thought wise by the committee to put in a provision to the effect that where a national bank has savings deposits, which a national bank may have and which many of them do have under the existing law, the limit of the aggregate amount of real-estate loans under this section should not exceed 50 per cent of those savings deposits.

It was not in the mind of the committee that this provision, coming, as it does, in connection with the limitation on the amount of loans on real estate, could be construed by anybody as giving the national banks a right to change their titles and call themselves savings banks, but I have before me an amendment which, if agreed to, would meet the question raised by the Senator from New York. If we were to insert in section 18, page 32, at line 23, the following language, I think the case would be covered:

> Nothing herein shall be construed to authorize any national banking association to include in its corporate title or style the word "savings."

Mr. COPELAND. Mr. President, I hope the Senator will present that amendment, or accept it for the committee, because it certainly would take away a lot of the criticism which is now being made to the bill.

Mr. PEPPER. I am entirely ready to do that, and when the committee amendments are reported, at the conclusion of my explanatory remarks, I will include this one with them.

Mr. COPELAND. I thank the Senator. I have one other question. Would it weaken the bill if the original language were reverted to and, instead of saying "savings deposits," we should use the language which was originally in the bill, "time deposits"?

Mr. PEPPER. Mr. President, that question was carefully considered, and I call the Senator's attention to this kind of a situation, which is the explanation of the language preferred by the committee:

We know that in ordinary commercial usage there are a great many time deposits of large amounts pending the completion of some large corporate transaction, where a depositor comes in with perhaps a million dollars or more and asks permission to deposit it on time interest, on the ground that it is going to take such and such a length of time for the settlement to be closed. That is a time deposit, but it is not a savings deposit, and the thought of the committee was that it would not be well to take that casual but very important time deposit as a measure, to the extent of 50 per cent thereof, of the ability of the bank to make a long-time loan on real estate. So that we have endeavored to relate the transaction of lending on real estate for a long term to savings deposits, strictly so called, and the Senator from New York and other Senators will recall that this bill confers upon national banks no powers in that regard which they have not now.

Mr. COPELAND. Mr. President, I am well aware of that, and, as the Senator from Pennsylvania knows, I am in hearty sympathy with the bill; but the thought I have in mind is that, so far as possible, we should avoid ground for criticism. There was very bitter opposition to this bill at first, but I find now that it is limited almost entirely to the one thing, and I would be glad, for myself, if the committee would go just as far as it can go in doing away with any substantial ground of criticism. There is no question at all that in my city the national banks must have this privilege of establishing branches. Otherwise those great, substantial organizations would go out of business and the Federal reserve itself would be threatened. So, because of my conviction of the importance of it, I am anxious to have as cordial and hearty support for the measure in my city and in the country at large as is possible.

Mr. PEPPER. All I can say is to state, as I have attempted to, the considerations which have led the committee to suggest the provision as it stands. When we come to take up the committee amendments the Senator from New York will use his discretion respecting the proposal of an amendment, when it is in order, restoring the language of the House; but I am not authorized, on the part of the committee, to accept any amendment in that regard.

Mr. COPELAND. Will the Senator state whether or not he thinks it would weaken the bill? I would not want to present any amendment which, in the opinion of the committee, would tend to weaken the bill. If it would not weaken it, I would prefer to have an amendment and would offer one.

Mr. PEPPER. Mr. President, the only value my opinion on such a subject has is due to the corroborating opinions of the really experienced members of the committee, such as the Senator from Virginia [Mr. GLASS] and others, and in the judgment of those who are qualified to express any opinion it is extremely desirable to establish in the minds of the banking community a relation between savings deposits, as such, and long-time real estate loans; and I think if we substitute the expression "time deposits," we will find that all sorts of temporary deposits will be made on terms of time, not real savings deposits at all, for the specific purpose of enabling the bank to raise the limit of the amount that it can lend on long-time real estate loans, and in a community that is going wild over real-estate development and speculation a very unsound commercial situation might be produced.

Mr. COPELAND. The Senator from Pennsylvania belongs to a profession where there are no jealousies, but in my profession there are some, and I have found that in the banking world there are jealousies. The thing I have in mind is that apparently the savings banks, mutual banks, the State banks, and the building and loan associations are not keen to have it advertised, even through a bill of this sort, that there are savings accounts in those institutions. So, as a matter of expediency, if there were no higher reason for it, I would say it is wise to use the original term "time deposits," unless it does weaken the bill to do that.

Mr. PEPPER. It may be that the Senate will take that view, but since the Senator honored me by asking my individual opinion I must say that the security of the depositors seems to me to be more important than the susceptibility of the bankers.

I yield now to the Senator from South Dakota.

Mr. STERLING. I will say to the Senator that the Senator from Utah desires to ask a question concerning section 18, which has just been discussed, and I give way to him for that purpose.

Mr. KING. Mr. President, the Senator having been diverted from his orderly presentation of the bill, as he stated—

although what he does is always orderly—if it is considered by him proper I should like to ask one question about section 18; but I shall be glad to defer it——

Mr. PEPPER. Not at all.

Mr. KING. I would like to ask the Senator whether he does not think a five-year limit of law is not entirely too long?

Mr. PEPPER. There was a good deal of discussion about that matter, both in the House committee and before the Senate committee. The House and the Senate are in agreement upon the matter so far as that particular provision is concerned. The argument in favor of the five-year term is that a mortgage with that time to run is actually more readily marketable in case the holder of it desires to liquidate than a mortgage which is more nearly approaching maturity. A mortgage that is not well secured is no safer at one year than at five; but assuming both of them to be well secured, the preponderant opinion seems to be that the long term is actually coincident with greater readiness to liquidate, that you can realize on your security faster under those conditions than under the others. The Senator will understand that I am in somewhat parrotlike fashion repeating the opinions of those whose judgment I value in the matter. My own view on the subject would be immaterial.

Mr. STERLING and Mr. SIMMONS addressed the Chair.

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

Mr. PEPPER. I yield first to the Senator from South Dakota. I will yield to the Senator from North Carolina next.

Mr. STERLING. The question I desire to ask is prompted largely by the question of the Senator from Louisiana [Mr. RANSDELL]. He stated the case of a bank in his own State which had a number of branch banks which had been running for many years. The number of years he did not state. I recall that the bill does state the number of years in a certain connection.

Mr. PEPPER. That is correct. There are in the country a few national banks which, by a kind of custom or tradition that runs many, many years back, are maintaining a single branch somewhere outside of the limits of the municipality in which the parent bank is situated. The particular provision was inserted to preserve that status which has existed perhaps over 25 years.

Mr. STERLING. The bill, after stating the population of the municipality within which branch banks may be established according to population, goes on to say—

but any national banking association which has maintained not exceeding one branch continuously for a period of not less than 25 years immediately prior to January 1, 1925, may continue to maintain said branch.

Mr. PEPPER. That is correct. That is an exception which was introduced as a sort of common-sense measure to take care of, I think, not to exceed two cases in the country where old-established branch banks of that sort exist, not more than one to a national bank.

Mr. STERLING. The words "may continue" would imply, of course, that if they did not comply with conditions they would be discontinued under the law and that the branch bank could not be longer maintained except under the conditions stated.

Mr. PEPPER. I now yield to the Senator from North Carolina.

Mr. SIMMONS. I desire to ask the Senator, in the case of the consolidation of a State bank with a national bank for banking purposes, whether that consolidation would curtail in any way the right of the national bank to establish branches within the municipality?

Mr. PEPPER. No; but let me say to the Senator that if the consolidation he has in mind is a future consolidation, the State bank consolidating with the national bank could not retain the upstate branches after consolidation. In other words, if a State bank has branches under the State law that exist outside of the limits of the municipality, that State bank will have to continue to be a State bank if it wants to retain its branches. If hereafter, after the date of the passage of the bill, it consolidates into a national bank it must relinquish the branches beyond the limits of the municipality.

Mr. President, the ninth section of the bill is one in which the Senator from Virginia [Mr. GLASS] is particularly interested. It is a new section put in by way of amendment by the committee and takes the place of section 9, which the committee has by amendment eliminated.

Mr. FLETCHER. Mr. President——

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

Mr. PEPPER. I yield.

Mr. FLETCHER. Before the Senator passes to section 9 may I say that I have had some complaints about the provisions of section 8? It does not perhaps trouble anyone except in the case of States the laws of which now prohibit branch banks. We might say that in a State where branch banking is prohibited by State law they are not concerned because they are not interested in branch banking, and none can be established in that State. But I find in some of the States that they are looking ahead. The State of Washington is one of them and there are a number of others. They are rather inclined to object to the provision which would exclude branch banks in case the States hereafter pass laws allowing branch banking.

I would like to call the Senator's attention to page 12, line 11, just for a moment in that connection and ask what he would think about a change in that provision. The language is:

That at the time of the approval of this act there is in force in the State in which such association is located a law—

And so forth.

Would the Senator object to striking out in line 11 the words "approval of this act" and inserting in lieu thereof the word "application," so it would read, "that at the time of the application there is in force," and so forth?

Mr. PEPPER. The Senator, perhaps unconsciously, is standing on one of the bloodless battle fields in the controversy respecting branch banking. The language to which the Senator has called attention is the so-called Hull amendment, which was introduced in the House and the introduction of which was made a condition of the indorsement of the measure by the American Bankers' Association. There is so violent a difference of opinion respecting those who advocate state-wide branch banking and those who oppose it that the antibranch bankers are unwilling that any measure should be passed here which throws the doors open in the States which do not now permit branch banking to a campaign for liberalizing in that respect the laws of the State.

I suggest to the Senator that if we were to tamper with that provision here we would alienate from the measure a large part of its support; we would alienate a very considerable section in the House, and we might lose all the advantages for the national banks in the States which now permit branch banking, and gain nothing for anybody.

Mr. FLETCHER. That is just what I wanted to have the Senator bring out. I appreciate the point, and I know that it was involved in the Hull amendment. I wanted the Senator's view whether, in case of an attempted change such as I suggested, it would probably result in the defeat of the measure.

Mr. PEPPER. I think, so far as one man can form an estimate of the whole situation, that it would weaken the support of the measure outside of Congress and result in the defeat of the measure within Congress.

Mr. KING. Mr. President——

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

Mr. PEPPER. I yield.

Mr. KING. The Senator is discussing a matter which I had noted for amendment. I can not quite follow the Senator. It seems to me the discrimination which would result if the bill as it is now reported were to be enacted into law is so apparent as to call for change. I had in mind suggesting the following amendment to remedy the evil of which I am speaking:

On line 3, page 6, to strike out the words "at the time of the approval of this act did," and insert in lieu thereof the word "does"; on line 7 of the same page strike out the word "heretofore"; on line 8 of the same page strike out the word "was" and insert the word "is." That would call for corresponding amendments on page 10. Then on page 12, line 11, strike out the words "at the time of the approval of this act," and in lines 15, 16, and 17 strike out the words "which said law, regulation, or usage remains in force at the date of the establishment by such association of said branch or branches."

Perhaps it would be more appropriate for me to offer the amendment later and then it may be discussed, but the Senator having alluded to it I felt that it was my duty to call his attention to it at this time.

Mr. PEPPER. Mr. President, the section which the committee suggests as section 9 is one that I referred to a few moments ago as the one in which I think the Senator from Virginia [Mr. GLASS] is particularly interested, though the

whole committee regarded it as important, and that is the imposition of something like a limitation upon the present authority of the Federal Reserve Board to impose, under the language of section 9 of the Federal reserve act, any kind of conditions or restrictions which the board approves as a condition of admissibility to the system.

If Congress were to adopt the amendment appearing at the top of page 17, the committee thinks that the discretion of the Federal Reserve Board in the premises should be a discretion exercised pursuant to the provisions and conditions of the act; that is, that there was no intent of Congress, when the Federal reserve act was passed, to create in the Federal Reserve Board a body with authority to prescribe any kind of conditions it pleased as a condition precedent to admissibility to the Federal reserve system, but rather to confer upon the Federal Reserve Board authority to make regulations pursuant to the act fixing the terms upon which banks might become members of the Federal reserve system.

Mr. COPELAND. Mr. President——

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

Mr. PEPPER. I yield.

Mr. COPELAND. If the Senator will pardon me a moment, if I seem persistent in the matter it is because I shall be unavoidably absent from the Chamber to-night. I want to revert once more to the matter of savings. I find in looking over my correspondence a letter from a concern saying that the State banks and trust companies under the law of New York are not permitted to use the word "savings" in their name. I have here the banking law of New York and it is very interesting. It has a bearing upon the amendment which I suggested to the Senator from Pennsylvania. It reads as follows:

> No bank, national banking association, trust company, individual, partnership, unincorporated association or corporation other than a savings bank or a savings and loan association shall make use of the word "saving" or "savings" or its equivalent, in its banking business, or advertise or put forth any advertising literature or sign containing the word "saving" or "savings," or its equivalent, nor shall any individual or corporation other than a savings bank in any way solicit or receive deposits as a savings bank. Any bank, national banking association, trust company, individual, partnership, unincorporated association, or corporation violating this provision shall forfeit to the people of the State for every offense the sum of $100 for every day such offense shall be continued.

Everywhere, according to the decisions and the opinions of the Attorney General, the use of the word "savings" in the banking business or in advertising or in literature of any sort is prohibited in my State. So I feel that if the committee could see its way clear to withdraw the proposal to use the word "savings" and let it remain "time deposits," I should be glad. I see the distinction made by the Senator about time deposits in the ordinary technical sense of time deposits and savings accounts, but, after all, savings accounts are time deposits. I believe, if I may say so, that it would save much trouble in my State and perhaps in other States if that word "savings" were dropped out of the bill, and then I believe further that the amendment suggested by the Senator from Pennsylvania should be adopted.

Mr. McLEAN. Mr. President——

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

Mr. McLEAN. May I call the attention of the Senator from New York to the fact that the law which created the Federal reserve system designtes all deposits of more than 30 days as time deposits. Any deposit that goes into a national bank for more than 30 days is a time deposit. The Senator will see the difficulty in regulating as we should these mortgage loans unless we use the word "savings," because, as the Senator from Pennsylvania said, a man may come in with a check for $1,000,000 which he does not want to use for 32 days, and that would be a time deposit under the law.

Mr. COPELAND. Perhaps some synonym could be found or some other word which would make it very clear so far as the wording of the bill is concerned.

Mr. PEPPER. I may say in reference to the suggestion of the Senator from New York that the committee are entirely in accord with the desire of the Senator to guard against anything like poaching upon the preserves of savings funds and savings banks. Nobody could be more zealous in that matter than I, because we have in Pennsylvania a number of old savings funds of great reputation and great antiquity upon whose prerogatives I should be most loath to trespass. I make the suggestion to the Senator from New York that I shall be very glad, in the period of recess between 5 o'clock and 8 o'clock this evening, to discuss with him the possibility of some change in the phraseology of the amendment I have outlined so that what we are all attempting to do may be accomplished with a saving of time.

Mr. COPELAND. I thank the Senator.

Mr. PEPPER. Mr. President, the tenth section of this bill is a section upon the discussion of which I shall not enter unless questions shall be asked of me. It is a section of very considerable intricacy and really not suitable for discussion on the floor. It attempts to clarify the language of section 5200 of the Revised Statutes in respect of those transactions which constitute, under the existing law, exceptions to the rule that a national bank may not lend more than 10 per cent of its unimpaired capital and surplus to any one person, corporation, or firm. The judgment of the committee is that the amendment proposed by the committee makes no change in the existing law except in one important particular, and that is in the way of restriction.

At the present time, if the customer of a bank has borrowed up to the limit of 10 per cent of the capital and surplus of a national bank on his note, and thereafter he presents to the bank paper of which he is not the maker but only a guarantor or a person secondarily liable or even an indorser, he may without restriction get advances from the bank in respect of the paper thus presented, which we think is clearly against the interest of prudent banking. We think that the case of the guarantor should be included in the 10 per cent limit of loans that may be made by the institution to any one person. We have made that change in the existing law. In other respects we have made no change so far as the lending of national banks is concerned; but the cumulative effect of section 10 and section 14 in their relation to the Federal reserve act would be that, whereas at present a Federal reserve bank is permitted to rediscount bills of exchange drawn against existing values without any limit whatever, it may not, if the transaction takes the shape of the giving of a note by the purchaser of a commodity, rediscount that note to an extent greater than 10 per cent of the capital and surplus of the bank. The committee thinks that if section 5200, as here proposed to be amended, is approved, there is no sound reason for distinguishing between the case of a commercial transaction which takes the form of the giving of a purchaser's note for a commodity and where it takes the form of a bill of exchange drawn by the seller of the commodity and accepted by the vendee. Those two instances, one of them relating to the guarantor who gets direct accommodations from the national bank, and the other relating to the transaction of rediscount with the Federal reserve banks, are the only two particulars in which the committee amendment changes or tends to change the existing law; and in both instances the committee believes that the amendment is very much in the interest of clarification. We think that the first of the two changes which I have suggested is distinctly in the interest of conservatism, and the second of them makes no substantial difference in the transactions which at the present time lead to rediscount in the Federal reserve banks.

Mr. SIMMONS. Mr. President——

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

Mr. PEPPER. I yield to the Senator from North Carolina.

Mr. SIMMONS. Do I understand the Senator to mean that if A, who has borrowed money from a bank, indorses the paper of a friend as a matter of accommodation, that indorsement is to be charged against him to the extinguishment of his right to have further advances and also to be charged against the maker of the note for the same purpose, affecting his credit in the same way?

Mr. PEPPER. The question we are considering is a question of the extent to which a national bank may accept the liability of a single customer. The general proposition is that it may not accept his liability in excess of 10 per cent of its unimpaired capital and surplus.

Mr. SIMMONS. Exactly.

Mr. PEPPER. There is a series of exceptions covering the case of various kinds of straight commercial paper issued by a third person to the customer in the case of a legitimate commercial transaction, indorsed by the customer and taken to the bank for discount, which is two-name paper and is not regarded as a liability of the customer to be counted in computing the 10 per cent; but if that transaction is one in which the customer has loaned his accommodation credit to the maker of the paper, and the transaction is not a legitimate commercial transaction in the ordinary sense but a mere accommodation transaction, then the amount of credit thus extended to the customer is included in the 10 per cent limit which the section lays down at the beginning.

Mr. SIMMONS. Then it applies to an accommodation indorsement but does not apply to what would be called a commercial indorsement?

Mr. PEPPER. That is correct.

Now, Mr. President, I am going to ask the Senator from Virginia [Mr. GLASS], whose experience in this matter is so great, whether, if he did me the honor to follow the answer I made to the Senator from North Carolina [Mr. SIMMONS], I correctly stated the view of the committee?

Mr. GLASS. The Senator from Pennsylvania very accurately did so.

Mr. PEPPER. I am very anxious accurately to reflect the views of the committee on that subject.

Mr. GLASS. I think the Senator stated the matter clearly and to the point.

Mr. PEPPER. I thank the Senator from Virginia.

Leaving section 10, I pass rapidly over section 11, because that merely corrects a curious typographical error in the intermediate credits act, passed at the first session of this Congress, a typographical error which resulted in leaving out a section which was actually contained in the measure when it passed both Houses. Section 10, by reenactment, merely corrects that error.

The twelfth section needs no explanation from me. It merely clarifies the provision of existing law respecting the offense of certifying a check where there has been no deposit of funds against it.

The thirteenth section is merely a provision authorizing the vice president and the assistant cashier of a national bank to verify reports of the Comptroller of the Currency. That is a matter of mechanics merely. The present law requires that such reports shall be signed by the president and cashier.

The fourteenth section I have already discussed in connection with the tenth.

The fifteenth section permits national banks to acquire and hold within certain limits stock in safe-deposit companies in order that they may properly compete with State banks and trust companies which do a safe-deposit business.

The sixteenth is a section defining and providing for the punishing of the crime of stealing by examiners and assistant examiners.

The seventeenth section inserts a criminal provision which was in the bill when originally introduced in the House but was omitted when the bill was passed by the House. I do not mean, however, that it was omitted inadvertently. It is a section which defines a number of crimes which are already crimes if committed against State institutions under the laws of the States, makes such acts punishable as offenses against national banks, and gives to the State courts concurrent jurisdiction with the Federal courts in entertaining proceedings for their punishment.

The final section—section 18—has been already discussed at an earlier stage of my remarks in response to various questions asked by Senators on the floor.

Mr. KING. Mr. President——

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

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

Mr. KING. Is subdivision (c), on page 30, a new penal provision? Is there anything in the existing law that corresponds to the provisions of that subdivision?

Mr. PEPPER. Mr. President, there is nothing in the existing Federal law——

Mr. KING. I am speaking of the Federal statutes.

Mr. PEPPER. There is nothing in the existing Federal law on that subject, but in many of the States the acts therein made criminal are offenses punishable by fine and imprisonment or both when committed against a State bank. The thought was that the national bank should have as much protection as the most rigorous of the State statutes gives to State institutions, and any hardship, or fancied hardship, that might result to the defendant by being made amenable to the jurisdiction of the Federal courts, if their jurisdiction were exclusive, is met by the committee's suggestion of giving concurrent jurisdiction to the State courts.

Mr. KING. I notice that in subdivision (e) and subdivision (f) acts are made criminal and penalties are prescribed which, I think, are covered by penal provisions in the statutes of every State in the Union. The Senator, I am sure, will agree with me that there is too much of a disposition in Federal legislation to traverse ground which is properly covered by State statutes.

I recall that a number of years ago there was very strong pressure to have a statute passed by Congress making it a crime, punishable very severely, if not with death, to break into a national bank. I objected to that measure, for the reason that in the penal statutes of every State in the Union ample provisions are made for the punishment of persons who seek to commit robbery, or assault another with intent to commit bodily harm, or to commit murder. Where the States cover by adequate statutes conduct which might be defined as general conduct of individuals, it seems to me we are striking at the States and are really relieving them of their duty to protect property within their own boundaries when we enact Federal statutes on the same subject. The duty and obligation rest upon the States to preserve the property of a Federal bank, a national bank, as much as to preserve the property of a State bank.

Mr. PEPPER. Mr. President, I am entirely in accord with the Senator in his expression of disapproval of Federal legislation which has a tendency to duplicate the organic laws of the States; but the criminal laws of the States are by no means in harmony, and there are in many of the States provisions making it punishable to rob, beat, assault, or deal despitefully with the agents or representatives of banks, where it is at least doubtful, since those provisions have been long on the statute books, and antedated the creation of the national-banking system, whether the banks referred to are not merely the banks created and existing under the laws of the States. The purpose of this series of sections is to make it clear, irrespective of the obscurities in State statutes, that there is such a thing as a criminal offense committed against the representative of the national bank in the instances to which the sections refer.

If I felt sure that there was duplication of State criminal legislation, I should at once acquiesce in the Senator's suggestion. It is because we are told by those who have made a considerable study of it that in many instances indictments would be likely to fail under State laws that we have thought it was better to run the risk of redundancy than that the guilty should escape.

Mr. KING. Mr. President, I agree with the Senator, if the State statutes are not broad enough, that perhaps we would be justified in legislating; but I confess to a very deep-seated objection—indeed, a repugnancy—to the interposition of the Federal Government in the affairs of the State. I think penal statutes, so far as possible, those relating to life and property and the protection of life and property, ought to be passed by the States.

The Federal Government ought not to be a prosecutor. There ought not to be Federal penal statutes unless it is absolutely necessary.

Mr. PEPPER. The only two provisions that relate to life and property in the section of this statute which we are now discussing are provisions that have to do with beating, robbing, and assaulting a messenger, and breaking into and entering a bank. In other words, there is nothing novel or unusual in the provisions; and, so far as the penalties are concerned, there are only upward limits to the length of the imprisonment and the size of the fine. There are no downward limits.

Mr. KING. I am sure there is not a State in the Union that has not ample provisions for the punishment of those who commit assaults; and a messenger would come within the terms of the State statutes. An assault upon a bank messenger would be an assault upon an individual; and breaking into a Federal bank is provided for, because there is not a State in the Union that does not have a statute dealing with the question of breaking into buildings.

Mr. PEPPER. Mr. President, the safe transit of the money of banks through the streets and along the highways is thought so important that as a rule the States penalize with special severity assaults upon the custodians of those funds; and it is not with respect to the general criminal laws of the States that uncertainty exists, but with respect to those special State provisions authorizing special treatment of offenses committed against the messengers of the banks, and it is merely to prevent a casus omissus as between State and Federal legislation that this language is inserted.

Mr. KING. May I say to the Senator that I had occasion a number of years ago to refer very briefly to the statutes upon the question of robbery; and my recollection is that there is not a State in the Union that does not have a penalty, some as high as 50 years, for robbery; and in none of the States, according to my recollection, was the maximum less than 20 years.

Mr. PEPPER. My own recollection is the same as that of the Senator on that subject; and of all the offenses short of murder the crime of robbery, and especially of highway robbery, is the one most generally penalized and most heavily penalized.

I yield to the Senator from Missouri.

Mr. REED of Missouri. Mr. President, I did not desire to interrupt this particular phase of the discussion at this moment. I did want to ask the Senator a question touching another matter in the bill. I will not interrupt him at this time.

Mr. ROBINSON. Mr. President——

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

Mr. PEPPER. I do.

Mr. ROBINSON. With the kindness of the Senator from Pennsylvania, I should like to bring to his attention now a matter to which I think some consideration has been given by him.

The House of Representatives sought to liberalize the provisions of section 5200 in so far as they relate to the amount which may be loaned to one person, firm, or corporation on shipping documents based on commodities that are covered by insurance. The Senate amendment apparently is more restricted in that particular. I should like to propose an amendment, or have the Senator consider an amendment, as follows:

On page 23, of the print which I think the Senator is using, on line 9, strike out "15" and insert "40," and on line 10 of the same page strike out "115" and insert "125," so that for the convenience of national banks which make loans in States in a measure in competition with State banks based on commodities, shipping documents, and the commodities being covered by insurance, the rule would be relaxed. The total amount of loans that might, under the amendment that I suggest, be made by any bank could not exceed 50 per cent of the capital and surplus, and at all times there would be security of the value of 125 per cent of the amount of the face of the notes, and the property itself would be fully covered by insurance.

The national banks, particularly in some localities, are greatly embarrassed by the existing provisions of section 5200. One of the primary objects, of course, in restricting loans to a single individual or corporation is to prevent the utilization of the facilities of the bank by a few persons or associations of persons. It is also, of course, to make certain that there can be no loss on that class of loans. So long as the security is, say, 125 per cent of the face of the notes, and the property itself is fully covered by insurance, the loan would be absolutely safe, and at certain seasons of the year with the changes that I have proposed national banks that handle what may be termed commodity loans, would be greatly convenienced, and they would incur no risk of loss, if such a proposal should be accepted.

I ask the Senator whether he would feel justified in accepting such an amendment?

Mr. PEPPER. Mr. President, I have no authority from the committee to accept amendments; but I may say for myself that I am entirely in sympathy with the suggestion made by the Senator. I have taken the liberty of conferring with the Comptroller of the Currency on the subject, and I find that his view is favorable to the view expressed by the Senator. The net result of the Senator's proposal, Mr. President, is to treat a commodity loan secured to the extent of 125 per cent by collateral, amply covered by insurance, as a sufficient basis of credit up to the extent of 50 per cent of the capital and unimpaired surplus of the bank; and it seems to me individually that that is only a reasonable commercial accommodation to banks engaged in that class of commodity loans, which are particularly the banks that loan on cotton.

Mr. REED of Missouri. Mr. President——

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

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

Mr. REED of Missouri. This bill has not passed the House; has it?

Mr. ROBINSON. Oh, yes.

Mr. PEPPER. Mr. President, for the information of the Senator let me say that the bill now under consideration is the House bill, with amendments proposed by the Senate Committee on Banking and Currency, and substituted by unanimous consent for the Senate bill which is on the calendar, and which, if this bill passes, will be indefinitely postponed.

Mr. REED of Missouri. I was under the impression that we were considering the Senate bill.

Mr. President, if the Senator will permit me, I have not had the opportunity to study this bill. I have glanced through it to a sufficient extent so that I am convinced that it is one of the most important bills that have been brought forward at this session, perhaps the most important. I had the honor to serve on the Banking and Currency Committee at the time the Federal reserve act was created. I do not think we ought to pass a bill with so many important measures in it as are contained in the present bill without time for thorough deliberation and study. A single mistake may have very drastic consequences.

I do not think we ought to try to pass this bill under these circumstances. For myself, I should like two or three days' time to study it. I should like to consult with persons who are better able than myself to pass upon the question of the application of this bill to the particular conditions that exist. I do not believe that we are justified in pushing—I am not going to use the term "rushing," for the Senator is not trying to rush the bill—but, in a sense, it is a pushing forward of the bill at a time when mature consideration can not be given to it.

Mr. PEPPER. Mr. President, if the Senator will permit me, I am not quite sure that he realizes the history that is back of this measure, and with his permission I will state what it is.

The two bills—the House bill and the Senate bill—were introduced at the last session. Ever since they were introduced, practically a year ago, they have been the subject of exhaustive study and hearings in the committees of both Houses. They have been submitted to the convention of the American Bankers' Association meeting in Chicago last autumn and by that association indorsed, and they have been subjected to meticulous criticism by bankers of all classes all over the country, and every effort has been made in the amendments now brought forward to meet the objections which seemed to the committee justifiable criticisms of the measure. So I want to assure the Senator that there is not only no disposition to rush the measure but it has been receiving most unusual care for more than a year.

Mr. REED of Missouri. Yes; but when we get the bill into the Senate, where it is entitled to consideration by the Senate as a whole, it is here now so late in the session that the Senator and I both perfectly understand that it is not going to receive the character of analysis that it would under different circumstances. Now it is pleaded that it has satisfied the bankers. That is a good thing. They should be consulted, because it affects their business, but I should not want any bill to pass merely because it had pleased the banking fraternity. I remember, when we drew this act originally, that the bankers were primarily opposed to almost everything in it, and they were heard, and many changes were made because they were able to point out specific evils.

But we found that there was another side always than the bankers' side. There was the business man's side, and there was the view which some took which had to do with the customer of the bank—the general public. We have here a bill in which it is proposed to hang on to the national banking act these penalties for crimes that are purely and absolutely local in their character. If we are to pursue that method it can be extended so that almost all of the crimes committed in the country will be brought to the doors of Federal courts.

Mr. PEPPER. May I interrupt the Senator long enough to call his attention to two points which he possibly may have overlooked. He spoke first of the Federal reserve act.

Mr. REED of Missouri. Yes.

Mr. PEPPER. And the solicitude we all feel respecting its integrity. The provision affecting the Federal reserve act, in the only far-reaching and important particular in which it was touched by this bill, would be struck out of the bill by one of the amendments reported by the committee, and section 9 of the bill as it passed the House is recommended for omission. In the second place, with regard to the crimes, the jurisdiction to entertain prosecution for their punishment is concurrent in the State courts.

Mr. REED of Missouri. Oh, yes; it is concurrent now as to prohibitory statutes; that is, States are left jurisdiction. Yet the Senator knows, with his legal experience and connections, that our Federal courts have been transformed into a species of police courts, that they are unable to transact the business which they formerly transacted, and that we have recently, beginning at the wrong end, as we usually do, proceeded to limit the right of appeal, instead of going down to the other end and limiting the number of cases they have to hear in the first instance. I am utterly opposed to the principle of extending Federal jurisdiction over crimes that are committed within States merely because somebody can devise a means by which under the Constitution this Government can take jurisdiction of a crime.

Mr. PEPPER. Mr. President, I am going to break in on the Senator for a moment, if he will permit me.

Mr. REED of Missouri. Certainly.

Mr. PEPPER. The committee all feel the force of the suggestion made by the Senator. The provisions of this bill are of very unequal importance. The provisions of the section which

the Senator is now discussing, while we admit them of importance, are not, in our judgment, on a parity with the urgency of the rest of the bill, and I can assure the Senator that if, when we come to the consideration of the amendments of the committee, the Senator were to move to strike out or to reject the committee amendment to which he is now talking he would meet with no opposition from me, and I should be surprised if any member of the committee would make a point of it. If the Senator feels that there is a danger in this section not seen by the committee we would be quite willing, I am sure, that a motion made by the Senator to expunge that section when it comes up in the form of a committee amendment should prevail.

Mr. REED of Missouri. I will not further interrupt the Senator at this time. I do think that a bill of this sort can not receive proper consideration at this late hour of the session.

Mr. PEPPER. Mr. President, I have completed the explanatory remarks which I desired to make before proceeding to a consideration of the amendments proposed by the committee, and I suggest that the bill be read now for action on the committee amendments.

The PRESIDENT pro tempore. Is there objection?

Mr. SHIPSTEAD. Mr. President——

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

Mr. SHIPSTEAD. I beg the Senator's pardon; I thought the Senator was through.

Mr. PEPPER. The Secretary is about to read the bill for action on the committee amendments. I yield the floor, with the understanding that the measure is before the Senate.

Mr. SHIPSTEAD. Mr. President, this bill has come over from the House——

Mr. STANLEY. Mr. President——

Mr. SHIPSTEAD. I yield to the Senator.

Mr. STANLEY. Before the Senator from Pennsylvania yields the floor, I desire to call his attention to subdivision (c) of section 17, which appears on page 30, and which provides, "If two or more persons conspire to boycott, or to blacklist, or to cause a general withdrawal of deposits" from a bank, and so forth. There is no objection to that, but the bill goes further and provides, "or to cause a withdrawal of patronage from, or otherwise to injure the business or good will of any national banking association * * * shall be fined not more than $5,000, or imprisoned for not more than five years, or both."

What I want to call attention to is the clause, "If two or more persons conspire to * * * cause a withdrawal of patronage" from a national bank, and so on.

In the event I, as a director in a State bank, should go to a friend of mine and ask him to deposit money in my bank, telling him I would pay him a higher rate of interest for a fixed time deposit if he would deposit his money with my bank, I would be engaging in a criminal transaction under this provision. There are a good many ways by which men advance the causes of banking institutions with which they are associated which would cause injury to national banks to the extent that the withdrawing of patronage from those banks would injure them. Under the terms of this bill, would such acts as that be cognizable? It does not require proof of any malicious intent; it does not require proof of any intent to injure the bank; it does not presuppose a general withdrawal, but any act which causes a withdrawal of patronage from a national bank is punishable under this statute, and I wondered whether that section were not most too broad or whether it was broader than the existing law.

Mr. PEPPER. Mr. President, there is no existing law on the subject so far as the Federal statutes are concerned, and the provision to which the Senator calls attention I think would hardly be applicable to the case he puts. It refers to a conspiracy to take business away from a bank; that is, the concert of two or more persons to do a thing by conspiracy which, if done by an individual, might be lawful enough. It refers to the intention of two or more to accomplish a trade disadvantage against a national bank. In many of the States the State banks are protected against that kind of combination. This is an attempt to extend similar protection to national banks. But I will say to the Senator, as I said to the Senator from Missouri, that we are much more interested, if I may speak for the committee to that extent, in pressing upon the Senate the affirmative changes in the permissive parts of the bill than we are in pressing for penalties for the prohibitive features of it, and if, in the wisdom of the Senate, that section were to go by the board, I do not think any of the committee would regret it.

Mr. STANLEY. Mr. President, I have no objection to the punishment of those guilty of conspiracy to injure the credit of a national bank where it is done for the malicious purpose of injuring the bank, or any conspiracy to cause a run upon the bank, but in the effort to prevent that thing, it strikes me this language is so generally drawn that it might take within its scope acts which were comparatively innocent and which are continually performed by the friends of banks.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. SHIPSTEAD] is entitled to the floor.

Mr. BROOKHART. Mr. President——

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

Mr. SHIPSTEAD. In just a moment. Under the unanimous-consent agreement in just a few minutes we will go into executive session. As we agreed to recess until 8 o'clock, I want to make a parliamentary inquiry. I rose to address the Senate, and I yielded to the Senator from Kentucky. In view of the fact that only two or three minutes are left before we are to go into executive session, I want to ask the Chair this question: If I retain the floor until 5 o'clock, will I have the floor at 8 o'clock when we again convene under the unanimous-consent agreement?

The PRESIDENT pro tempore. The Chair would like to make a statement. There seems to be some discrepancy between the proposed unanimous-consent agreement as stated by the Senator from Kansas [Mr. CURTIS] and as stated by the Chair. As the Senator from Kansas stated it, it was agreed that at 5 o'clock the unfinished business would be temporarily laid aside——

Mr. CURTIS. Not in the agreement that was last submitted and agreed to.

The PRESIDENT pro tempore. And that the Senate then enter into executive session, and take a recess until 8 o'clock. As stated by the Chair, there is no reference to laying aside the unfinished business temporarily, and the Chair is inclined to think that, as the agreement now stands, when the Senate goes into executive session, and takes a recess until 8 o'clock this evening, the consideration of the bill now under consideration will be resumed.

Mr. CURTIS. That was the intention in making the request for unanimous consent.

The PRESIDENT pro tempore. The hour of 5 o'clock having arrived——

Mr. BROOKHART. Mr. President, it is yet one minute before 5 o'clock, and I would like to have House bill 745, for the establishment of migratory bird refuges, and so forth, be taken from the table and referred to the Committee on Agriculture and Forestry.

EXECUTIVE SESSION

The PRESIDENT pro tempore. Under the unanimous-consent agreement the Senate will go into executive session. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened.

CONFIRMATION OF WILLIAM E. HUMPHREY

In executive session this day, following the confirmation of William E. Humphrey as Federal trade commissioner, on request of Mr. SHIPSTEAD, and by unanimous consent, the injunction of secrecy was removed from the vote by which Mr. Humphrey was confirmed.

The vote on confirmation resulted—yeas 45, nays 10, as follows:

YEAS—45

Ball	Dill	McLean	Robinson
Bayard	Edge	Mayfield	Shortridge
Bingham	Ernst	Means	Simmons
Bursum	Fernald	Metcalf	Smith
Butler	Fess	Moses	Spencer
Cameron	George	Oddie	Stanfield
Capper	Gerry	Overman	Sterling
Caraway	Gooding	Pepper	Wadsworth
Cummins	Jones, Wash.	Phipps	Watson
Curtis	Kendrick	Ralston	
Dale	Keyes	Ransdell	
Dial	McKinley	Reed, Pa.	

NAYS—10

Borah	Johnson, Minn.	Norris	Shipstead
Copeland	King	Pittman	
Johnson, Calif.	Norbeck	Reed, Mo.	

INTERNATIONAL SANITARY CONVENTION

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 an international sanitary convention signed on November 14, 1924, by the delegates

of the United States and Latin-American Republics represented at the Seventh Pan American Sanitary Conference at Habana.

The attention of the Senate is invited to the accompanying report of the Secretary of State, and memorandum concerning the convention prepared by Surgeon General Cumming of the Public Health Service.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 7, 1925.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a copy duly authenticated by the Secretary of State of Cuba, of an international sanitary convention, signed in one original at Habana on November 14, 1924, by the delegates of the United States, the Argentine Republic, Brazil, Chile, Colombia, Costa Rica, Cuba, Salvador, Guatemala, Hayti, Honduras, Mexico, Panama, Paraguay, Peru, the Dominican Republic, Uruguay, and Venezuela, to the Seventh Pan American Sanitary Conference.

The convention was submitted to the Secretary of the Treasury, who has stated to me in writing his approval of it, and has furnished a memorandum concerning it prepared by Surgeon General Cumming of the Public Health Service, who was one of the delegates of the United States to the Habana conference, and a signer of the convention. A copy of this memorandum is submitted for the information of the Senate.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, February 6, 1925.

THE PAN AMERICAN SANITARY CODE

The Presidents of Argentine, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Haiti, Honduras, Mexico, Salvador, Panama, Paraguay, Peru, United States of America, Uruguay and Venezuela, being desirous of entering into a sanitary convention for the purpose of better promoting and protecting the public health of their respective nations, and particularly to the end that effective cooperative international measures may be applied for the prevention of the international spread of the communicable infections of human beings and to facilitate international commerce and communication, have appointed as their plenipotentiaries, to-wit:

The Republic of Argentine:
Dr. Gregorio Araoz Alfaro.
Dr. Joaquin Llambias.
The United States of Brazil:
Dr. Nascimento Gurgel.
Dr. Raûl Almeida Magalhaes.
The Republic of Chile:
Dr. Carlos Graf.
The Republic of Colombia:
Dr. R. Gutiérrez Lee.
The Republic of Costa Rica:
Dr. José Barela Zequeira.
The Republic of Cuba:
Dr. Mario G. Lebredo.
Dr. José A. López del Valle.
Dr. Hugo Roberts.
Dr. Diego Tamayo.
Dr. Francisco M. Fernández.
Dr. Domingo F. Ramos.
The Republic of El Salvador:
Dr. Leopoldo Paz.
The United States of America:
Dr. Hugh S. Cumming.
Dr. Richard Creel.
Mr. P. D. Cronin.
Dr. Francis D. Patterson.
The Republic of Guatemala:
Dr. José de Cubas y Serrate.
The Republic of Haiti:
Dr. Charles Mathon.
The Republic of Honduras:
Dr. Arístides Agramonte.
The Republic of Mexico:
Dr. Alfonso Pruneda.
The Republic of Panama:
Dr. Jaime de la Guardia.
The Republic of Paraguay:
Dr. Andrés Gubetich.
The Republic of Peru:
Dr. Carlos E. Paz Soldán.
The Dominican Republic:
Dr. R. Pérez Cabral.
The Republic of Uruguay:
Dr. Justo F. González.
The United States of Venezuela:
Dr. Enrique Tejera.
Dr. Antonio Smith.

Who, having exchanged their full powers, found in good and due form, have agreed to adopt, ad referendum, the following

PAN AMERICAN SANITARY CODE:

CHAPTER I

OBJECTS OF THE CODE AND DEFINITIONS OF TERMS USED THEREIN

ARTICLE 1. The objects of this code are:

(*a*) The prevention of the international spread of communicable infections of human beings.

(*b*) The promotion of cooperative measures for the prevention of the introduction and spread of disease into and from the territories of the signatory Governments.

(*c*) The standardization of the collection of morbidity and mortality statistics by the signatory Governments.

(*d*) The stimulation of the mutual interchange of information which may be of value in improving the public health, and combating the diseases of man.

(*e*) The standardization of the measures employed at places of entry, for the prevention of the introduction and spread of the communicable diseases of man, so that greater protection against them shall be achieved and unnecessary hindrance to international commerce and communication eliminated.

ART. 2. Definitions: As herein used, the following words and phrases shall be taken in the sense hereinbelow indicated, except as a different meaning for the word or phrase in question may be given in a particular article, or is plainly to be collected from the context or connection where the term is used.

Aircraft: Any vehicle which is capable of transporting persons or things through the air, including aeroplanes, seaplanes, gliders, heliocopters, air ships balloons and captive balloons.

Area: A well determined portion of territory.

Desinfection: The act of rendering free from the causal agencies of disease.

Fumigation: A standard process by which the organisms of disease or their potential carriers are exposed to a gas in lethal concentrations.

Index, Aedes, Aegypti: The percentage ratio determined after examination between the number of houses in a given area and the number in which larvae or mosquitoes of the Aedes aegypti are found, in a fixed period of time.

Inspection: The act of examining persons, buildings, areas, or things which may be capable of harboring, transmitting or transporting the infectious agents of disease, or of propagating or favoring the propagation of such agents. Also the act of studying and observing measures put in force for the suppression or prevention of disease.

Incubation, period of: For plague, cholera and yellow fever, each 6 days, for smallpox, 14 days, and for typhus fever 12 days.

Isolation: The separation of human beings or animals from other human beings or animals in such manner as to prevent the interchange of disease.

Plague: Bubonic, septicemic, pneumonic or rodent plague.

Port: Any place or area where a vessel or aircraft may seek harbor, discharge or receive passengers, crew, cargo or supplies.

Rodents: Rats, domestic and wild, and other rodents.

CHAPTER II

SECTION 1. Notification and subsequent communications to other countries:

ART. 3. Each of the signatory Governments agrees to transmit to each of the other signatory Governments and to the Pan-American Sanitary Bureau, at intervals of not more than two weeks, a statement containing information as to the state of its public health, particularly that of its ports.

The following diseases are obligatorily reportable:

Plague, cholera, yellow fever, smallpox, typhus, epidemic cerebrospinal meningitis, acute epidemic poliomyelitis, epidemic lethargic encephalitis, influenza or epidemic la grippe, typhoid and paratyphoid fevers, and such other diseases as the Pan American Sanitary Bureau may, by resolution, add to the above list.

ART. 4. Each signatory Government agrees to notify adjacent countries and the Pan American Sanitary Bureau immediately by the most rapid available means of communication, of the appearance in its territory of an authentic or officially sus-

pected case or cases of plague, cholera, yellow fever, smallpox, typhus or any other dangerous contagion liable to be spread through the intermediary agency of international commerce.

ART. 5. This notification is to be accompanied, or very promptly followed, by the following additional information:

1. The area where the disease has appeared.
2. The date of its appearance, its origin, and its form.
3. The probable source or country from which introduced and manner of introduction.
4. The number of confirmed cases, and number of deaths.
5. The number of suspected cases and deaths.
6. In addition, for plague, the existence among rodents of plague, or of an unusual mortality among rodents; for yellow fever, the Aedes aegypti index of the locality.
7. The measures which have been applied for the prevention of the spread of the disease, and its eradication.

ART. 6. The notification and information prescribed in Articles 4 and 5 are to be addressed to diplomatic or consular representatives in the capital of the infected country, and to the Pan American Sanitary Bureau at Washington, which shall immediately transmit the information to all countries concerned.

ART. 7. The notification and the information prescribed in Articles 3, 4, 5, and 6 are to be followed by further communications in order to keep other Governments informed as to the progress of the disease or diseases. These communications will be made at least once weekly, and will be as complete as possible, indicating in detail the measures employed to prevent the extension of the disease. The telegraph, the cable, and the radio will be employed for this purpose, except in those instances in which the data may be transmitted rapidly by mail. Reports by telegraph, cable or radio will be confirmed by letter. Neighboring countries will endeavor to make special arrangements for the solution of local problems that do not involve widespread international interest.

ART. 8. The signatory Governments agree that in the event of the appearance of any of the following diseases, namely: cholera, yellow fever, plague, typhus fever or other pestilential diseases in severe epidemic form, in their territory, they will immediately put in force appropriate sanitary measures for the prevention of the international carriage of any of the said diseases therefrom by passengers, crew, cargo and vessels, and mosquitoes, rats and vermin that may be carried thereon, and will promptly notify each of the other signatory Governments and the Pan American Sanitary Bureau as to the nature and extent of the sanitary measures which they have applied for the accomplishment of the requirements of this article.

SEC. 2. Publication of prescribed measures:

ART. 9. Information of the first non-imported case of plague, cholera, or yellow fever justifies the application of sanitary measures against an area where said disease may have appeared.

ART. 10. The Government of each country obligates itself to publish immediately the preventive measures which will be considered necessary to be taken by vessels or other means of transport, passengers and crew at any port of departure or place located in the infected area. The said publication is to be communicated at once to the accredited diplomatic or consular representatives of the infected country, and to the Pan American Sanitary Bureau. The signatory Governments also obligate themselves to make known in the same manner the revocation of these measures, or of modifications thereof that may be made.

ART. 11. In order that an area may be considered to be no longer infected, it must be officially established:

1. That there has neither been a death nor a new case as regards plague or cholera for ten days; and as regards yellow fever for twenty days, either since the isolation, or since the death or recovery of the last patient.

2. That all means for the eradication of the disease have been applied and, in the case of plague, that effective measures against rats have been continuously carried out, and that the disease has not been discovered among them within six months; in the case of yellow fever, that Aedes aegypti index of the infected area has been maintained at an average of not more than 2 per cent for the 30-day period immediately preceding, and that no portion of the infected area has had an index in excess of 5 per cent for the same period of time.

SEC. 3. Morbidity and mortality statistics:

ART. 12. The international classification of the causes of death is adopted as the Pan American Classification of the Causes of Death, and shall be used by the signatory nations in the interchange of mortality and morbidity reports.

ART. 13. The Pan American Sanitary Bureau is hereby authorized and directed to re-publish from time to time the Pan American Classification of the Causes of Death.

ART. 14. Each of the signatory Governments agrees to put in operation at the earliest practicable date a system for the collection and tabulation of vital statistics which shall include:

1. A central statistical office presided over by a competent official.
2. The establishment of regional statistical offices.
3. The enactment of laws, decrees or regulations requiring the prompt reporting of births, deaths and communicable diseases, by health officers, physicians, midwives and hospitals, and providing penalties for failure to make such reports.

ART. 15. The Pan American Sanitary Bureau shall prepare and publish standard forms for the reporting of deaths and cases of communicable disease, and all other vital statistics.

CHAPTER III

SANITARY DOCUMENTS

SECTION 1. Bills of health:

ART. 16. The master of any vessel or aircraft which proceeds to a port of any of the signatory Governments, is required to obtain at the port of departure and ports of call, a bill of health, in duplicate, issued in accordance with the information set forth in the appendix and adopted as the standard bill of health.

ART. 17. The bill of health will be accompanied by a list of the passengers, and stowaways if any, which shall indicate the port where they embarked and the port to which they are destined, and a list of the crew.

ART. 18. Consuls and other officials signing or countersigning bills of health should keep themselves accurately informed with respect to the sanitary conditions of their ports, and the manner in which this code is obeyed by vessels and their passengers and crews while therein. They should have accurate knowledge of local mortality and morbidity, and of sanitary conditions which may affect vessels in port. To this end, they shall be furnished with information they request pertaining to sanitary records, harbors and vessels.

ART. 19. The signatory Governments may assign medical or sanitary officers as public health attaches to embassies or legations, and as representatives to international conferences.

ART. 20. If at the port of departure there be no consul or consular agent of the country of destination, the bill of health may be issued by the consul or consular agent of a friendly Government authorized to issue such bill of health.

ART. 21. The bill of health should be issued not to exceed forty eight hours before the departure of the ship to which it is issued. The sanitary visa should not be given more than twenty-four hours before departure.

ART. 22. Any erasure or alteration of a bill of health shall invalidate the document, unless such alteration or erasure shall be made by competent authority, and notation thereof appropriately made.

ART. 23. A clean bill of health is one which shows the complete absence in the port of departure of cholera, yellow fever, plague, typhus fever, or of other pestilential disease in severe epidemic form, liable to be transported by international commerce. Provided, that the presence only of bona fide imported cases of such disease, when properly isolated, shall not compel the issuance of a foul bill of health, but notation of the presence of such cases will be made under the heading of "Remarks" on the bill of health.

ART. 24. A foul bill of health is one which shows the presence of non-imported cases of any of the diseases referred to in Art. 23.

ART. 25. Specific bill of health are not required of vessels which, by reason of accident, storm or other emergency condition, including wireless change of itinerary, are obliged to put into ports other than their original destinations but such vessels shall be required to exhibit such bills of health as they possess.

ART. 26. It shall be the duty of the Pan American Sanitary Bureau to publish appropriate information which may be distributed by port health officers, for the purpose of instructing owners, agents and master of vessels as to the methods which should be put in force by them for the prevention of the international spread of disease.

SEC. 2. Other sanitary documents:

ART. 27. Every vessel carrying a medical officer will maintain a sanitary log which will be kept by him, and he will record therein daily: the sanitary condition of the vessel, and its passengers and crew; a record showing the names of passengers and crew which have been vaccinated by him; name, age, nationality, home address, occupation and nature of illness or injury of all passengers and crew treated during the voyage;

the source and sanitary quality of the drinking water of the vessel, the place where taken on board, and the method in use on board for its purification; sanitary conditions observed in ports visited during the voyage; the measures taken to prevent the ingress and egress of rodents to and from the vessel; the measures which have been taken to protect the passengers and crew against mosquitoes, other insects, and vermin. The sanitary log will be signed by the master and medical officer of the vessel, and will be exhibited upon the request of any sanitary or consular officer. In the absence of a medical officer, the master shall record the above information in the log of the vessel, in so far as possible.

ART. 28. Equal or similar forms for Quarantine Declarations, Certificate of Fumigation, and Certificate of Vaccination, set forth in the appendix, are hereby adopted as standard forms.

CHAPTER IV

CLASSIFICATION OF PORTS

ART. 29. An infected port is one in which any of the following diseases exist, namely, plague, cholera, yellow fever, or other pestilential disease in severe epidemic form.

ART. 30. A suspected port, is a port in which, or in the areas contiguous thereto, a nonimported case or cases of any of the diseases referred to in Art. 23, have occurred within sixty days, or which has not taken adequate measures to protect itself against such diseases, but which is not known to be an infected port.

ART. 31. A clean port, Class A, is one in which the following conditions are fulfilled:

1. The absence of nonimported cases of any of the diseases referred to in Art. 23, in the port itself and in the areas contiguous thereto.

2. (a) The presence of a qualified and adequate health staff.

(b) Adequate means of fumigation.

(c) Adequate personnel and material for the capture or destruction of rodents.

(d) An adequate bacteriological and pathological laboratory;

(e) A safe water supply.

(f) Adequate means for the collection of mortality and morbidity data;

(g) Adequate facilities for the isolation of suspects and the treatment of infectious diseases.

(h) Signatory Governments shall register in the Pan-American Sanitary Bureau those places that comply with these conditions.

ART. 32. A clean port, Class B, is one in which the conditions described in Art. 31, 1 and 2 (a) above, are fulfilled, but in which one or more of the other requirements of Art. 31, 2 are not fulfilled.

ART. 33. An unclassified port is one with regard to which the information concerning the existence or non-existence of any of the diseases referred to in Art. 23, and the measures which are being applied for the control of such diseases, is not sufficient to classify such port.

An unclassified port shall be provisionally considered as a suspected or infected port, as the information available in each case may determine, until definitely classified.

ART. 34. The Pan American Sanitary Bureau shall prepare and publish, at intervals, a tabulation of the most commonly used ports of the Western Hemisphere, giving information as to sanitary conditions.

CHAPTER V

CLASSIFICATION OF VESSELS

ART. 35. A clean vessel is one coming from a clean port, Class A or B, which has had no case of plague, cholera, yellow fever, small pox or typhus aboard during the voyage, and which has complied with the requirements of this code.

ART. 36. An infected or suspected vessel is:

1. One which has had on board during the voyage a case or cases of any of the diseases mentioned in Art. 35.

2. One which is from an infected or suspected port.

3. One which is from a port where plague or yellow fever exists.

4. Any vessel on which there has been mortality among rats.

5. A vessel which has violated any of the provisions of this code.

Provided that the sanitary authorities should give due consideration in applying sanitary measures to a vessel that has not docked.

ART. 37. Any master or owner of any vessel, or any person violating any provisions of this Code or violating any rule or regulation made in accordance with this Code, relating to the inspection of vessels, the entry or departure from any quarantine station, grounds or anchorages, or trespass thereon, or to the prevention of the introduction of contagious or infectious disease into any of the signatory countries, or any master, owner, or agent of a vessel making a false statement relative to the sanitary condition of a vessel, or its contents, or as to the health of any passenger, or person thereon, or who interferes with a quarantine or health officer in the proper discharge of his duty, or fails or refuses to present bills of health, or other sanitary document, or pertinent information to a quarantine or health officer, shall be punished in accordance with the provisions of such laws, rules or regulations, as may be or may have been enacted, or promulgated, in accordance with the provisions of this Code, by the Government of the country within whose jurisdiction the offense is committed.

CHAPTER VI

THE TREATMENT OF VESSELS

ART. 38. Clean vessels will be granted pratique by the port health authority upon acceptable evidence that they properly fulfill the requirements of Art. 35.

ART. 39. Suspected vessels will be subjected to necessary sanitary measures to determine their actual condition.

ART. 40. Vessels infected with any of the disease referred to in Art. 23 shall be subjected to such sanitary measures as will prevent the continuance thereon, and the spread therefrom, of any of said diseases to other vessels or ports. The disinfection of cargo, stores, and personal effects shall be limited to the destruction of the vectors of disease which may be contained therein, provided that things which have been freshly soiled with human excretions capable of transmitting disease, shall always be disinfected. Vessels on which there is undue prevalence of rats, mosquitoes, lice, or any other potential vector of communicable disease, may be disinfected irrespective of the classification of the vessel.

ART. 41. Vessels infected with plague shall be subjected to the following treatment:

1. The vessel shall be held for observation and necessary treatment.

2. The sick, if any, shall be removed and placed under appropriate treatment in isolation.

3. The vessel shall be simultaneously fumigated throughout for the destruction of rats. In order to render fumigation more effective, cargo may be wholly or partially discharged prior to such fumigation, but care will be taken to discharge no cargo which might harbor rats,[1] except for fumigation.

4. All rats recovered after fumigation should be examined bacteriologically.

5. Healthy contacts, except those actually exposed to cases of pneumonia plague, will not be detained in quarantine.

6. The vessel will not be granted pratique until it is reasonably certain that it is free from rats and vermin.

ART. 42. Vessels infected with cholera shall be subjected to the following treatment:

1. The vessels shall be held for observation and necessary treatment.

2. The sick, if any, shall be removed and placed under appropriate treatment in isolation.

3. All persons on board shall be subjected to bacteriological examination, and shall not be admitted to entry until demonstrated free from cholera vibrios.

4. Appropriate disinfection shall be performed.

ART. 43. Vessels infected with yellow fever shall be subjected to the following treatment.

1. The vessel shall be held for observation and necessary treatment.

2. The sick, if any, shall be removed and placed under appropriate treatment in isolation from Aedes aegypti mosquitoes.

3. All persons on board non immune to yellow fever shall be placed under observation to complete six days from the last possible exposure to Aedes aegypti mosquitoes.

4. The vessel shall be freed from Aedes aegypti mosquitoes.

ART. 44. Vessels infected with small pox shall be subjected to the following treatment.

1. The vessels shall be held for observation and necessary treatment.

[1] Explanatory Footnote.—The nature of the goods or merchandise likely to harbor rats (plague suspicious cargo), shall, for purpose of this section, be deemed to be the following, namely; rice or other grain exclusive of flour); oilcake in sacks, beans in mats or sacks; goods packed in crates with straw or similar packing material; matting in bundles; dried vegetables in baskets or cases; dried and salted fish; peanuts in sacks; dry ginger; curios, etc., in fragile cases, copra, loose hemp in bundles; coiled rope in sacking kapok, maize in bags, sea grass in bales; tiles, large pipes and similar articles; and bamboo poles in bundles.

2. The sick, if any, shall be removed and placed under appropriate treatment in isolation.

3. All persons on board shall be vaccinated. As an option the passenger may elect to undergo isolation to complete fourteen days from the last possible exposure to the disease.

4. All living quarters of the vessels shall be rendered mechanically clean, and used clothing and bedding of the patient disinfected.

ART. 45. Vessels infected with typhus shall be subjected to the following treatment.

1. The vessel shall be held for observation and necessary treatment.

2. The sick, if any, shall be removed and placed under appropriate treatment in isolation from lice.

3. All persons on board and their personal effects shall be deloused.

4. All persons on board who have been exposed to the infection shall be placed under observation to complete twelve days from the last possible exposure to the infection.

5. The vessel shall be deloused.

ART. 46. The time of detention of vessels for inspection or treatment shall be the least consistent with public safety and scientific knowledge. It is the duty of port health officers to facilitate the speedy movement of vessels to the utmost compatible with the foregoing.

ART. 47. The power and authority of quarantine will not be utilized for financial gain, and no charges for quarantine services will exceed actual cost plus a reasonable surcharge for administrative expenses and fluctuations in the market prices of materials used.

CHAPTER VII

FUMIGATION STANDARDS

ART. 48. Sulphur dioxide, hydrocyanic acid and cyanogen chloride gas mixture shall be considered as standard fumigants when used in accordance with the table set forth in the appendix, as regards hours of exposure and of quantities of fumigants per 1,000 cubic feet.

ART. 49. Fumigation of ships to be most effective should be performed periodically and preferable at six months intervals, and should include the entire vessel and its lifeboats. The vessel should be free of cargo.

ART. 50. Before the liberation of hydrogen cyanide or cyanogen chloride, all personnel of the vessel will be removed, and care will be observed that all compartments are rendered as nearly gas tight as possible.

CHAPTER VIII

MEDICAL OFFICERS OF VESSELS

ART. 51. In order to better protect the health of travelers by sea, to aid in the prevention of the international spread of disease and to facilitate the movement of international commerce and communication, the signatory Governments are authorized in their discretion to license physicians employed on vessels.

ART. 52. It is recommended that license not issue unless the applicant therefor is a graduate in medicine from a duly chartered and recognized school of medicine, is the holder of an unrepealed license to practice medicine, and has successfully passed an examination as to his moral and mental fitness to be the surgeon or medical officer of a vessel. Said examination shall be set by the directing head of the national health service, and shall require of the applicant a competent knowledge of medicine and surgery. Said directing head of the national health service may issue a license to an applicant who successfully passes the examination, and may revoke said license upon conviction of malpractice, unprofessional conduct, offenses involving moral turpitude or infraction of any of the sanitary laws or regulations of any of the signatory Governments based upon the provisions of this code.

ART. 53. When duly licensed as aforesaid, said surgeons or medical officers of vessels may be utilized in aid of inspection as defined in this code.

CHAPTER IX

THE PAN AMERICAN SANITARY BUREAU

Functions and Duties

ART. 54. The organization, functions and duties of the Pan American Sanitary Bureau shall include those heretofore determined for the International Sanitary Bureau by the various International Sanitary and other Conferences of American Republics, and such additional administrative functions and duties as may be hereafter determined by Pan American Sanitary Conferences.

ART. 55. The Pan American Sanitary Bureau shall be the central coordinating sanitary agency of the various member Republics of the Pan American Union, and the general collection and distribution center of sanitary information to and from said Republic. For this purpose it shall, from time to time, designate representatives to visit and confer with the sanitary authorities of the various signatory Governments on public health matters, and such representatives shall be given all available sanitary information in the countries visited by them in the course of their official visits and conferences.

ART. 56. In addition, the Pan American Sanitary Bureau shall perform the following specific functions:

To supply to the sanitary authorities of the signatory Governments through its publications, or in other appropriate manner, all available information relative to the actual status of the communicable diseases of man, new invasions of such diseases, the sanitary measures undertaken, and the progress effected in the control or eradication of such diseases; new methods for combating disease; morbidity and mortality statistics; public health organization and administration; progress in any of the branches of preventive medicine, and other pertinent information relative to sanitation and public health in any of its phases, including a bibliography of books and periodicals on public hygiene.

In order to more efficiently discharge its functions, it may undertake cooperative epidemiological and other studies; may employ at headquarters and elsewhere, experts for this purpose; may stimulate and facilitate scientific researches and the practical application of the results therefrom; and may accept gifts, benefactions and bequest, which shall be accounted for in the manner now provided for the maintenance funds of the Bureau.

ART. 57. The Pan American Sanitary Bureau shall advise and consult with the sanitary authorities of the various signatory Governments relative to public health problems, and the manner of interpreting and applying the provisions of this Code.

ART. 58. Officials of the National Health Services may be designated as representatives, ex-officio, of the Pan American Sanitary Bureau, in addition to their regular duties, and when so designated they may be empowered to act as sanitary representatives of one or more of the signatory Governments when properly designated and accredited to so serve.

ART. 59. Upon request of the sanitary authorities of any of the signatory Governments, the Pan American Sanitary Bureau is authorized to take the necessary preparatory steps to bring about an exchange of professors, medical and health officers, experts or advisers in public health of any of the sanitary sciences, for the purpose of mutual aid and advancement in the protection of the public health of the signatory Governments.

ART. 60. For the purpose of discharging the functions and duties imposed upon the Pan American Sanitary Bureau, a fund of not less than $50,000 shall be collected by the Pan American Union, apportioned among the signatory Governments on the same basis as are the expenses of the Pan American Union.

CHAPTER X

AIRCRAFT

ART. 61. The provisions of this Convention shall apply to aircraft, and the signatory Governments agree to designate landing places for aircraft which shall have the same status as quarantine anchorages.

CHAPTER XI

SANITARY CONVENTION OF WASHINGTON

ART. 62. The provisions of Articles 5, 6, 13, 14, 15, 16 17, 18, 25, 30, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, and 50, of the Pan American Sanitary Convention concluded in Washington on October 14, 1905, are hereby continued in full force and effect, except in so far as they may be in conflict with the provisions of this Convention.

CHAPTER XII

Be it understood that this Code does not in any way abrogate or impair the validity or force of any existing treaty convention or agreement between any of the signatory governments and any other government.

CHAPTER XIII

TRANSITORY DISPOSITION

ART. 63. The Governments which may not have signed the present Convention are to be admitted to adherence thereto upon demand, notice of this adherence to be given through diplomatic channels to the Government of the Republic of Cuba.

Made and signed in the city of Havana, on the fourteenth day of the month of November, 1924, in two copies, in English and Spanish, respectively, which shall be deposited with the Department of Foreign Relations of the Republic of Cuba, in order that certified copies thereof, in both English and Spanish,

may be made for transmission through diplomatic channels to each of the signatory Governments.

By the Republic of Argentine:
GREGORIO ARAOZ ALFARO.
JOAQUIN LLAMBIAS.

By the United States of Brazil:
NASCIMENTO GURGEL.
RAUL ALMEIDA MAGALHAES.

By the Republic of Chile:
CARLOS GRAF.

By the Republic of Colombia:
R. GUTIERREZ LEE.

By the Republic of Costa Rica:
JOSE VARELA ZEQUEIRA.

By the Republic of Cuba:
MARIO G. LEBREDO.
JOSE A. LOPEZ DEL VALLE.
HUGO ROBERTS.
DIEGO TAMAYO.
FRANCISCO M. FERNANDEZ.
DOMINGO F. RAMOS.

By the Republic of El Salvador:
LEOPOLDO PAZ.

By the United States of America:
HUGH S. CUMMING.
RICHARD CREEL.
P. D. CRONIN.

By the Republic of Guatemala:
JOSE DE CUBAS Y SERRATE.

By the Republic of Haiti:
CHARLES MATHON.

By the Republic of Honduras:
ARISTIDES AGRAMONTE.

By the Republic of Mexico:
ALFONSO PRUNEDA.

By the Republic of Panama:
JAIME DE LA GUARDIA.

By the Republic of Paraguay:
ANDRES GUBETICH.

By the Republic of Peru:
CARLOS E. PAZ SOLDAN.

By the Dominican Republic:
R. PEREZ CABRAL.

By the Republic of Uruguay:
JUSTO F. GONZALEZ.

By the United States of Venezuela:
ENRIQUE TEJERA.
ANTONIO SMITH.

APPENDIX

TABLE I.—*Quantities per 1,000 cubic feet*

Chemicals	Sulphur dioxide				Hydrocyanic acid				Cyanogen chloride mixture			
	Mosquitoes	Rats	Lice	Bedbugs	Mosquitoes	Rats	Lice	Bedbugs	Mosquitoes	Rats	Lice	Bedbugs
	Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*
Sulphur	2	3	4	3								
Sodium cyanide					½	5	10	5	½	4	8	4
Sulphuric acid					½	5	10	5				
Sodium chlorate									¼	2	4	2
Hydrochloric acid									2⅛	17	34	17
Water					1¼	12½	25	12½	2⅛	17	34	17

TABLE II.—*Hours of exposure*

	Hours
Sulphur dioxide:	
Mosquitoes	1
Rats	6
Lice	6
Bedbugs	6
Hydrocyanic acid:	
Mosquitoes	½
Rats	2
Lice	2
Bedbugs	2
Cyanogen chloride mixture:	
Mosquitoes	½
Rats	1½
Lice	1½
Bedbugs	1½

Serial no. _____

_____ Health Service

_____ Quarantine Station _____

CERTIFICATE OF VACCINATION AGAINST SMALLPOX

Name _____ Sex _____
Age _____ Date of Vaccination _____
Height _____ Date of Reaction _____
Result:
Immune Reaction
Vaccinoid
Successful Vaccination

_____ *Signed* _____
(Signature) *Medical Officer in Charge.*
_____ Health Service

CERTIFICATE OF DISCHARGE FROM NATIONAL QUARANTINE

_____ Quarantine Station
Port of _____
_____, 192

I certify that the _____ of _____, from _____ bound for _____, has in all respects complied with the quarantine regulations prescribed under the authority of the laws of _____ (Country), and the Pan American Sanitary Code, and that the vessel, cargo, crew, and passengers are, to the best of my knowledge and belief, free from quarantinable diseases or danger of conveying the same. Said vessel is this day granted { free / provisional } pratique.

1. Rat guards of an accepted design to be placed on all lines leading from the vessels.
2. Gangways to be raised at night, or lighted and watched.
3. Vessels to be fumigated after discharge of cargo.

_____
Quarantine Officer
_____ Health Service

CERTIFICATE OF FUMIGATION

(Not to be taken up by port authorities)
Port of _____
_____, 192

This is to certify that the _____ from _____ has been fumigated at this station for the destruction of _____, as follows:

	Cubic Capacity	Kilos or Pounds Sulphur	Grams or Ounces Cyanide	Grams or Ounces Cyanide and Sodium Chlorate	
Holds 1					Date
2					Duration of exposure
3					
4					Evidence of rats before fumigation
5					
Engine-room & shaft alley.					Rats after fumigation: living,
Bunkers					dead
Forepeak					
Forecastle					Inspection made by
Steerage					
Dining saloon (1st cabin).					Opened by
Pantry (1st cabin)					Dunnage or other protection to rats; how treated prior to fumigation
Galley					
Second Cabin					
Second Cabin Pantry.					
Provision storeroom.					
Living quarters					
Staterooms					
Smoking room					
Total					

_____
Quarantine Officer

On the reverse side make a report of all compartments which were not fumigated, why they were not, and give treatment. Also report any other pertinent information.

QUARANTINE DECLARATION

_____ Quarantine Station
_____, 192

Name of vessel _____; destination _____; nationality _____; rig _____; tonnage _____; date of arrival _____; port of departure _____; intermediate ports _____; days from port of departure _____; days from last port _____; previous ports of departure and call _____; officers and crew _____; cabin passengers _____; steerage passengers _____; total number of persons on board _____; cargo _____; ballast (tons) _____; character of _____; source _____. If water ballast, were tanks filled at the port of departure or at sea? _____ In ports of departure and call, did vessel lie at wharf or at moorings

in harbor or roadstead?_____. If vessel lay at moorings, how far from shore?_____
Was there communication with the shore?_____. What changes in the personnel of the crew, if any?_____
_____
Sickness, cases of, in port of departure. No._____; result_____
in intermediate ports. No._____; result_____
at sea. No._____; result_____
Were the sick sent to hospital or allowed to remain on board?_____
Was the bedding and clothing of those sick at sea frequently aired and washed?_____
Do you know of any circumstances affecting the health of the crew, or which renders the ship dangerous to the health of any part of_____
_____. If so, state them_____
(Country)
_____

I certify that the foregoing statements, and the answers to the questions, are true to the best of my knowledge and belief.

*Master*_____
*Ship's Surgeon*_____
*Vessel*_____

Treatment of vessel_____;
(Inspected and passed or detained)
disinfection of hold_____; cabin and forecastle_____;
(Method) (Method)
bedding, clothing, etc_____
(Method)
Detained_____days; sickness in quarantine_____;
(Number of cases and nature)
discharged in free pratique_____. Port named in certificate of discharge_____.

_____
_____
Quarantine Officer.

INTERNATIONAL STANDARD FORM BILL OF HEALTH

INFORMATION CONCERNING THE VESSEL

I _____ (Official title) _____
(The person authorized to issue the bill, at the port of _____)
do hereby state that the vessel hereinafter named clears (or leaves) from the port of _____ under the following circumstances: Name of vessel _____; nationality _____
Master _____; tonnage, gross _____; net _____. Name of medical officer _____
Number of officers_____; of crew, including petty officers_____; officers' families _____. Passengers destined for _____
(Country of destination)
Embarking at this port _____. First cabin _____; second cabin _____; steerage _____. Total number of passengers on board _____.
Ports visited within preceding four months _____
_____
_____
_____
Location of vessel while in port—wharf_____; open bay _____; distance from shore _____
If any passengers or members of crew disembarked on account of sickness, state disease _____
Time vessel was in port (date and hour of arrival) _____;
(date and hour of departure) _____
Character of communication with shore _____
Sanitary condition of vessel_____
Sanitary measures, if any, adopted while in port _____
Date of last fumigation for the destruction of rodents _____
Number of rodents obtained _____
Port where fumigated _____ and officials supervising the fumigation _____
Method of fumigation used (for rodents) _____;
(for mosquitoes)_____

INFORMATION CONCERNING THE PORT

Sanitary conditions of port and vicinity _____
Prevailing diseases at port and vicinity _____
Number of cases and deaths from the following-named diseases during the two weeks ending _____

Diseases	Number of cases [1]	Number of deaths [1]	REMARKS (Any conditions affecting the public health existing in the port or vicinity, to be here stated)
Yellow fever			
Asiatic cholera			
Cholera nostras or cholerine			
Smallpox			
Typhus fever			
Plague			
Leprosy			

[1] When there are no cases or deaths, entry to that effect must be made.

Health Office of the Port of_____. (When practicable this certificate should be signed by the Health Officer of the Port)
Date of last case of:
Cholera _____
Yellow Fever _____
Human Plague_____
Typhus _____
Rodent Plague _____
Measures, if any, imposed by the municipality against rats during the last six months_____
_____
Signature of Port Health Officer.

*I certify that the vessel has complied with the rules and regulations made under the terms of the Pan American Sanitary Code, and with the laws and regulations of the country of destination. The vessel leaves this port bound for*_____, *via* _____

Given under my hand and seal this_____day of_____, 192____.
(Signature of consular officer)_____
_____
[SEAL.]
Countersigned by
_____
Medical Officer

RECESS

The Senate (at 6 o'clock and 5 minutes p. m.), under the order previously entered, took a recess until 8 o'clock p. m.

EVENING SESSION

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

CLAIMS OF ASSINIBOINE INDIANS—CONFEREES

The PRESIDENT pro tempore appointed Mr. KENDRICK a conferee on 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, in the place of Mr. ASHURST, resigned.

CHILD LABOR—AMENDMENTS OF THE CONSTITUTION

Mr. NEELY. Mr. President, in behalf of the senior Senator from Oklahoma [Mr. OWEN], who is necessarily absent this evening, I beg leave to ask unanimous consent to have printed in the RECORD a bulletin of the National Popular Government League entitled "American Principles and the Wadsworth Amendment."

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the matter will be printed in the RECORD as requested.

The matter referred to is as follows:

NATIONAL POPULAR GOVERNMENT LEAGUE,
Washington, D. C., February 20, 1925.

(Bulletin No. 99, by Judson King, director. Calendar 702)

AMERICAN PRINCIPLES AND THE WADSWORTH AMENDMENT (S. J. Res. 109)

To put it mildly, when we compare their opinions on the amending clause of the Federal Constitution, Chief Justice John Marshall was a reckless radical as against United States Senator WADSWORTH; and Patrick Henry was a left-wing Bolshevist.

Senator WADSWORTH is leading one of the most subtle but astounding assaults on American principles of Government this generation has yet seen. It is an assault so astutely managed and powerfully supported that it may well be accomplished as far as Congress is concerned by the time this bulletin reaches its readers. In justification of these statements, your attention is invited to the following considerations.

WHY IMPOSSIBLE?

Four years before the war, in 1911, Dr. Frank J. Goodnow, now president of Johns Hopkins University, a conservative constitutional lawyer and political scientist of international standing, whom even Senator WADSWORTH would not contend is a radical, wrote a notable book entitled "Social Reform and the Constitution." Its thesis is disclosed by the first sentence:

> "The tremendous change in political and social conditions due to the adoption of improved means of transportation and to establishment of the factory system have brought with them problems whose solution seems to be impossible under the principles of law which were regarded as both axiomatic and permanently enduring at the end of the eighteenth century."

Doctor Goodnow's contentions are not based upon guesswork. Over 700 legal decisions are cited as illustrations in substantiating the fact

that the lives, welfare, and happiness of countless thousands of the American people are now being put in jeopardy in this twentieth century for the reason above set forth.

Anticipating the rejoinder that those who do not like the decisions of the courts should change the Constitution, he says:

> "Inasmuch, therefore, as the Constitution of the United States is, on account of the complicated procedure and the large majorities required, very difficult, if not impossible, of amendment under ordinary conditions, it must be confessed that Americans are in many respects living under a political system which has been framed upon the theory that society is static rather than dynamic." (P. 4.)

The whole purpose of the book proves the danger and inhumanity of permitting such a situation to continue. In fact, the conflict is eighteenth century legalism versus twentieth century life; shall the dead unwittingly rule the living?

The present struggle over the adoption of the pending child labor amendment is a striking example of the soundness of Doctor Goodnow's contention and warning. It became necessary as a matter of national welfare for the Federal Government to enact a law for the protection of children. That law was declared unconstitutional by a 5 to 4 decision of the United States Supreme Court, which decision was but another confirmation of Doctor Goodnow's statement in this same book that—

THE SUPREME COURT LEGISLATES

> "The Supreme Court of the United States has become a political body of the supremest importance, for upon its determination depends the ability of the National Legislature to exercise powers whose exercise is believed by many to be absolutely necessary to our existence as a democratic Republic."

That law had been enacted after a struggle of many years by a movement led by the national child labor committee, whose sponsors were such men as William Howard Taft, now Chief Justice of the United States Supreme Court, and if ever there was a law that tended to justify our aspirations toward a Christian civilization that was one.

After another long struggle the Congress was induced to submit an amendment to the Federal Constitution, enabling it to deal with the child-labor evil. That amendment is now pending, and the men and women who represent the progressive mind and conscience of the Nation are awakening to the truth that the Federal Constitution is practically unamendable with any degree of celerity "under ordinary conditions," in the face of any highly organized and well-financed opposition to which the political power makes obeisance.

GENTLEMEN OF THE CONGRESS, WHY SO SUDDEN

In the midst of the struggle in the various States over the adoption of this amendment the conservative elements in both Houses of Congress and in both Republican and Democratic Parties, at this short term of Congress, suddenly, without apparent reason, became interested in Article V of the Federal Constitution; that is, the amendment clause.

A resolution introduced in the Senate by JAMES W. WADSWORTH, Republican, of New York, and in the House by FINIS J. GARRETT, Democrat, of Tennessee, is by special rule placed upon the calendar for passage at this session. This, mind you, when the calendar is overcrowded with measures of vast and immediate importance to the economic and industrial life of the Nation. Also, mind you, after amendments on the same question, introduced in every session for the past 10 years by such men as Senators CUMMINS, OWEN, LA FOLLETTE, Congressman CHANDLER, and others, had been completely ignored.

CHILD LABOR—AND MORE BEYOND

Friends of the child labor amendment charge that this railroading process was evoked to throw a red herring across the pathway of the pending child labor amendment, because if adopted and made a part of the Federal Constitution consideration of the pending child labor amendment must cease. Whether intentional or not, that result is sure to follow. I suspect, however, in addition, a far deeper purpose, since the child labor amendment is only one of a score of similar problems which can not be finally acted upon by Congress without changing the Federal Constitution.

It is fair to note that the Wadsworth-Garrett amendment was first introduced in April of 1921. It is significant that it had the active backing of the American Constitutional League, the Sentinels of the Republic, the Constitutional Liberty League, the Massachusetts Public Interest League, not one of which has ever been known to support a truly progressive or democratic measure. As a captivating slogan they dubbed this proposal, "The second bill of rights of back-to-the-people amendment," a bit of humor at which they themselves must also necessarily laugh as coming from themselves.

THE WADSWORTH PROPOSAL A STEP BACKWARD

For the convenience of our members I reproduce on an appended sheet both the Wadsworth resolution of this session and Article V of the Federal Constitution which it seeks to change. It will be quickly noted that the restrictive features of the old Constitution which have made amendment so difficult, and about which progressive thinkers and statesmen have always protested, are retained by WADSWORTH, namely, a two-thirds vote of each House of Congress to submit, and three-fourths of all the States to adopt. The convention system, which has never been used, is retained. The State legislatures are deprived of their power to act on Federal amendments.

The alleged progressive feature that is new and on which the slogan of "Back to the people" is based is contained in the provision that proposed amendments may be ratified or rejected "through the direct vote of their people at elections to be held under the authority of the respective States." This, it is held, provides for the "referendum" and should insure the support of progressives.

A FRAUDULENT "REFERENDUM"

I trust no progressive has been or will be deceived by this camouflage, because the vital principle of a true referendum is carefully omitted; that is, the people have no power by petition to force a vote. Neither is the referendum made mandatory; it all hinges upon the pleasure of the State legislatures, which, of course, would have power to require, say, a two-thirds majority for adoption, or impose other restrictions of a like destructive character. Those acquainted with the efforts of State legislatures to hamstring the "initiative and referendum" in the States where they now obtain can safely predict exactly what would happen in this case. So that simple candor requires us to condemn this so-called referendum feature as merely a patent fraud, as one might expect from "Greeks bearing gifts."

The provision that all educational agitation for the adoption of a proposed amendment is to cease when 14 States have rejected it, is such a manifest determination on the part of Senator WADSWORTH to copper-rivet and steel-jacket for all time to come the minority rule now existing as to need no further comment; it carries its own rebuttal.

NO PUBLICITY PROVIDED FOR

An intelligent advocate of the referendum in these days knows that adequate official publicity is absolutely necessary if the people are to vote intelligently upon questions submitted to them. Newspapers can not be depended upon to furnish unbiased information on both sides. For example, in Massachusetts thousands of voters were in absolute ignorance of the plain facts regarding the child labor amendment, because of the flood of falsehoods circulated by the highly financed propaganda of the manufacturers' association and others, to which even respected clergymen and college professors loaned their names.

To meet this difficulty Ohio, Oregon, California, and other States issue a publicity pamphlet, mailed direct to the voters, containing the official texts of proposed measures and with arguments for and against the same, as may be submitted by the proponents and opponents of the measures. Senator OWEN'S proposed change in the amending clause, to be noted later, has always provided for a similar pamphlet by the United States Government, so that the people could have opportunity of knowing the facts and by them being able to form their opinions.

Senator WADSWORTH'S proposal has no such provision. Whether such provision was prepared to place in the Federal Constitution in past years is beside the question. It is absolutely essential now, and it may be safely predicted that Senator WADSWORTH and his backers would fight such a proposition to the death, because they want a "referendum" they can control!

AMENDING PROCESS HISTORICALLY CONSIDERED

Leaving now the specific terms of Senator WADSWORTH'S proposal, let us examine in the light of American history and opinion, especially recent history and opinion, this whole question of the amending process.

Without any disrespect it is safe to say that there are not more than 20 men in the National Congress who have given more than the most cursory attention to Article V or who have any conception of the vital importance of the issue here raised. There is no time for them to study it now; and if a vote is taken on the Wadsworth amendment, it will be a blind vote, not based on intelligence, but given in obedience to the economic forces that control a majority of the two great political parties. These economic forces know exactly what they want and think this is an opportune time to get it. The politicians, however, are not to be expected to be awake on this question when the people are not, and the whole situation reflects the general indifference and ignorance of the mass of the American people as to the real underlying structure of their Government and how it actually operates.

Millions of good men and women to whom the necessity, for example, of regulating child labor is such an obviously humane question, over which there should be no argument in a Christian country, must not only be shocked at the callousness and duplicity shown by the financial and industrial masters in opposing the reform, but must be surprised and puzzled that the machinery of our Government is found to be so constructed as so easily to work against them. It ought to raise in their minds the questions:

Where did the power come from which enabled a five to four decision of nine judges to overturn an act of Congress regulating child labor?

Why is it that the Constitution was made so difficult to change, even in the case of obvious necessity?

What does it signify that a still more difficult method of amendment is now being attempted?

The issue runs far deeper than child labor, and those who follow the lead must be prepared to have their theoretical belief in Abraham Lincoln's kind of government tested to the utmost.

THE WORDS OF MEN WHO KNOW

Illuminating information is not difficult to find. Some of our most noted statesmen, jurists, thinkers, and publicists have spoken very plainly on this matter and have warned their own generation and those to come upon the peril of leaving the amending process as it is.

Patrick Henry, in the Virginia Convention, held to ratify the Constitution, pointed out the danger to free government from Article V. He said in part:

> "When I come to contemplate this part I suppose that I am mad or that my countrymen are so. The way to amendment is, in my conception, shut * * *. Two-thirds of Congress or of the State legislatures are necessary even to propose amendments. If one-third of these be unworthy men, they may prevent the application for amendments; but what is destructive and mischievous is that three-fourths of the State legislatures, or of the State conventions, must concur in the amendments when proposed. * * * A bare majority in these four small States may hinder the adoption of amendments, so that we may fairly and justly conclude that one-tenth part of the American people may prevent the removal of the most grievous inconveniences and oppression by refusing to accede to amendments. * * * Is this an easy mode of securing the public liberty? It is, sir, a most fearful situation, when the most contemptible minority can prevent the alteration of the most oppressive government, for it may, in many respects, prove to be such."

NONE FOR A CENTURY

Patrick Henry's prediction has been tragically fulfilled. The first 10, or even 12, amendments may properly be considered as a part of the original Constitution. In the century following not a single amendment succeeded in passing the two-thirds—three-fourths—hurdles in normal fashion. Three were adopted as a result of the Civil War. It is the deliberate opinion of United States Senator OWEN, a Virginian by birth, that the Civil War would never have occurred had the people had the power and been accustomed to amending their fundamental law by popular vote.

Since 1912 four amendments have been added. Here again prohibition and woman suffrage were aided by war conditions. The income tax and direct election of Senators were normal of adoption, but they arrived two generations at least after a vast majority of the American people were ready for them. What is more, any person who carelessly thinks any of these four were easily secured is in total ignorance of the vast amount of time, energy, and money expended by the American people to secure them.

"UNWIELDY AND CUMBROUS"—MARSHALL

Chief Justice Marshall, whose opinions on the Federal Constitution are usually regarded as safe and sane, speaks thus of Article V, after watching its operation for a third of a century:

> "The unwieldy and cumbrous machinery of procuring a recommendation from two-thirds of Congress and the assent of three-fourths of their sister States could never have occurred to any human being as a mode of doing that which might be effected by the State itself." (1833—U. S. Sup. Ct. Rpts.; 8 Law Ed. 672.)

MODERN SCHOLARSHIP PROTESTS

By the end of the last century the portent of an inflexible Federal Constitution began to engage the attention of serious scholars and writers. State constitutions had constantly been revised and amended to meet living, changing needs. The Federal Constitution remained fixed. State welfare legislation was blocked by the terms of the Federal Constitution as interpreted by the courts. It was seen that we were rapidly approaching an impasse.

PROF. J. ALLEN SMITH

Prof. J. Allen Smith, dean of the department of political science of the University of Washington, published in 1907 "The Spirit of American Government; A Study of the Constitution, Its Origin, Influence, and Relation to Democracy." It was one of a series edited by Dr. Richard T. Ely. I strongly advise all men and women concerned over the child-labor issue, the Wadsworth amendment, and kindred questions to procure and read this book. (Macmillan Co. New York, publishers.) So important did Doctor Smith regard the amending process that he devotes a whole chapter to the consideration of the famous Article V. I quote an excerpt. After pointing out Patrick Henry's disclosure that one-tenth of the then population could block the adoption of a needed amendment, Doctor Smith says:

> "That such a small minority should have the power under our constitutional arrangements to prevent reform can hardly be reconciled with the general belief that in this country the majority rules. Yet, small as was this minority when the Constitution was adopted, it is much smaller now than it was then. In 1900 one forty-fourth of the population, distributed so as to constitute a majority in the 12 smallest States, could defeat any proposed amendment."

Doctor Smith also quotes the noted authority, Prof. John W. Burgess, who, in his "Political Science and Constitutional Law" (vol. 1, p. 151), states, after saying that changes in an organic law should be deliberate:

> "It is equally true that development is as much a law of State life as existence. When in a democratic political society the deliberately formed will of the undoubted majority can be successfully thwarted in the amendment of its organic law by the will of a minority, there is just as much danger to the State from revolution and violence as there is from the caprice of the majority."

PROF. CHARLES A. BEARD

"An Economic Interpretation of the Constitution of the United States," by Prof. Charles A. Beard, politics, Columbia University, published by Macmillan & Co., is another work which no one seeking light on these issues can afford to overlook. Without doubt it is the most important original contribution to the literature of the genesis and purpose of the Constitution that has appeared since the publication of Madison's Journals. Also he deals with the amending problem in the recent fourth edition of his able work, "American Government and Politics" (Macmillan).

DR. CHARLES M'CARTHY

The late Dr. Charles McCarthy, founder of the famous Legislative Reference Library of Wisconsin, which has been copied by so many other States, was fully awake to the importance of the issue here discussed. Doctor McCarthy was a man of commanding ability and wide experience in drafting legislation. So able was he that President Taft urged him to come to Washington to become the head of a similar bureau for the National Congress, but he declined. Here is his opinion, written in 1913, on our proposed method of liberalizing the amending process of the Constitution:

> "I think the gateway amendment is the greatest issue before the American people; they need to be educated upon the necessity of this great amendment. Without it we can never realize complete liberty or the true purposes of the Constitution itself. Without it we are in constant danger of having the guaranties which have come down to us even from Magna Charta construed by hostile forces and not by the will of the people."

HERBERT QUICK

The term "gateway amendment" was coined by Herbert Quick, the distinguished editor and novelist, as a popular term to characterize the needed changes in Article V, which would enable the American people more rapidly to alter their fundamental law and accomplish their will. No man in the Nation appreciates more keenly the need for this change than this distinguished writer, nor has written and spoken more lucidly in its favor.

DR. W. F. DODD

Formerly of Chicago University, later in charge of the Legislative Reference Library of Illinois, where he did most valuable work, especially during the régime of Governor Lowden, is another practical scholar who sees the importance of this issue. In an article, "Social legislation and the courts," published in the Political Science Quarterly for March, 1913, he takes issue with the idea that the Rooseveltian scheme for the recall of judicial decisions would accomplish much, for the reason that in State and National legislation the "due process" clause of the Federal Constitution, as interpreted by the courts, stands in the way of needed legislation, and that this can not be remedied without a Federal amendment, which it is practically impossible to secure with the present difficult process of amendment standing in the way.

Doctor Dodd is also the author of an important work, "The Revision and Amendment of State Constitutions" (published by the Johns Hopkins University Press). Two of its most important conclusions are: (1) That there has been a pronounced and steady increase of popular control over State constitutions; (2) that along with this the amending process has been more simplified, so that changes could be made more easily and promptly (p. 129). That is, in the States the "stable" idea is disappearing; the "flexible" idea is succeeding it as a matter of practical necessity, and this movement is bound soon to reflect itself in the Federal Constitution.

Dr. David J. Thompson, law librarian of Columbia University, later law librarian of Congress, in 1912 presented a paper to the American Academy of Political Science, New York, entitled "The Amendment of the Federal Constitution," giving a remarkably clear, succinct, and

accurate account of the history and effect of the existing difficult method. In concluding he quotes with approval the words of Prof. Monroe Smith (for long professor of law and jurisprudence in Columbia University), which are contained in an article in the North American Review for November, 1911. In answer to the question of his article, "Shall we make our Constitution flexible?" Professor Smith says:

> "The first article in any sincerely intended progressive program must be the amending of the amending clause of the Federal Constitution."

Such quotations from such conservative authorities could easily be extended.

It remains to be noted that progressive and even conservative statesmen who have given attention to the question have arrived at the same conclusion and attempted to carry their ideas into effect.

SENATOR CUMMINS FOR A FEDERAL "INITIATIVE"

The position of Senator ALBERT B. CUMMINS, of Iowa, now the presiding officer of the United States Senate, was set forth in a resolution introduced by him on April 24, 1913, in which, in addition to the present method, he proposed to apply the principle of initiative and referendum to the Federal Constitution; also that amendments could be proposed by the legislatures of 16 States. He also provided for a direct vote of the people upon proposed amendments. Senator CUMMINS went further; he pressed the issue until he got a report from the Judiciary Committee to the Senate itself on his proposal. In this report, speaking for himself he said:

> "Aside from the provision for a constitutional convention, which is practically of no avail, amendments to the Constitution must be initiated by Congress by a two-thirds vote of each House. No matter how generally the people desire a change in their organic law, they are powerless unless Congress, burdened as it is with a load of legislation and hampered with its variety of interests, has the inclination to adopt the resolution necessary for the submission of the proposed amendment. A constitution ought to be the direct declaration of the people rather than the declaration of a legislative body representing the people. A constitution controls legislation, and it seems illogical to subject it to the judgment of the legislature it is to govern. The people should be able to initiate amendments to State constitutions which are limitations upon power, and much more should they be able to initiate amendments to the Federal Constitution, which is a grant of power."

WALSH AND BORAH

Senator ASHURST supported Senator CUMMINS. Senators WALSH of Montana and BORAH of Idaho signed a statement that they were—

> "In favor of an amendment to the Constitution permitting it to be amended on conditions much less onerous than those imposed by the convention of 1787, and accordingly join in opposing the report of the committee."

A majority of the committee was, of course, opposed to Senator CUMMINS's proposal, but even Senators Nelson, of Minnesota, and OVERMAN, of North Carolina, assented to the proposal that the legislatures of 16 States should have the power to propose new amendments.

Liberalizing amendments were also introduced at this period and since by Senators OWEN and LA FOLLETTE, Congressman Chandler, of New York, and others. This activity among politicians was a result, wholly nonpartisan, of the general progressive movement of the years 1908–1912, the main objective of which was new tools of self-government—to end bossism.

PRESIDENT ROOSEVELT ALSO

The demand for a more flexible Constitution found expression in the following plank in the Progressive platform of 1912, which was heartily approved by Theodore Roosevelt:

> "We hold, with Thomas Jefferson and Abraham Lincoln, that the people are the masters of the Constitution, to fulfill its purposes and to safeguard it from those who, by perversion of its intent, would convert it into an instrument of injustice. In accordance with the needs of each generation the people must use their sovereign powers to establish and maintain equal opportunity and industrial justice, to secure which this Government was founded and without which no republic can endure. * * * The Progressive Party * * * pledges itself to provide a more easy and expeditious method of amending the fundamental Constitution."

THE OHIO VOTE

It is germane to note here that an initiated amendment to the constitution of Ohio, providing that by a 6 per cent referendum petition the people could force a vote upon any pending amendment to the Federal Constitution, was adopted by a vote of 508,282 "yes" to 315,030 "no," with 86 per cent of the voters who voted at the election voting on this question. The Ohio Supreme Court in the case of Hawk v. Smith decided on September 30, 1919, that the amendment was valid. On appeal the United States Supreme Court on June 1, 1920, reversed the Ohio decision and held that the State legislatures alone possessed power to approve or reject Federal amendments. The incident is of value, however, in showing that the people of one great State desire to assume direct control of their Federal as well as their State Constitution. Without doubt, votes in a majority of the other States would show a similar desire.

CHECKED BY THE WORLD WAR

The general progressive movement, partisan or nonpartisan, in all lines of political, economic, and social advance, was checked in 1914 by the beginning of the World War and largely stopped by our entrance into this war in 1917.

A period of pronounced reaction followed, as has followed every war in human history. American reactionaries have followed the example of Tories everywhere in such periods and have sought to rivet their economic and political control of the Nation. They have attacked the welfare legislation, secured reactionary court decisions, and attempted to destroy the direct primary, corrupt practices act, initiative and referendum, and so on.

THE LINE-UP

The Wadsworth amendment is part and parcel of this general effort and by all odds the most vital part of it. The united financial interests of the Nation, by a shock attack which has cost them millions of dollars in publicity and political wire pulling, have deceived the farmers and a large part of the middle classes as to the true terms and import of the child labor amendment and so have frightened and forced a majority of politicians into rejecting it. This, mind you, after a presidential election when they had kept quiet before election and made no protest against the platforms of the Republican and Democratic Parties containing glowing planks pledging their candidates to support the child labor amendment!

Under the cover of this assault they are cleverly attempting to make the Federal Constitution impossible of amendment on any subject except at their own dictation. They are heedless of the ultimate dangers involved in such a program, and they are blind to the effects of closing the door to effective, orderly processes of constitutional reform.

If the lessons of history and the warnings of such substantial authorities as above set forth have any meaning to the honest conservatives of this Nation they must of necessity regard this situation with concern. Surely we ought at least to be as intelligent as the ruling class of England who have constantly yielded to the democratic spirit of the age, and by that wisdom have escaped the fate of their European compeers.

WHAT TO DO ABOUT IT

There remains to answer the inevitable objection, "Your bulletin is destructive. Can you not make some constructive suggestions?"

Easily. We have been making constructive suggestions for 12 years. The National Popular Government League was organized in 1913. The first plank in its program was the "gateway amendment," and at its first convention Mr. Herbert Quick made a notable speech in its advocacy.

The first suggestion is to kill the Wadsworth amendment and keep the field clear for constructive action. The next is to educate the American people to the need of a flexible amending clause so that they will support a "gateway amendment."

LET AMENDMENTS BE PROPOSED

1. By a majority of both Houses of Congress or by one House when the other has three times refused.

2. By 10 States, either through the legislature or by direct vote of the people through the initiative and referendum.

3. By direct initiative petition addressed to the Secretary of State of the United States, signed by, say, 10 per cent or 15 per cent of the voters in each of, say, 16 States.

LET AMENDMENTS BE SUBMITTED

At regular congressional biennial elections, direct to the voters of the Nation, under safeguards laid down by the Congress.

LET AMENDMENTS BE PUBLISHED

in an official publicity pamphlet, printed at the Government Printing Office and mailed by the Secretary of State direct to the voters of the several States. Let this pamphlet contain the ballot, title, and complete official text of the measure being submitted; also arguments for and against, prepared by the joint committees chosen by the proponents and opponents of the measure in Congress; also at least one argument for and against, prepared by joint committees of the various national organizations approving or opposing the measure. The expense of this pamphlet to be borne by the Federal Government. It would cost around 1 cent a voter. The long delay in the income tax amendment cost the consumers of the Nation over $2,000,000,000.

LET AMENDMENTS BE ADOPTED

if they receive a majority of the total vote cast thereon in the Nation and a majority of the vote cast thereon in a majority of the States. This double majority will protect State rights.

The voters of the Nation have had ample experience in voting upon amendments and measures, both State and local, for a century. The people of 19 States have had the added experience in the use of the initiative and referendum in State and local affairs. All this prepares the American citizenry to deal directly with its National Constitution. The inherent conservatism of the American people, as evidenced in their vote upon measures for the last quarter of a century, proves beyond cavil that they do not decide things rashly or radically, nor will they be deterred for a long period of time from constructive action to which a majority is agreed.

LOCAL CONTROL OF CENTRALIZED POWER

This proposed "gateway amendment" should receive special attention from those citizens, progressive or conservative, who look with concern upon the tendency to centralize governmental power in Washington. They are faced with this dilemma:

Without the exercise of local self-government, which develops habits of self-reliance and social courage, this democratic Republic can not endure. A supergovernment must not be permitted to rob its people of local independence.

On the other hand, we are faced with the practical fact that modern methods of production, distribution, and communication, in bland disregard of geographical lines and the subdivisions of political power, have created an economic interdependence, nation-wide and even world-wide, unknown to the people of the eighteenth or previous centuries. Many things which formerly might safely be left to the States must now be dealt with by national legislation, if social justice and equality of business and individual opportunity are to prevail in the States themselves. Uniform child labor laws, for example, are necessary to put the manufacturers of all States upon an even footing of production costs.

The gateway amendment takes a long step in the direction of solving this dilemma, by placing the control of both local and National Government directly in the hands of the people themselves. The principle here set forth has been employed in Australia and Switzerland in the amending of their federal constitutions. A study of their experience is illuminating.

The time has come when, in Emerson's phrase, we must "not be contented with goodness, but explore if it be goodness." We must not permit reverence for the fathers to shackle our hands, when not only children but crushed men and women are appealing to us for justice. We must learn to detect that skillful propaganda which, by making constitutions and courts sacrosanct, blinds our perceptions of the true character of inhuman practices conducted under their sanction and protection.

We must extend our vision. We must remember that fundamental reforms come slowly; that no law can succeed in practice until it has been first enacted in public opinion. As an agency for education the initiative and referendum have no peer. Reaction is now at its height. The pendulum will soon begin to swing the other way. And in that hour, if the people have the proper tools of democracy in their hands, they can achieve their will and not be thwarted, as so often in the past, by legislatures, executives, and courts dominated by political machines.

We can not stand still and go forward at the same time. Surely, it is not wisdom to walk backward, even though invited to do so by the distinguished Senator from New York.

The issue here presented forces us back to first principles, and we may well begin with this principle:

> "The basis of our political systems is the right of the people to make and to alter their constitutions of government."—(George Washington in the Farewell Address.)

THE WADSWORTH AMENDMENT PROPOSED SUBSTITUTE FOR ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments which, in either case, shall be valid to all intents and purposes as a part of this Constitution when ratified by three-fourths of the several States either through their conventions elected by the people for that purpose or through the direct vote of their people at elections to be held under the authority of the respective States, reserving also to the States, respectively, the selection of either mode of ratification, and the authentication of the action taken, and until three-fourths of the States shall have ratified or more than one-fourth of the States shall have rejected a proposed amendment any State may by the same mode selected change its vote:

Provided, That if at any time more than one-fourth of the States have rejected the proposed amendment said rejection shall be final and further consideration thereof by the States shall cease:

Provided further, That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution as provided in the Constitution within eight years from the date of submission thereof to the States by the Congress:

Provided further, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE V OF THE CONSTITUTION AS IT IS

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That * * * no State, without its consent, shall be deprived of its equal suffrage in the Senate.

NATIONAL BANKING ASSOCIATIONS AND FEDERAL RESERVE SYSTEM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918, to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5209, section 5211 as amended of the Revised Statutes of the United States, and to amend sections 13 and 24 of the Federal reserve act, and for other purposes.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. SHIPSTEAD] is entitled to the floor.

Mr. JOHNSON of California. Mr. President, I suggest the absence of a quorum.

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

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

Ashurst	Edwards	Kendrick	Robinson
Ball	Ernst	Keyes	Sheppard
Bayard	Fernald	Ladd	Shipstead
Bingham	Ferris	McKellar	Shortridge
Borah	Fess	McKinley	Simmons
Brookhart	Fletcher	McLean	Smith
Broussard	Frazier	McNary	Smoot
Bursum	George	Means	Stephens
Butler	Glass	Metcalf	Swanson
Cameron	Gooding	Neely	Trammell
Capper	Hale	Norbeck	Underwood
Caraway	Harreld	Oddie	Wadsworth
Copeland	Heflin	Overman	Walsh, Mont.
Cummins	Howell	Pepper	Warren
Curtis	Johnson, Calif.	Pittman	Watson
Dial	Johnson, Minn.	Ralston	
Dill	Jones, N. Mex.	Ransdell	
Edge	Jones, Wash.	Reed, Mo.	

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. A quorum is present.

Mr. SHIPSTEAD. Mr. President, at 5 o'clock this afternoon I rose to address the Senate on the bill before the Senate. The bill came over from the House, where it was considered by the Committee on Banking and Currency. In the House it has been amended and amended. It came to the Senate and was sent to the Senate Committee on Banking and Currency, where it has been again amended. I regret very much that there has been such limited time in which to discuss the bill. I shall address myself only to one or two provisions in the bill that strike me as being rather repugnant to ideas that I hold on the question of safe banking.

Before I do that I wish to take a few minutes to discuss a news item that appeared in the Washington News last Friday evening. I desire to discuss that now, because in my opinion it is one of the most important news items that has come to my attention in a long time. It is a news item announcing that the President of the United States may hold up private loans to foreign governments, and it reads as follows:

> United States may hold up private loans to France.
>
> White House frowns on most loans to foreign governments.
>
> The United States Government may hold up the private loans of $140,000,000 which the French Government announces it will soon try to raise in this country.
>
> This will be the first foreign-government loan sought here since the White House announced that such credits extended by American bankers would be frowned upon unless the borrowing government was practicing domestic economy.

Mr. President, I have felt impelled at times to criticize the financial policy of the administration. I have done so as a matter of public duty. I will say that I am as happy to commend the administration and the President when action is taken which in my opinion deserves commendation. I do that also as a public duty. If the President is correctly quoted in this news item, I want to congratulate him and the American people upon the idea held by the Chief Executive.

During the last year there were floated in this country foreign loans to the amount of sixteen hundred million dollars. The United States now holds foreign securities amounting to

more than twelve thousand million dollars. Private investors hold foreign securities in the amount of ninety-five hundred million dollars, sixteen hundred million dollars of which were floated here in 1924.

I have from the New York Times financial section of January 4, 1925, a compilation of all foreign loans floated in the United States during the year 1924. In the same compilation there is also found the total amount of foreign loans floated in the United States up to the end of the year 1924. These figures are exclusive of the amount that European Governments owe to the Government of the United States. The summary from the financial section of the New York Times is as follows:

[From the New York Times, Sunday, January 4, 1925, financial section]

1924 FOREIGN LOANS WERE $1,623,696,000—TOTAL OF AMERICANS' INVESTMENTS ABROAD INCLUDED STOCKS, BONDS, AND PRIVATE CREDITS

The total of all foreign investments made by Americans in the calendar year just ended was $1,623,696,000, according to a compilation by Max Winkler, Ph. D., manager of the foreign department of Moody's Investors Service. This record includes stocks and bonds and also credits that were advanced privately, leaving out, however, those credits to foreign Governments which were repaid before the end of the year.

A summary of the record for the year follows:

Country	Governments, provinces, and municipalities	Corporations and direct investments	Total
Europe	$485,750,000	$237,928,000	$723,678,000
Asia	150,166,000	42,000,000	192,166,000
Latin America	141,405,000	195,982,000	337,387,000
United States Territories	8,330,000		8,330,000
North America	222,446,000	139,689,000	362,135,000
Total	1,008,097,000	615,599,000	1,623,696,000

On December 31, 1923, the total of American investments in foreign securities was $8,000,000,000. After allowing for the paying of some of these loans, the total at the end of 1924 was calculated at not less than $9,500,000,000.

Mr. President, we are the only large nation in the world that is solvent. We control the gold supply of the world. We are in a position to control the banking credit of the world, and, as such, we control the economic power of the world. This is the greatest power, to be used for good or evil, that was ever given any nation in the world to control. The manner in which this power shall be controlled will determine, for good or evil, the destiny of nations and the destiny of humanity. It is for the Government of the United States to say how this power shall be used. This power belongs to the American people. Until this time it has, to a large extent, been in the hands of the bankers, and therefore in their control. It is the property of the American people. Banking credits are merely held in trust by American bankers. They have been dissipating this credit promiscuously all over the world by floating foreign loans, peddling the securities to American investors, and reaping for themselves enormous commissions. The American investors hold the paper; the foreign governments and corporations have the money; and the American bankers have the commissions.

This control of banking credit and investment credit is used by bankers to secure concessions and obtain commissions at the expense of European peoples and American investors. Such control should be exercised by the American Government and used for the purpose of promoting peace and the welfare of humanity. America is in a position to say to the rest of the world, "We do not want to use this tremendous economic power for the purpose of building large armies and great navies, to be used for taking the iron, coal, and oil fields and trade routes of other nations, but we want to use this economic power to promote peace and production of wealth." We can say to the world, "We will loan you all the money you need with which to finance your productive industries, with which to build homes for your people and buy food for your people, provided you will disarm, disband your large standing armies, quit building battleships, and get down to a peace basis, not merely talk peace while spending billions of dollars preparing for war, but actually abolish conscription and the building of large navies and sign an agreement to outlaw war for all time as an international crime like piracy. If you will do that, we will loan you money in unlimited quantities; we will loan you money for all the purposes of peace."

That is what America can say to the world, and that is what we should have said a long time ago. We are in a position to dictate peace to the world for the next hundred years. Instead of assuming that attitude, however, we have until this time chosen rather to assume an abject, creeping, crawling, cringing, dollar complex by salaaming to the opinions of the diplomats, the bankers, and the imperialists of Europe.

If the President is quoted correctly, I want to commend him. It gives us a hope that in the future the foreign policy of the United States may be controlled through the economic power being directed by the President and Congress in the interest of peace and the welfare of humanity and not by the bankers in the interest of concessions and commissions.

The total production of the people of Europe can not pay the interest on their tremendous indebtedness and maintain their present system of militarism. If they try both, the inevitable outcome is more war and misery. I wish to quote on that point Mr. Roger Babson in his special letter of November 18. On the question of whether Europe can pay interest on her total indebtedness and maintain her present system of militarism, he says:

> There is one phase of the situation, however, which should be understood by every investor. A large number of European securities are now being offered in the United States, and clients will have to decide whether or not they will put money into these securities. Statistics show clearly that the European countries have surplus earnings enough to pay interest on Europe's present indebtedness or for maintaining Europe's present armies. There, however, is not enough money to do both. Europe is a good deal like the steamer on the Mississippi River that Abraham Lincoln used to tell about; it had boiler capacity enough either to run the boat or blow the whistle, but could not do both at the same time.

If the American Government will so choose, this tremendous reservoir of credit that belongs to the American people can be husbanded until Europe is willing to come to the proper terms. By "proper terms" I do not mean a higher rate of interest and larger concessions, but disarmament down to sufficient forces to do police duty in order to maintain law and order on land and sea, we, of course, agreeing to do the same. If this be done, we can afford to give Europe all the credit that it needs at a low rate of interest, and permanent peace will be the inevitable result. Unless terms of this character shall be imposed as a condition of such loans the time will come when we will discover that the old saying is true, "By loaning money to your friends you lose your friends," and American investors will find themselves in the position of those who bought Russian bonds peddled in this country by the bankers of New York. When they sold those Russian bonds to American investors they induced the American investors to bet their money that the Government of the Czar would continue to rule Russia. They bet their money and they lost. They now hold the bonds as scraps of paper as evidence that they bet on the wrong horse. But the bankers got their commissions. Bankers peddling these foreign loans to American investors now are inducing American investors to bet their money that the present order in Europe will continue. That order can not continue unless Europe disarms and builds from now on on a foundation of peace.

We are in a position to dictate that policy of peace, and unless we do so the time will undoubtedly come when these American investors will find that they have again been induced to bet upon a losing horse, unless they shall be able to induce the Government to send their Army and Navy over to collect the debts owed to American investors, as the marines have been sent to Central America to collect debts owed to American investors.

A few days ago in a news article in the New York Times the headlines said, "It is a question how far the American flag shall follow the dollar." There are some who believe that it is the duty of the flag to follow the dollar. I never liked that slogan. I would rather have it said that the American flag only follows American principles, and that we ought to see to it that these principles are of such a character that no American need be ashamed to see his flag follow them.

This money that is needed by Europe should be loaned to Europe not as a money lender who wants commissions and concessions. Whatever money Europe needs for productive industries, for the pursuits of peace, we should loan to Europe as a friend who requires that the only condition of the loan shall be a practical manifestation of peaceful intentions by the Governments of Europe. The people of Europe want peace. If the Governments want our money, let them pay for it by guaranteeing world peace, and let us see to it that they shall not use this money for the purposes of building large armies and navies, which in the future they may use against their friend, Uncle Sam, whose people loaned them the money.

This economic power of the United States, if properly used and directed, is a genuine power for peace greater than all the

armies and navies of the world, all the arbitration courts, all the Leagues of Nations, all the holy and unholy alliances that have disappointed a naive humanity.

I hope the President is correctly quoted in this news item, and I hope he will continue in the direction in which this news item indicates he has taken the first step. If he will follow that road to the end, generations of Americans who shall come after him and generations of peoples in every nation who shall come after him will bless his name. He has for a long time stood at the parting of the ways. I hope he may be given the grace and the courage to choose the road to genuine pence.

Mr. President, I want now to discuss very briefly the bill before the Senate. I hesitate to do so because I had hoped that some one else better qualified than I, and who had had more time to study the provisions of this bill than I, would discuss certain phases of it. I did not know, I was not aware until this afternoon, that this bill would come before the Senate so soon. I tried to keep track of it as it came through the various channels over from the House. I have discussed parts of it very briefly with the Senator from Pennsylvania [Mr. PEPPER] and the Senator from Connecticut [Mr. MCLEAN]. I am sure those who sponsor this bill have labored very earnestly and very hard to bring a meritorious bill before the Senate. I want to say that I do not set myself up as an expert or authority on a question of legislation of this kind; but I find, after a hurried examination of the bill, one provision that it seems to me may lead to difficulties and dangers that we do not want in a banking act. I think we have made mistakes in the past. This, rather than restricting and limiting these dangers, it seems to me, rather extends the possibility of danger.

I want to say in the beginning that I believe there are certain things we should always bear in mind. One of these things is that bank deposits are, at least morally speaking and I think as a matter of fact, trust funds held in trust for the depositors; and it is the duty of the bank and it is the intention of the banking laws of the country that these trust funds shall be protected for the benefit of the depositors. Therefore, certain restrictions have been placed upon the methods of disposition and handling of these funds. Certain kinds of paper are prohibited from the bank vaults. Certain reserves are required by law to be held in the vaults of the banks for the protection of these trust funds.

I believe it is reasonable to assume that it is the intention that the reserves of the bank shall be held to meet an emergency that might arise and so threaten the safety of these funds that are held in trust for the depositors, and loaned out to borrowers. Therefore it would seem to me that anything that would jeopardize the reserves of any bank, and particularly the bank of central reserve, where all of the reserves of the member banks of the Federal reserve banking system are deposited—anything that is proposed that has the appearance of jeopardizing these reserves and piling up liabilities against these reserves should be scrutinized very carefully, in order that the trust funds deposited and held by the banking system shall be protected for the benefit of the depositors and for the benefit of commerce and for the welfare of the country.

On page 27 of this bill, section 14, we have an amendment to the Federal reserve banking act that it seems to me extends what I have very often considered a danger to the reserve funds of the Federal reserve banking system. There are certain kinds of paper that can be rediscounted by the member banks with the Federal reserve banks, and that paper forms a basis for the Federal reserve notes that circulate throughout the country. On page 22, section 10, we have enumerated the kinds of paper that can be discounted with the Federal reserve banks and used as a basis upon which Federal reserve notes are issued and put into circulation.

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

Mr. SHIPSTEAD. Yes.

Mr. PEPPER. Is the Senator correct in the statement just made? My understanding is that section 5200 is the section which prescribes what liabilities may be created by a person, corporation, or individual to a national bank.

Mr. SHIPSTEAD. Yes; that is correct.

Mr. PEPPER. And in the particular that the Senator is discussing, the committee amendment makes no change in the existing law.

Mr. SHIPSTEAD. I am aware of that.

Mr. PEPPER. The point that the Senator is speaking to arises under section 14.

Mr. SHIPSTEAD. Yes; but the Senator does not go far enough, as I shall show. Section 14, on page 27, deals with an amendment to the Federal reserve banking act; and the Federal reserve banking act, when it comes to enumerate the things or the kinds of paper that can be rediscounted with the Federal reserve banks, refers to section 10.

Mr. PEPPER. Mr. President, the Senator is entirely right. In the interest of accuracy I merely wished to point out that section 10 is not, as he stated, a proposed amendment to the Federal reserve act, but is a proposed amendment to the national banking act.

Mr. SHIPSTEAD. Yes; that is correct.

Mr. PEPPER. And the only way in which the Federal reserve act is affected is by the provision in section 14 to which the Senator has last referred.

Mr. SHIPSTEAD. That is correct. Evidently I did not make myself clear.

I turn to section 14 and call to the attention of the Senate what that section provides for, also bearing in mind as a background the old Federal reserve banking act as it now exists. Then I turn back to section 10, which here is an amendment to the national banking act, and where we find enumerated certain classes of paper that under another subdivision are subject to exemption so far as rediscounting with the Federal reserve banks is concerned; and here I want to call this to your attention: On line 21, under subdivision (a), are included—

> Bills of exchange drawn in good faith against actually existing values.

That paper can be accepted by national banks in unlimited quantities and under the Federal reserve banking act as it now exists can be rediscounted at the Federal reserve banks without limit; and I want you to note carefully the phrasing of that provision:

> Bills of exchange drawn in good faith against actually existing values.

These bills of exchange under the law do not need to be guarded by security; they do not have to be secured when a member bank rediscounts them at the Federal reserve bank. I think that is a very loose phraseology or provision when you take into consideration the fact that this paper, unsecured, can be sent to the Federal reserve bank and be used as a basis of currency.

I admit that where it is an absolutely honest transaction, carried on in good faith, and there had been an actual sale of commodities, and the paper is good——

Mr. GLASS. Mr. President, just exactly what does the Senator mean when he says that a bill of exchange is unsecured? A bill of exchange represents an actual commercial transaction—at least, I had supposed so—represents goods of actual value, with documents attached, in the process of shipment.

Mr. SHIPSTEAD. Mr. President, if the Senator from Virginia will look on page 23, under classification (c), he will find that it provides:

> Drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped.

There is a distinction between classification (c) and classification (a). Very likely the Senator from Virginia has reference to that class of paper we find in classification (c), "bills of exchange secured by shipping documents conveying or securing title to goods shipped." That is an entirely different proposition, and I have no criticism to make of that. I am not saying that I criticize this other proposition. I only want to call it to Senators' attention, because to me it looks as though there is an element of danger. I think we have had some trouble with that kind of paper.

Mr. GLASS. The Senator, of course, knows that that is the existing law and has been the existing law for a very long while.

Mr. SHIPSTEAD. Oh, yes; I am very well aware of that, and I am also well aware of the fact that we have had trouble with some of this paper getting into Federal reserve banks. I say that this bill, in my opinion, instead of restricting and limiting that danger, is opening the door still further for the influx of paper which will be piled up against the gold reserve of the Federal reserve banks, paper that has no security back of it. I am now referring to classification (b), in line 23.

Mr. GLASS. May I inquire just precisely what the Senator's definition of "bill of exchange" is? He keeps saying that a bill of exchange has no security behind it. What is a bill of exchange?

Mr. SHIPSTEAD. I will say to the Senator that there are different definitions. Some people compare it with a note.

Mr. GLASS. Certainly not an accommodation note?

Mr. SHIPSTEAD. It is a bill showing that an exchange of goods has been made. It is an obligation that is the result of an exchange of commodities or a financial transaction. In England I believe they are called "trade bills."

Mr. GLASS. Are not the commodities security behind the transaction?

Mr. SHIPSTEAD. I doubt whether the Senator is correct when he says they are always behind them, any more than they are behind a note given for a transaction.

Mr. GLASS. A note may be given and have nothing behind it except a single name.

Mr. SHIPSTEAD. The Senator then distinguishes between a commercial note, a business note, given in a business or commercial transaction, and a bill of exchange?

Mr. GLASS. Yes.

Mr. SHIPSTEAD. I am very glad to have the Senator's opinion of that. I discussed this bill the other day with Mr. Collins, Assistant Comptroller of the Currency, and I called this to his attention. I wanted to know why classification (b) was put into this bill, and he said it was done for the purpose of clarifying a condition which had arisen under classification (a), because, he said, the Comptroller of the Currency had ruled that for all practical purposes the kind of paper mentioned in classification (b) was the same character and class of paper mentioned in classification (a) as a bill of exchange. He said the only difference would be this, that if you say that commercial and business paper, notes, given for a commercial or business transaction, shall not be discounted or rediscounted with a Federal reserve bank when a transaction is made, in order to comply with the law, all you say to the man is, "I do not want your note, because I can not take it to my bank and have it rediscounted with the Federal reserve bank. Instead of giving me a note, give me a bill of exchange, and I can take it to the bank, and the bank can take it to the Federal reserve bank, have it rediscounted, and have currency issued against it."

Section 14 of the bill amends section 13 of the Federal reserve banking act so that paper under subdivision (b), section 10 of this act, may be rediscounted by member banks at Federal reserve banks in unlimited quantities. I assume that this is done in order to clarify a ruling by the Comptroller of the Currency, when he has already ruled and already held that "Commercial paper or business paper actually owned by the person, company, corporation, or firm negotiating the same," is actually, for all practical purposes, as good paper for rediscounting with Federal reserve banks as paper enumerated in classification (a).

It seems to me that there is a distinction here, and while I do not question the good faith or the motives of departmental heads, we have experience after experience where they issue and make rulings that very often are contrary to the intention of Congress when it writes the law under which they operate.

Last year an emergency arose in the United States, when the Solicitor of the Treasury, contrary to the construction of an act of Congress by the Secretary of the Treasury of seven years' standing, ruled that farmers' insurance companies and cooperative insurance companies came under the provisions of the revenue act; and it was necessary for Congress to pass a law reversing the ruling handed down by the solicitor.

I am not saying that the Comptroller of the Currency has here purposely and deliberately legislated and read into the law something which Congress did not intend should go into the national banking act, but for all practical purposes that is the effect of it. That has been the law, so far as the Comptroller of the Currency is concerned, ever since he made that ruling, and this provision is intended to make that ruling a part of the national banking act.

What is "commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same"?

Mr. PEPPER. Mr. President, will the Senator yield to me for a moment?

Mr. SHIPSTEAD. Certainly.

Mr. PEPPER. I can not help thinking that the Senator from Minnesota is under some misapprehension of fact in connection with the statements he is making. The language which he is criticizing and which he suggests the Comptroller of the Currency is eager to enact into law, to justify a ruling he has made, is the language of the existing law, and has been for years and years and years. Subsection (b), on the subject of commercial paper actually owned by a person, firm, or corporation, is the law to-day.

Mr. SHIPSTEAD. Absolutely; but if the Senator will pardon me, he does not go far enough again.

Mr. PEPPER. Mr. President, we will go far enough in a moment. I wish to point out that the tenth section of the proposed bill makes no change whatever in the substance of the existing law affecting the exceptions to the 10 per cent rule affecting the amount of credit which a national bank can give to any one customer. The Senator is mistaken in thinking that there are now two classes of cases, one a bill-of-exchange case and the other a direct-note case, and that one of them is within the national banking act and the other is not. They are both within the national banking act; they are both within the explicit provisions of section 5200. The only change in this regard in the existing law is that when you come to amend the Federal reserve act in section 14 you assimilate these two cases for the purpose of fixing the right of the Federal reserve bank to rediscount paper, and if the Senator will permit me to give a simple illustration, I think it will be clear to Senators on both sides of the Chamber.

If I sell an automobile to a purchaser, I may either draw upon him for the price and gain his acceptance, or I may take his note and place my indorsement upon it. In either event, under the terms of section 5200, as it stands to-day and as it will stand if this bill passes, I may take either that bill of exchange or I may take that note to a national bank, and I may cause the national bank, if it approves the paper, to discount that paper for me and place the proceeds to my credit. That makes no change in existing law.

This point is, however, true, that at present, if the national bank which has taken the paper I have described goes to the Federal reserve bank for a rediscount, the Federal reserve bank, without any sufficient reason behind the law that controls it, is limited in the amount of rediscounting it can do in the case of the transaction that takes the note form, but is unlimited in respect of the rediscounting it can do when the transaction takes the bill-of-exchange form. The only effect of this bill is to recognize that the two transactions are identical in respect of security, that it makes no difference as respects good banking or good security if the vendor of that commodity in the one case draws on the purchaser for the price, or in the other case exacts a note from the purchaser. In either case the thing that goes to the national bank is two-name paper against an actually existing commercial transaction, and we see no reason why the national bank which has acquired that paper in regular course should not be permitted to get a rediscount in the one case as it may in the other. That is the whole question that is covered by the very interesting argument the Senator has made, but I venture to believe that his impression is that the proposed legislation changes the law much more radically than it really does.

Mr. SHIPSTEAD. Mr. President, I think I get the trend of the Senator's argument. If I understand the Senator correctly, he means to say, and I think says, that for all practical purposes the paper under classification (b) is the same in character as the paper under classification (a).

Mr. PEPPER. I mean, Mr. President, precisely that——

Mr. SHIPSTEAD. Then the Senator does not agree with the Senator from Virginia.

Mr. PEPPER. I say further that the paper of both sorts is actually covered by the existing legislation under the national banking act and is eligible for discount by a national bank for its customers.

Mr. SHIPSTEAD. Does the Senator mean to say that under the Federal reserve banking act as it now exists unsecured notes, commercial paper, and business paper are eligible for rediscount in unlimited quantities by a member bank at the Federal reserve bank?

Mr. PEPPER. I have tried to make it clear that that form of commercial paper which we call a bill of exchange—a draft drawn by the drawer upon the drawee in respect of a commercial transaction—actually initiated in good faith and accepted by such drawee, is paper which, in the first place, the national bank may take from its customer without reference to this 10 per cent rule——

Mr. SHIPSTEAD. And can also be discounted in unlimited quantities at a Federal reserve bank.

Mr. PEPPER. Undoubtedly. That is the existing law. In the second place, if the parties choose to give to their transaction not a bill of exchange form, but a simple commercial negotiable promissory-note form, where the vendor draws his note in favor of the vendor and the vendor places his indorsement upon the note, then, again, under the existing law the national bank may discount that paper for its customer without reference to the 10 per cent limit, and the difference is——

Mr. SHIPSTEAD. Just a moment.

Mr. PEPPER. Permit me to finish. The difference is that as to that second transaction, which differs not a bit in substance or security from the first transaction, the existing law limits the amount of rediscounting that the Federal reserve bank can do, and the suggestion or amendment proposed by the committee is to assimilate the two transactions in point of form as they are identical in point of substance.

Mr. SHIPSTEAD. If the Senator will permit me, I will read that part of the Federal reserve banking act covering that point. It provides:

> The aggregate of such notes, drafts, and bills bearing the signature or indorsement of any one borrower, whether a person, company, firm, or corporation, rediscounted for any one bank, shall at no time exceed 10 per cent of the unimpaired capital and surplus of said bank.

"At no time exceed 10 per cent of the unimpaired capital and surplus of said bank."

Mr. PEPPER. May I ask from what the Senator is reading?

Mr. SHIPSTEAD. From the Federal reserve banking act, on page 27.

Mr. PEPPER. That is section 5200 of the Revised Statutes, which is not a part of the Federal reserve banking act, but a part of the national banking act.

Mr. SHIPSTEAD. I call the Senator's attention to section 13 under the heading "Powers of Federal reserve bank." This is the fourth paragraph of section 13 of the Federal reserve banking act. This has to do with a class of paper that can be rediscounted by Federal reserve banks, and that paper is herein enumerated. It will be noticed that there is a limitation here, and then there is a certain class of paper upon which there is no limitation. I read it again:

> The aggregate of such notes, drafts, and bills bearing the signature or indorsement of any borrower, whether a person, company, firm, or corporation, rediscounted for any one bank shall at no time exceed 10 per cent of the unimpaired capital and surplus of said bank; but this restriction shall not apply to discount of bills of exchange drawn in good faith against actually existing value.

In this paragraph of the Federal reserve banking act it is as plain as the English language can put it that "notes, drafts, and bills bearing the signature and indorsement of any one borrower, whether a person, company, firm, or corporation, rediscounted for any bank shall at no time exceed 10 per cent of the unimpaired capital and surplus of said bank."

It seems to me that the amendment proposed to the Federal reserve banking act in section 14 of the pending bill on page 27 amends the Federal reserve banking act so that the paper that has been limited to 10 per cent of the capital and surplus under the existing law will be taken from under that restriction and limitation, and the restriction and limitation will be entirely wiped away. It certainly goes further than section (a), because under section (a) bills of exchange drawn in good faith against actually existing value are included. Of course, if we assume that all notes given are in good faith against actually existing value we will be perfectly safe.

We can assume a lot of things when we come to deal with the protection of the banking funds belonging to depositors and the reserves that are required by law to be kept in the vault of the central bank for the protection of them; but if it was reasonable and safe to assume all of those things, we would not need any restrictive or protective legislation for this purpose.

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

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. SHIPSTEAD. I yield.

Mr. PEPPER. I suggest, in the interest of making progress in the consideration of the measure, that now that the Senator has made plain to us the point which he has in mind, we proceed to take up the committee amendments, and when we come to the one which is affected by the Senator's criticism it may be made the subject of further discussion, and when amendments other than the committee amendments are in order, perhaps the Senator will have an amendment to propose, and the Senate can decide as between the committee and the Senator's criticism. I am afraid that if the discussion generates into a running debate between the Senator in charge of the bill and the Senator from Minnesota, we will not be able to make any progress that justifies the presence of Senators at this evening session.

Mr. SHIPSTEAD. I will say to the Senator that I have no intention of hampering the progress of the bill.

Mr. PEPPER. I feel sure of that, and that is the reason why I make the suggestion that the Senator's question can be raised by an amendment at the proper time.

Mr. SHIPSTEAD. I call this to the attention of Senators now present, because the Senator from Missouri [Mr. REED] this afternoon called attention to it. This is as important a piece of legislation as has come before the Senate. I have no doubt that those who have conducted hearings on the bill have worked diligently and earnestly, and I do not question their faith, but we are asked to consider a piece of legislation here and we ought to consider it. I do not say that I am right in my argument. I may be wrong, but I feel that it is something that ought to be looked into, and for that reason I am calling it to the attention of the Senate.

I want to say just a few words and then I shall be perfectly willing to proceed with the committee amendments. We have had some trouble with paper being placed in Federal reserve banks as liabilities against the reserve of the bank.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to call his attention to the provision on page 28, under section 14, to which he has referred? I will say to the Senator that the matter has been given very faithful and earnest consideration by the Committee on Banking and Currency. I am afraid the Senator has overlooked the provision on page 28, which reads:

> *Provided, however,* That nothing in this paragraph shall be construed to change the character or classes of paper now eligible for discount by Federal reserve banks.

The danger the Senator seems to apprehend is covered by that proviso.

Mr. SHIPSTEAD. I am very glad the Senator from Florida called that to my attention. I maintain that not only does it change the character of the paper but it also changes the quantity of a certain class of paper that has been limited by the Federal reserve banking act as it now exists, which up until this time could not be rediscounted by the Federal reserve banks above 10 per cent of the capital and surplus, and yet now under this very act and that very amendment it is proposed that it may be rediscounted in unlimited quantities. I hope the Senator will bear in mind section 5200 in relation to this point.

I do not want to interfere with the Senator's progress with the bill, but I want to call this to the attention of the Senate because the reserves of the banking system——

Mr. REED of Missouri rose.

Mr. SHIPSTEAD. Does the Senator from Missouri wish to interrupt me?

Mr. REED of Missouri. I do not mean to interrupt the Senator in the middle of a sentence.

Mr. SHIPSTEAD. I yield to the Senator from Missouri.

Mr. REED of Missouri. I desire to ask the Senator from Pennsylvania—with the permission of the Senator from Minnesota, because it bears on what he has been discussing—whether in describing the kind of notes which could be accepted he was referring to the language found in paragraph (b) at the bottom of page 22 of the bill?

Mr. PEPPER. I understand the Senator from Minnesota is discussing the character of paper in subsection (b) at the place indicated by the Senator from Missouri.

Mr. REED of Missouri. I understood the Senator from Pennsylvania to illustrate his point, which was that there was no practical difference between a bill of exchange drawn against a sale and a promissory note received through a sale, and that the object of paragraph (b) was to cover the same class of transaction as paragraph (a) except that the form of paper evidence of debt is in one case a bill of exchange that has been accepted, while the other is a promissory note.

Mr. PEPPER. That is not what I meant to say. The character of paper specified in subsection (a) and the character of paper specified in subsection (b) are both of them described in the existing form of section 5200. This bill makes no change in the existing law with respect to them. What I said was that a commercial transaction of purchase and sale, where the vendor in the one case draws on the purchaser and the purchaser accepts the draft and the vendor then causes the draft to be discounted by his national bank, is in substance the same transaction as one in which the same sale takes place, and the vendor instead of drawing takes the note of the purchaser and indorses the note and procures its discount.

Mr. REED of Missouri. I so understood the Senator. I understood that the Senator meant to convey the idea that paragraph (b) was intended to cover exactly the same sort of transaction—that is, an actual sale—as pargraph (a) except that in one case the form of instrument is a bill of exchange

and in the other case a note. If that is correct I beg to suggest that doubt as to the meaning of paragraph (b) could be easily removed by employing in paragraph (b) the same language in substance as is employed in paragraph (a), or to amend paragraph (a) so that it would read "bills of exchange drawn in good faith or promissory notes received in good faith against actually existing value."

Mr. PEPPER. I think there is very great force in the suggestion of the Senator. The only reason that I can suggest to the Senator in opposition to that view is that we have desired to change as little as possible the language which has been in the national banking act for a decade and which has acquired, through decisions of the Comptroller of the Currency, a kind of stereotyped meaning with the profession.

Those two subsections—the subsection describing bills of exchange drawn against actually existing value and the other describing commercial paper—are old-established formulae, which we have not felt like changing. That is all I can say in answer to the Senator's suggestion.

Mr. REED of Missouri. I do not desire to take the time of the Senator from Minnesota, but I think that subsection (b) might easily be construed to embrace paper where it did not involve an actual transaction of sale similar to the case the Senator has put in the matter of the bills of exchange.

I know there is some phraseology that has obtained a peculiar meaning by virtue of long usage, and I thought it might save dispute if we could adopt similar phraseology or some apt words to show that by commercial or business paper is meant commercial or business paper which has been delivered in consideration of an actual sale.

Mr. SHIPSTEAD. I think that it is necessary in order to make myself clear to point out that under existing law it is permitted to rediscount the class of paper in classification (a) with Federal reserve banks in unlimited quantities, while paper under classification (b), according to the Federal reserve banking act as it now exists, although it can be taken by national banks in unlimited quantities, can not be rediscounted with Federal reserve banks in unlimited quantities, but as to any one borrower can only be rediscounted to the amount of 10 per cent of the capital and surplus. I claim that under this provision that limitation is now removed.

We were told that the reason so many banks failed after 1920 was because they were loaded up with this class of paper—business paper, notes unsecured—which they could not rediscount at the Federal reserve banks. If they had bills of exchange drawn in good faith against actual existing values they could rediscount them at the Federal reserve bank and could get the money, but when the member bank had paper falling under classification (b) and the borrower could not pay the member bank was frequently obliged to suffer a loss. If it had been possible then to rediscount such paper with the Federal reserve banks, there is no reason to assume that because of that fact the borrower would have been able to pay. So, instead of tying up only the reserves of the national bank, if, under the Federal reserve banking act, that paper could have been placed in Federal reserve banks, it would have tied up the reserves of the Federal reserve banking system with that class of paper.

It is a question of public policy whether we are going to allow the reserves of the Federal reserve banks to be tied up with liabilities of that character against them.

In the other subdivisions are enumerated other classes of paper, for which it is provided that there shall be security, something that may be sold in case the borrower can not pay, so that the reserve funds of the banks shall be protected if a borrower can not pay his indebtedness.

Mr. PEPPER. Mr. President, will the Senator from Minnesota yield to me?

Mr. SHIPSTEAD. Yes.

Mr. PEPPER. May I ask the Senator to consider the suggestion I made a few moments ago, that the only way in which to bring his very important suggestion to a point is to prepare an amendment which would carry it into effect?

Mr. SHIPSTEAD. I have such an amendment.

Mr. PEPPER. Would it be agreeable to the Senator to let us take up the reading of the amendments, and proceed in that fashion, and dispose of them one by one?

Mr. SHIPSTEAD. Very well; I shall be very glad to do that.

Mr. PEPPER. I shall very much appreciate it, if the Senator will let us do that.

Mr. SHIPSTEAD. I shall be very glad to do so; but before agreeing to that, I desire to ask is there a unanimous-consent agreement that we shall vote on the pending bill to-night? I want to give the Senator every opportunity to have his amendments considered, and to make progress with the bill, and for the present I shall let the matter rest until the committee amendments shall have been disposed of.

Mr. PEPPER. I thank the Senator. I suggest that, with the consent of the Senate, we proceed to take up the committee amendments.

The PRESIDING OFFICER. The Secretary will state the first committee amendment.

The first committee amendment was, on page 5, line 12, after the words "and provided further," to strike out the following proviso:

That, except as to branches in foreign countries, independencies, or insular possessions of the United States, it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established beyond the corporate limits of the city, town, or village in which such consolidated association is located, and it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established subsequent to the approval of this act within the corporate limits of the city, town, or village in which such consolidated association is located, in any State which at the time of the approval of this act did not, by law or regulation, permit State banks or trust companies created by or existing under the laws of such State to have such branches.

And in lieu thereof to insert:

That it shall be unlawful for any such consolidated association to retain any branch or branches in any State which, at the time of the approval of this act, did not by law, regulation, or usage with official sanction permit State banks or trust companies to have such branches; but branches established by a State bank under such law, regulation, or usage, and heretofore lawfully retained when consolidation was effected with a national banking association may continue to be maintained by such consolidated association.

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

Mr. SHIPSTEAD. Mr. President, I should like to make a parliamentary inquiry. Are we now proceeding with the reading of the committee amendments or the reading of the bill?

The PRESIDING OFFICER. The Secretary is stating the committee amendments.

Mr. HOWELL. Mr. President, a reading of this bill would indicate that the House did not intend that any consolidation of a State bank with a national banking association should authorize the maintenance of branches outside of the city in which the national bank and the State bank are located; but the Senate committee amendment provides that if the State bank has branches throughout the State the consolidation shall give the authority and right to the national banking association to continue those branches throughout the State in which they are located. In other words, this is a tremendous step forward in branch banking.

I understand that there are 21 States in which branch banking is now extant. I further understand that in California there is one State bank that has 100 branch banks. As a consequence, if that bank were consolidated with a national bank in the city in which it is located, that national bank would have 100 branch national banks throughout the State of California. This is a tremendous step forward.

It may be that branch banking is the ultimate of our banking system. However, I am not convinced that such is the case, and I am wondering if this is not a momentous step in banking in this country. Under permissive legislation of this kind matters do not stand still; they either go backward or go forward. We are going forward. I believe this means the first wedge to bring about general branch banking throughout this country. Are we prepared to take the initial step in this direction? That is what it means if we adopt this amendment.

The House bill prohibits branch banks outside of the city in which the national banking association may be located. If it should take over a State bank having branches in the city, it could operate those branches; but if it should take over a State bank having branches in the city and outside of the city, under the House bill it could not continue to operate the branch banks outside of the city.

Mr. GLASS. Is not that also true as to this bill as the committee have reported it?

Mr. HOWELL. As I understand, as the committee have reported this bill it authorizes consolidations; and if under such a consolidation a State bank has 100 branches throughout the State outside of the city, the national bank can conduct those branches just as the State bank conducted them previously.

Mr. GLASS. The Senator totally misunderstands the bill. It does not propose to do anything of the kind.

Mr. PEPPER. Mr. President, if the Senator will yield to me for a moment, let me say that under the existing law if a

State bank is authorized by the law of the State in which it exists to have branches without limit upon their number, and if the State bank converts itself into a national bank and upon such conversion retains the branches which it has, or if it causes itself to be consolidated into a national bank and retains the branches which it has under the existing law, the national bank may maintain the branches which it has thus acquired by conversion or consolidation; and this bill makes no change in the existing law in that particular.

What this bill will do, if it shall be passed, is to prevent that thing from ever happening again, because it provides in section 8 that the only branches after the date of the passage of the bill which a national bank may acquire or establish are branches in the limits of the municipality in which the parent bank is situated, and only then provided there is a law, regulation, or usage with official sanction in the State of its being which was in existence at the date of the passage of this measure.

So I venture to urge the Senator to consider that the danger which, from the viewpoint of an opponent of branch banking, he has in mind is really a danger not chargeable to this bill but to the existing law. This bill does nothing whatever in regard to branch banks of national banks, excepting to permit them within cities in States where the law is permissive as to State banks at the time this bill goes into effect.

Mr. HOWELL. Mr. President, may I ask the Senator from Pennsylvania if, under the present national banking law, a national bank in San Francisco can absorb a State bank in San Francisco which has 100 branches throughout the State and conduct those branches?

Mr. PEPPER. Mr. President, I will have to answer the Senator in this way, that under the law as it now exists a State bank may not directly consolidate with a national bank, but has to go through the expensive process, in the first place, of converting itself into a national bank and then effecting a consolidation. With that qualification, let me say that if a State bank in California or in any other State where branch banking is permitted has to-day existing branches valid under the laws of that State, it may first convert itself into a national bank, and the national bank may, under existing law, retain and operate those branchs, and then the national bank, with the branches which it has acquired through conversion, may then consolidate itself with the national bank, which is the bank of our illustration. In other words, the existing law permits a State bank, upon converting into a national bank, to retain the branches which it has.

Mr. HOWELL. No matter where they are located?

Mr. PEPPER. No matter where they are; and there is nothing permissive in this bill in respect of that transaction. This bill freezes the existing situation, so far as branch banking is concerned, saving only in the single instance in which a national bank in a city hereafter establishes within that city branches under the direction of the Comptroller of the Currency in virtue of a State law which was in force at the time this bill becomes law.

Mr. HOWELL. I will say, Mr. President, that I was not aware that under the present national banking law a State bank could transform itself into a national bank and maintain its branches throughout the State. As I understand from the statement of the Senator from Pennsylvania, this is now possible.

Mr. PEPPER. Yes.

Mr. HOWELL. But the reading of this bill suggests that the Senate amendment has greatly exceeded in liberality the bill as it came from the House. It states:

> That, except as to branches in foreign countries, independencies, or insular possessions of the United States, it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established beyond the corporate limits of the city, town, or village in which such consolidated association is located.

That is the bill as it came from the House. What is the proposed amendment? The proposed amendment is to the effect that they may retain those branches. Is not that a fact?

Mr. PEPPER. That will be the law if this bill passes, Mr. President—that consolidations, heretofore effected through the process of conversion, which I have described, will result in enabling the national bank, which is the resultant of such conversion, to retain the branches which exist as of the date of this act. In other words, it is not the intention of this bill, and we do not think it was the intention of the House, to disintegrate situations which have come regularly into being under the existing law.

Mr. HOWELL. But the language in the House bill provides for that.

Mr. PEPPER. Mr. President, I think the language in the House bill is obscure on that point. I think we have clarified the language, because we have reduced the categories to three, and when one grasps them clearly they are found to exhaust all the branch-banking possibilities.

The first category is that in which branches have been established by a State bank which then converts into a national bank. Under this bill, with the Senate amendments, those branches may be retained by the national bank in virtue of the situation which exists as of the date of its passage.

The second category is that which exists where the same thing has happened as the result of consolidation. Under this bill, if it becomes law, that situation is not interfered with but remains as we think it ought to remain in virtue of an existing law under which these people in that case would have acted.

The third category deals not at all with the past, but with the future, and provides that where no branches have been established at the date when this bill becomes law they can not be established by a national bank excepting within the limits of the city, and then only in a State where the law authorizing State banks to have branches was in force at the time this bill became operative.

Mr. HOWELL. May I ask the Senator if, under the present law, any State bank with branches outside of the city in which it is operating has been converted into a national bank?

Mr. PEPPER. Why, yes; Mr. President. In many instances that thing has taken place. I am informed by the Comptroller of the Currency that there are many instances throughout the country in which that has happened.

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

Mr. PEPPER. I yield.

Mr. DILL. Under the present law, a national bank can not establish branch banks.

Mr. PEPPER. That is true, Mr. President.

Mr. DILL. Except in case the Comptroller gives permission.

Mr. PEPPER. There is no legislative authority to-day for a national bank to establish a branch bank anywhere.

Mr. DILL. But the Comptroller did permit that; did he not?

Mr. PEPPER. The comptroller permits tellers' windows to be opened for the convenience of customers of the bank in different parts of a community where there is a usage or law that enables State banks to have branches; but those tellers' windows are mere devices of convenience, and they are found to be so inadequate to meet the needs of national banks that this legislation is urged by them to supersede that practice.

Mr. DILL. If that part of the bill that permits this branch banking were stricken out, it would not seriously interfere with the rest of the bill; would it?

Mr. PEPPER. The only answer I can make is that the rest of the bill, while it has a certain importance, has little importance compared to the branch-banking feature of it in so far as it gives national banks in cities the right to establish these branches. The reason why this legislation is being urged so earnestly upon the Senate and the House is that the great national banks in States where the State competitors have branch-bank privileges are withdrawing from the national banking system in order to meet on terms of even competition the State banks which have privileges that they do not have; and we are threatened, Mr. President, with the serious impairment of our national banking system through the defection of its most important members if we do not, within limits, relax the regidity of the national banking act to meet the flexible conditions under State law.

Mr. DILL. This bill permits one branch in cities of 25,000 population, and two branches in cities of 50,000; how many in a large city?

Mr. PEPPER. May I correct the Senator? Unless the city has 25,000 or more there may be no branch. Between 25,000 and 50,000 there may be one branch.

Mr. DILL. That is what I said.

Mr. PEPPER. Between 50,000 and 100,000 there may be two branches, and beyond 100,000 at the discretion of the Comptroller of the Currency.

Mr. DILL. They may have as many as he sees fit?

Mr. PEPPER. That is correct.

Mr. GLASS. No, Mr. President; within the limits of the municipality.

Mr. McLEAN. Mr. President, may I say, supplementing what has been said by the Senator from Pennsylvania, that since 1918, 206 national banks, I think, have gone out of existence and reorganized as State banks, and they have taken $2,200,000,000 of assets with them.

Mr. SHIPSTEAD. Mr. President, if the Senator will permit me, I should like to ask a question to clear up this point. I understand the Senator to say that the bill provides that if it becomes a law national banks will be permitted to continue branches where they now exist. Is that right?

Mr. PEPPER. Mr. President, wherever a national bank to-day has branches that validly exist in virtue of the process of past conversion which I have described, it is not the purpose of this bill to disintegrate that situation, but to allow it to continue because it was bona fide established under statutory authority.

Mr. SHIPSTEAD. I understand. Now, in a city in a State where the State laws do not permit a State bank to have a branch, the existing national banking act does not permit a national bank to have a branch?

Mr. PEPPER. That is correct, Mr. President.

Mr. SHIPSTEAD. But, nevertheless, we will take this hypothetical case: If, in spite of the provisions of existing law, a national bank has established branches and has been carrying on business through branches for some time, this bill will not legalize such a condition, if I understand the bill correctly.

Mr. McLEAN. Mr. President, I think the tellers' windows, as they are called, are for the accommodation of persons who want to cash checks. I do not think they accept deposits, as a general thing.

Mr. SHIPSTEAD. But, if I remember correctly, the Supreme Court ruled on that question.

Mr. McLEAN. Yes.

Mr. SHIPSTEAD. And, if I am not mistaken, the Supreme Court held that they did not come within the classification of a branch provided they had an office with a teller's window, and I believe they could accept deposits. Am I right? I read the law at the time, and I have not read it since.

Mr. McLEAN. They may in some instances; but I think as a general thing they decline to accept deposits, because if they do not accept deposits they can not be considered as branch banks; but they may in some instances. I do not know.

Mr. SHIPSTEAD. If they do that, if they permit a national bank to have tellers' windows in a State where the State law does not provide for branches for State banks, I should certainly be in favor of having some provision inserted in the bill barring tellers' windows where they accept deposits, because the people of my State, the banking interests of my State, are opposed to branch banking, and tellers' windows where checks are cashed and deposits are accepted for all practical purposes are branches.

Mr. McLEAN. Twice the Senate has enacted laws extending to national banks branch-bank privileges in States where the State laws permit it, and in both instances the House has failed to approve the action of the Senate.

Mr. SHIPSTEAD. I simply wanted to clear up the situation in States where there is no law providing for branches for State banks and where national banks now are operating branches contrary to law.

Mr. GLASS. Mr. President, is there any such State?

Mr. SHIPSTEAD. Yes.

Mr. GLASS. Where?

Mr. SHIPSTEAD. We have such a case in Minnesota. We have two of them.

Mr. GLASS. That is a very surprising statement. As I understand the situation, Mr. President, it is as simple as simple can be. The existing status is just this: No national bank in existence has any branch other than those branches it acquired by the consolidation of a State bank which had branches. It could not have had branches unless the State law permitted it; so that there is no branch national bank in any of the States to-day that did not come into being by reason of the fact that a State bank having branches under the law consolidated with a national bank.

Mr. PEPPER. That is true, Mr. President, if the Senator will permit me, with the exception of a few isolated cases of very old branches.

Mr. GLASS. One hundred and two years old in Pennsylvania.

Mr. PEPPER. There is one in Pennsylvania and there is one in New Jersey; and those are covered by a specific provision in the bill applying to not exceeding one branch that has been maintained in excess of 25 years.

Mr. GLASS. Not only that but the requirement of the law is that it must be in existence by reason of usage having official sanction, if not by law. I will say to the Senator from Nebraska that should this bill become a law, it would be impossible thereafter for a State bank, for example in California, having 100 branches throughout that State, to convert into a national bank and retain one of those branches outside of the city of the parent bank, so that the Senator is under a misapprehension.

Mr. HOWELL. That is, the Senator means that if a State bank were organized hereafter and created a number of branches, they would not be allowed to come in under this bill?

Mr. GLASS. They would not.

Mr. PEPPER. Not merely in the case of branches of State banks established hereafter, but also in the case of existing State banks which have not up to the date of the enactment of this bill, if it shall become a law, converted into national banks. The situation will become closed the instant this bill becomes law, and they may not thereafter do what had been possible under the law up to that time.

Mr. GLASS. In other words, Mr. President, to be specific, there is in the State of California a bank known as the Bank of Italy, with perhaps in excess of 100 branches. It operates under a State charter. If this bill should become the law to-day, and to-morrow that bank should want to convert into a national bank, or be taken over by a national bank, it could not retain a single one of those branches outside of the city in which the parent bank is located.

Mr. SHIPSTEAD. Mr. President, I have still not had an answer to my question, because the Senator from Virginia stated that such a situation as I mentioned did not and could not exist.

Mr. PEPPER. Mr. President, I think the Senator from Minnesota and the Senator from Virginia were talking slightly at cross purposes.

Mr. SHIPSTEAD. I think the Senator did not understand me.

Mr. PEPPER. The bill which is pending distinguishes between three situations—one in which there is a law authorizing branch banks; the second, where there is no statute law but a regulation by administrative authority; and the third, where there is neither law nor regulation, but where there is a State usage sanctioned by some official recognition, such as the opinion of an attorney general that such things may be done by State banks. In cases of one or the other of those three sorts it does sometimes happen that the Comptroller of the Currency, under the pressure of the national banking interests in a State, has permitted the establishment of these tellers' windows in order to minimize the hardship of what otherwise would be a handicap to which the national banks would be subjected.

Mr. SHIPSTEAD. And this law would legalize that situation, in the opinion of the Senator?

Mr. PEPPER. In my opinion, Mr. President, wherever there is either a law or regulation, or a usage with official sanction, a national bank may establish its branches within the limits of the city, or retain them.

Mr. SHIPSTEAD. And continue?

Mr. PEPPER. And continue.

Mr. SHIPSTEAD. In spite of the fact that there is no provision under State law for such a contingency or for such permission to a State bank?

Mr. PEPPER. Mr. President, I have said that, so far as I know, with the single exception of these banks with an old tradition behind them, which are in every respect historical exceptions, the cases in which branches exist will always be found to be cases falling under one or the other of those three heads, and in my opinion—and I think I voice the opinion of the committee—in every one of those instances, whether it be case 1 or case 2 or case 3, a national bank which is now maintaining a branch may continue to do so, provided it is within the limits of the municipality, and, if it is not maintaining a branch, may hereafter establish one under section 8 of this bill.

Mr. SHIPSTEAD. I want to say to the Senator that if he is correct in saying that that is in this bill, it raises another contingency which I was informed was not raised by this measure.

Mr. REED of Missouri. Mr. President, if I understand the situation, however, at the present time if a national bank exists in a State which permits State branch banks or trust companies, that national bank, under the present act, can not establish branches anywhere. Is that correct?

Mr. PEPPER. Under the present law a national bank has no right to establish a branch at all.

Mr. REED of Missouri. If this bill shall be passed, in every State where branch State banks or trust companies are permitted every national bank can then establish branches in the city in which that bank is located?

Mr. GLASS. That is right.

Mr. REED of Missouri. That constitutes the principal change being made in this part of the bill?

Mr. PEPPER. The Senator has stated is clearly and accurately.

The PRESIDENT pro tempore. The Chair would like to be advised whether the Senator from Nebraska has yielded the floor?

Mr. HOWELL. I have, Mr. President.

Mr. PEPPER obtained the floor.

Mr. SMITH. Mr. President——

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

Mr. PEPPER. I yield.

Mr. SMITH. The Senator from Virginia made the observation that where a State now permits State banks to have branches, no matter how numerous they may be, the parent bank may have the branches scattered all over the State. If this bill becomes law, when a national bank in any State coalesces or organizes with a State bank, that automatically cuts off all the branches of that State bank?

Mr. GLASS. Outside the city of the parent bank.

Mr. SMITH. It can have no branches except what are allowed under this law—that is, within the limits of the municipality where the parent bank is located?

Mr. PEPPER. That is correct in every instance where the process or coalescence, as the Senator has described it, takes place after the date of the enactment of this measure.

Mr. SMITH. I am referring to a time subsequent to the enactment of this bill. If a State bank with numerous branch banks becomes a part of a national bank, it automatically loses its branches, except those within the municipality, which this bill provides for?

Mr. PEPPER. It must relinquish branches outside of the municipality in that event.

Mr. SMITH. And in case the State has no law allowing branch banks, and this bill becomes law, then subsequent to the passage of this bill, if a national bank desired to establish branch banks, would it not have to come to Congress and get an enabling act to do so?

Mr. PEPPER. Mr. President, a State law passed in a State which, at the date of this act, has no law, regulation, or usage on the subject, will be quite inoperative to confer upon national banks a right to establish branches, even within the limits of the municipality.

Mr. SMITH. That is the point I am making; and therefore, in order to avail themselves of this, they would have to get from Congress, which has jurisdiction over national banks, an enabling act, would they not?

Mr. PEPPER. There is no doubt that that would be the case; they would have to get an enabling act in the nature of an amendment to the present law. The Senator has made that very clear, and I thank him for doing so.

Mr. SHIPSTEAD. Mr. President, if the Senator will yield, I would like to ask a question to clear up a point because of my misunderstanding the Senator. I will cite a hypothetical case, which is based upon fact, however. In the State of Minnesota we have no law permitting State banks to have branches. In one city in Minnesota two national banks bought several State banks within the confines of the municipality. They liquidated the capital and surplus and have been operating those banks as branch banks, taking deposits, cashing checks, doing a general banking business, and on the window have a sign reading, "Branch of ——— Bank Down Town." For practical purposes they are operating full-fledged branch banks, and that has been going on for some time, plainly contrary to the law. The branches are not teller's windows. They are full-fledged banks, taken over, with capital and surplus liquidated, being operated by the main bank down town. There are several instances of that in one city. What I want to know is this, while they are now operating contrary to law——

Mr. GLASS. Contrary to what law?

Mr. SHIPSTEAD. The national banking law.

Mr. GLASS. Contrary to the laws of Minnesota, the Senator said.

Mr. SHIPSTEAD. No; it has been understood that the national banking act did not permit the operation of branches. It is contrary to the national banking act. This bill seeks to legalize the operation of branches by national banks. These banks have been operating in Minnesota contrary to the law and contrary to the ruling of the Comptroller of the Currency.

Mr. SMITH. Do they operate as national banks?

Mr. SHIPSTEAD. They operate as branches of a national bank.

Mr. PEPPER. Mr. President, I have personally no doubt about the answer that should be given to the Senator's question. If the branches which he specifies are branches maintained in a State which neither by law, by regulation, nor by usage with official sanction permits State banks to have branches, those branches will become illegal the day this bill goes into effect, because it is just as clear as noonday that this bill authorizes national banks to establish branches only where the State law sanctions it. I have no knowledge of the local law in Minnesota, but if the Senator is correct in his premise, the conclusion seems to me to be irresistible that if those branches exist to-day in the absence of enabling legislation by Congress, and in the teeth of a State policy antagonistic to branches, then it must follow that when this bill becomes effective those branches will be closed by the Comptroller of the Currency.

Mr. SHIPSTEAD. I am glad to have the Senator say that. That is just what I wanted him to say, because very likely the courts will have to determine what Congress intended in passing this bill, and I am glad the Senator has made that statement, because at least the records of the Senate will show what the intention of Congress is.

Mr. PEPPER. Mr. President, it will be a sorry day for jurisprudence when courts decide cases on the basis of an opinion expressed by me on the floor of the Senate; but, for whatever it is worth, I am very glad to answer the Senator's question.

Mr. REED of Missouri. Mr. President, in order that we may all understand exactly the effect of this amendment, I want to ask another question or two. It is necessary to proceed in this way because the bill being a mere amendatory bill no one can understand it without having the old law before him and having opportunity for comparison.

As I understand the situation, there are something like 22 States in the Union which now permit State banks and State trust companies to have branches, and some of the States allow those banks and trust companies to have an unlimited number of branches, located in an unlimited number of places; that under the present national banking act, with the exception of a very few cases of old banks and some consolidations that had been worked out, no national bank can have a branch. The House text provided that there could be branches, but limited them to the corporate limits of the city. If the bill passes as now recommended by the committee, the result will be that in all of the 22 States where State banks and trust companies now have branches all national banks may establish branches.

Mr. PEPPER. Within the limits of the municipality.

Mr. REED of Missouri. Yes; within the limits of their municipality; so that, taking my own State for illustration, if the State banks and trust companies had branches, if the bill as recommended by the committee becomes a law, every national bank could proceed to establish as many branches as it desires to, provided it limits the location of those branches to the municipally in which the bank exists.

Mr. PEPPER. May I interrupt the Senator?

Mr. REED of Missouri. Is that incorrect?

Mr. PEPPER. That is correct, subject to a qualification respecting the number to be established.

Mr. REED of Missouri. What is the number?

Mr. PEPPER. None may be established in a municipality with less than 25,000 population; one may be established between 25,000 and 50,000; two between 50,000 and 100,000; and beyond that at the discretion of the comptroller.

Mr. REED of Missouri. So that in a city like St. Louis, which has 800,000 or 900,000 people, the number of branches which any bank could have would be limited by the discretion of the comptroller, and he could allow them to have 100 if he wanted them to do so. I am not saying that he would allow that many, but he could allow that many if he saw fit.

The Senator has stated that national banks are about to withdraw because the State bank or trust company has the advantage of branches. Can the Senator tell us of any instance where that movement is taking place?

Mr. PEPPER. I do not think that I can answer the Senator with the accuracy which alone would justify an attempt on my part. The committee was informed by the Comptroller of the Currency during the process of hearings on the measure that the bill had been projected by the comptroller's department on account of real anxiety respecting the number of banks from all over the country which were threatening to withdraw from the national banking system and revert to their status as State banks because of the rigidity of the national banking act in that particular matter. All I can say is that while the comptroller mentioned to us the number of such banks in great cities, I am not able from memory to reproduce them accurately.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I will give him an illustration in my own little town of

about 15,000 people. We had one national bank and we had two State banks. One of the State banks entered the Federal reserve system. It remained in for about two years, but last year it got permission to withdraw because it wanted to establish a branch bank and could not do it as a Federal reserve bank. It got permission, went out of the Federal reserve system, and established a State branch bank.

Mr. REED of Missouri. But even that bank, being in a town with a population of only 15,000, could not have a branch under the provisions of the pending bill.

Mr. SIMMONS. No. The Senator asked for a specific instance of a bank going out of the Federal reserve system for the purpose of establishing a branch bank, and I was giving him such a case.

Mr. GLASS. Mr. President——

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

Mr. GLASS. I will say to my colleague from Missouri that I believe the city of New Orleans has now but one national bank and that the city of Cleveland, Ohio, with nearly 800,000 population, has but three national banks. Illustrations of that sort to a limited extent may be cited.

But I want to say for myself that I do not participate in the anxiety expressed by the Comptroller of the Currency and by others who seem to think that the national banking system is going to break down and that all the national banks are going to convert into State banks because, according to the Comptroller's own last report to the Congress of the United States, the assets of the national banking system within the last 10 years have increased from a total of $11,000,000,000 to $24,000,000,000 as of June 30, 1924. That would not indicate that the national banking system is going out of business.

Mr. REED of Missouri. Did I understand that the Senator from Pennsylvania is claiming the floor?

Mr. PEPPER. Only in order to answer questions. I very cheerfully yield the floor to the Senator from Missouri.

Mr. REED of Missouri. Very well.

Mr. BROOKHART. Mr. President, I desire to ask the Senator from Virginia a question.

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

Mr. REED of Missouri. I yield.

Mr. BROOKHART. The Senator from Virginia mentioned the fact that in Cleveland there are only three national banks. Did not that come about by reason of the fact that the locomotive engineers organized a cooperative national bank and then the others, some 21 of them, consolidated into three banks?

Mr. GLASS. Oh, no. I think that was the status in Cleveland long before the locomotive engineers organized their bank.

Mr. BROOKHART. I know there were 21 banks in Cleveland consolidated into three following the organization of the locomotive engineers' cooperative national bank.

Mr. GLASS. Very likely they were State banks, because I know that long before the locomotive engineers established their bank, which was only two years ago, there were but three national banks in Cleveland.

Mr. REED of Missouri. Mr. President, the last thing I want to do is to take the time of the Senate in these closing hours or to appear as an obstructionist to legislation which a committee composed of able men have brought here with a recommendation. I can not at present at least bring myself to a conclusion that it is at all clear that we should transform a national-banking system into a branch-banking system. In my opinion that is exactly what the pending bill will in part accomplish, and that part having been accomplished it will inevitably follow that the branch system will ultimately be fastened upon us in every State in the Union, because if the national banks of 22 States are given the right to organize branches for the reason that the State banks and trust companies have similar rights, the national banks of other States will claim that there is a discrimination against them as between them and their sister banks in other States, and will insist that whatever advantage grows out of the national banking branch system in 22 States shall be conferred upon the remainder of the States. So that in what I have to say I want to base my argument upon the broad proposition.

Mr. President, when the Federal reserve act was drawn, in the preparation of which the Senator from Virginia [Mr. GLASS] had a very great part as its constructor, we discussed the very question that is before the Senate to-night. It was said to us at that time by certain of the great bankers who came to advise the committee that unless we conferred upon the national banks powers as broad as were possessed by State banks and trust companies, not only with respect to branches but with respect to the character of business transacted, it would be impossible to make the Federal reserve system a success. Again, upon the other hand, it was urged that none of the State banks and trust companies would come in unless the powers of the national banks were enlarged so that they could as members transact every character of business in which they had theretofore been engaged. We felt at that time a great and very natural anxiety with reference to the outcome. But, Mr. President, the national banks had theretofore existed in rivalry with State banks and trust companies and the national banking system had continued to grow and prosper, although subject to those restrictions to which I had adverted; that is to say, they were limited in the scope and character of their business to a strictly banking business, and they were not permitted, with the few exceptions that have been named here to-night, to have branches.

So the question naturally arose then, and it arises now, how it ever happened that national banks were organized with the limited powers conveyed by their charters when they just as well could have availed themselves of the more liberal provisions of State laws.

The answer then and the answer now is, in part, at least—for I shall not endeavor to go into all the reasons—there was an advantage in a national charter, that certain advantages were conferred by law upon national banks, which were not possessed by the State banks and trust companies, and that one of the great advantages lay in the fact that a system of banks required to do a strict banking business had a solidity and a safety which attracted customers to it who would not be so ready to trust to a State bank or a trust company which engaged in a very great number of different kinds of business.

So, Mr. President, the answer made then and the answer I make now is that that system of national banks which grew up in the face of the rivalry and opposition and advantage, if you please, of State banks and trust companies will continue to exist and continue to prosper against an opposition which has been encountered from the first.

Mr. GLASS. Mr. President——

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

Mr. GLASS. I remind the Senator from Missouri of the fact that the principal attraction to the national banking system at that time was that only national banks were banks of issue; that only the national banks might issue their notes authorized to be current in commercial transactions and to be accepted for all dues to the Government. That particular privilege will presently be obsolete; it will pass away.

I call the Senator's attention to the fact that only recently the Secretary of the Treasury has either called or is arranging to call in $200,000,000 of bonds which afforded the basis for currency issues of national banks, and soon—as I recall by 1932—perhaps, all of the bond-secured currency will disappear. So that very great attraction and very great advantage of the national banks will disappear likewise, and the Federal reserve notes will automatically take the place of the national-bank notes.

While I am interrupting my colleague from Missouri, I call his attention to the fact that the Senate itself subsequent to the passage of the Federal reserve act was so impressed by the argument that the national banks should be put on a parity of competition with State banks in the particular of branch banking as that the Senator's committee recommended and the Senate itself twice passed a bill giving to national banks the right to establish branches in cities having a population of 100,000 or more, provided the bank seeking to establish branches had a capital as great as $1,000,000. The Senate twice passed such bills, but they were defeated on the other side of the Capitol.

Mr. REED of Missouri. Mr. President, those bills, however, were very much narrower in their application than is this bill. I fully concede the correctness of the Senator's statement that one of the things that helped build up the national banking system was the right to issue currency based upon bonds, but that right has been growing less as the years have gone on, both because of the retirement of the bonds and because the proportion of the bonds to the enlarging capital of the banks and assets of the banks was constantly lessening. While it was a great advantage to the national banks in its inception, when the currency they thus were authorized to issue constituted a large part of the currency of the country, that advantage dwindled until, in my judgment, it ceased to be an important factor—much less was it a controlling factor. So I think that it is to-day a factor of such small magnitude that

its disappearance will not drive any bank out of the national banking system.

I do think that national banks have to confront what some regard as the advantage of the larger power of the State bank or trust company under generous, if not loose, laws passed by the various States; but this bill does not propose to remove that question by providing that national banks shall be allowed to exercise the same powers, rights, and privileges as those enjoyed by State banks and trust companies. We are not dealing with that question; we are dealing with just one question, namely, Shall we engraft upon the national banking system the power to create branches?

Mr. GLASS. Mr. President, will not the Senator from Missouri direct his remarks to the proposition as to why a State bank in this respect may have a privilege that a national bank may not have? The stockholders of a national bank are citizens of the United States and of the respective States just as much as are the stockholders of a State bank, and if branch banking is, as some of the greatest banking experts in the world say that it is, the perfection of scientific banking, why may not citizens of the United States who prefer to operate under the charter of the Federal Government be put on a parity of competition with other citizens who prefer to operate under the charters of the respective States?

Mr. REED of Missouri. I think, Mr. President, the question almost answers itself. We are not responsible for the State banking systems, but we are responsible for the stability of the national banking system. If State legislatures have seen fit to create State banks and trust companies authorized to engage in almost every conceivable kind of business, it does not at all follow that it is wise for us to transform the national banks, which in the past have been in a true sense of the term banks, into enterprises which can engage in every sort of business to the impairment of the stability of the national organization.

Mr. GLASS. But the Senator——

Mr. REED of Missouri. Will the Senator let me answer the remainder of his question, and then I will yield to him?

Mr. GLASS. Certainly.

Mr. REED of Missouri. The Senator asks, why should not the national bank have the same right because its owners are citizens of the United States as is possessed by the State bank whose owners are also citizens of the United States. The answer to that is that if a citizen wants to exercise the right of a State bank then he should organize a State bank and operate as such and not claim the protection of the national banking system. I repeat we are responsible for the stability of the national banking system, and, while it is aside from the real question, to propose to confer upon the national banks every power which a State legislature may see fit to give to a State bank would, I think, be so unwise that it would find no advocate in this Chamber, much less my distinguished friend, the Senator from Virginia, who has studied banking so thoroughly. So that because State banks have the right to establish branches does not necessarily argue that it is wise to have national banks establish branches.

That brings us to the only argument that has been advanced thus far in favor of establishing branch national banks. It is that this particular advantage being possessed by State banks, because the national bank can not organize branches it is going to retire from the system. I answer that it came into the Federal reserve system with the very restriction that is now complained of, that it has remained in the Federal reserve system with that restriction, and that, as was said by the Senator from Virginia, the amount of assets of the national banks has increased in 10 years in a most astonishing and most satisfactory manner.

Mr. GLASS. Mr. President, my colleague from Missouri knows, of course, that the national banks, in a sense, did not come into the Federal reserve system with this handicap. They were compelled to come into the Federal reserve system or to surrender their charters.

Mr. REED of Missouri. Exactly.

Mr. GLASS. They came in through a species of compulsion; and the very fact that they came in under compulsion and that some of them remain in under compulsion, it seems to me, is more reason why they should be placed on a parity of competition with State banks, not as to everything State banks may do, but in this particular and vital matter of establishing branches for the convenience of their patrons.

If it be argued that branch banking of any kind is essentially in itself an evil, I can understand why any Senator may object to attaching branch banking to national banks, which are essentially commercial banks; but I think it would be quite difficult to impress that argument upon the country, that branch banking is essentially an evil. It is a very great convenience; and I call the attention of my colleague from Missouri to the fact, as I have in the case of other Senators, that there never has appeared before the Banking and Currency Committee of either House of Congress any man who was a borrower, any man who was seeking credit, to protest against a system of branch banking. The protest has always come from bankers who wanted a monopoly of credits in their particular community.

Mr. McLEAN. Mr. President, may I interrupt there and call the Senator's attention to the fact that we amended the Federal reserve act so as to permit national banks which apply to act as trustee, executor, administrator, and so forth—all that the State banks are permitted to do. I thought the Senator had the idea, from what he said, that national banks never had been granted that permission.

Mr. REED of Missouri. I remember that amendment which conferred upon them certain specific powers——

Mr. McLEAN. It is very general.

Mr. REED of Missouri. But nothing like the powers conferred by the general provisions that are to be found in various State laws.

Mr. GLASS. No; nor would I be willing to confer them. I do not think we ought to bring the national banks down to the standard of some State banks. I think we ought to try to elevate some State banks to the standard of the national banks.

Mr. REED of Missouri. But, since the Senator from Connecticut has called attention to it, let me say that the very law to which he has just referred was passed on the argument that we were going to lose all the national banks, or a large number of them, if we did not enlarge their powers, and so some enlargement was made; but some reasonable degree of restriction was still retained in the law. That having been done, we now have the next proposition, which is to establish branches.

Passing on from that and coming back to my reply to what the Senator from Virginia said, the Senator from Virginia states that the national banks were coerced into coming into the Federal reserve system; that they had no option left to them. Perhaps I state that a little broadly, but that is really the import of it. The Senator is not entirely accurate in that statement. They were told that if they continued to be national banks they must come in; but they then had the option to transform themselves into State banks and trust companies, and they could have exercised it, just as it is now said that they have that option and are about to exercise it. So there was no compulsion upon them, except that they were required to take their choice then between the national banking system, plus the Federal reserve act, and getting out of the system.

Mr. GLASS. That is what I said.

Mr. REED of Missouri. Yes; but the point I am making is that there was no compulsion upon them then, except "If you stay in, you stay in on these terms, but if you want to go out, you can go out." Now, we are told that they are about to exercise the same sort of option—that is, the option of going out—which they had when they came in; so that argument does not, I believe, carry very great convincing force.

Mr. McLEAN. Mr. President, I think the Senator was not in the Chamber when I called attention to the fact that since 1918 more than 200 national banks have gone out of the system and reorganized as State banks, and they have taken more than $2,000,000,000 of assets with them.

Mr. REED of Missouri. And how many have come in?

Mr. GLASS. I will say to the Senator that last year for the first time within the last 25 years, as far as I have been able to examine the matter, more went out than came in.

Mr. REED of Missouri. I think I can explain that. In my own city there were a number of national banks—I do not know how many—that went out of the system. Likewise, they went out of existence. They were taken over by other banks. We had nothing that was called a failure in the sense that the depositor did not get his money, but there were a number of them that were bankrupt and were taken over by the clearing-house association and liquidated through another bank. That might account for the diminished number of national banks.

Mr. SHIPSTEAD. Mr. President, if the Senator will yield, I will state that something over 150 national banks were closed last year.

Mr. GLASS. Yes; and about 500 banks were closed in the Federal reserve district from which the Senator from Minnesota comes, and yet he thinks branch banking is an evil. If there had been some branch banks up there, they would not have had 500 bank failures.

Mr. REED of Missouri. Let me answer that. These 500 banks that failed were mostly in little country towns where a

branch bank could not be established under this bill as it is now drawn, so that argument fails.

Mr. BROOKHART. Mr. President, some of the banks that have failed in Iowa have been in the biggest cities, two or three of them in Des Moines and Waterloo, and they are failing still at the rate of eight or ten a week.

Mr. GLASS. I do not think the statement of the Senator from Missouri answers the argument. As a matter of fact, it may be taken as an argument for a wider scope of branch banking than is permitted by this bill.

Mr. REED of Missouri. Very well; but the Senator is not proposing that.

Mr. SHIPSTEAD. Mr. President, I should like to ask the Senator from Virginia a question.

Mr. REED of Missouri. I am going to discuss that question when I am permitted to proceed.

Mr. SHIPSTEAD. In the Dominion of Canada they have a system of branch banking. I should like to ask the Senator from Virginia if he knows how many banks were closed in Canada, due to the failure of that one central bank?

Mr. GLASS. That was only one bank failure. It was a pretty large bank failure, and a very exceptional thing for Canada.

Mr. SHIPSTEAD. And its branches went with it.

Mr. GLASS. Of course, if the parent bank failed, the branch banks failed also.

Mr. SHIPSTEAD. So branch banking did not save the small banks in Canada.

Mr. GLASS. Nobody contends that branch banking will prevent all bank failures.

Mr. REED of Missouri. Now, Mr. President——

Mr. McLEAN. Mr. President——

Mr. REED of Missouri. I yield, of course, to the Senator from Connecticut.

Mr. McLEAN. I might call attention to the fact that in Australia they have a branch-bank system; they have but 30 banks, and they have not had a failure in 30 years.

Mr. REED of Missouri. Yes; and when they do have one, God help Australia! The rabbits will starve to death then.

Mr. McLEAN. That reminds me——

Mr. REED of Missouri. If the Senator has a story that will enliven this dull debate, I hope he will tell it.

Mr. McLEAN. That reminds me of a neighbor of mine who told me during a call that he never knew it to rain hard in the full of the moon. A day or two after he called we had the hardest rain that we had ever experienced in Connecticut, and it was in the full of the moon. I called his attention to it, and he said, "Well, I will tell you: When it does rain in the full of the moon, it rains like hell." [Laughter.]

Mr. REED of Missouri. Yes; that is exactly the kind of illustration I am looking for. I am going to discuss a little later on, when it comes logically to the front, the question of branch banks; but I want now to discuss this bill for a minute.

After having proceeded along certain steps which began with the establishment of a national banking system with the right of issue, which continued until we passed the Federal reserve act, during which time the right of issue had largely lost its value for the reasons I have given, and having passed the Federal reserve act, at which time every national bank had the option to withdraw or come in and the option to organize under the State laws if it saw fit, we found that our system was proceeding in a satisfactory way, that it was becoming powerful, and there are some of us at least who believed that it sustained the credit of this country during the great World War. We were told, however, that there was some disadvantage to the national banks because State banks and trust companies had more generous powers; and, accordingly, we enlarged the powers of the national banks. We were told that that was the act of salvation for them, and that they would all remain in the system. Now we are told that the national banks will leave the system if we deny to them the privilege of establishing one branch in towns of 25,000 inhabitants and limited other numbers, but always confined to the town where the main bank exists, and that if that privilege is not granted they will go out of the system.

I say that no national bank has gone out of the system on that account, in my judgment, or ever will. That is not sufficient cause to drive any national bank out of the system. The illustration given by my friend the Senator from North Carolina [Mr. SIMMONS] of a bank going out of the Federal reserve system in a town of 15,000 inhabitants could hardly be accounted for on the ground of the necessity of a branch bank, because it would be an economic waste to establish branches in a town of that size; and that is recognized by the committee in this bill when they propose only to establish branches in towns of 25,000 inhabitants or greater. There is nothing in that; but there is a reason for this change, and it is for the Senate to determine whether that reason is a sound one or is a reason that is full of danger.

Pass a branch bank bill, and provide that in towns of over 100,000 people there can be as many branches established as the Comptroller of the Currency will sanction, and then you will have a situation where one large bank will proceed to establish its branches in all parts of the town. It will establish its branches next door to existing banks. It will seek, through the convenience of these branches, to draw to itself all of the trade of the city, and the inevitable consequence will be either one great bank in each of the cities or at least a considerable limitation upon the number of banks in a city.

The branch-bank system naturally makes for only one or two banks in a city, just as it has naturally made for only two real banks in the Dominion of Canada. If I am correctly informed, there are two great branch banks in Canada, or were a few years ago. They had branches all over the Dominion. One of those banks, as was said by the Senator from Minnesota, failed this winter, and when it fell, great was the fall thereof, for it dragged down not only itself—that is, the parent bank—but it dragged down with it a very great number of branches. I do not have in mind the exact number, but it was a large number. If that system of banks had not been tied together so that when one fell they all must fall; if, instead of that condition, there had been the same number of independent banking institutions, and one of them had fallen, the probabilities are that all the rest would have stood upright.

When you establish branch banking, instead of having a large number of independent units, each of which may remain steadfast and unshaken by the fall of a single unit, you have a condition where, if one of those becomes impaired, it is likely to destroy and drag down all of the banks connected with that system.

I grant that a branch-bank system does have elements of strength; that is to say, the greater an institution perhaps less likely its fall. I make no demagogue's argument upon this in the nature of a one-sided statement, but I do say that the genius of our banking system has always been that it was composed of a great number of independent units, and that being thus composed it had at least the advantage which springs from the fact that the failure of one institution does not mean the failure of all.

If some one now shall answer, "But we have had panics that have closed all the banks at once," I answer, "That is true, and it was for the purpose of avoiding that very condition that the Federal reserve system was created, by which there would be set up in this country banks having the privilege, upon the deposit of commercial paper and certain other securities, of having issued to them, and through them to various banks desiring currency, an abundant supply of currency to meet the emergency.

So we have in this system to-day, I think, all of the elements of strength which are necessary, through cooperation rather than through consolidation, for to-day no national bank need close its doors as long as it has assets sufficient to meet its liabilities, and those assets can be converted within a few hours' time into cash. Moreover, we have tied together the various Federal reserve banks, so that when one of them is for any reason short of funds the other Federal reserve banks must come to its rescue. Accordingly, we have in our present system all the good elements which come from great consolidations. The power and the solidity resulting from great consolidations we already have in our system.

Mr. President, there are advantages to the independent banking system in addition to the one I have mentioned, which was that, having independent banks, the fall of one does not necessarily mean the destruction of a large number of others. I think one of the prime advantages is in the fact that the independent banking system that we have established has produced in every hamlet and village a bank, generally organized by citizens of that town, in touch with the wants of that community, and responsive to those wants, because the interest of the institution, its future growth, its stability, are dependent upon that community, and therefore it seeks to serve the community, and regardless of all the tirades that have been indulged in against banks, the fact remains that there is nothing that more contributes to the welfare of a city, town, or village than an honestly conducted, substantial bank.

Mr. GLASS. Except two banks.

Mr. REED of Missouri. Yes; 2 banks or 3 banks and when the town grows 10 banks, so that the people of that community are not left to the tender mercies or to the judgment or to the ability of one banker, so that the merchant—and I

wish I could impress this upon my brother Senators—the merchant who desires to borrow money is not obliged to deal with just one banker, but has his option of going to one of a number of banks; so that the manufacturer is not at the mercy of just one bank, but can borrow from one of a number of banks; so that there shall be constantly a healthy rivalry between banks for the acquisition of business and for the loaning of their money. That, to my mind, is absolutely a part of the warp and the woof of a free industrial system, and whatsoever strikes at it strikes at the very foundation of independence in business and commerce.

There are advocates of the general branch bank system. There were advocates of a single national bank, and we had one once, with branches scattered almost everywhere. It grew so arrogant and so powerful that it dared look "Old Hickory" Jackson in the eye and tell him it could put up and pull down Presidents, and it required a vast amount of assurance for any capitalist in the world to say that to old Andrew Jackson. Andrew Jackson struck down the branch bank system, and he lives in song and story, and in the hearts of the American people, because he destroyed an institution that was creating a complete monopoly of credits and of money.

Mr. GLASS. Mr. President, was it that he objected to its branches or did he strike down the central bank?

Mr. REED of Missouri. A central bank amounts to nothing without branches. That is what "central" implies.

Mr. GLASS. Yes; but I do not understand that Andrew Jackson objected to the branches. He objected to the arrogance of the central bank.

Mr. REED of Missouri. But a single central bank could not possess that arrogance. It was because it had spread itself all over the land and had its branches everywhere that it had gained to itself this tremendous power which gave it the courage to assert its dominance over the Federal Republic.

Mr. GLASS. We do not even propose in this bill that a bank shall go out of its own habitat, out of its own incorporated town. We do not propose to establish a central bank and have its branches spread all over the country.

Mr. REED of Missouri. I was invited into this broader field, but if, as I proceed with my argument, I can bring it down so as to show that the only difference between branch banks in cities and a branch-bank system that spreads over the country is simply a question of degree, then the same principle applies.

Mr. HEFLIN. Mr. President, I agree with what the Senator from Missouri has said. The bill as it now reads would limit branch banking to a city where there is a big national bank, which may have branches in the city. The danger lies in the fact that within less than 10 years they will be asking permission to limit it to a county, and in less than 10 years more to limit it to a State. There will be a branch-banking system fastened on us before we know it.

Mr. REED of Missouri. I observe that we are within two minutes of the time when we are to take a recess, under the agreement, and while I desire to continue my remarks on this matter, I could not say in two minutes what I have to say.

Mr. ROBINSON. Will the Senator yield to me to present and have printed an amendment to which reference was made this afternoon in the discussion between the Senator from Pennsylvania [Mr. PEPPER] and myself?

Mr. REED of Missouri. I yield for that purpose.

Mr. ROBINSON. I present the amendment and ask that it be printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

INCORPORATION OF THE A. A. O. N. M. S.

Mr. REED of Missouri. I am going to ask unanimous consent of the Senate for the present consideration of a bill which I think will take no time. The bill has been reported unanimously by the Judiciary Committee. It provides for the incorporation of the Shrine in the District of Columbia. The reason is that the Shrine are collecting about $2,000,000 a year and building hospitals for the treatment free of charge of crippled children, and they are handling such large sums of money now that they want to proceed as a body corporate. There are other reasons for the passage of the bill. I ask unanimous consent for the present consideration of the bill (S. 4302) incorporating the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America.

Mr. GLASS. I do not want to object. I do not know anything in the world about parliamentary procedure. Does the granting of this unanimous consent in any way displace the unfinished business?

Mr. CURTIS. Oh, no.

The PRESIDENT pro tempore. It does not.

Mr. GLASS. I have no objection to the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Whereas the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America now and for 50 years last past has existed and functioned as a voluntary, fraternal, and charitable association, the principal business of which is, and has been, to act as the common agent, representative, and governing body for the system of fraternal lodges or temples, known in the aggregate as the Ancient Arabic Order of the Nobles of the Mystic Shrine, which lodges or temples are situated and located within each of the States of the United States, the District of Columbia, the Dominion of Canada, the Canal Zone, the Hawaiian Islands, and the Republic of Mexico, and have in excess of 600,000 members; and

Whereas lately being advised and informed that there were thousands of curable crippled children who could be restored to normality and become useful citizens, but whose parents or guardians were unable to bear the cost and expense of treatment, and in furtherance of its charitable purposes the said imperial council has established and is now operating and maintaining Shriners' hospitals for crippled children at St. Louis, Mo.; Shreveport, La.; San Francisco, Calif.; Portland, Oreg.; Minneapolis, Minn.; Springfield, Mass.; Montreal, Canada; and further intends locating such hospitals at Chicago, Ill.; Philadelphia, Pa.; and at other points within the United States of America and in other places where its lodges or temples are located, the purpose being through the instrumentality of orthopedic surgery to treat and cure crippled children who can be aided or cured of their deformities without cost or expense to such children or to their parents or to the State and without regard to race, color, or creed, and said imperial council has now investments in hospital buildings, equipment, real estate, and personal property for such purposes of several millions of dollars and is expending annually large sums of money in the conduct and maintenance of such hospitals and the treatment and care of such crippled children; and

Whereas the purposes of said organization, particularly its charitable purposes aforesaid, can be better accomplished if incorporated by an act of Congress as the successor to and continuation of the voluntary association now existing: Therefore

Be it enacted, etc., That James E. Chandler, imperial potentate; James C. Burger, imperial deputy potentate; David W. Crosland, imperial chief rabban; Clarence M. Dunbar, imperial assistant rabban; Frank C. Jones, imperial high priest and prophet; William S. Brown, imperial treasurer; Benjamin W. Rowell, imperial recorder; Leo V. Youngworth, imperial oriental guide; Esten A. Fletcher, imperial first ceremonial master; Thomas J. Houston, imperial second ceremonial master; Earl C. Mills, imperial marshal; Clifford Ireland, imperial captain of the guard; and John N. Sebrell, jr., imperial outer guard, and their successors in office of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, while holding their respective offices and until their successors are elected and qualified, together with all of the representatives and the emeriti members of said imperial council and their respective successors in office, shall be, and the same are hereby, forever declared to be a body politic and incorporate in the District of Columbia by the name of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, and by that name shall have full power and authority to sue and be sued, plead and implead, prosecute and defend in all actions at law or in equity, and may have and use a common seal and change the same at pleasure.

SEC. 2. Said corporation shall have the right to the exclusive use of the name "The Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America," together with the emblems, costumes, regalia, characteristic insignia, and jewels of said order heretofore or hereafter adopted by said imperial council; and said corporation shall have the power to take, purchase, and hold such real and personal property as may be necessary and convenient in the carrying out of its purposes and benevolences, and unlimited as to the value thereof, and shall further have the power to sell, convey, mortgage, or hypothecate such real and personal property.

Said corporation is further authorized to create a charitable and educational fund, a representative fund, a library fund, an imperial council fund, a fund for the purchase, erection, operation, and maintenance of Shriners' hospitals for crippled children and other benevolences.

SEC. 3. This corporation be, and the same is hereby, authorized and empowered to accept and receive gifts, devises, bequests, donations, annuities, and endowments of real or personal property, and to use and hold the same and to invest and reinvest the same for the purpose of furthering the interests and purposes of the corporation as hereinbefore stated.

SEC. 4. The said corporation, in addition to the carrying out of its charities and benevolences heretofore enumerated, shall be organized and created for the purpose of acting as a common agent, representa-

tive, and governing body for that system of fraternal lodges or temples known in the aggregate as the Ancient Arabic Order of the Nobles of the Mystic Shrine, so that uniformity of operation, ritualistic services, and fraternal practices may obtain in such lodges or temples, and that the fraternal, educational, eleemosynary, and humanitarian purposes of said system of fraternal lodges or temples may be practiced and exemplified more efficiently and universally; and to that end this corporation shall, in addition to the foregoing powers, be endowed with and be empowered to use and exercise all of the powers, rights, and privileges incidental to fraternal and benevolent corporations organized under the laws of the District of Columbia for purposes other than pecuniary profit and which are usually exercised by the supreme or governing bodies of fraternal or benevolent organizations operating as the representatives of a system of fraternal lodges.

SEC. 5. The said corporation may hold meetings of its members, and also its officers, trustees, and agents may hold meetings, at such place or places as may be designated from time to time by the corporation or its designated officers, either within or without the District of Columbia, and all business transacted at such meetings held outside of the District of Columbia shall be valid in all respects as though such meetings had been held in the District of Columbia.

SEC. 6. The said corporation shall have power to adopt laws, rules, and regulations for its government and for the exercising of the purposes and powers conferred upon it by this act, and may amend or repeal the same at pleasure. Such laws, rules, and regulations shall provide for the election, appointment, and employment of officers, trustees, agents, and servants, who shall exercise the powers and duties usually exercised by similar officers, trustees, agents, and servants of corporations, subject to the limitations provided in such laws, rules, and regulations: *Provided, however,* That such laws, rules, and regulations shall not conflict with the laws of the United States or the laws of any State, District, Province, country, or Territory in which this corporation may operate. The laws, rules, and regulations heretofore adopted or promulgated by the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America and now in force shall apply to and be the laws, rules, and regulations of this corporation, subject to amendment or repeal in accordance with this act and such laws, rules, and regulations: *Provided further,* That none of the officers, trustees, servants, or agents of the corporation herein provided for shall be required to be residents of the District of Columbia, but such corporation shall designate an agent residing within the District of Columbia upon whom legal process may be served.

SEC. 7. Congress may at any time amend, alter, or repeal this act.

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

The preamble was agreed to.

RECESS

The PRESIDENT pro tempore. Under the unanimous consent agreement already entered into, the Senate stands in recess until 12 o'clock to-morrow.

Thereupon the Senate (at 11 o'clock p. m.) took a recess until to-morrow, Tuesday, February 24, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 23 (legislative day of February 17), 1925

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Alanson B. Houghton, of New York, now ambassador extraordinary and plenipotentiary to Germany, to be ambassador extraordinary and plenipotentiary of the United States of America to Great Britain, vice Frank B. Kellogg, appointed Secretary of State.

FOREIGN SERVICE

FOREIGN SERVICE OFFICERS

From class 2 to class 1

William Coffin, of Kentucky.
Ralph J. Totten, of Tennessee.

From class 3 to class 2

Norman Armour, of New Jersey.
Frederic R. Dolbeare, of New York.
Allen W. Dulles, of New York.
Robert Frazer, jr., of Pennsylvania.
Edward J. Norton, of Tennessee.
Francis White, of Maryland.

From class 4 to class 3

Cornelius Ferris, of Colorado.
Arthur Bliss Lane, of New York.
John F. Martin, of Florida.
Walter C. Thurston, of Arizona.

From class 5 to class 4

Thomas H. Bevan, of Maryland.
George A. Bucklin, of Oklahoma.
W. Roderick Dorsey, of Maryland.
Edward A. Dow, of Nebraska.
Charles L. Hoover, of Missouri.
Ernest L. Ives, of Virginia.
Wilbur Koblinger, of Virginia.
Walter A. Leonard, of Illinois.
Keith Merrill, of Minnesota.
Kenneth S. Patton, of Virginia.
John R. Putnam, of Oregon.
James B. Young, of Pennsylvania.

From class 6 to class 5

Walter F. Boyle, of Georgia.
Homer Brett, of Mississippi.
Erle R. Dickover, of California.
Frederick F. A. Pearson, of Rhode Island.
John M. Savage, of New Jersey.
Orme Wilson, jr., of New York.
Warden McK. Wilson, of Indiana.

From class 7 to class 6

Austin C. Brady, of New Mexico.
Alfred T. Burri, of New York.
Reed Paige Clark, of New Hampshire.
John Corrigan, jr., of Georgia.
Cecil M. P. Cross, of Rhode Island.
Dudley G. Dwyre, of Colorado.
John G. Erhardt, of New York.
George D. Hopper, of Kentucky.
Robert L. Keiser, of Indiana.
Karl de G. MacVitty, of Illinois.
Ernest B. Price, of New York.
Paul C. Squire, of Massachusetts.
Raymond P. Tenney, of Massachusetts.
Marshall M. Vance, of Ohio.
George Wadsworth, of New York.
Henry S. Waterman, of Washington.
Harold L. Williamson, of Illinois.
Romeyn Wormuth, of New York.

From class 8 to class 7

John S. Calvert, of North Carolina.
Walter A. Foote, of Pennsylvania.
H. Earle Russell, of Michigan.
Lester L. Schnare, of Georgia.
Alexander K. Sloan, of Pennsylvania.
Leroy Webber, of New York.
Howard F. Withey, of Michigan.

From class 9 to class 8

Richard P. Butrick, of New York.
Charles L. DeVault, of Indiana.
Raymond H. Geist, of Ohio.
Bernard F. Hale, of Vermont.
Christian M. Ravndal, of Iowa.

From unclassified, at $3,000, to class 8

Charles A. Bay, of Minnesota.
David C. Berger, of Virginia.
Henry R. Brown, of Minnesota.
Harold M. Collins, of Virginia.
Joseph G. Groeninger, of Maryland.
Richard B. Haven, of Illinois.
Edward P. Lowry, of Illinois.
Sidney E. O'Donoghue, of New Jersey.
Earl L. Packer, of Utah.
Edwin A. Plitt, of Maryland.
Laurence E. Salisbury, of Illinois.
Leo D. Sturgeon, of Illinois.
Rollin R. Winslow, of Michigan.

RECEIVER OF PUBLIC MONEYS

Perry T. Williams, of Colorado, to be receiver of public moneys at Glenwood Springs, Colo., vice Charles S. Merrill.

APPOINTMENTS IN THE REGULAR ARMY

To be major of Infantry

Thomas James Camp, late major of Infantry, Regular Army, with rank from February 2, 1925.

MEDICAL CORPS

To be first lieutenant

Capt. Paul Ashland Brickey, Medical Officers' Reserve Corps, with rank from February 13, 1925.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

Capt. Holmes Gill Paullin, Cavalry, with rank from July 1, 1920.

CHEMICAL WARFARE SERVICE

Maj. Frederick Ramon Garcin, Coast Artillery Corps, with rank from July 1, 1920.

FIELD ARTILLERY

Capt. Joseph Robbins Bibb, Infantry, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

To be lieutenant colonel

Maj. Walter King Wilson, Coast Artillery Corps, from February 15, 1925.

To be majors

Capt. Hubert Reilly Harmon, Air Service, from February 14, 1925.

Capt. Benjamin Greeley Ferris, Infantry, from February 15, 1925.

To be captains

First Lieut. Alston Bertram Ames, Quartermaster Corps, from February 10, 1925.

First Lieut. Stephen Carson Whipple, Corps of Engineers, from February 11, 1925.

First Lieut. Harry Franklin Gardner, Quartermaster Corps, from February 12, 1925.

First Lieut. Charles Jacob Kindler, Quartermaster Corps, from February 14, 1925.

First Lieut. John Nelson Merrill, Cavalry, from February 14, 1925.

First Lieut. Theodore Anton Baumeister, Infantry, from February 15, 1925.

First Lieut. Charles Jerrold Morelle, Quartermaster Corps, from February 15, 1925.

First Lieut. Ellis Donald Weigle, Coast Artillery Corps, from February 16, 1925.

First Lieut. Emile Peter Antonovich, Quartermaster Corps, from February 17, 1925.

To be first lieutenants

Second Lieut. George Windle Read, jr., Cavalry, from February 10, 1925.

Second Lieut. James Barlow Cullum, jr., Corps of Engineers, from February 10, 1925.

Second Lieut. Francis Hudson Oxx, Corps of Engineers, from February 10, 1925.

Second Lieut. Thomas Henry Stanley, Corps of Engineers, from February 11, 1925.

Second Lieut. Donald Greeley White, Corps of Engineers, from February 11, 1925.

Second Lieut. Henry George Lambert, Corps of Engineers, from February 12, 1925.

Second Lieut. William Weston Bessell, jr., Corps of Engineers, from February 14, 1925.

Second Lieut. Charles George Holle, Corps of Engineers, from February 14, 1925.

Second Lieut. Arthur Martin Andrews, Corps of Engineers, from February 15, 1925.

Second Lieut. Edward Crosby Harwood, Corps of Engineers, from February 15, 1925.

Second Lieut. John Wylie Moreland, Corps of Engineers, from February 16, 1925.

Second Lieut. Wayne Stewart Moore, Corps of Engineers, from February 17, 1925.

To be major

Capt. Metcalfe Reed, Infantry, from February 11, 1925.

To be captains

First Lieut. William Sawtelle Kilmer, Corps of Engineers, from February 6, 1925.

First Lieut. Albert William Stevens, Air Service, from February 10, 1925, subject to examination required by law.

To be first lieutenants

Second Lieut. Allen Francis Haynes, Infantry, from February 5, 1925.

Second Lieut. Harold Gaslin Sydenham, Infantry, from February 6, 1925.

Second Lieut. Hugh Cromer Minter, Air Service, from February 8, 1925.

[NOTE.—Captain Reed was nominated February 7, 1925, with rank from February 2, 1925, and was confirmed February 17, 1925. First Lieutenant Kilmer was nominated February 7, 1925, with rank from February 2, 1925, and was confirmed February 17, 1925. First Lieutenant Stevens was nominated February 16, 1925, with rank from February 6, 1925, and was confirmed February 17, 1925. Second Lieutenant Haynes was nominated February 7, 1925, with rank from February 2, 1925, and was confirmed February 17, 1925. Second Lieutenant Sydenham was nominated February 16, 1925, with rank from February 5, 1925, and was confirmed February 17, 1925. Second Lieutenant Minter was nominated February 16, 1925, with rank from February 6, 1925, and was confirmed February 17, 1925.

This message is submitted for the purpose of correcting errors in dates of rank of nominees, caused by the approval by the President January 27, 1925, of an act of Congress authorizing the appointment as major of Infantry of Thomas James Camp to fill the next vacancy occurring in that grade. The next vacancy subsequent to the approval of the bill occurred February 2, 1925, and Captain Reed was nominated to fill the vacancy occurring on that date.]

CONFIRMATIONS

Executive nominations confirmed by the Senate February 23 (legislative day of February 17), 1925

MEMBER OF THE FEDERAL TRADE COMMISSION

William E. Humphrey.

UNITED STATES DISTRICT JUDGE

Adolphus Frederick St. Sure to be United States district judge, northern district of California.

ASSISTANT COMMISSIONER OF THE GENERAL LAND OFFICE

Thomas C. Havell to be Assistant Commissioner of the General Land Office.

REGISTERS OF THE LAND OFFICE

Walter Spencer to be register of the land office at Denver, Colo.

Charles S. Merrill to be register of the land office at Glenwood Springs, Colo.

POSTMASTERS

CALIFORNIA

Nellys R. Squier, Butte City.
Harold A. Snell, McArthur.
John J. Freeman, North San Diego.
Virgil W. Norton, Sutter Creek.

ILLINOIS

Bijah J. Gibson, Crescent City.
Alfred P. Goodman, Verona.

INDIANA

George H. Griffith, Fremont.
Roy R. Berlin, Nappanee.
Elmer S. Applegate, Paragon.
Orville E. Steward, Rossville.

MASSACHUSETTS

Ralph H. Parker, Framingham.

MINNESOTA

Lesley S. Whitcomb, Albert Lea.

NEVADA

Eva A. Griswold, Deeth.

NORTH CAROLINA

Cephus Futrell, Murfreesboro.

PENNSYLVANIA

James G. Galbreath, Glassmere.
Delbert W. Wright, Hop Bottom.
Arthur J. Davis, Noxen.
Sharp A. Caylor, Punxsutawney.
Daniel F. Pomeroy, Troy.

WEST VIRGINIA

Alvin H. Perdew, Dorothy.
Delphy M. Legg, Fayetteville.
John H. Shay, Star City.

HOUSE OF REPRESENTATIVES

MONDAY, *February 23, 1925*

The House met at 12 o'clock noon.

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

Our Heavenly Father, we would heed Thy word, "They that wait for the Lord shall renew their strength." May it be our life purpose to do Thy will, to put on the badge of Thy discipleship and wear it worthily. Give us the assurance of the ultimate triumph of all things good; which allegiance to Thee can only give. How we bless Thee for the genius and sacrifice of our forefathers, chief among whom is he whose dust sleeps upon the banks of the Potomac. Through faith in God, in His word, and that right makes might, they widened the bounds of freedom for all time. Keep us true to our trust and responsibility and animate us with the same power, that the foundations of our Republic may remain secure to bless mankind. Amen.

The Journals of the proceedings of Saturday and Sunday were read and approved.

SUIT FOR DAMAGES AND SALVAGE OF VESSELS BELONGING TO THE UNITED STATES

Mr. UNDERHILL. Mr. Speaker, I present a conference report on the bill (H. R. 9535) authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to the public vessels belonging to the United States, and for other purposes, for printing under the rule.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7190. An act to amend the China trading act, 1922; and

H. R. 5204. An act to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4156. An act to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States;

S. 4320. An act to extend the time for construction of a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.;

S. 4307. An act 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.;

S. 4306. An act granting the consent of Congress to R. L. Gaster, his successors and assigns, to construct a bridge across the White River;

S. 4284. An act granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River, at or near the city of Dardanelle, Yell County, Ark.;

S. 4260. An act to provide for the relief of certain Treasury Department disbursing officers; and

S. 1633. An act for the relief of James F. Jenkins.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 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.'"

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. 11957. An act to authorize the President in certain cases to modify visé fees;

S. 2803. An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes;

S. 3173. An act 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;

H. R. 5204. An act to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes;

H. R. 7190. An act to amend the China trade act, 1922; and

H. R. 4202. An act to amend section 3186 of the Revised Statutes, as amended.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4156. An act to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States; to the Committee on Agriculture.

S. 4260. An act to provide for the relief of certain Treasury Department disbursing officers; to the Committee on Naval Affairs.

S. 4320. An act to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.; to the Committee on Interstate and Foreign Commerce.

S. 4307. An act 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.; to the Committee on Interstate and Foreign Commerce.

ADJUDICATION OF CLAIMS OF THE CHIPPEWA INDIANS OF MINNESOTA

Mr. SNYDER. I call up the conference report on the bill (H. R. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota.

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. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota, 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 same with amendments as follows: On page 2, in the fourth line of section 2 of the Senate engrossed amendment, strike out the word "Lawfully"; on page 5, in the fourth line of section 6, after the word "annum," insert "for a period of not exceeding five years"; on page 6, line 4, strike out "including the salaries paid said attorneys or firms of attorneys"; on page 6, at the end of line 6, change the colon to a comma and add "and in no event shall such additional compensation for the two attorneys or firm of attorneys exceed $40,000"; and the Senate agree to same.

That the House recede from its disagreement to the amendment of the Senate to the title and agree to the same.

HOMER P. SNYDER,
SCOTT LEAVITT,
CARL HAYDEN,
Managers on the part of the House.

J. W. HARRELD,
JOHN B. KENDRICK,
CHAS. L. MCNARY,
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. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The House agrees to the language of the Senate amendment with amendments which will protect the Government in every way, and we have inserted an amendment limiting the fees of the attorneys for the Indians. The language of the Senate

amendment provides for a final settlement of the claims which have been before Congress for a number of years and will wind up the affairs of the Chippewa Indians of Minnesota.

HOMER P. SNYDER,
SCOTT LEAVITT,
CARL HAYDEN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DIVISION OF LANDS AND FUNDS OF OSAGE INDIANS

Mr. SNYDER. Mr. Speaker, I call up the conference report 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 of Oklahoma,' and for other purposes."

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. 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 numbred 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.

H. P. SNYDER,
FRED W. DALLINGER,
CARL HAYDEN,
Managers on the part of the House.
J. W. HARRELD,
CHAS. L. MCNARY,
ROBT. L. OWEN,
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. 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,'" submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The word "devisee," as inserted by Senate, is accepted.

On No. 2: Provides that minors over 18 years of age will receive $1,000 quarterly.

On No. 3: Provides that minors under 18 years of age will receive $500 quarterly.

On No. 4: Provides that all the rentals due from the lands of the Indians shall be paid to them in lieu of the House language limiting these payments to $500 per quarter.

On No. 5: Provides that the Secretary of Interior shall have supervision over funds of adults where it is found they are squandering their money.

On No. 6: Provides that the Secretary of the Interior may pay to the Indian his entire income accumulating in the future from certain sources.

On No. 7: Provides for the method of investment of the funds of the Osage Indians.

On No. 8: Inserts the words "or approval," as agreed in Senate.

On No. 9: Provides for the method of return to the supervision of the Government of the moneys inadvertently paid to the guardians.

On No. 10, 11, 12, and 13: The amendments are clarifying language.

On No. 14: Provides for the payment to the estates of deceased Indians.

On No. 15: Provides for the payment of debts of Indians when a certificate of competency is revoked.

On No. 16: This is clarifying language.

On No. 17: This is clarifying language.

On No. 18: Provides that hereafter anyone not of Indian blood can not inherit from Osage Indians who are one-half or more Indian blood, but does not apply to existing marriages.

H. P. SNYDER,
FRED W. DALLINGER,
CARL HAYDEN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD, from the Committee on Appropriations, presented a conference report on the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year 1926, and for other purposes, which was ordered printed under the rule.

Mr. OLDFIELD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLDFIELD. Mr. Speaker, when will this report come up again under the rule, to-morrow?

The SPEAKER. That depends upon the gentleman from Indiana. It will be privileged after to-day.

PULLMAN SURCHARGE

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that I may have until midnight to-night to file minority views on the Pullman surcharge bill, which was reported by the Com-

mittee on Interstate and Foreign Commerce, and that such minority views be printed along with the report.

The SPEAKER. Is there objection?

There was no objection.

BRIDGES ACROSS THE COLUMBIA RIVER

Mr. JOHNSON of Washington. Mr. Speaker, I call up the bill (S. 4045) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg., a similar House bill having been reported by the committee.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to W. D. Comer and Wesley Vandercook, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, at or near the city of Longview, in the county of Cowlitz, in the State of Washington, and at or near the city of Rainier, in the county of Columbia, in the State of Oregon, 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 States of Washington and Oregon, or either of them, or any political subdivision or subdivisions thereof, within or adjoining which said bridge is located, may at any time acquire all right, title, and interest in said bridge and the approaches thereto constructed under the 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 States or political subdivision or subdivisions 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 ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 11856) was laid on the table.

Mr. HILL of Washington. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 10533) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River, and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

ANNIVERSARY OF BIRTH OF WASHINGTON

Mr. KELLY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the gentleman from Massachusetts [Mr. DALLINGER] and an address delivered by the gentleman from Virginia [Mr. MOORE] at the celebration of the birthday anniversary of George Washington, at Pittsburgh, Pa., Saturday night.

The SPEAKER. Is there objection?

There was no objection.

The speeches on that occasion were as follows:

SPEECH OF HON. FREDERICK W. DALLINGER, REPRESENTATIVE FROM THE EIGHTH MASSACHUSETTS DISTRICT, BEFORE THE PENNSYLVANIA STATE SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION AT PITTSBURGH, PA., ON FEBRUARY 21, 1925

Mr. Toastmaster, members of the Pennsylvania Society of the Sons of the American Revolution, ladies and gentlemen, we are met here on the eve of the one hundred and ninety-third anniversary of the birth of a great general, a great statesman, and a great man. We gather to pay our tribute of respect and veneration to the memory of George Washington, the inspired builder of a great Nation, who, because of what he did and what he was is justly entitled to the affectionate title of "Father of his Country."

I must confess that it is with a feeling of awe and reverence akin to that with which I read the lives of the inspired prophets and leaders portrayed in the sacred Scriptures that I approach the subject assigned to me this evening. For as Walter Savage Landor has well said:

> "No man ever excelled George Washington. No exemplar has been recommended to our gratitude, love, and admiration, by the most impartial historian or the most critical biographer, in whom so many and so great virtues, public and private, were united."

And that great American, Abraham Lincoln, when, in 1842, he was called upon as the Congressman from the district to deliver an address at Springfield, Ill., on the one hundred and tenth anniversary of the birthday of Washington, said of him:

> "On that name a eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name and in its naked, deathless splendor leave it shining on."

Nevertheless, in the brief time allotted to me, I shall attempt, however imperfectly, to emphasize certain phases in the life and character of this remarkable man.

UNCONSCIOUS PREPARATION FOR HIS WORK

In the first place, George Washington was unconsciously prepared for his life work of nation builder. Instead of seeking a commission in the British military or naval service and pursuing a life of luxury and ease, he chose to learn to be a surveyor and to endure the hardships of the western wilderness. Unlike most of his associates in the work of framing the Constitution, he lacked the advantages of a college education, but he more than made up for it by hard work and by a practical experience which fitted him both physically and mentally for the great work which he was to accomplish. Again, Washington's experience with British and Colonial troops, on the frontier during the French and Indian wars proved to be of inestimable value in the revolutionary struggle which was to come. Moreover, the habits of thrift, industry, and methodical attention to details acquired by him at an early age, served him in good stead when in later years there devolved upon him as our first President, the great work of organizing the new government under the Constitution.

In connection with this subject, it is amusing to note that H. G. Wells, in his Outline of History says that Washington was a "notoriously indolent man," whereas no statement could be further from the truth. There was never a more industrious, hard-working man than George Washington, from his young manhood down to the very moment of his death, and his life in this regard affords a much-needed example to the youth of to-day.

And so in the fullness of time, when at Concord Bridge the "embattled farmers fired the shot heard round the world" and at Bunker Hill the untrained yeomanry of New England had demonstrated that they could meet the British regulars on equal terms, the American colonists turned to George Washington as the only man possessing the necessary qualities to be Commander in Chief of the Continental Army. He took formal command of this army at Cambridge on July 3, 1775, and what an army it was. John Trumbull in his Reminiscences said of it—

> "The entire army, if it deserved the name, was but an assemblage of brave, enthusiastic, undisciplined country lads; the officers quite as ignorant of military life as the troops, excepting a few elderly men who had seen some irregular service among the provincials under Lord Amherst."

WASHINGTON THE SOLDIER

To train and discipline these raw troops and to make of them a real effective fighting force was a colossal task, but Washington went about it, as he did everything he undertook, with patient skill and sublime faith. From Cambridge to Yorktown, in victory and in defeat, that skill continued to display itself and that faith never wavered until at last American independence was achieved. When we consider what he had to do with; the odds he had to meet, and the difficulties and discouragements which he had to encounter, the impartial reader of history must inevitably come to the conclusion that George Washington was one of the greatest military commanders of all time. Frederick the Great was a great general and he said that Washington's Trenton campaign was the most brilliant campaign of the century. But George Washington was more than a great general. As Henry Cabot Lodge has well said:

> "To fight successful battles is the test of a good general, but to hold together a suffering army, through years of unexampled privations, to meet endless failure of details, and then to fight battles and plan campaigns shows a leader who was far more than a good general. Such multiplied trials and difficulties are overcome only by a great soldier, who with small means achieves large results, and by a great man, who, by force of will and character, can establish with all who follow him a power which no miseries can conquer and no suffering diminish."

WASHINGTON THE STATESMAN

And this same inspiring leadership continued after independence was won. It was Washington who perceived more clearly than most of his contemporaries the necessity of a strong central government to bind together the 13 States into one nation capable of maintaining its independence against foreign aggression and of developing its national resources. It was largely through his influence that the Federal convention of 1787 was held, and by common consent he was chosen its presiding officer. As president of the convention he held together the discordant elements among the delegates, and his influence was largely instrumental in securing the ratification of the completed Constitution. Again by common consent he was twice chosen President of the United States and upon him fell the stupendous task of organizing our National Government under the Constitution. As President he displayed the same sound judgment in the choice of his Cabinet and other executive officers as he had done in the choice of his subordinate officers during the Revolution. And out of the bankruptcy and chaos of the government of the confederation the National

Government was established upon a sound financial basis, and the country began to move forward and to prosper under the best form of government the world has ever known. With wonderful wisdom and foresight he steered the new Republic clear of European entanglements and established a foreign policy which enabled this country to work out its own salvation free from the quarrels and hatreds of Europe.

THE FAREWELL ADDRESS

And so, first in war, first in peace, and always first in the hearts of his countrymen, this great soldier and statesman, after refusing a third term as President, delivered his Farewell Address to the people whom he had so nobly led and served, and became a private citizen once more. In that wonderful address, which every American citizen should read at least once a year, he said in substance:

> Be united. Be Americans. Let there be no sectionalism, no North, no South, no East, no West. You are all dependent one upon another. Beware of insidious attacks upon the Constitution, which is the great bulwark of your liberties. Beware of the evil effects of partisan politics. Keep the departments of government separate. Promote education. Preserve the public credit. Avoid public debt. Observe justice and good faith toward all nations. Have neither passionate hatred nor passionate attachment for any, and be politically independent of all.

Once again, at the time of the threatened war with France in 1798, Washington responded to his country's call and accepted the supreme command of the military forces of the country, but fortunately the war clouds blew over, and his services were not required. And in the following year, at the age of 67, George Washington, the nation builder, brave and courageous to the end, like John Bunyan's "Valiant for Truth," "passed over, and all the trumpets sounded for him on the other side."

Such, in the barest outline, is the story of the life and public service of the "Father of his Country." Let us now briefly consider two phases of Washington's character, and endeavor, if we can, to ascertain the secret of his power.

THE CHARACTER OF WASHINGTON

Washington, the builder of the Nation, has been commonly depicted as an aristocrat, as contrasted with Lincoln, its preserver, who personified the essence of democracy. As a matter of fact, so far as the matter of family goes, recent historical research has proved that the English progenitors of Lincoln were fully as high in the social scale as those of Washington. Moreover, it is true that Washington was a Virginia slaveholder, but so was Jefferson, the leader of the Democratic Party of that time, and nobody ever accused Jefferson of being an aristocrat. While Jefferson was being put through college by his wealthy parents, Washington was experiencing the hardships of the western wilderness and forming friendships will all sorts and conditions of men.

It is also true that Washington was of majestic mien, and that he frequently inspired awe in the minds of those with whom he came in contact. It is related that the wife of John Adams, when she first saw him when he arrived in Cambridge to take command of the American Army, remarked that she was reminded of a paraphrase of the English poet Dryden's lines in Don Sebastian:

> "Mark his majestic fabric! He's a temple
> Sacred by birth, and built by hands divine,
> His soul's the Deity that lodges there,
> Nor is the pile unworthy of the God."

Washington also had a fitting sense of the dignity which belonged to the offices of Commander in Chief of the Army and of President of the United States. As a man, however, he was a real democrat in the true sense of the word, and I wish to cite two instances to prove the truth of this assertion.

My wife's great grandfather, as a mere boy, was a private in the American Army at Cambridge. One evening there was held in a large tent a Masonic meeting, and, with a boy's curiosity, my wife's ancestor, crawling on the ground, peeped under the flaps of the tent to observe the proceedings. To his amazement he saw a private in the Revolutionary Army sitting in the seat of honor and presiding over the lodge as worshipful master while the illustrious commander in chief, General Washington, was humbly sitting with the brethren. The sight made such a profound impression upon his youthful mind that he not only became in later years a devoted friend and supporter of General Washington, but he joined the Masonic fraternity and rose to be one of its chief officers.

Again, although Washington, like Jefferson, belonged to the slaveholding aristocracy of Virginia, he chose for his two most intimate friends and advisers Henry Knox, a Boston bookseller, and Alexander Hamilton, a penniless young adventurer from the West Indies, without fortune and without recognized family. No better proof could be afforded of the real democracy of George Washington and the utter absence in him of the least bit of snobbishness. Throughout his life it can be truly said of him that he regarded no man because of his worldly wealth or outward appearance, but chose his friends solely because of their ability and character.

But not only was Washington a true democrat, he was also a thoroughly good man in every sense of the word. Napoleon possessed the same democratic spirit and the same unerring judgment in choosing marshals from the ranks of his army and his civilian chiefs often from the humbler walks of life; but Napoleon was thoroughly selfish in his purposes and aims. On the other hand, Washington was the embodiment not only of personal integrity and high character but of the most unselfish devotion to the cause of liberty and of the loftiest patriotism.

The mere statement, however, that George Washington was a man of great ability and of lofty character can not by itself explain the miracle of the achievement of American independence. For it was a miracle, and can only be explained on the theory that a great leader was raised up by Divine Providence to meet a great crisis—a leader who believed and trusted in God and received strength from on high, with which he inspired his followers and made possible what to the finite mind seemed to be impossible of accomplishment.

WASHINGTON'S RELIGION

For never let it be forgotten in this materialistic age, when it is fashionable to scoff at spiritual things, that beyond and above everything else George Washington, like Abraham Lincoln, was a deeply religious man. He was throughout his life a faithful communicant and vestryman of the Episcopal Church—the church of his fathers—and his faith in an overruling Providence and in the efficacy and power of prayer was simple and unquestioning. A few extracts from his published writings will suffice to demonstrate the truth of this assertion.

Upon tendering his resignation as commander in chief of the Army, in the presence of the Congress of the Confederation in the old statehouse at Annapolis, Md., he said:

> "Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable Nation, I resign with satisfaction the appointment I accepted with diffidence—a diffidence in my abilities to accomplish so arduous a task, which, however, was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of Heaven. The successful termination of the war has verified the most sanguine expectations; and my gratitude for the interposition of Providence and the assistance I have received from my countrymen increases with every review of the momentous contest."

Then after a word of gratitude to the Army and to his staff, he concluded as follows:

> "I consider it an indispensable duty to close this last solemn act of my official life by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them to His holy keeping."

Six years later, in his first inaugural address as President of the United States, he again expressed his faith and trust in an overruling Providence which had hitherto guided him as the leader of his people:

> "It would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, and those of our fellow citizens at large not less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency."

And finally, in his famous Farewell Address to his countrymen, delivered on September 17, 1796, near the close of his second term as President of the United States, he uttered these memorable words that are well worth the serious thought and attention of the patriotic men and women of this day and generation:

> "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of re-

ligious obligation desert the oaths which are the instruments of investigation in the courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of the religious principle."

WASHINGTON THE INSPIRED LEADER

Years ago I had a friend who was an agnostic and who was a great admirer of Abraham Lincoln, but he told me that he never could understand how such a great man as Lincoln could be so foolish and simple-minded as to believe in the efficacy of prayer. I answered him by saying that in the case of Lincoln, as in the case of Washington, it was that very belief that was the source of the power that enabled both these great men to accomplish their great work and to win the lasting admiration and gratitude of mankind.

To me one of the most thrilling and impressive passages in the Old Testament is the account in the sixth chapter of the second book of Kings of Elisha and his young servant on the mountain when they were surrounded by the hosts of the King of Syria who were seeking to destroy the prophet because of his courageous crusade against the wickedness of the times. To the young man escape appeared to be impossible and you will remember that Elisha prayed that the eyes of the young man might be opened so that he might see what the prophet with his sublime faith perceived. And God answered the prayer and the young man looked and behold "the mountain was full of horses and chariots of fire round about Elisha."

My friends, to me as a student of history, there comes to my mind that other scene on the soil of Pennsylvania many centuries later, on Christmas Eve in the memorable year 1776. The disastrous Battle of Long Island had been fought, and because of the failure of his subordinates to carry out his admirably conceived plan of campaign, Washington's army had narrowly escaped annihilation. Then disaster followed disaster, until the American Army which had numbered over 15,000 troops at the time of the evacuation of Boston had steadily dwindled until only 2,400 scantily clothed, half fed, and poorly equipped men remained. The British Army occupied New York, where they were being royally entertained by the inhabitants of wealth and social station, who there, as elsewhere in the thirteen colonies, were to a very large extent openly or secretly friendly to the royalist cause. Practically every one predicted that the capture or destruction of Washington's army was only a question of a short time, and the achievement of American independence seemed to be absolutely hopeless.

It would indeed have been hopeless if it hadn't been for the prayers and faith of one man, George Washington, who like Elisha of old, saw the vision and made his officers and men see it also. When on that Christmas Eve he planned the crossing of the Delaware River, filled with threatening ice, in the face of a terrific blizzard, all his officers said that it was impossible. The difficulties and hardships of that hour are graphically shown in the movie film based on Paul Leicester Ford's historical novel Janice Meredith, which every American ought to see. Washington with his sublime faith alone insisted upon the crossing being made, with the result that the American cause was saved. I hope that some day a great artist will paint that scene, showing Washington, the inspired leader of an apparently hopeless cause, standing in his little boat amid the sleet and the ice of the Delaware and surrounded by the invisible host of Heaven fighting by his side in answer to his prayers.

Again, during that terrible winter at Valley Forge, also on the soil of the historic State of Pennsylvania, with the British troops in possession of both New York and Philadelphia, and the American cause at its lowest ebb, it was Washington who alone kept that little band of starving and freezing patriots together and prevented the faint spark of freedom from being entirely extinguished. If Washington had lost his faith in the Supreme Being, the cause of the Colonists would have been lost, and the events from 1775 to 1777 would have gone down in history like the later Sepoy mutiny in India, as the Great Colonial Rebellion of 1775. But fortunately Washington's faith never wavered, but on the contrary grew stronger and stronger until it actually removed mountains, and the skeleton of the American Army was kept intact. And so, on through all the trials and tribulations of those perilous years, this great leader and prophet of his people, sustained by a higher power than his own, led the way to victory over the forces of a great empire and to the establishment upon a sound constitutional basis of the great Republic to which we belong and of which we are so proud.

CONCLUSION

My friends, I know of no more fitting way of bringing this imperfect tribute to a great man to a close than by reading two estimates of the great Virginian by two Massachusetts statesmen—one in prose and the other in verse. The first is from the late Senator Henry Cabot Lodge's preface to the last edition of his Life of Washington:

"There are but few very great men in history—and Washington was one of the greatest—whose declaration of principles and whose thoughts upon the policies of government have had such a continuous and unbroken influence as his have had upon a great people and through them upon the world. The criticism, the jeers, the patronizing and pitying sneer, will all alike pass away into silence and be forgotten just as the coarse attacks which were made upon him in his lifetime have faded from the memory of men; but his fame, his character, his sagacity, and his ardent patriotism will remain and be familiar to all Americans who love their country. In the days of storm and stress, when the angry waves beat fiercely at the foot of the lofty tower which warns the mariner from the reefs that threaten wreck and destruction, far above the angry seas and in the midst of the roaring winds, the light which guides those who go down in ships to the haven where they would be, shines out luminous through the darkness. To disregard that steady light would mean disaster and destruction to all to whom it points out the path of safety. So it is with the wisdom of Washington, which comes to us across the century as clear and shining as it was in the days when his love for his country and his passion for America gave forth their last message to generations yet unborn."

The other is by Hon. Robert C. Winthrop, the great Whig Speaker of the House of Representatives:

I

"Illustrious names in each successive age,
Vying in valor, virtue, wisdom, power,
One with another on the historic page,
Have won the homage of that little hour
Which they adorned, and will be cherished still
By grateful hearts till time shall be no more.
But peerless and supreme, thy name, O Washington, shall fill
A place apart, where others may not soar.
In 'the clear, upper sky,' beyond all reach
Or rivalry; where, not for us alone
But for all realms and races, it shall teach
The grandest lesson history hath known,
Of conscience, truth, religious faith, and awe,
Leading the march of liberty and law.

II

"Yes, century after century may roll,
And bury in oblivion many a name
Which now inspires the lip and stirs the soul,
Giving promise of an endless fame;
Yet still the struggling nations from afar
And all in every age who would be free
Shall hail thy great example as the star
To guide and cheer their way to liberty—
A star which ever marks, with ray serene,
The path of one, who from his earliest youth,
Renounced all selfish aims; whose hands were clean,
Whose heart was pure, who never swerved from truth;
To serve his country and his God content,
Leaving our Union as his monument."

ADDRESS BY REPRESENTATIVE R. WALTON MOORE, OF VIRGINIA, AT THE ANNUAL WASHINGTON BANQUET OF THE SONS OF THE AMERICAN REVOLUTION ON THE EVENING OF SATURDAY, FEBRUARY 21, 1925, AT PITTSBURGH, PA.

Except for a few important events, I would now be addressing this distinguished audience as fellow Virginians and perhaps claiming Representative KELLY as one of my Democratic colleagues of the solid South. All of us who know him realize what a valuable addition he would be to a party which is seeking recruits.

One of those events was the settlement of the old boundary dispute between Pennsylvania and Virginia. You, of course, recall that controversy—how Virginia claimed an extensive area west of the mountains, including most of the present counties of Allegheny, Westmoreland, and Washington; how the claim was resisted by Pennsylvania; and how the two Colonies, and for a short time the two States, each maintained its own courts and officials, and the favorite pastime in this neighborhood was the arrest of the officials of the one jurisdiction by the officials of the other. This part of Pennsylvania, according to the Virginia claim, was West Augusta County, and I believe that at least one Pennsylvania official, who was captured by the Virginians while exercising contested authority here, was taken for incarceration and trial to the city of Staunton, which was then, as now, the capital of our Augusta County. Not until some years later was the dispute settled by negotiation. But meanwhile efforts in that direction had been made. In 1774 Pennsylvania sent a commission to Williamsburg to confer on the subject with Dunmore, the royal governor. The commission reached there on the 19th of May and the conference continued until May 26, when it was abruptly broken off by Dunmore. That day he was in a bad mood. The House of Burgesses, one of whose

members was Washington, had passed resolutions in defiance of the Crown. It was immediately dissolved by the governor. Its members adjourned to the Raleigh Tavern, and in the famous Appollo room of that resort adopted a recommendation that an annual congress of all the Colonies be convened to deliberate on those general measures which the united interests of America might from time to time require. The Congress soon met, and its sessions were held at Philadelphia, which became one of the notably pivotal places of the Revolutionary period.

The boundary question was laid aside. There was no time to think of such questions. The stage was being set for the on-coming struggle, in which Pennsylvania and Virginia were to participate so gloriously under the leadership of the man whose memory is now universally honored. After awhile, however, the territorial difficulties were adjusted, and it is of interest that the conciliatory attitude then taken by Virginia was largely due to George Mason, of Gunston Hall, too little remembered as the author of the first written Constitution known to the world, which included the Virginia Bill of Rights. He was the near neighbor of Washington, and as warm friends they were linked together in numberless important transactions which have given form and color to our history.

Thus I am not now speaking in Virginia but in Pennsylvania, but even so, in that part of your State which has given the deathless name of Washington to one of its counties, and to another the name of the Westmoreland County, in the northern neck of Virginia, where he was born. I am speaking in what was the extreme frontier region, where his early adventures and exploits were the hard training ground of his wonderful future.

One of his visits to the site of your great city was in 1770. Throughout his life he kept a careful diary, in which he noted that on that visit he found about 20 houses ranged along the Monongahela shore and inhabited by Indian traders. A later chronicle says that by 1775 the town had trebled in size; that the traders were nearly all Pennsylvanians, but most of the other people Virginians; that many of the inhabitants (and at this point no line is drawn between Pennsylvanians and Virginians) were fugitives from justice and "hard drinkers," and the cause of despair to the missionaries who tried to reform them. In that era only hard drinking was reprobated. To show Washington's consideration of those of moderate appetite I turn aside for a moment to a very entertaining book—the journal in which Maclay, who, along with Robert Morris, was one of the first Senators from this State, records his experiences during the opening of the Government. By the way, it is not improbable that had Maclay and Morris ever been able to agree Philadelphia, and not Washington, would now be the Capital of the Republic. Morris was for Philadelphia and Maclay for Harrisburg. Maclay describes the dinners which he attended at the President's invitation. Of one of them he says, "the President is a very cold and formal man, but I must declare that he treated me with great attention. I was the first person with whom he drank a glass of wine." Of another he says, "He soon asked me to drink a glass of wine with him. This was readily accorded to, but what was remarkable, I did not observe him drink with any other person during the dinner." The President was never intimate with Senator Maclay; but, of course, he knew that he was from Pennsylvania.

Speaking here, there can not be overlooked the close identification of Washington with Pennsylvania and Pennsylvanians, not only in his colonial career, when he wore the uniform of a British officer, but after the Revolution began and after the foundations of the Government were securely laid.

For example, we can not forget the unbroken ties of friendship which bound him to your great statesman, Franklin. One of them was called a philosopher, a term never applied to the other, but neither was a philosopher in respect to politics or government, as to which their views were so similar, for neither was a philosopher in the old sense of rigidly accepting and insisting on some inflexible theory. Both, like Lord Bacon, were philosophers in the sense that they rejected mere hypothetical assumptions and rested their conduct upon the facts of observation as opposed to dogmatic rule or speculation. They deeply believed in community freedom and individual liberty, and in carrying out this conception they availed themselves of the best means that the hour presented. They were opportunists in the highest and noblest meaning of that much misused word. They came of English stock, and their ancestors figured in the English epoch when in the sunrise of Bacon's conception the old darkness and mists were vanishing.

Incidentally it may be noted that they had the same general background of lineage, a fact which attracts the attention of the traveler who searches in the mother country for American origins. In Northamptonshire he finds in the little village of Brington, east of the city of Northampton, the unpretentious home of Lawrence Washington, the remote ancestor of the great American, who lived there in a simple way at the time when Shakespeare was writing his plays in the adjoining county of Warwick. In the nearby church, which dates back to the time of the crusades, is buried that Lawrence Washington, and on the marble above his tomb is carved the Washington coat of arms, bearing stars and stripes upon its shield. The traveler finds west of the city of Northampton the village of Ecton, where lived for generations the ancestors of Franklin. The two villages are within 12 miles of each other, and accordingly from the same far-off locality sprang the two great forces which united here in the successful effort for American independence.

Washington and also Franklin possessed the valuable aptitude which some one—Emerson, I think—has ascribed to men of the very first rank of intellect and character, the capacity to engage willingly in the most unostentatious as well as in the largest transactions. They were guided by that simple precept of Milton, a trifle paraphrased, "To know and do that which before us lies in daily life is the prime wisdom." They were always ready for any worthwhile service to their fellow men of any character.

The traditions and records of the Virginia county where Washington lived and died evidence his participation in the comparatively small affairs that immediately concerned himself and his neighbors. He made a practice of attending county meetings. He presided at the unforgotten meeting of the freeholders of Fairfax in 1774 which passed the Fairfax resolves, setting forth the grievances of the colony, expressing sympathy for the people of Boston and pledging them material aid in their distress. The spirit, and some of the language, of that document, which was drafted by Mason and approved by Washington, were embodied in the Virginia Bill of Rights and in the Declaration of Independence.

Washington was not a lawyer, but along with other leading citizens of his county, he was judge of the county court. They were called gentlemen justices, and exercised a varied jurisdiction. They administered the affairs of the county, and tried civil actions. They tried indictments against persons charged with not attending church for two months, for "drunkenness and prophane swearing," for being idle vagrants, and committing other misdemeanors which offended against morals and manners of the time. One of the annual duties of the court was to fix the rates to be charged by the hotels—which were then called ordinaries. Liquors, of which there was a long list, and food, a shorter list, were included, and the final item always was "for a night's lodging, with clean sheets, sixpence, otherwise nothing." The minute books in which are recorded the proceedings of the court while Washington was a member, are kept in the same building where are preserved his last will and testament and that of his wife. He was not only one of the judges of the county, but he served his county in the Colonial Legislature. Likewise, he was an influential churchman. It seems that whenever a new church was erected he was always either the chairman or the most active member of the building committee, looking after all the details as if his own house were under construction. In two of the churches he was a vestryman. He and his associate, Mason, who lived within a few miles of each other, appear to have had but two serious disagreements during their lifetime of intimacy. One was caused by Mason's efforts to defeat the ratification of the Constitution; the other arose over the rebuilding of the old Pohick church, which was attended by the members of both families. Mason advocated the old site. Washington was for a site somewhat nearer Mount Vernon. There was a warm controversy, but when the time came for the vestry to act, Washington, exemplifying his characteristic habit, was on hand with a map outlining the entire situation, and making clear that the site he had chosen would be more accessible than the other to a large percentage of the churchgoers, and his plan was accepted, over the remonstrance of his friend.

I wish that those of you who have not done so might visit that part of Virginia in which is the last resting place of the master builder of the Republic. It is saturated with memories of Washington. There is his beloved Mount Vernon, from which he was so often regretfully detached, with its beautiful view of the broad Potomac, whose waters were unceasing music to his ears. Near-by, toward the picturesque Blue Ridge Mountains are the homes of many of those who united their patriotic labors with his—homes still remaining which once echoed to the voices of Madison, Jefferson, Monroe, and Marshall. And not far off is the Tidewater country with its Jamestown, Williamsburg, and Yorktown, whose historic interest is like the glory of an unsetting sun.

It would be a long story to tell how the steadfast resolution and high courage of Washington not only influenced, but largely determined, the course of events from the time prior to the Revolution, when independence was not being seriously thought of, until America became independent of the parent country. He was at the outset as unfaltering in his opposition to British injustice, as later he was unfaltering in his opposition to the effort of Great Britain to retain the Colonies. He was a member of the House of Burgesses of Virginia in 1765, and followed Patrick Henry when that unrivaled orator warned the King that he might suffer the fate of Caesar and Charles the First. In the time that intervened before he became commander in chief of the forces that battled for American sovereignty, he stood with those who were prepared for every sacrifice and every danger in behalf of the cause which not only they, but their friends in England, like Burke, believed to be fully justified. He calmly faced the fact that there were not only foes in front of him, but all about him. The

population of the 13 States was then about 6,000,000. After the Revolution John Adams estimated that at least 3,000,000 of them were Royalists. As to the correctness of this estimate he invited the opinion of Chief Justice McKean of Pennsylvania, who was one of the signers of the Declaration of Independence, and the latter's estimate accorded with that of Adams, except that he expressed the view that more than one-half of the influential people were on the Royalist side.

I have touched upon his identification with the statesmen of Pennsylvania. He was identified with the State throughout the Revolution. Here he faced crisis in the painful struggle which demanded all of his ability and all of his patience. On this soil he endured—

"Many a grim and haggard day,
Many a night of starless skies."

On this soil and in New Jersey, he thought out the campaign which resulted in the defeat of Burgoyne at Saratoga, and more than anything else encouraged French intervention. A few days before the British colors were lowered at Saratoga, he had fought the battle of Germantown, on the soil of Pennsylvania. On this soil, also, he suffered the terrible ordeal of the winter at Valley Forge, and maintained the existence and morale of a small army under as trying circumstances as any military commander in history has encountered. No monument has been erected, no monument can ever be erected which will sufficiently perpetuate the record of all that he was and all that he did during those months when he employed every ounce of his being to prevent the dissolution of the cause which had been entrusted to his keeping.

I might go much further in showing how Pennsylvania was the scene of his Revolutionary career from the time he left his Mount Vernon home to take command of the Army until he revisited it for a short time on the march to Yorktown. It would be a shining recital at once of the glory of your State and the glory of the man with whom no other in my judgment is comparable. The shaft that towers above the National Capitol has reached the limit of its height, but there is no limit to the increasing appreciation of the world for the man whom it commemorates. Listen, for example, to the words of a French author who within a few months has writen a book entitled "Reflections on the Napoleonic Legend." He enumerates the characteristics of Napoleon—"militarism, autocratic efficiency, parvenue display, self-advertisement, insatiable ambition, the gambling habit," and then of Washington, he says, "He was the perfect contrast of the great Corsican—a soldier, but eager to sheathe the sword and restore peace; an efficient leader, but a lover of liberty; a true Democrat in the simplicity of his estate and of his life, because he was a true gentleman; playing for high but desperate stakes, and willing to quit the game when the stake was won; wholehearted in service, never shirking responsibility, but glad to drop the burden when he could conscientiously do so; filled with the higher ambition of leaving an untarnished, rather than a dazzling name." Such is the consensus of opinion that to Washington the lines of Shelley may fittingly be applied:

"The one remains,
The many change and pass."

Having proved himself a great and victorious soldier, he proved himself a great and victorious statesman, but for whom the more perfect union which we now enjoy may not have been accomplished. The Revolution brought disorganization and unrest. No one was more apprehensive of the disaster which might overtake the experiment of free government on this continent than Washington himself, who, having won liberty with his sword, exerted every effort to make it secure by his work as a statesman. Holding to the views of Wilson, of Pennsylvania, and others, he labored to impress on his friends that the illiberality, jealousy, and local feeling of the States were likely to sink the new Nation in the eyes of Europe in contempt and defeat its domestic advancement. Save for his prestige and his unwearied efforts to preserve the fruits of the Revolution by establishing a better Federal system, there might have been the most dismal failure, and in any event our Constitution would not have come into operation; and therefore his is the foremost name to be remembered in that connection.

Conferring at Mount Vernon with those who shared his fears and longings, Washington offered the suggestion which led to a preliminary meeting. Responding to that suggestion, the Virginia Legislature passed a resolution designating commissioners to meet commissioners that might be appointed by the other States for the purpose of constructing a comprehensive and harmonious method of regulating commercial intercourse among the States, so as to avoid the rivalries and collisions which were a continual menace to the trade and prosperity of all. Very soon the Virginia commissioners conferred at Annapolis with such commissioners as Pennsylvania and other States had appointed. The conference was under the direction of Hamilton and Madison, who were in the closest touch with Washington, and the resolve of all was to omit nothing which might further the establishment of a capable and efficient government. Then the light began to break, and all of the States but one followed the lead of Virginia in recommending a convention. As Washington had, on the motion of John Adams, been unanimously chosen Commander in Chief by the Continental Congress, the convention which met in Philadelphia, on the motion of a Pennsylvanian, unanimously chose him as its President, and so we think of Pennsylvania and its chief city as the birthplace of the Constitution.

It belongs to the fame of Washington that while not a man of broad learning and not a student of the theories of government, as were many of his contemporaries, he possessed in the highest degree all of the qualities that enable men to form safe judgments, all of the qualities that enable them to reconcile and compromise differences of opinion; and thus his influence brought the States together in framing a Constitution, not entirely satisfactory to him, and not entirely satisfactory to anyone, but without precedent or parallel, and destined to survive all of the controversies and tempests of more than a hundred years.

The Constitution devised by those who worked and wrought in the summer of 1787 in Philadelphia was not the final act. It had to be ratified. It would not have been ratified by Virginia without the exertions of Washington. It would probably not have been ratified by New York but for his exertions, where his friend Hamilton, who was not enamored of the instrument, became the great advocate of its approval. Without ratification by the two States mentioned, it would have failed of adoption. Failing of adoption, the world would not have witnessed the soldier-statesman as President for eight years deliberately, wisely, and without partisanship developing the functions and activities of the new Government, which was to become the Government of the greatest Republic of all time.

All forms of genius that can indicate the distinction of Washington have united in acclaiming him. Men of every race and land—statesmen, orators, historians, essayists, novelists, sculptors, and painters—have exalted his career and achievements.

I thank you for the invitation that has brought me here this evening and for the cordiality of your welcome. Knowing that what I have said is very inadequate, I wish to leave with you the striking words of another in praise of the man the anniversary of whose birth you celebrate. They are contained in the concluding paragraphs of Lodge's brilliant biography of Washington, in the American Statesmen series. Says the author:

> "As I bring these volumes to a close, I am conscious that they speak, so far as they speak at all, in a tone of almost unbroken praise of the great man they attempt to portray. If this be so, it is because I could come to no other conclusions. For many years I have studied minutely the career of Washington, and with every step the greatness of the man has grown upon me, for analysis has failed to discover the act of his life which, under the conditions of the time, I could unhesitatingly pronounce to have been an error. Such has been my experience, and although my deductions may be wrong they at least have been carefully and slowly made. I see in Washington a great soldier who fought a trying war to a successful end, impossible without him; a great statesman, who did more than all other men to lay the foundation of a Republic which has endured in prosperity for more than a century. I find in him a marvelous judgment, which was never at fault; a penetrating vision, which beheld the future of America when it was dim to other eyes; a great intellectual force, a will of iron, an unequaled grasp of facts, and an unparalleled strength of patriotic purpose. I see in him, too, a pure and high-minded gentleman of dauntless courage and stainless honor, simple and stately of manner, kind and generous of heart. Such he was in truth."

LINCOLN'S LIVING MEMORIAL

Mr. REECE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Dr. John Wesley Hill at a celebration of Lincoln's birthday.

The SPEAKER. Is there objection?

There was no objection.

Mr. REECE. Mr. Speaker, at the birthday celebration of Abraham Lincoln, held under the auspices of the trustees of Lincoln Memorial University, at the Willard Hotel, Washington, D. C., February 12, 1925, which was attended by members of the President's Cabinet, Senators, Congressmen, and prominent business men, Dr. John Wesley Hill, chancellor of the university, delivered an address on Lincoln Memorial University—a Living Memorial to the great Emancipator.

Lincoln himself came from the people among whom this memorial stands. Under leave granted me I wish to have Doctor Hill's address inserted in the RECORD that the people of America may know that in the midst of the many numbers of marble and bronze, reared to the memory of Lincoln one has been founded in the soul of the people from whom he came and which is to-day perpetuating the principles for which he stood. It is my good fortune to represent the dis-

trict in which this great institution is located, and I have been able to observe the splendid work which it is doing.

The address is as follows:

LINCOLN'S LIVING MEMORIAL

Lincoln Memorial University is the crystallized dream of Abraham Lincoln. It stands at Cumberland Gap, where the States of Tennessee, Kentucky, and Virginia intersect. It is Lincoln's living memorial, the educational hope of a vast population of upstanding, ambitious American mountaineers.

In the great prosperous and progressive North, educational institutions and agencies are multiplied into a veritable prodigality of opportunity, but in the isolation and solitude of the Appalachian fastnesses, where rail splitting and mule riding, candlelight, homespun, and log cabins survive the march of modern civilization, only a crude cabin school here and there dots the landscape, and the people sit in a gloom upon which the light of knowledge has but dimly dawned.

They are a wonderful people—shy, timid, taciturn, hospitable, and adventurous, full of intensity and high daring; the very stuff of which heroes are made.

We read the stories of John Fox and others, replete with the romance of the mountains, feudal battles, illicit distilling, the eccentricities, struggles, and heroisms of a grim, gaunt, mysterious folk; but beneath the romance and tragedy of it all there flows the purest American blood under our flag.

We have discovered the economic possibilities of the Appalachian region, harnessed its mountain torrents, uncovered its mineral wealth, felled its forests, and surveyed and appraised every acre of its soil. But in our development of its natural resources we have not taken stock of the 6,000,000 undiluted Americans in that country; we have not catalogued their spiritual, intellectual, and civic values. We have neglected a man power sufficient in its original endowment and possibilities to build and direct the destiny of an empire.

We have expended millions upon the Americanization of the foreign born, the uplift of the Sicilian, the Turk, the Greek, the Portuguese, the Pole, the Russian, the refugees from the despotisms of the Old World, and in our zeal for them we have forgotten the children of our own sky and soil.

We have substituted the melting pot for the log cabin. We have been so occupied with the millions pouring in upon us from the back yards of Europe that we have forgotten those of our own household—children of poverty; not the poverty of the Old World made despicable by centuries of submission to despotism, but the poverty of the New—in which the germ of manhood grows unrestrained by the demands of luxury and untainted by the poison of prodigality, the poverty through which Boone, Houston, Andrew Jackson, Farragut, Henry Clay, and Abraham Lincoln made their way. Back there, far back in the mountain fastnesses, there is a vast army of American youth dowered with the same possibilities.

John Hays Hammond, the great American engineer, has caught the vision of this possibility, and he is planning in the early spring to make a survey of that entire region with a view to putting Lincoln Memorial on such an industrial basis as shall afford self-support to the students and enlarged usefulness to the university.

Providence has held these mountaineers in reserve. They have functioned magnificently in every national crisis; at Kings Mountain during the Revolution; throughout the war of 1812 and the Civil War, when their loyalty alone held the "border States" under the flag of the Union; in the Spanish-American War and in the World War, in which they furnished the greatest hero of the allied armies—Sergeant York.

We need them right now to reinforce our patriotism, uphold our American ideals, and protect them from the marauding hosts bearing down upon us from the Old World. There is no time for delay. This army of 6,000,000 courageous mountaineers must be trained into efficient citizenship.

I once saw a cartoon representing a disheveled, begrimed tramp standing at the front door of a magnificent mansion in a great city, politely asking the lady of the house for the privilege of stepping into the hall and "throwing a fit." These Bolshevistic epileptics are pleading with Uncle Sam for the same privilege; and while, to our national humiliation and peril, we have in our midst a cowardly, simpering class of citizens who are ready to open our national gateway for the incoming of these "undesirables," thank God, in the country I am representing here, the descendants of the Jamestown Settlement, with the blood of Washington, Patrick Henry, "Light Horse Harry" Lee in their veins, are insisting that America shall never become the seeding ground for the noxious growth of Bolshevism and anarchy. They are ready, if necessary, to shed their blood without stint and to lay down their lives without complaint in order to preserve constitutional government.

Lincoln is their ideal, and they are following in his footsteps. His principles dominate the curriculum of Lincoln Memorial University. Every problem among its students is challenged with the question, "What would Lincoln say about it if he were here?" And somehow there is a feeling among these people that Lincoln is there, that his spirit broods over the mountains, and that his voice may still be heard pleading for the deathless principles for which he lived and died—"government of the people, for the people, by the people," the preservation of constitutional authority, the integrity of the judiciary, the maintenance of law and order, the protection of human rights; life, liberty, property, and the pursuit of happiness; the application of the golden rule in the settlement of industrial disputes, a just and lasting peace among ourselves and with all nations, and the solution of every problem "with malice toward none and charity toward all," with "firmness in the right as God gives us to see the right."

There is nothing obsolete in these articles of faith; they are instinct with life; applicable to conditions to-day and adapted to all time; not iridescent baubles of political vacuity, but a body of faith which is the very corner stone of our national life.

And we are making an applied science of Lincoln's principles in this university bearing his name. There is no garbling of his words, no mutilation of his thoughts, no misapplication of his principles. It is little wonder, therefore, that the slogan of our university is "Lincolnize the mountains." That means the amelioration of social barbarities, the shattering of ignorance and superstition, religious intolerance, and bigotry, the breaking down of the mountain walls of provincialism, the softening of feudal asperities, the uprooting of deep-seated retaliations and hatreds, the dawn of a better day.

Such a work is fundamental and creative; it strikes to the roots of things, deals with essentials and results in mental and spiritual illumination and transformation. Among such a people ethical tinkering, psychological cobbling, and socialistic whitewashing will accomplish nothing. Only the spirit of Lincoln, his love of the truth, his sympathy for humanity, his devotion to liberty, his faith in God will bring about the renewal and uplift of these people who have detoured for 150 years and are now seeking the Lincoln highway of straightforward, progressive Americanism.

Such a people are worth educating; they are worth it not only because of their capacity but of their ambition; yes, and because they are willing to pay for it in the sweat and blood of honest toil. They want a "chance," not charity. The World War shook the scales from their eyes and they are climbing toward higher levels, aspiring to outlook from the heights.

We have a thousand students, 80 per cent of whom are working their way toward the goal. They not only go through the university, but the university goes through them. Over 400 applicants are on the waiting list. Their cry for "a chance" is resounding through the mountains. Lincoln Memorial University must grant the appeal! We dare turn none away. In turning a poor boy away to-day we may lose a Lincoln to-morrow. We have a great historic background, a great natural environment—probably the most beautiful college campus in America—a loyal faculty and a president to the manner born, Dr. Robert O. Matthews, who, with his cultured wife, is making the supreme sacrifie—a man with rare organizing genius and unusual ability as speaker and teacher, loved and honored throughout the Appalachian region. Our embarrassment is in our wealth of opportunity. Our limitations are in our lack of equipment, scholarship fund, and buildings. We need a large dining room, a number of cottages for our professors, an auditorium to take the place of the one that was burned to the ground last fall, and greater endowment. Ours is the romance of American education. Our student body is permeated with the spirit of sacrifice. They are willing to pay for an education in work, to earn while they learn. One hundred dollars coupled with the self-help provided by the university will carry a student for a year. The story of the struggles of these ambitious young people is full of pathos and tragedy.

Some time ago a young man walked over a hundred miles to our doors and applied for admission. The dean was obliged to say, "Our dormitories are full and every bed is occupied. We have no place for you to sleep." To which this proud upreaching mountain lad replied, "I didn't come here for to sleep, but to git an edication." It is sufficient to say that he remained, worked his way with pick, shovel, ax, and hoe, in any and every way, just as Lincoln toiled through the long days and studied into the small hours of the morning to prepare for the destiny awaiting him.

A mother came requesting that her daughter be given the opportunity to work her way through. On the dean's desk was a long list of boys and girls who were pleading for the same chance. But the scholarship fund, far too small to cover these multiplied calls, had been exhausted, and the dean was compelled to say, "What you really need is at least $25 with which to start your girl."

That was more money than this mountain mother had ever seen at one time, but something must be done. There was her Mary waiting in the cabin home for the news. The mother could not go back and tell the girl that her dream of an education could never come true. She hesitated at the dean's desk for a moment and then with a peculiar light playing upon her face she hastened away. In a week she returned with the money, saying as she placed it upon the table before the dean, "Now, thank God, my girl will have a chance. Here's the money. I sold my cow."

It is said that the shortest sermon on record was preached from the text, "He that giveth to the poor lendeth to the Lord." The preacher waited for a moment after announcing the text and then crowding his discourse into an epigram, exclaimed: "If you are satisfied with the security, come down with the cash." And this is my sermon to-night. If you are satisfied with the security which education affords; the preservation of national ideals, the maintenance of constitutional authority, the upholding of the American flag, the advancement of civilization; if you are satisfied with the security—commensurate with the spread of intelligence, the growth of virture, and the quickening of patriotism, the very qualities essential to the preservation of popular government; if you are satisfied with the security which is still guaranteed by the principles enunciated and advanced by Abraham Lincoln, in whose name we have christened Lincoln Memorial University, then help us in the great recuperative and redemptive task of uplifting the boys and girls of the mountains of the Southland.

Such an investment will yield a perpetual dividend; it will keep the soul of Lincoln alive among the people, to whom he always referred as "My people."

THE BUDGET SYSTEM

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address made on the Budget system by the gentleman from Kentucky [Mr. THATCHER].

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, under leave granted me to extend my remarks I herewith present same:

ADDRESS OF HON. MAURICE H. THATCHER, MEMBER OF CONGRESS FROM KENTUCKY, AT THE ANNUAL BANQUET OF THE OLD TOWNE MERCHANTS' AND MANUFACTURERS' ASSOCIATION AT THE HOTEL RENNERT, AT BALTIMORE, MD., ON THE EVENING OF FEBRUARY 19, 1925

Mr. Toastmaster and officers and members of the association: At the outset I wish to express my very great appreciation for the privilege and honor which are mine in having been invited to be with you and to address you this evening. I know that in this great metropolis you are performing a fine public service. Such organizations as yours, with a membership of progressive business men like yourselves, are always substantial agencies for the betterment and welfare of the communities in which they exist. Your organization, I am told, is more than 40 years old. In fact, you are celebrating, I believe, its forty-first anniversary. This most eloquently bespeaks its integrity and solid worth. I am, therefore, very happy, indeed, to be here on this occasion of good will and fellowship, and to talk to you upon a subject in which, as business men, you are deeply interested.

I know that I am in a historic city and in a historic State. Here in the earlier days was located a colony that rapidly grew in strength and influence, and made its full contribution to the solution of the grave problems of our colonial and revolutionary days. In the fateful sixties your State, like my own, Kentucky, was a so-called border State, and experienced all the horrors of the great civil strife which came near to destroying the foundations of the Republic. Your soil shook as did mine, beneath the tread of contending fratricidal hosts, and your sacred earth, as was mine, was stained with the blood of our country's best and bravest sons. Your State has always been a land of sentiment, and so has mine. Two of the most beautiful State songs which have ever been sung are "My Maryland" and "My Old Kentucky Home," and in the "Star-Spangled Banner" you have contributed a national air that shall thrill the hearts of Americans so long as the Republic may endure. There is every reason, my friends, why a Kentuckian should feel altogether at home in Baltimore.

You have here, indeed, a great seaport, and a great metropolis, and you are destined to advance to greater things. The spirit which enabled Baltimore, some years ago, to rise, Phœnixlike, from the ashes of ruin and despair, was, and is, a great and mighty spirit. Your work then was a miracle performed before our eyes. The people of my home city of Louisville, in common with their millions of fellow citizens scattered throughout the Nation, looked on with wonder and amazement at what you did then. Your courage, your hardihood, your sound judgment, your indomitable will and energy, earned all praise, yet were beyond all praise, and inspired the entire country. You wrought a mighty piece of magic. Out of your holocaust of ruin the great business district rose again more splendid, more enduring than before. I am told, also, that in all that destruction of property by fire you experienced hardly a business failure, so solidly were your business enterprises grounded, so fine was the spirit of cooperation and teamwork among your men of business. The record of your work in those tragic days has never been excelled in the world of business pursuits.

I am glad to be able to tell you this evening that a few days ago, in the House of Representatives at Washington, I supported and voted for the passage of a bill providing for the restoration of Fort McHenry, near your city, the birthplace of that immortal national song of which I have just spoken, written by that patriotic and deeply inspired American, Francis Scott Key. The enactment of the bill is assured, and this historic spot will thus become an enduring national shrine. This measure was sponsored and pressed by your able and genial Member of Congress, my friend and colleague, Colonel HILL. On the day the bill was passed by the House his ability and popularity were such that he achieved the unique distinction of securing the passage of five special bills—the one providing for the restoration of Fort McHenry and four others, on the Unanimous Consent Calendar of the House. That is a batting average of about 100 per cent, and I don't know of any other Member of either House at the present session who has equaled it.

Now I must come directly to my subject and speak to you concerning the Federal Budget system. I shall not be able, for lack of sufficient time, to go into any great detail, but it shall be my purpose to draw the general outlines, and to indicate the general facts involved, so that those of you who may not already have the knowledge may grasp the essential features of the theory and operation of the system.

It is interesting to note that our own was one of the last great nations to adopt the budget system. For many years most of the important countries of the world have had budget systems operating on the same general lines as our own Federal Budget system. Also some of our States and cities have budget systems. Here is a list of foreign nations which were supposed to be operating under budget systems some years ago (1918), and practically all of which, I believe, are yet operating under that system: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, France, Germany, Great Britain, Greece, Guatemala, Honduras, Hungary, Italy, Japan, Liberia, Luxemburg, Mexico, Montenegro, Netherlands, Newfoundland, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Rumania, Russia, Salvador, Serbia, Siam, Spain, Sweden, Switzerland, Union South Africa, Uruguay, and Venezuela.

The Old World countries are under such dire necessity that they must operate under the general principles involved in the budget system, or else be unable to operate at all. Such a system brings under general review and correlation by the executive branch of the government all the estimated requirements of national expenditure for the ensuing fiscal year. Thereupon the executive branch, through a duly designated head, makes a careful study of these estimates, and of estimated revenues accruing or available for such fiscal year, and modifies or amends the estimates of expenditures as the needs and circumstances may seem to require, and transmits to the legislative branch, with approval, the amended estimates. The legislative branch then gives consideration to these estimates, and after finally amending or modifying them, makes provision therefor by means of appropriations or other necessary legislative enactments. Accompanying the estimates thus submitted there are usually statements of expenditure in the various governmental activities for the current and previous fiscal year, and statements of receipts and revenues for the current and previous fiscal year, together with statements of estimated receipts and revenues for the ensuing fiscal year. The executive department also, at the same time, furnishes such other information and makes such recommendations to the legislative department as may seem necessary or desirable. The effort is thus made to balance receipts and expenditures, and to avoid deficits in current fiscal operations.

This, in general, is the method of the budget system. As to our own Budget system, I shall presently give you the more important details of its operation.

It is remarkable that not until 1921 was there provided for our National Government a Budget system. For more than 130 years our national housekeeping was conducted in the most slipshod manner imaginable. In the making of appropriations there were nine distinct committees functioning charged with the authority to frame and report appropriation bills. These nine committees were those of Agriculture, Post Office and Post Roads, Military Affairs, Naval Affairs, Indian Affairs, Foreign Affairs, Rivers and Harbors, Claims, and Appropriations. Naturally, with no correlation of appropriations and with no balancing of receipts and expenditures, each of these committees sought to secure the largest possible appropriations for their respective interests. The whole problem of Federal appropriations was handled in a nonscientific manner, and this meant governmental waste and confusion. This plan, or rather lack of plan, in the making of appropriations might be tolerated under pre-World War conditions, but after that war came and our Government and our taxpayers became superburdened with debt it became necessary to resort to heroic methods to keep from being crushed beneath the most staggering load we have ever had to bear. The time had come for scientific methods in our fiscal operations or the ship of state would soon be wrecked on the rocks of national bankruptcy.

On June 10, 1921, President Harding approved a bill passed by Congress entitled the "Budget and Accounting Act, 1921." The enactment of this law was one of the most noteworthy achievements of his

administration. In fact, its enactment was one of the most noteworthy achievements of our whole national history. The results flowing from its operation more than justify the strongest claims made for it when it became a law. A statement of its more important provisions will give you a general understanding of the act and of its operation. In the Treasury Department there is created the Bureau of the Budget. The term "Bureau" means Bureau of the Budget, and the term "Budget" means the annual data and recommendations made to Congress by the President, which I shall presently describe.

A Director of the Budget and assistant director are created by the act, together with all necessary officials and employees for the administration of the provisions of the act. The director and assistant director are appointed by the President, without the advice or consent of the Senate, and they serve at the will of the President. The Bureau of the Budget is the arm of the President in the Nation's fiscal affairs, and he speaks through the Budget.

The salary of the director is fixed at $10,000 per year, and of the assistant director at $7,500.

The President is required to transmit to Congress on the first day of each regular session the Budget, same to contain:

1. Estimates of the expenditures and appropriations necessary, in his judgment, for the support of the Government for the ensuing fiscal year, except that the estimates for the legislative branch and the Supreme Court of the United States shall be included by the President in the Budget without revision.

2. His estimates of receipts of the Government during the ensuing fiscal year under laws existing at the time the Budget is transmitted, and also under the revenue proposals, if any, contained in the Budget.

3. The expenditures and receipts of the Government during the last completed fiscal year.

4. Estimates of expenditures and receipts of the Government during the fiscal year in progress.

5. Amount of annual permanent or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress as of November 1 of such year.

6. Balanced statements of the condition of Treasury at close of the last completed fiscal year, the estimated condition of Treasury at end of the fiscal year in progress, and the estimated condition of Treasury at close of ensuing fiscal year if financial proposals contained in Budget are adopted.

7. All essential facts regarding the bonded and other indebtedness of the Government.

8. Also such financial statements and data as, in the President's opinion, are necessary or desirable in order to make known, in all practicable detail, the financial condition of the Government.

9. If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President shall include in the Budget recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

10. If the aggregate of such estimated receipts and such estimated amounts in the Treasury is greater than such estimated expenditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require.

In addition the President, from time to time, may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment are necessary on account of laws enacted after the transmission of the Budget, or are otherwise in the public interest; and whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the Budget, would have required the President to make a recommendation for specific legislation to take care of the extra expenditure involved, he shall thereupon make such recommendation.

Estimates for lump-sum appropriations contained in the Budget or supplemental and deficiency estimates shall be accompanied by statements showing in detail the manner of expenditure of such appropriations and of the corresponding appropriations for the current fiscal year and the last completed fiscal year.

No estimate or request for an appropriation, and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof, by any officer or employee of any department or establishment, unless at the request of either House of Congress. This, as must be obvious, is a very important provision, and aids in preserving the integrity of the Budget.

The Bureau of the Budget, under such rules as may be prescribed by the President, is required to prepare for him the Budget and any supplemental or deficiency estimates required, and to this end has authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments and establishments of the Government.

Also, the act provides that when so directed by the President, the bureau shall make a detailed study of the departments and establishments of the Government for the purpose of enabling the Government to determine what changes—with the end in view of securing greater economy and efficiency in the conduct of the public service—should be made, in the existing organization, activities, and methods of business of such departments or establishments; in the appropriations therefor; in the assignment of particular activities to particular services; or in the regrouping of services. The bureau shall report to the President the results of such study, and the President may transmit the report or reports to Congress together with his recommendations thereon.

The act also requires the Bureau of the Budget, at the request of any committee of either House of Congress, having jurisdiction over revenue or appropriations, to furnish the committee such aid and information as it may request; and under regulations prescribed by the President every department and establishment of the Government shall furnish to the bureau such information as the Bureau of the Budget may from time to time require, and the director and assistant director and employees of the bureau shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment.

Under the act the head of each department and establishment shall designate an official thereof as Budget officer therefor, who, in each year under his direction shall prepare the departmental estimates; and such Budget officers shall also prepare for their respective departments and establishments the required supplemental or deficiency estimates.

The head of each department and establishment is required to revise the respective estimates thus prepared, and submit them to the Bureau of the Budget on or before September 15 of each year.

Thus, under the Budget act, there must be presented to Congress by the President at each session not only a complete picture of the estimated requirements and receipts of the Government for the ensuing fiscal year, but also a complete picture of governmental receipts and expenditures for the current fiscal year and the last fiscal year, and of all fiscal operations and needs of the Government, so that Congress, in performing its constitutional work of providing the money for the operation of the Government, may have all necessary information and aid for the purpose. Through the detailed estimates and data submitted by the various departments to the Bureau of the Budget, and by the bureau revised and submitted to the President, the latter is enabled in turn to transmit to Congress the full information required by the act touching estimates of receipts and expenditures and related matters.

The Budget act also creates what is termed "The General Accounting Office," which is made independent of the executive departments of the Federal Government, and under the control and direction of the Comptroller General of the United States, an office created by the act. By the provisions of the act the old offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury were abolished. The salary of the Comptroller General was fixed by the act at $10,000 per year and the salary of the Assistant Comptroller General at $7,500. The powers theretofore conferred on the Comptroller of the Treasury, the half dozen auditors of the Treasury Department, and other general accounting officers and divisions of the Treasury Department were by the act transferred to the jurisdiction of the Comptroller General, the purpose being to create a single great central auditing and accounting office with independent powers. In furtherance of the purpose of independence the act fixes the terms of the Comptroller General and the Assistant Comptroller General at 15 years each. The President appoints, with the advice and consent of the Senate, these two officials, and either may be removed at any time by joint resolution of Congress, after notice and hearing, when, in the judgment of Congress, either has become permanently incapacitated or inefficient, or guilty of neglect of duty or malfeasance in office, or of any felony or conduct involving moral turpitude, and, to quote the language of the act, "for no other cause and in no other manner except by impeachment."

The act also provides that all "claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office."

Further provisions of the act provide that the Comptroller General shall investigate anywhere all matters relating to the receipt, disbursement, and application of public funds, and shall make to the President and Congress reports of the work of the General Accounting Office, together with recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlements of accounts and concerning such other matters relative to the receipt, disbursement, and application of public funds as he may think advisable.

Other duties for the Comptroller General are prescribed by the act, but I have indicated those of major character. You will understand, therefore, that the Budget act, by creating the General Accounting

Office, concentrates in that office the various accounting and auditing activities of the Government and makes the work independent of all other departments of the Government. All this has been done for obvious reasons of efficiency and economy in governmental accounting and expenditure. The General Accounting Office is regarded as a very effective factor in the proper operation of a governmental budget and accounting system.

The two Houses have amended and revised their rules and procedure and formed their committees so as fully to cooperate with the President and the Bureau of the Budget in the administration of the Budget. All appropriations originate in the House. With the exception of the Claims Committee, the House Committee on Appropriations (with some minor exceptions) has superseded all the various committees which formerly framed appropriation bills. To prevent duplication of hearings, the Claims Committee has retained its jurisdiction to report measures appropriating funds for the payment of claims heard and favorably determined by it. However, the total of claims whose payment is annually provided for by Congress is relatively small; and this leaves to the present-day Appropriations Committee, of which I now have the honor to be a member, the great work of framing the bills for practically all the expenditures of our National Government. This committee, which, under present conditions, is perhaps the most powerful and important in either branch of Congress, is made up of 35 members—20 Republicans and 15 Democrats. The committee is singularly and, I may say, most happily free from partisan motives or action. As I am a new member of the committee, having been named to serve on it at the beginning of the first session of the present Congress, I feel that I may with propriety speak in compliment of its work. Most of the members have served on the committee for a number of years, and Hon. MARTIN B. MADDEN, of Illinois, as chairman of the committee, has rendered to the Government and to the taxpayers of the Nation a service of the very highest character. His knowledge of the fiscal needs and operations of the Government is of the most extensive and intimate character. He is a successful business man, has had wide and most useful experience in public affairs, and is possessed of untiring energy and moral courage. Added to these qualifications is a sincere and intelligent zeal to protect the great body of the American people, the men and women of the country who have to bear, either directly or indirectly, the burdens of Federal taxation. His spirit of governmental thrift and economy inspires the entire committee, and its work is accordingly governed. Both Houses accept and enact, in their substantial form, the various appropriation bills as reported by the House Appropriations Committee.

The House Committee on Appropriations is now divided into 10 subcommittees made up of from five to seven members each, the majority party in Congress having thereon a majority of members. These subcommittees are as follows: Treasury and Post Office Departments, District of Columbia, War Department, Department of Agriculture, Independent Offices, Interior Department, Navy Department, Departments of State, Justice, Commerce, and Labor, Legislative Establishment, and Deficiencies. At the beginning of each session the President sends to Congress his message, transmitting the Budget for the ensuing fiscal year. The Budget is in printed form, and makes a volume of hundreds of pages wherein are set forth, for each department and activity of the Government, all figures and data showing expenditures made, being made, and probably needed to the end that Congress may, as contemplated by the Budget act, have the necessary information to enable it properly to frame the great appropriation or supply bills for the ensuing year. This message and the Budget, when received in the House, go to the Committee on Appropriations, and printed bills, or prepared appropriations acts, with comparative and explanatory data compiled from the Budget, are prepared by the clerk and assistant clerks of this committee for the use of the various subcommittees. These bills are based on the estimates and data set forth in the Budget. These subcommittees conduct their separate hearings, intensive in character, relative to the respective departments and establishments, respectively, covered by them. The subcommittee on deficiencies frames the appropriation bills necessary to take care of expenditures authorized by new legislation and deficiencies in regular appropriations. The subcommittees receive the testimony of Cabinet, bureau, division, and Budget officers; and examine, in the most thorough way, all who appear before them, in order to determine the correctness and justice of the respective estimates submitted in the Budget and the need for modification of these estimates. All this testimony, taken down in shorthand, transcribed, and printed, is accompanied by tables and documents not included in the Budget. These printed hearings cover several thousand pages, and are available to every Member of the House and Senate.

When a particular subcommittee—as, for instance, my own, that of Treasury and Post Office Departments—completes its hearings, often lasting for weeks, it goes over the printed bill and agrees on all changes in estimates or language deemed, under the facts, necessary or desirable. Congress is not bound by any Budget estimate and has full power to modify or eliminate any estimate. Thereupon the entire House Committee on Appropriations is called to meet and consider the bill, and at this meeting the revised, printed bill, the printed hearings, and a printed report to accompany the bill are furnished each member of the committee. The chairman of the subcommittee explains the bill, discussions are had, and sometimes modifications and amendments—usually of minor character—to the subcommittee's bill are proposed and determined. Then by favorable vote of the whole committee the chairman is directed to report the bill to the House. Then a time is fixed in the House for the consideration of the bill. When the day or hour arrives the chairman of the subcommittee having charge of the bill reaches an agreement with the ranking subcommittee member of the opposing political party as to the period of general debate, which shall begin before the reading of the bill commences. The House resolves itself into the Committee of the Whole House on the state of the Union for the purpose of hearing the debate and for the reading and consideration of the bill. The debate occurring before the reading of the bill begins is ostensibly on the bill itself, but is only partially so. The chairman of the subcommittee controls one half of the time allowed for this period of debate, and the ranking member of the subcommittee on the other side of the House controls the other half. While these two usually confine their discussions to the provisions of the bill, the chairman of the subcommittee making an explanation of its provisions, the greater number of the Members of the House who take part in this so-called "debate" talk upon any subject which they may choose. This particular period is a sort of "open season" for congressional speech-making.

When this "debate" is concluded the reading clerk of the House begins to read the bill, and during the reading amendments may be offered, discussed under the five-minute rule, and determined. The bill is ultimately read in its entirety. In the Committee of the Whole 100 Members of the House constitute a quorum. The Committee of the Whole is less formal and more flexible in its procedure than is the House itself. In the House, as distinguished from the Committee of the Whole, to have a quorum for the transaction of business there must be present not less than one-half, or 218, of the total elected membership of the House, 435.

There is a general rule of the House, known as the "Holman rule," which forbids any provision to be included in an appropriation bill or in any amendment thereto changing existing law, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salaries of the officers of the United States, by the reduction of the compensation of any person paid out of the United States Treasury, or by reduction of amounts of money covered by the bill. Also, under the rules of the House, no appropriation shall be carried in any appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless same is in continuation of an appropriation for such public work and objects as are already in progress.

When the Committee of the Whole concludes its consideration of the bill it is reported by the committee to the whole House with any amendments it has adopted. Then the House acts on the bill, and when approved by the House it goes to the Senate for action. There is also a Committee on Appropriations in the Senate; and the bill upon going to the Senate is referred to that committee, and, in turn, is referred to the appropriate subcommittee for consideration. There are subcommittees of the Senate Appropriations Committee similar to those of the House Appropriations Committee. These subcommittees of the Senate Appropriations Committee do not conduct such extensive hearings as those of the House Appropriation subcommittees, but deal more particularly with controversial points and new matters. The Senate subcommittees have the benefit of the printed hearings of the House subcommittees, and by reference thereto the substantial duplication of the hearings is rendered unnecessary. The procedure in the Senate Appropriations subcommittees and in the Senate Appropriations Committee is generally similar to the procedure of the like committees in the House. When the bill is reported back to the Senate by the Senate Appropriations Committee with recommendation for its passage, with inclusion of any amendments, changes, or additions made therein by the Senate Appropriations Committee, the bill is read and discussed in the Senate, and finally passed. Amendments may be offered on the floor of the Senate, and if adopted go into the bill.

Thereupon, if the Senate has adopted any amendments or made any changes in the bill as received from the House, the bill is sent back to the House, and if the House is unwilling to accept the amendments and changes made by the Senate the bill goes to conference, the House designating certain members of the appropriate subcommittee of the House as conferees, and the Senate designating certain members of the appropriate subcommittee of the Senate as conferees. The conference committee thus appointed undertakes to compose the disagreements involved, and when they are composed and the two Houses agree thereto the bill is ready for the President's signature, or approval. Upon his approval the bill becomes a law.

This, in brief, is an outline of the Budget and the legislative procedure involved in and about the enactment of an appropriation bill, and broadly speaking, the legislative action involved is a part of the Budget operation.

At this juncture I deem it appropriate to speak a word of commendation for the able and tireless chairman of the Senate Appropriations Committee, Senator FRANCIS E. WARREN, of Wyoming. His long service in the Senate and his broad experience in national affairs render him peculiarly fitted for the chairmanship of this committee; and his committee is cooperating with the House Appropriations Committee in the work of keeping down governmental expenditures.

It must be apparent that the Budget system, if it properly functions, will prove to be greatly superior to the old haphazard and nonscientific method of governmental appropriation and expenditure. The experience of the country during the past four years under the Budget system, in my judgment, amply justifies its creation. A lack of time will not permit me at any great length to go into the details involved, but I shall submit some comparative figures and observations to demonstrate the truth of what I am saying.

Since the Budget and accounting act became a law in June, 1921, the estimates of needed appropriations submitted to Congress have been submitted in accordance with the provisions of the act. Congress is now considering the fourth annual Budget, and the deficiency and supplemental estimates which have come to Congress since the transmission of the Budget for the fiscal year 1926—that is to say, the Federal fiscal year which begins July 1, 1925, and closes June 30, 1926. By the collaborative action of the President, the Bureau of the Budget, and the Congress under the Budget system since the system became effective, large reductions of expenditure have been effected and economies made, and certain great and outstanding results have been accomplished, some of which I shall indicate.

The national expenditures have been reduced from the stupendous and staggering total of something like six and one-half billions of dollars per year—the total for the fiscal year ending June 30, 1921—to something over three billions for the current fiscal year. In fact, under the very first year of Budget operation there was brought about a reduction of something like $2,000,000,000; and for each of the subsequent years of Budget operation there has been secured something more than that total of reduction as compared with the fiscal year ending June 30, 1921, the last before the Budget system commenced to function.

We are now paying annually about $470,000,000 on the principal of our public debt, and about $865,000,000 per year on the interest on the public debt. During the past four years the annual interest charges have declined from about $1,000,000,000 to $850,000,000; that is to say, about $150,000,000 per year. This reduction of interest charges has been due to the reduction of the public debt.

The public debt has been reduced since March 1, 1921, from the total of something more than $24,000,000,000 and a Federal per capita indebtedness of something like $220, to a total of $21,250,000,000 and a Federal per capita indebtedness of a little less than $190. The total public debt reduction through payment has thus been about $2,800,000,000, and provision is now being made in each year's Budget for debt retirements of $500,000,000 chargeable against ordinary receipts.

In addition, short-term indebtedness has been either retired or advantageously refunded. Liberty bonds which at the beginning of the Budget period were selling around 85 cents on the dollar have long since been selling at or above par.

Twice during the same period tax reductions have been effected by Congressional enactment—once in 1921 and again in 1924—and thereby our annual Federal taxes have been scaled in the enormous total of something like $1,250,000,000 per year.

By means of all these matters our national finances have been placed on the soundest basis. At the close of the fiscal year 1924—on June 30, 1924—there was in the United States Treasury the largest surplus in the history of the Government; that is to say, more than $505,000,000. The total of ordinary receipts of the Government for the same fiscal year were over $4,012,000,000, while the total of expenditures chargeable against these receipts was $3,506,000,000. The total expenditures for the fiscal year beginning July 1, 1926, chargeable against Treasury receipts, will be a little more than $3,000,000,000. This total will include any deficit which may result from the operation of the Postal System. The Postal System is not fully self-sustaining. The postal revenues now amount annually to almost $640,000,000, and are applied directly to payment of postal expenses. The annual postal deficit is running at something like twenty to thirty millions of dollars. The total postal receipts being from twenty to thirty millions of dollars less annually than the total annual postal expenditures, the difference, or so-called deficit, must be paid from Treasury funds, and the estimate of something over $3,000,000,000 for 1926 expenditures includes the estimated postal deficit for that year.

You may be interested to know how the total of a little more than three billions now being appropriated in Congress for the ensuing fiscal year will be expended. Let me enumerate:

Legislative establishment	$14,904,031.80
Executive office and independent offices	452,393,334.00
Department of Agriculture	124,774,441.00
Department of Commerce	22,957,334.00
Department of the Interior	239,727,403.67
Department of Justice	24,205,822.00
Department of Labor	8,602,625.00
Navy Department	287,402,328.00
State Department	16,011,512.77
Treasury Department	126,951,947.00
War Department	332,282,671.00
District of Columbia	31,812,237.00
	1,682,025,687.24
Permanent annual and indefinite appropriations	85,326,178.24
	1,767,351,865.48
Reduction in principal of the public debt	$484,766,130.00
Interest on the public debt	830,000,000.00
Total payable from the Treasury	3,082,117,995.48

This estimate of expenditures for the ensuing fiscal year may be accepted as being correct for all practical purposes, since it is based on appropriation bills which have been passed at the present session or are in process of being passed, and the aggregate results are now virtually determined. The estimated total of 1926 expenditures includes payments to be made on the public debt amounting to about $485,000,000 and payments of interest on the public debt of $830,000,000, or a grand total of payments on public debt and public-debt interest of $1,315,000,000. This will leave about one billion seven hundred millions to be expended for the ordinary and regular operating expenses of the Government. This is getting back toward pre-war costs of governmental operation, and in this total of one billion seven hundred millions are included extraordinary expenses of Government unknown to the pre-war period, namely, soldiers' adusted compensation, Veterans' Bureau, and other heavy expenditures coming as a result of the war. With these items added to war debt and war interest payments, and the resulting total subtracted from the 1926 estimate of expenditures, the approach to pre-war governmental operating costs is even more marked. It is to be doubted whether further reductions of expenditure, speaking in totals, may be effected. The normal growth of the country and the inevitable increase of governmental business, will render further reduction of expenditure difficult. While it is doubtful whether further reductions in any substantial way can be effected, although, of course, it will be the duty, and I am sure it is the purpose, of both the executive and legislative departments to make them if possible, yet, with the growth of business and population, receipts will probably increase in such wise as to permit in the near future further tax reduction, perhaps at the next regular session of Congress, which convenes next December. I am sure that this is the sincere wish of the President and Congress and the devout and earnest hope of the country at large. Our national prosperity must be measured in large degree by the reduction of our burdens of Federal and local taxation. Of course, in due time, at the present rate of payment, our public debt will greatly diminish, and likewise the interest charges thereon, and through these means our Federal expenditures will ultimately be reduced; but, as just stated, it is to be doubted whether further reduction may be made as to those expenditures for govenmental operation as distinguished from public debt and public interest payments.

In the making of the wonderful financial record which has been made since the enactment of the Budget law, nearly four years ago, the greatly abused legislative branch of the Government has done its full share. President Harding inaugurated the Budget system, and he and the Congress cooperated to make this system effective. President Coolidge has greatly distinguished himself by his insistence upon the practice of rigid economy, and the Congress has cooperated with him also. The directors of the Budget have done splendid work and have helped to demonstrate the great value of the Budget law. Because of its initial relationship to the subject of appropriations and the spirit in which it has wrought, the House Committee on Appropriations has been a prime factor in the great work which has been accomplished. In fact, the appropriation bills formulated and reported by this committee and enacted by Congress during the four years of the Budget period have been less than the totals submitted in the Budgets by nearly $350,000,000.

The Bureau of the Budget is busy all the year in digging for and securing the facts on which to base its estimates for appropriations, and it is working all the time to prevent waste and duplication of activities. In the biyearly meetings of the Business Organization of the Government the President and the Director of the Budget address the responsible heads of the various departments and establishments of the Federal Government upon the questions of governmental expenditures and economy, and there is communicated to all these departments and establishments a spirit and purpose of economy and retrenchment of the greatest value.

The enactment of the Budget law was in itself a great step made by the President and Congress toward retrenchment and reform. The solemn purpose to bring about substantial reduction of national expenditure impelled Congress to enact, and President Harding to sign,

that law. The Budget system was considered as the only system whereby the desired results might be secured. Its operation has certainly justified the action of those who brought it into life and action. It is the only system. As a people we should never tolerate any other. Through its beneficent operation we, as a Nation, are marching from the black night of financial chaos to the open day of financial security. The lessons of the national Budget system—it is to be hoped—will not be lost on States and municipalities of our country. The local governments have a duty to perform in the great work of reducing the burdens of taxation no less important than that of the Federal Government. Thrift, it is said, is the difference between the civilized man and the savage. What is true of men is true of nations. I am sure that the world to-day knows of no more effective instrument for bringing about relief from the overwhelming burdens of taxation under which it is groaning than an intelligently planned and executed system governing the expenditure of public funds, such as I have sought to explain to you this evening.

In conclusion permit me again to thank you for your courtesy and hospitality, and to express the hope that some time in the near future I may be able to return to your magnificent city and drive over a handsome completed boulevard, Orleans Street, of which I have heard so much to-night, and concerning which your acting mayor a little while ago gave such pleasing assurances.

Mr. LINEBERGER. Mr. Speaker, as an appropriate aftermath to the celebration of the natal day of the Father of his Country, the immortal George Washington, and in order that we may refresh our memories of the epic events in which he played such a glorious and conspicuous part, I ask unanimous consent to extend my remarks in the RECORD by printing a most inspiring address on the American Revolution recently delivered by the gentleman from Wyoming, Mr. WINTER, at a meeting of the Sons of the American Revolution held in the city of Washington on the evening of January 21, 1925. This address should be read by every patriotic American as an inspiration for a greater love of his country.

The SPEAKER. Is there objection?

There was no objection.

THE AMERICAN REVOLUTION

Patriotism is indeed a noble passion. Even the blind adoration of a name may have in it something admirable, something fine and elevating. The patriotic frenzy of the soldier whose vision, amid the roar and swirl of battle, is fixed upon his flag and who follows that flag unto death, can not fail to awaken within our breasts an answering thrill. But in the degree that those who gave sacrifice offered themselves, not merely for a name, a section, a party, a class, but for principles of humanity, and of freedom, of high ideas, and noble ideals, were they truly inspiring and uplifting. Our soldiers of the Revolutionary War fought for the establishment of free government; they fought for a principle of the utmost importance to the future of humanity.

The history of war in general is a stupendous volume of folly and crime. War has been termed "the malady of princes." But there have been wars of righteousness and ultimate peace, involving vital principles affecting the welfare of mankind for all future time. These were wars over whose battle fields presided the triune spirit of civilization: Justice, liberty, and humanity. Of such was the War of the American Revolution.

A noted American said that George Washington had become to us but a steel engraving. He meant that we had so stereotyped his life and character in our thought and speech that we had lost sight of the true man. There is some truth in the criticism. That criticism can also be applied to us in a degree as to the Revolution of which he was the foremost figure. If we can bring to our minds and hearts a deeper realization and a keener appreciation of that great war and its blessings to us, and apply its lessons to the present, the hour will not have been in vain.

We are all apt to read and speak of Washington, the Declaration of Independence, Lexington, Bunker Hill, Valley Forge, and Yorktown as so much history. But the study of those annals reveals to the thoughtful student, discoveries of tremendous import and significance. The magnitude of the issues involved in that great struggle can not be realized when we fix our eyes simply upon the war itself.

It is only when we view with comprehensive glance the conditions that preceded and surrounded, the forces that wrought out, the spirit that animated, and the events that succeeded the American Revolution, that we can realize the stupendous meaning, the true grandeur, and glory of that mighty event.

CONDITIONS THAT PRECEDED AND SURROUNDED

For centuries the human race had been submerged. Man had ever been the subject and supporter of kings, queens, and despots. The divine right of kings was inculcated in the masses. Wars were waged for conquest, spoils, ambition, or revenge. It was the fate of the common people to find destruction in the gratification of the passions and ambitions of the ruling powers, and they were sacrificed in countless numbers in the struggles of monarch against monarch.

Such was the state of Europe in the centuries preceding the discovery of America and the establishment of the Nation. Behold the Old World! Worn by the continuous tread of armed hosts; woven together in a common fate by the crossing and recrossing of the battalions of every nation; its fields plowed only by shot and shell and hardened by the tramp of contending armies; crowded to the shores in spite of decimating wars; its traditions, customs, laws, history, institutions, all bearing down upon the common man and crushing him into the very earth with their stupendous weight, the Old World held no hope for the race of man. No ray of light found its way through the dark pall of subjection and degradation. The spirit of man was crushed, his intellect blinded, his heart stricken and blunted, his soul left in darkness and despair. Ignorance and superstitution and the tyranny that fostered them held him in iron thrall. What hope, what room for man? The question came up from the heart of the masses. It rose again and again to fall again unanswered. What hope, what room for man? Higher and yet higher it rose—the last desperate cry of burdened humanity. From the north—no response—the star of the north shone pitilessly; from the south—no answer—the Southern cross gleamed silently; from the East—nothing—the Star of Bethlehem was hidden; in the west "the star of 'man's' empire" appeared—God answered with a new continent! It was the only solution. It came in the fullness of time when man's greatest need had come upon him. And "westward the star of 'man's' empire took its way."

A new continent! What conceptions it awakened! What possibilities were locked in its mighty bosom! What vast interests for humanity were embraced between its two oceans! What grandeur in its physical aspects! Yet more, what possibilities for freedom upon its undefiled expanse! At last the time had come when through the breast of the common man, servile, downtrodden, enslaved, there shot the strange lightnings of hope. At last the time had come when he could forever leave the scarred shores of the Old World and in a New World stand erect, feel the giant's strength flowing into every limb, lift his head into the sunlight of freedom and feel within his breast the purpose, the courage, the hope, the will, the spirit of a man—a man as God meant man to be. Such were the glorious possibilities that now gleamed before the eyes of men.

THE FORCES THAT WROUGHT OUT

The New World slowly emerged from the fears and fallacies of monarchy and watched with intent eye the dawning of a new day in the horizon of government. But the grasp of the Old World and the old system was not to be loosed without strenuous conflict and desperate struggle. But now the forces begin to act. Patrick Henry, the mountaineer, with tongue of fire, inspires the hearts of his countrymen. The Declaration of Independence is given to a startled world. The war for liberty is begun! "All men are created equal" and have an "inalienable right to life, liberty, and the pursuit of happiness" is the sublime trumpet note that encircles the globe; and wherever the spirit of liberty dwelt upon earth it thrilled into life and sprang into action at that mighty call to arms. Now, mark how the friends and forces of liberty gathered and drew from all the earth.

From Poland came Count Pulaski, the brave; came Kosciusko, forever immortal in the annals of freedom. Baron Steuben, faithful and courageous, hastened from Prussia to the scene of action. Dekalb, heroic and freedom-loving German, cast himself into the struggle. From France, bursting the gilded fetters of aristocracy, offering wealth, service, and life itself in the holy cause, came Lafayette, the "friend of liberty." Thus in time of need, in the supreme years, in the hour of destiny all the forces and strength and power of the cause of freedom were centered in the American Revolution, upon which depended the supremacy of liberty, the emancipation of man.

THE SPIRIT, THE PRINCIPLE THAT ANIMATED

The spirit that animated the breast and fired the soul of the revolutionary patriot was as high and pure as ever stood behind bayonet or flashed over blade of sword. Compare for a moment the underlying principles of the American Revolution with those of that other great movement, the French Revolution. Material causes in the main urged the French to the radical resort of revolution, though its students had written theoretically of human rights. The people of France were driven to madness by physical suffering. Lack of bread, hunger of body, and hatred of a tyrannical and extravagant court raised them to the heights of frenzy. Thus want and misery and rage were the forces that wrought upon them a wild transformation, that stormed the Bastile, that swept the mobs against the gates of the Tuilleries; that sent Louis XVI to his doom; that, defying the very Deity, lifted the whole Empire of France in one mighty cataclysm of destruction and left it a bleeding wreck. Excesses such as these were impossible to the American revolutionist. He fought not for revenge, not for material causes, not for himself alone; he fought for the principles of human liberty. The French movement, based in part upon material causes, grew to license, anarchy, chaos, and fell back exhausted into the arms of empire. The American struggle, based upon an eternal principle, rose to the greatest revolution of all history, established forever the rights of man, and builded upon these foundations the greatest Nation on the globe.

All the experience of the centuries centered into the contest fought by our forefathers and all the future of free government was to issue from it. The contest they waged was the focus and fulcrum of all the past and of all the future. Upon it the balances of human government hung trembling. "Forty centuries look down upon you" said Napoleon to his soldiers as he stood in the shadow of the pyramids. All the centuries of the past looked down upon the American Revolutionary soldier and all the centuries to come were to look back upon him. Thus the greatness of his mission lifted him above the sordid interests of war and filled his soul with lofty emotion and glorious patriotism. Human liberty for self-government was his inspiration. Liberty was his watchword; whether rung from his lips by the dread sufferings of the winter camps, sighed in the weariness of the march, hurled at the enemy in the charge of battle, or shouted to the very skies when victory had come.

CONCLUSION AND RESULTS

The American soldier fought the war of man. Every conflict of the Revolution was a conflict for the race. God had prepared for centuries for the coming of a great principle, for the birth of a new idea, and upon the new continent was that idea to be brought forth. It was the cause of humanity battling for its own. It was unconquerable; it was irresistible. On the plains of Yorktown Cornwallis surrendered to Washington. The old world delivered its sword to the new. The emancipation of man was forever a reality.

ELEMENTS OF REVOLUTION

Every revolution in the world's history that succeeded—and there is a profound lesson in the fact—had in it three elements: Liberty, law, and growth. A true desire for liberty, supported by law and order and preparation for the change. Nearly every struggle in which these three elements did not inhere failed. Why?

A desire for liberty alone does make a war justifiable or worthy of success. Liberty alone is simply savagery. Absolute liberty would permit me to kill were I the stronger. Government is necessary in order that we may live together in peace and security. There must be law to make liberty safe. Otherwise every man's will would be his law, and the result would be not liberty, but anarchy, the worst form of tyranny. Then there must be growth in order that a people may have time to adjust themselves to the new conditions, that they may have the intelligence to enact law and the wisdom to respect it when enacted. Let us illustrate.

The French revolutionists under Robespierre cried, "Liberty," but they caused a bloody reign of terror and failed. Why? Because they lacked the elements of law and growth. The French revolutionists under the Girondists sought liberty and sought it under law, but they attempted to overturn a government in a night and inaugurate another, and failed. They ignored the element of growth. Madame Roland, their representative, went to the scaffold crying, "O Liberty! What crimes are committed in thy fair name!"

A war for liberty without the elements of law and growth may be a mere insurrection; a war for liberty under law, but without capacity, or a war under law with capacity but not for liberty, may be but a rebellion; but a war for liberty under law through growth is a revolution. Let us test the struggle of '76 with these propositions.

Our forefathers fought for liberty, and they fought for it under law, two of the three essential elements. Did they have the third? The patriots of '76 were the products of hundreds of years of development. Their forefathers and ancestors began the upward struggle six centuries ago. They slowly rose from the ignorance and savagery of the primitive Anglo-Saxon to a form of civilization and order. They wrested from the hands of kings by degrees measures of freedom, finally attaining the Bill of Rights and Magna Charta. Thus they grew in statue, in knowledge, in ability, in wisdom, in self-restraint, and self-control, as a people, to make law and uphold law, until at length, when they landed upon the shores of America, and on through the colonial days to the Revolution, they were industrious, intelligent, self-respecting, law-respecting people. They were fit for self-government.

The American war of 1776 was not an insurrection, it was not a rebellion, it was a revolution. Therefore when the world saw our forefathers battle to establish a Government on this continent, they saw a people who were to be victorious and a Nation destined to live.

EVENTS THAT SUCCEEDED—PROGRESS UNDER FREEDOM

The flag of a free, independent, and self-governing people now floated amid the flags of the world. It carried the great story of a great struggle for a great principle greatly won. It spoke a new language to men. Along the color of its stripes and in the blue of its stars were read by all the world: "Equality before the law"; "The right of self-government"; "Life, liberty, and the pursuit of happiness." What did these things mean? They meant a liberated body, a liberated mind, a liberated conscience; a liberated man! And mankind everywhere recognized the wisdom, the justice, the benevolence of those principles. The oncoming millions, peopled with marvelous rapidity the virgin soil of the new Nation. Then was demonstrated to the world that the principles of free self-government are the true bases of civilization and progress. Everywhere in this land the mind of man sprang into activity. Wonderful developments attended the labors of science, invention, industry, art, and literature. Daniel Webster's well-known conception and figure of speech concerning the financial policy of Alexander Hamilton may well be applied in a larger sense to the progress of man under self-government. For the fabled birth of Minerva from the brain of Jove leaping forth fully armed and equipped for battle, was of a truth, not more sudden and wonderful than the birth of progress from the mind of liberty, springing full-panoplied before the world. Such was the unparalleled growth of this young, puissant, giant Nation, that the old established governments of earth stood and looked in amazement.

And to what have we attained to-day? To-day America's name has been carried to the uttermost portions of the globe. It has touched every language. The flashing of our guns at Manila and Santiago and at the Argonne emblazoned it upon the heavens so that all the world must see and know and acknowledge the greatness and power of free government. America to-day leads all nations and all peoples. In her extent or in her productiveness, in her principles or in her institutions, in her strength or in her intelligence, in her citizenship or in her statesmanship, in her measures of peace or in her measures of war, in the care of her humblest citizen or in the emancipation of a race, in her mighty conservatism or in her splendid progressive genius, America stands to-day peerless, magnificent, triumphant—the most powerful and enlightened nation of earth—the marvel of the ages; her people, despite all criticism, the most secure in their rights, the most prosperous in their activities, the happiest in their homes of all the peoples of the world.

DUTIES OF CITIZENSHIP

"The worth of a nation," wrote John Stuart Mill, "is the worth of the individuals composing it." A French King once said, "The State, I am the State." He lied. The people are the State. Government with us begets men not subjects. Men with us beget government not monarchs. The individual, the common man, constitutes and creates government. In the individual lies the greatness, the safety, and the perpetuity of the State. Judges, legislators, orators, leaders, may give expression and direction to the laws and policies of a nation, but they emanate from the people. The common citizen is the bone and sinew of the body politic. As in military life the issue depends finally upon the common soldier—witness Chateau-Thierry, St. Mihiel, and the Argonne—so in civil life it depends upon the common citizen. He is the power that drives the wheels of traffic, that draws from the earth its wealth of product, that constitutes the busy marts of trade. He gives the community its standard of morality; he comprises within himself the enterprise, the courage, and the intelligence of the commonwealth; he forms our national character. He makes our Nation great.

That the highest consummation possible to our Government and civilization may be attained it is necessary for us, as individual citizens, for you and for me, to perform our duties and rise to the full stature of American citizenship.

We must appreciate and exercise the blood-bought right of suffrage, the ballot.

We must cling to original principles, to our governmental fundamentals.

We must continue to adhere to the American principle of the utter separation of church and State. We must continue to stand for religious freedom, and that means we should not attempt to legislate religion into our people.

We must continue to uphold the freedom of the press, freedom of speech, the sacredness of the home—inviolable except to constitutionally obtained search warrant.

We must all support the constituted authorities and agencies of law enforcement, and one method of so doing is for every thoughtful, good citizen to make individual, personal application, and meet his or her own obligation of obedience to law.

We must insist upon the proper and legitimate exercise of Federal supervision and the police powers of the State. We must hold it a dereliction of duty, an abandonment of its rights, and seminullification for any State to refuse or fail to exercise its concurrent power of law enforcement.

We must keep inviolate the basic structure of our Government with its three divisions—the executive, the judicial, and the legislative—maintaining each in its proper sphere.

One of our chief responsibilities is to preserve our essential form of government. After chiefs came monarchs, despots, royal lines, and the so-called divine right of kings. Then the people awoke to the fact that government was too much centralized in these heads and that their former individualism had left them, their liberties were gone. Denied liberty, they in time revolted against all authority and produced anarchy, and history ever since has been made up of the struggles between governing powers for more power and the people for more freedom. Out of all this it was seen that there must be both governing power, meaning law and central authority, and individual liberty.

When this country was established it came nearer solving the problem of the proper balance of these factors than had any nation of

earth. In fact, it solved it. Our Government is so formed that there is authority—the centralizing, centripetal power, corresponding to the sun in the solar system; and there is liberty—the expanding, centrifugal power, corresponding to the force of the earth's tangent-seeking momentum in the planetary system. Thus, like the earth, our Government is kept in its proper orbit equally balanced between centralization and individualism. The result is orderly liberty.

We have a great duty to perform in maintaining this balanced Government. To do this we must clearly realize that organization, system, law, and order are in no wise subjection, oppression, or tyranny, but, on the contrary, they give greater real liberty and secure truer freedom. We must preserve our representative government, distinguished from pure democracy, as designed and instituted by the founders of the Nation. On the other hand, we must remember the lessons of history where excessive central authority led on to despotism and absolutism. It is just as much our duty to guard jealously local, individual, and State rights, contemplated and provided in the Constitution, as it was ordained and established by the people. In different periods we have tended one way and then the other. At present the tendency is to centralize too much and to invade the local jurisdiction, and thus to impair the proper equilibrium of the governmental structure. Disturbance of that equilibrium means friction and hostility which would be a dual government; what we want is a dual government.

How shall we best be prepared to meet the responsibilities and requirements of citizenship at this time? Let us study the lives and character of great men of the Nation. Let us study the history of our country. Let us realize the mission and destiny of this Republic. Think of that history! Free thought, free press, free worship, free labor, free ballot, free slaves, and free schools. Such have been the contributions of America in the advancement of civilization, and such will ever remain her glory and her pride. These are seven hills that base an empire greater than the "Seven Hilled Rome." These are seven stars that glitter upon the brow of our Statue of Liberty to light the citizen in the path of reason and patriotism.

Among our many great leaders I would point you to-night to but one: To Washington, that tall, strong, serene, just, good, and grand character, so perfectly represented by this monument at the Nation's Capital, which rises in beautifully severe lines to its majestic height; Washington, one of the few of the world's great. Lincoln said of him: "Washington is the mightiest name of earth. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on."

What of the mission of the Republic? I have sometimes pondered on the question of what the ultimate destiny of our civilization will be. Other great nations and civilizations have risen to supreme power and great heights and under an inexorable law of progress have then passed through decay to death. I hold the abiding conviction that the world is prepared for a civilization supreme and permanent. Why is not this our Nation, our country, and our people the fitting foundation for the perfect superstructure? For thousands of years mankind has been struggling upward for freedom, for justice, for liberty, for knowledge, for brotherhood. We trust that through our race, upon our soil, under our Government, its principles and institutions the goal of the ages may be attained, and that we shall uplift and draw all mankind with us.

MEANING OF THE FLAG

The Red, the White, and Blue! I know not the original significance of those colors; I know not the thoughts that inspired their choice. I know only that the flag is a perfect flag. Try as we may to divest ourselves of our American prejudice, our fairest judgment still insists that no flag on earth can approach its blended charms.

When freedom from her mountain height,
Unfurled her standard to the air,
She tore the azure robe of night,
And set the stars of glory there.

Then mingled with its gorgeous dyes
The milky baldric of the skies
And striped its pure celestial white
With streakings of the morning light.

What a magnificent tribute to its beauty. But is there not a deep significance in the colors of the flag? To me they betoken the life of the Nation. The power of prophecy had long since departed this earth but may it not be that some latent spark kindled the sacred fires for a moment and in their sudden light came the conception of the flag?

In the red I see that past. It is the symbol of strife. I see the Nation's birth, a period of force and suffering, of bloodshed and destruction; again follow doubt, discord, alienation; the storm and convulsion of the Civil War, and then amid the awful throes of the World War the Nation passes over the blood-crimson border.

In the white I see reflected the present. It is the symbol of peace. The Nation has advanced into the realm of reason. Arbitration and international law have succeeded war. A lasting truce has been struck. Science, invention, industry, art, and philanthropy give forth their beneficent and refining contributions. The Nation is rousing to a fuller and a truer grandeur. "Peace hath her victories" even more "renowned than war."

In the blue I see the future. It is the symbol of love. Calm, clear, deep, serene, it inspires hope, trust, truth, and faith. It is the color of the skies; it is the environment of the stars; it is of the heavens. It suggests the spirit among men that "Man is his brother's keeper." Justice is enthroned at last, while humanity is the potent influence. I behold the working out into a majestic reality of that grandest rule of action, "The Fatherhood of God and the brotherhood of man."

Thou flag of the Nation! Not only art thou prophetic of our life and future, but of the progress of the human race. Where America leads the nations of the earth will follow and thou shalt beckon them to the highest and noblest destiny. Then all hail to thee! We salute thee! We would be worthy of thee! May'st thou ever wave, the ensign of liberty, happiness, and peace.

CHILD LABOR AMENDMENT

The SPEAKER laid before the House a communication from the secretary of state of North Carolina announcing the rejection by the legislature of the proposed amendment to the Constitution relating to the labor of persons under 18 years of age.

PREVENTION OF VENEREAL DISEASES

Mr. GILBERT. Mr. Speaker, I call up from the Speaker's table the bill H. R. 491, an act for the prevention of venereal diseases in the District of Columbia, and for other purposes, with Senate amendments.

The Senate amendments were read.

The Senate amendments were agreed to.

FIVE-YEAR SCHOOL BUILDING PROGRAM FOR THE DISTRICT OF COLUMBIA

Mr. REED of West Virginia. Mr. Speaker, I call up the bill H. R. 11079, the five-year school building program for the District of Columbia, and I ask unanimous consent that the bill S. 3765, identical with the House bill, be substituted for the House bill.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to discharge the committee and consider the Senate bill instead of the House bill. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, can the gentleman give us any indication when we may expect the rent bill to be taken up?

Mr. BLANTON. It is on the calendar.

Mr. LAGUARDIA. I am asking the chairman of the committee.

Mr. BLANTON. It is on the calendar, and the gentleman is interfering with it now.

Mr. REED of West Virginia. The bill is on the calendar and is in order to-day.

Mr. CONNALLY of Texas. It can be called up now.

Mr. LAGUARDIA. I do not see why it is not taken up now.

Mr. RANKIN. Reserving the right to object, how much time does the gentleman think this bill is going to take?

Mr. REED of West Virginia. A limited time.

Mr. RANKIN. Further reserving the right to object, I would like to propound a question to the Speaker. Yesterday was Washington's Birthday, and it has been customary to have his Farewell Address read to the Congress once a year on his birthday. I will ask the Chair if that is to be done to-day?

The SPEAKER. That is not within the Speaker's control. It was not done on yesterday, the Chair understands.

Mr. RANKIN. It ought to be done.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia to substitute the Senate bill for the House bill?

There was no objection.

Mr. REED of West Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3765, and pending that I would like to ask the gentleman from Texas if we can agree on the time for general debate.

Mr. BLANTON. I do not think it will require much time—20 minutes on a side.

Mr. REED of West Virginia. Mr. Speaker, I ask unanimous consent that the time for general debate be limited to 40 minutes, 20 minutes to be controlled by myself and 20 minutes by the gentleman from Texas.

The SPEAKER. The gentleman asks unanimous consent that the time for general debate be limited to 40 minutes, 20 minutes to be controlled by himself and 20 minutes by the gentleman from Texas. Is there objection?

There was no objection.

The motion of Mr. REED of West Virginia to go into Committee of the Whole House on the state of the Union was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will read by title.

The Clerk read the title, as follows:

A bill (S. 3765) to authorize a five-year building program for the public-school system of the District of Columbia, which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia.

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

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. REED of West Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, the purpose of the bill is to provide a sufficient number of school buildings to make it possible to abandon all portables now in use; to eliminate all rented buildings; to abandon the use of undesirable rooms; to reduce elementary-school classes to a standard of not more than 40 pupils per class; to provide a five-hour day for elementary schools; to abandon all school buildings recommended for immediate abandonment under the survey of 1908; to abandon all school buildings that have become unfit since 1908; to provide rooms so that we may be able to do away with the double-shift system in the high schools; to provide for the annual increase in enrollment of pupils; and, in general, to provide a program of schoolhouse construction which shall exemplify the best in schoolhouse planning and educational accommodations.

What is the situation that confronts us in respect to school accommodations here in the District? We have a shortage that is serious. For several years during the war period there was no attempt at construction. The number of pupils increased and went far ahead of the accommodations. As a result we now find that we are using 57 portable one-room buildings that may be moved where needed; 24 rented classrooms, at a rental cost of approximately $20,000 per year; 30 rooms that are undesirable; 40 rooms in which there are oversize classes, and 129 part-time classrooms.

In addition we are now using 12 classrooms in buildings recommended for immediate abandonment in 1908, 90 classrooms recommended for early abandonment in 1908, 20 classrooms in buildings now in process of replacement, and 46 classrooms in buildings now unfit for use. This makes a total of 448 classrooms needed and which should be provided for within the five-year period covered by this bill.

Permit me to call your attention briefly to one item contributing to the shortage, that of increased enrollment. A 10-year period ought to be fairly comprehensive and an accurate index. The average increase in the number of pupils attending the elementary schools from 1914 through 1920 was 788 pupils. The average increase from 1920 through 1924 was 802 pupils. The average increase for the whole 10-year period was 793 pupils. On the basis of increased enrollment it is estimated that 100 classrooms will be needed during the five-year period, or 20 classrooms per year.

For administrative and supervisory purposes, the elementary schools in the District are grouped into geographical divisions; 1 to 9, inclusive, refer to white pupils, and 10 to 13, inclusive, refer to colored pupils. The distributions of the rooms to take care of increased enrollment is a somewhat difficult matter, because allocations must be made where study has shown the increase will most likely take place. But a careful survey based on all available data and a study of local conditions as to building and development has indicated the following increased enrollment in terms of classrooms, by divisions and years:

Division	1926	1927	1928	1929	1930	Total
First	3	3	3	3	4	16
Second	2	2	2	0	0	6
Third	4	4	4	4	4	20
Fourth	0	0	0	0	0	0
Fifth	2	2	2	2	2	10
Sixth	2	2	2	2	2	10
Seventh	2	2	2	2	0	8
Eighth	0	0	0	0	0	0
Ninth	0	0	0	0	0	0
Tenth	0	0	3	3	3	9
Eleventh	3	3	0	3	3	12
Twelfth	0	0	0	0	0	0
Thirteenth	3	3	3	0	0	9
Total	21	21	21	19	18	100

A study of the annual increase in enrollment in high schools from 1913 through 1919 shows a net increase of 1,713 and an average annual increase of 245; from 1920 through 1924 a net increase of 3,707 and an average annual increase of 927. There were in 1924, 2,971 pupils of high-school standing enrolled in our high and junior high schools in excess of the capacity of those buildings on November 1, 1924. However, to care for the 2,971 excess, there is under construction accommodations for 1,450 pupils, leaving 1,521 pupils in excess of capacity.

A study of the situation in respect to vocational schools shows that we are using three rented rooms, four undesirable rooms, and that one additional room will be needed within the five-year period to care for increased enrollment.

I have set forth the conditions that exist as to school-building needs in general. When we come to examine the specific conditions and needs of each administrative division we find them to be as follows:

FIRST DIVISION

Increased enrollment: It is estimated that 16 rooms should be constructed in a five-year period for probable increased enrollment.

Accumulated shortages: The following tabulation shows conditions that exist in the schools of the first division that should be improved in a five-year building program.

First division, evidences of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Addison	0	0	0		0
E. V. Brown	2	0	0		4
Conduit Road	0	0	0		0
Corcoran	1	0	0		2
Curtis-Hyde	0	0	0		1
Eaton	1	0	5		2
Fillmore	0	0	0		1
Industrial Home	0	0	1		0
Jackson	0	0	0		1
Reservoir	0	0	0		1
Tenley	1	0	2		1
Total	5	0	8	3	13

Grand total, 29.

Replacements: The following schools should be replaced:

	Rooms
Threlkeld	4
Tenley	8
Conduit Road	1
Total	13

Construction already initiated: An appropriation of $25,000 for land and of $160,000 for an eight-room building and assembly hall was carried in the appropriation bill for 1924. This is the beginning of a 16-room building which will make it possible to abandon the present Tenley School Building, its annex, and its portables. Another appropriation for the additional eight rooms will be necessary before the present Tenley Building can be abandoned.

Summary: The statement of needs for this division may be summarized as follows:

		Rooms
For increased enrollment		16
For accumulated shortages		29
For replacements:		
Threlkeld	4	
Tenley	8	
Conduit Road	1	
Total		13
Gross total		58
Deduct Tenley extensible building, appropriated for in 1924		8
Net total needs		50

SECOND DIVISION

Increased enrollment: It is estimated that six rooms will be needed to provide for growth during the next five years.

Accumulated shortages: Evidence of congestion is shown in the following tabulation. In a five-year building program six rooms should be provided for relief from congestion in this division.

Second division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Berret	0	0	0		0
H. D. Cooke	2	0	0		1
Dennison	0	0	0		1
Morgan	0	0	0		1
Ross (Primary children in Wilson Normal)	0	0	0		0
Franklin-Thomson	0	0	0		0
Total	2	0	0	1	3

Grand total, 6.

Replacement: The Berret School in this division was recommended for early abandonment in 1908.

Construction already initiated: No appropriations are now available for the improvement of conditions in this division.

Summary: The statement of the aforementioned needs for this division may be summarized as follows:

	Rooms
For increased enrollment	6
For accumulated shortages	6
For replacements, Berret	9
Net total needs	21

The Berret School is now used as a center for manual and household arts instruction, and has no resident pupils. As soon as such instruction can be given in schools where pupils are enrolled, the use of this building can be abandoned. It need not be replaced as a building.

The construction of a new building on Calvert Street in division 1 will relieve the H. D. Cooke School, where congestion is greatest in this division.

The establishment of a junior high school at the Powell Building will somewhat relieve the Cooke and Morgan Schools.

THIRD DIVISION

Increased enrollment: The outlying sections of the third division are developing rapidly. A conservative estimate justifies the provision of 20 rooms to take care of increased enrollment during a five-year period.

Accumulated shortages: Conditions in the third division that should be corrected by providing additional permanent rooms are shown in the following tabulation:

Third division, evidences of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Number of rooms needed to eliminate part-time classes
Bancroft	0	0	0	0
Brightwood	0	0	0	1
Brightwood Park	4	0	2	2
Hubbard	0	0	0	1
Johnson-Powell	1	0	1	2
Petworth	10	0	0	1
Takoma	1	0	0	3
West	0	0	0	2
Woodburn	1	0	2	1
Total	17	0	5	13

Grand total, 40.

Replacements: A 16-room building should be erected in south Brightwood to relieve the West School and to replace the Brightwood School.

Replace the following school.

Brightwood, eight rooms.

Construction already initiated: Appropriations have provided for the erection of the Raymond School, Tenth Street and Spring Road. This school will relieve to some extent the Johnson, Hubbard, Park View, and Petworth Schools. The Raymond School will provide eight classrooms.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment	20
For accumulated shortages	40
For replacements, Brightwood	8
Total	68
By conversion of Powell, eight rooms are lost for elementary-school purposes	8
Gross total	76
Deduct Raymond Building, appropriated for in 1924	5
Net total needs	71

FOURTH DIVISION

Increased enrollment: Occupying a central section of the city, the fourth division will have little if any increase in school population during the next five years.

Accumulated shortages: To a limited extent congestion has developed in a few of the schools of this division as shown in the tabulation below.

Fourth division, evidences of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Abbot-Twining	0	0	0		1
Adams	0	0	0		1
Force	1	0	0		2
Henry-Polk	0	0	0		0
Seaton	0	0	0		0
Weightman	0	0	0		0
Total	1	0	0	1	4

Grand total, 6.

Replacements: In 1908 the investigating commission recommended the following buildings for earlly abandonment:

	Rooms
Force School	12
Adams School	8
Abbot School	9
Total	29

Construction already initiated: No appropriations are now available for the improvement of conditions in this division.

Summary: The statement of needs for the fourth division may be summarized as follows:

	Rooms	
For increased enrollment		0
For accumulated shortages		6
For replacements:		
Force	12	
Adams	8	
Abbot	9	
Total		29
Net total needs		35

FIFTH DIVISION

Increased enrollment: The northern portions of the fifth division are increasing rapidly in population. To meet this growth in school enrollment it is estimated that at least 10 additional rooms will be needed during the next five years.

Accumulated shortages: As shown in the following tabulation, 32 rooms should be provided for the relief of congestion in this division that now exists.

Fifth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Brookland	2	0	0		2
Burroughs	1	0	0		1
Emery	0	0	0		0
Eckington	0	0	0		0
Gage	0	0	1		0
Gales-Blake	0	0	0		1
212 H Street NW	0	3	0		0
Langdon	1	0	0		2
2014 Franklin Street NE	0	1	0		0
Monroe	0	0	0		0
Park View	5	0	4		4
Total	9	4	5	4	10

Grand total, 32.

Replacement: The Langdon School, which is a two-story frame structure, should be replaced as soon as possible with a fireproof building.

Replace the following school, Langdon, 10 rooms.

Construction already initiated: The Raymond School, Tenth Street and Spring Road, now under construction, will be completed in February, 1925. This school will partially relieve the Park View School. (See Third division.)

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment	10
For accumulated shortages	32
For replacements, Langdon	10
Total	52
Deduct Raymond School to be opened February, 1925 (partial relief for Park View; see Third division)	3
Net total needs	49

SIXTH DIVISION

Increased enrollment: The sixth division occupies the northeastern section of the city where the natural growth of the section should be anticipated by providing at least 10 rooms during a period of five years.

Accumulated shortages: In the following tabulation the needs of additional rooms to relieve congestion are shown. At least 33 permanent rooms are needed.

Sixth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Benning	1	0	0		0
Blair-Hayes	3	0	0		3
Blow	0	0	1		0
Carbery	0	0	0		2
Edmonds	0	0	0		0
Kenilworth	0	0	0		0
Kingsman	0	0	0		0
Ludlow	0	0	0		0
Madison	1	0	0		0
Maury	0	0	0		2
Peabody-Hilton	1	0	0		3
Taylor	0	0	0		1
Pierce-Webb	0	0	0		3
Wheatley	0	0	0		0
1201 K Street NE	0	6	0		0
646 Massachusetts Avenue NE	0	2	0		0
1340 G Street NE	0	2	0		0
Total	6	10	1	2	14

Replacement: None of the buildings of this division have been recommended for abandonment.

Construction already initiated: No appropriations are available for the improvement of conditions in this division.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment	10
For accumulated shortages	33
For replacements	0
Net total needs	43

SEVENTH DIVISION

Increased enrollment: This division occupies the southeastern section of the city. It is estimated that the increase in school population in this division will require eight rooms during the next five years.

Accumulated shortages: Congestion in several of the schools of the seventh division is shown in the following tabulation:

Seventh division, evidences of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Brent-Dent	0	0	0		0
Bryan	1	0	0		2
Buchanan	0	0	0		0
Congress Heights	0	0	2		0
Cranch-Tyler	0	0	1		1
Ketcham-Van Buren	0	0	0		0
Lenox-French	1	0	0		1
Randle Highlands-Orr	0	0	0		0
Stanton	0	0	0		0
Van Ness	0	0	0		1
Wallach-Towers	0	0	0		0
800 East Capitol Street	0	5	0		0
Total	2	5	3	5	5

Grand total, 20.

Replacement: None of the buildings of this division have been recommended for abandonment.

Construction already initiated: No appropriations are available for the improvement of conditions in this division.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment	8
For accumulated shortages	20
For replacement	0
Total	28
By conversion of Towers School for the use of the Hine Junior High School, less 8 rooms for elementary school purposes	8
Net total needs	36

EIGHTH DIVISION

Increased enrollment: This division includes the schools in the southwest section and the lower business portion of the city. It is not expected that there will be any increase of enrollment in these schools during the next five years.

Accumulated shortages: Additional permanent accommodations are needed in this division as shown in the tabulation below:

Eighth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Arthur	0	0	0		2
Bradley	0	0	0		0
Fairbrother	0	0	0		0
Grant	0	0	0		0
Greenleaf	0	0	0		2
Jefferson-Amidon	0	0	0		2
Smallwood-Bowen	0	0	0		0
Toner	0	0	0		1
Webster	0	0	0		0
810 Sixth Street SW	0	2	0		0
Total	0	2	0	3	7

Grand total, 12.

Replacement: The Jefferson School recommended for early abandonment in 1908 has been converted into a junior high school. It should be abandoned and a new junior high school building erected.

The Bradley School recommended for early abandonment in 1908 should be replaced within five years.

The Webster School recommended for early abandonment in 1908 has been partially abandoned by the construction of six additional rooms at the Thomson School. It should be completely abandoned within five years.

Construction already initiated: No appropriations are available for the improvement of conditions in the schools of this division.

Summary: The statement of needs for this division may be summarized as follows:

		Rooms
For increased enrollment		0
For accumulated shortages		12
For replacements:		
Bradley	8	
Jefferson	20	
Total		28
		40
By conversion of the Jefferson School into a junior high school, less 8 rooms for elementary school purposes		8
Net total needs		48

NINTH DIVISION

Increased enrollment: This division includes the special schools for atypical and ungraded pupils. The number of pupils in these classes increases gradually. The enrollment for three years has been as follows:

1922	596
1923	624
1924	690

Accumulated shortages: The increase in number of classes for atypical and ungraded pupils is not possible with the present lack of schoolhouse accommodations. Several classes are now housed in rented quarters which are not well suited for school work because of poor lighting, ventilation, and other necessary schoolhouse accommodations. Provision for eliminating the use of such rented quarters is made in the respective divisions where such rented quarters are now to be found. Likewise, the five-year program undertakes to provide permanent buildings sufficient in size and suitable in accommodations to care for these special classes for atypical and ungraded pupils in the respective divisions where such pupils are now found.

Replacements: In addition to the special classes now found in regular school buildings or in rented quarters the Hamilton School for tubercular pupils is likewise classed in Division IX. A new health school to replace the Hamilton School is now in process of construction.

The Threlkeld School, recommended for immediate abandonment in 1908, should be replaced as soon as possible. The proposed school-

house construction for the first division contemplates such abandonment.

TENTH DIVISION

Increased enrollment: It is estimated that nine rooms should be constructed in a five-year period for probable increased enrollment.

Accumulated shortages: The following tabulation shows conditions that exist in the schools of the tenth division that should be improved in a five-year building program:

Tenth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Briggs	0	0	0		2
Bruce	1	0	0		3
Chain Bridge Road	0	0	0		0
Garrison	0	0	0		3
Cleveland	0	0	1		2
Military Road	1	0	0		0
Montgomery	0	0	0		1
Phillips	3	0	0		1
Reno	0	0	1		1
Stevens	0	0	0		4
Sumner-Magruder	0	0	0		2
Wilson	2	0	0		1
Wormley	0	0	0		2
1606 M Street	0	2	0		0
Total	7	2	2	6	22

Grand total, 4.

Replacement: None of the buildings of this division have been recommended for abandonment.

Construction already initiated: An appropriation of $50,000 for land for the John R. Francis Junior High School, Twenty-fourth and N Streets NW., was carried in the appropriation act for 1923. This is the beginning of a 24-room junior high school building which will relieve the congestion in the graded schools in this division to the extent of 12 rooms.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment	0
For accumulated shortages	39
For replacements	0
Net total needs	48

ELEVENTH DIVISION

Increased enrollment: It is estimated that 12 rooms should be constructed in a five-year period for probable increased enrollment.

Accumulated shortages: The following tabulation shows conditions that exist in the schools of the eleventh division that should be improved in a five-year building program.

Eleventh division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Bunker Hill	0	0	0		0
Burrville	0	0	0		3
Cook	1	0	2		4
Crummell	0	0	0		2
Deanwood	0	0	0		0
Garnet-Patterson	3	0	0		2
Mott	0	0	0		4
Slater-Langston	1	0	0		4
Smothers	0	0	1		2
Total	5	0	3	6	21

Grand total, 35.

Replacements: The following schools should be replaced:

	Rooms
Cook	8
Garnett-Patterson	20
Total	28

Construction already initiated: An appropriation of $50,000 for the purchase of land adjoining the Garnett-Patterson schools to provide for the reconstruction of this group of schools was carried in the appropriation act of 1924. The Garnett-Patterson group, 20 rooms, should be replaced by a modern structure with a combination assembly hall and gymnasium.

An appropriation of $50,000 for land and $100,000 for the beginning of the erection of a 16-room building, including a combination assembly hall and gymnasium, to replace the old John F. Cook School, was carried in the appropriations act of 1924. The commissioners were granted authorization for contract not to exceed $250,000. The appropriations act for 1925 provides for a balance of $150,000 for the completion of this project.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms	
For increased enrollment		12
For accumulated shortages		35
For replacements:		
Cook School	8	
Garnett-Patterson	20	
		28
Gross total		75
Deduct 16 rooms at Cook already appropriated for		16
Net total needs		5

Much relief from the congestion in the eleventh division will be provided by certain readjustments not specifically mentioned under the provisions of the five-year program, as follows: The creation of a junior high school in lieu of the Garnett-Patterson Schools; the transfer of the McKinley Manual Training School for the use of the Shaw Junior High School; the transfer of the Twining Elementary School from the fourth division to this division; the enlargement of the Garrison School, which is in the tenth division; and the provision for a junior high school in the vicinity of the Deanwood School.

TWELFTH DIVISION

Increased enrollment: The enrollment in the twelfth division does not warrant the construction of additional classrooms.

Accumulated shortages: The following tabulation shows conditions that exist in the schools of the twelfth division:

Twelfth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Banneker	0	0	0		1
Douglass-Simmons	0	0	0		1
Jones	0	0	0		1
Harrison	0	0	0		0
Total	0	0	0	1	3

Grand total, 4.

Replacements: None of the buildings of this division have been recommended for abandonment.

Construction already initiated: No appropriations are available for the improvement of conditions in this division.

Summary: The statement of needs for the twelfth division may be summarized as follows:

	Rooms
For increased enrollment	0
For accumulated shortages	4
For replacements	0
Net total needs	4

The congestion noted will be relieved by the transfer of the Twining School from the fourth division—four rooms for the eleventh division, four rooms for the twelfth division.

THIRTEENTH DIVISION

Increased enrollment: It is estimated that nine rooms should be constructed in a five-year period for probable increased enrollment.

Accumulated shortages: The following tabulation shows conditions that exist in the schools of the thirteenth division that should be improved in the five-year building program.

Thirteenth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Number of rooms needed to eliminate part-time classes
Ambush	0	0	0	0
New Bell	0	0	0	0
Birney	1	0	0	3
Bowen	0	0	0	0
Cardozo-Old Bell	0	0	1	4
Garfield	0	0	0	0
Giddings	0	0	0	1
Lincoln	0	0	1	0
Logan	0	0	0	2
Lovejoy	0	0	1	1
Payne	0	0	0	1
Syphax	2	0	0	2
739-741 Eleventh Street NE	0	3	0	0
Total	3	3	3	14

Grand total, 26.

Replacements: The following should be replaced:

	Rooms
Lincoln	12
Randall	8
Old Bell	8
Bowen	8
Total	36

Construction already initiated: No appropriations are available for the improvement of the conditions of the schools in this division.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment	9
For accumulated shortages	26
For replacement:	
Lincoln	12
Randall	8
Bowen	8
Old Bell	8
Total	36
Net total needs	71

The five-year building program is the result of three years of inquiry and study of the situation in Washington by committees and by the school authorities. An exhaustive study was made as far back as 1908. At that time certain buildings were recommended for immediate abandonment, and certain buildings for early abandonment. These recommendations have not as yet been fully complied with since we have two buildings then recommended for immediate abandonment still in use, and eight buildings recommended for early abandonment still in use, and are now accommodating more than 3,000 pupils.

In 1922 a joint committee of the House and Senate went thoroughly into the existing conditions and made a report (S. Doc. No. 315, 67th Cong). This committee had the assistance of the State commissioner of Pennsylvania, the State superintendent of schools for Virginia, the specialist on city schools connected with the United States Bureau of Education, Dr. John J. Tigert, United States Commissioner of Education, and other eminent educators.

The need of a definite policy for a school-building program was set forth in the report of the committee in the following language:

> The committee recommends that a definite policy be adopted which shall provide from year to year sufficient schoolhouse accommodations, in order that it be possible for the board of education to eliminate part-time instruction, the use of portable schoolhouses, the use of undesirable school buildings now accommodating classes, and the reduction of the size of the classes in both elementary and high schools to the standard generally acceptable as desirable.

This bill was prepared with the view of accomplishing by 1930 the recommendations of the committee.

In addition to these investigations we have had studies by the school officials annually and by the District of Columbia Committees of the House and Senate of this Congress. As a result this bill is presented as a definite policy and a comprehensive building program. It has the support of the school board and of practically every civic body in the District. In fact, I know of no piece of legislation affecting the District of Columbia that has been offered at this session that has such unity of support as the five-year building program.

In fact, every phase of the subject has been investigated. The size of the buildings, their construction, and adaptability received a thorough study by the committee of 1922. The committee then said in relation to the size of the school buildings:

> The committee indorses the policy of establishing large units of administration in the elementary schools. Economy of administration and educational advantages of great value will be obtained by creating school units of considerable size. The committee believes that the buildings hereafter should have at least 16 classrooms when erected, or should be so planned that their extension into large unit is easily possible.

The five-year building program follows the general recommendation as to construction. In the most part the items of construction are for such additions to present buildings as will result in buildings of 16 rooms or more. In some of the suburban sections a school building is needed, but 16 rooms are not needed at the present time. In such cases extensible buildings of four or eight rooms are called for, with the intention of enlarging the buildings when the need arises.

In like manner the recommendations of the committee are followed as to assembly halls, gymnasiums, and playgrounds. In 1906 it was recommended that gymnasiums be provided for every building of 12 rooms, but the committee of 1922 recommended gymnasiums for buildings of 16 rooms, and that is the recommendation followed in the bill. Play is an indispensable part of the life of all children. Every community that undertakes to meet satisfactory demands upon it in providing for schools must provide opportunity for play and recreation and make playgrounds a part of the school program. In accordance with the recommendations and continuing the policy of the school board this bill provides for playgrounds and combined assembly halls and gymnasiums for indoor physical training when weather conditions do not permit outdoor play.

COST

The cost of the program carried by the bill is as follows:

Memorandum on costs of 5-year school-building program

Elementary schools:	
Sites for use in 5-year period	$1,325,000
Buildings for use in 5-year period	8,000,000
Additions to school playgrounds	500,000
Total	9,825,000
Deduct for items carried in appropriations bill for 1926	445,000
Net total	9,480,000
Sites for use beyond 5-year period (not properly chargeable to cost of public schools within the 5-year period)	325,000
Junior high schools:	
Sites for use in 5-year period	775,000
Buildings for use in 5-year period	4,900,000
Total	5,675,000
Deduct for items carried in appropriations bill for 1926	300,000
Net total	5,375,000
Senior high schools:	
Sites (sites are already owned by District).	
Buildings for use in 5-year period	3,750,000
Athletic fields (no estimate can be made).	

SUMMARY

Elementary schools, net total	9,480,000
Junior high schools, net total	5,375,000
High schools, net total	3,750,000
Grand total cost	18,605,000

Combination gymnasium-assembly halls for 16-room buildings provided in five-year school building program—plans for such buildings contemplated construction of combination gymnasium-assembly halls

School:	When made a 16-room building
John Eaton	1922–23
West	1921–22
Petworth	1921–22
Takoma	1921–22
Wheatley	1922–23
Douglass Simmons	1916–17
Lovejoy	1923–24
Buchanan	1922–23

Total cost, $600,000.

Elementary-school buildings—summary of costs in five-year school building program

List of buildings which when completed in five-year program will contain 16 rooms or more	$4,875,000
Buildings which when completed in five-year program will contain fewer than 16 rooms	2,525,000
Combination gymnasium-assembly halls	600,000
Total cost of elementary-school buildings	8,000,000

DETAIL MEMORANDUM ON FIVE-YEAR SCHOOL-BUILDING PROGRAM

ELEMENTARY SCHOOLS—LAND FOR PLAYGROUND PURPOSES (SUBSEQUENTLY FOR BUILDINGS)

School: Addison, Eaton, Jackson, Morgan, Hubbard, Johnson, Petworth, Brookland, Eckington, Benning, Ludlow, Wheatley, Carbery, Peabody, Cranch, Ketcham-Van Buren, Toner, Wormley, Montgomery, Stevens, Sumner-Magruder, Slater-Langston, Banneker, Douglass-Simmons, Jones, Payne.

Total cost, $500,000.

ELEMENTARY SCHOOLS—SITES FOR FUTURE USE

Connecticut Avenue and Upton Streets (vicinity of).
Foxhall Road and Calvert Street (vicinity of).
Wesley Heights.
E. V. Brown School (vicinity of).
Sixteenth and Webster Streets (vicinity of).
Rhode Island Avenue and Twelfth Street (vicinity of).
North of Michigan Avenue extended (in the neighborhood of).
Total cost, $325,000.

SITES FOR JUNIOR HIGH SCHOOLS

Georgetown, Reno, Brightwood, Brookland, Kingsman, Jefferson, Garnet-Patterson.

Total, $775,000.

BUILDINGS FOR JUNIOR HIGH SCHOOLS

Georgetown	$475,000
Reno	475,000
Macfarland (completion)	325,000
Brightwood	475,000
Langley (completion)	325,000
Brookland	475,000
Stuart (completion)	250,000
Kingsman	475,000
Jefferson	475,000
Francis	475,000
Cardozo	200,000
Garnet-Patterson	475,000
Total cost	4,900,000

SENIOR HIGH SCHOOLS

Sites: Sites are now owned by the District of Columbia.

Athletic fields: No estimates can be furnished, because not all land has yet been purchased.

Buildings:

McKinley	$2,250,000
Business	1,500,000
Total	3,750,000

Detail list of elementary school buildings which, when completed in 5-year program, will contain 16 rooms or more

School or location	Description of proposed construction	Cost	Building following proposed enlargements
Janney	8-room addition	$125,000	16 rooms with combination gynasium and assembly hall.
Fifth and Decatur	16-room building, gymnasium and assembly hall.	325,000	Do.
Brightwood Park	12-room addition, gymnasium and assembly hall.	260,000	Do.
Thirteenth and Montague.	16-room building, gymnasium and assembly hall.	325,000	Do.
Raymond	8-room addition, gymnasium and assembly hall.	200,000	Do.
Bancroft	8-room addition	125,000	16 rooms.
Force-Adams	24-room building, gymnasium and assembly hall.	450,000	24 rooms with combination gymnasium and assembly hall.
Park View	8-room addition	150,000	24 rooms with assembly hall.
Burroughs	8-room addition, gymnasium and assembly hall.	200,000	16 rooms with combination gymnasium and assembly hall.
Langdon	16-room building, gymnasium and assembly hall.	325,000	Do.
Buchanan	4-room addition, gymnasium and assembly hall.	150,000	20 rooms with combination gymnasium and assembly hall.
Bryan	4-room addition	80,000	16 rooms with assembly hall.
Fairbrother	12-room addition, gymnasium and assembly hall.	260,000	20 rooms with combination gymnasium and assembly hall.
Bruce	8-room addition, gymnasium and assembly hall.	200,000	16 rooms with combination gymnasium and assembly hall.
Wilson	do	200,000	Do.
Phillips	do	200,000	Do.
Garrison	do	200,000	24 rooms with combination gymnasium and assembly hall.
Deanwood	do	200,000	20 rooms with combination gymnasium and assembly hall.
Giddings	16-room building, gymnasium and assembly hall.	325,000	24 rooms with combination gymnasium and assembly hall.
Birney	8-room addition	125,000	22 rooms with assembly hall.
New Bell	16-room addition, gymnasium and assembly hall.	325,000	24 rooms with combination gymnasium and assembly hall.
O Street vocational	8-room addition	125,000	16 rooms without combination gymnasium and assembly hall.

Twenty-two school buildings, total cost, $4,875,000.

Detailed list of buildings which, when completed in five-year program, will contain fewer than 16 rooms

School or location	Description of proposed construction	Cost	Comment
Calvert Street	8-room building, gymnasium and assembly hall.	$200,000	New extensible plant.
Grant Road	do	200,000	Do.
Potomac Heights	4-room building	80,000	Do.
Fifth and Sheridan	8-room building	140,000	Do.
Fourteenth and Ogden.	8-room building, gymnasium and assembly hall.	200,000	Do.
Woodburn	4-room addition	80,000	4 rooms added to 4 rooms.
Alaska Avenue and Holly Street.	8-room building, gymnasium and assembly hall.	$200,000	New extensible plant.
Abbot	8-room building	140,000	Replacement.
South Dakota and Rhode Island Avenues.	8-room building, gymnasium and assembly hall.	200,000	New extensible plant.
Kenilworth	4-room addition	80,000	4 rooms added to 4 rooms.
Lenox	do	80,000	4 rooms added to 8 rooms.
Amidon	do	80,000	Do.
Military Road	do	80,000	4 rooms added to 4 rooms.
Reno	do	80,000	Do.
Smothers	do	80,000	Do.
Crummell	6-room addition	100,000	6 rooms added to 6 rooms.
Harrison	3-room addition	100,000	3 rooms added to 8 rooms.
Randall	12-room building	185,000	New extensible plant.
Lovejoy (vicinity)	8-room building	140,000	Do.
Syphax	4-room addition	80,000	4 rooms added to 8 rooms.

Twenty school buildings, total cost, $2,525,000.

The organic act which provides for the existing organization of the school system of the District of Columbia was enacted in 1908. The period which followed witnessed throughout the country a remarkable educational development. The increase in the interest of our people in the problems of education has brought about an adjustment of the activities of the school to meet the need for the better preparation of our youth for the demands of our modern life. We have not kept up with the demands or the real necessities here in the city of Washington. We have fallen far short of the demands in the matter of buildings for the proper care of school activities. This bill will take care of the situation for the coming five years.

We should possess here the best schools and the best accommodations to be found in America. Schools here should be the model of the land. The American public school is the great vital agency of democracy. Give us good schools and we will preserve forever the institutions, the traditions, and the ideals of our fathers and shape and influence the destinies of mankind everywhere. The Nation demands that action be taken to that result. Let us speed the end by passing this bill. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I rise to speak for a little while about the proposed farm-relief legislation. One of the troubles that confronts the Congress is the question of what legislation is necessary or will do the most good for agriculture. On Saturday last we heard gentlemen on the Republican side of the House say that when gentlemen on the Democratic side wanted a little time to consider this legislation they were trying to obstruct legislation. The McNary-Haugen bill, which was here in the last session, came right at the close of the session, after the Committee on Agriculture had spent four or five months in studying the question, and then the bill was defeated. We have before us now a bill brought in right at the close of the Congress upon which the cooperative associations do not agree, upon which the farm leaders do not agree, and yet it is brought in here at this time of the session and we are asked to vote for it, and nobody can tell what the result of it will be. Mr. Chairman, our Republican friends are simply trying to patch up some kind of relief in order to avoid the real issue. The real question that confronts the American farmer is the high tariff which he has to pay upon the goods he buys and the high freight rates that he has to pay both ways. The American farmer pays a high freight rate upon the goods that he purchases and in return he pays an enormous freight rate upon the things that he sells. We are not confronted with a bill to relieve the farmer, but a bill that is patched up to satisfy party pledges to the farmer, and that seems to be the purpose of it all.

One of the things that would relieve the farmer more than anything else would be to extend the amount of money that can be borrowed from the Federal farm land banks in order that these farms that are being sold under foreclosure might be redeemed. Talk about relieving the farmer!

The worst thing that confronts the farmer in the Southwest—and I speak for that part of the country because I know the

conditions there—is the mortgage foreclosures going on in the courts. There are more sales of farms under foreclosure in the Southwest to-day than ever in the history of that country. Yet when you go to the Federal farm-loan banks and try to get sufficient money to meet the mortgage and the interest and the taxes you are met again with the cry of deflation; you are met again with appraisals in keeping with deflation, and you can not obtain relief. Farm values in the United States shrank $18,000,000,000 in the so-called deflation period, and yet some of the Federal farm-loan banks that we set up with the money the Government put up, as soon as they get on their feet, are doing just like other banks; that is, looking out for themselves to make money, and not to render the assistance for which they were established.

Why do you not bring in a bill here to lower the tariffs on the things that the farmer has to buy? Why do you not bring in a bill to help lower these freight rates? You bring a report in here now to keep the surcharge of 50 per cent on Pullman rates, and the railroads have had farmers send in requests to keep that surtax on, because they are going to get a reduction in freight rates if they do. I am in receipt of a letter from a representative of the stockholders of the Pullman Co. which says that the surtax is the greatest outrage ever perpetrated on any company. What do they say? They say that the railroads are just using the Pullman Co. to pull their chestnuts out of the fire. This is a charge for which no service is rendered. The Pullman Co. does not own a mile of railroad. The Pullman Co. does not have any obligation at all except to provide a place to sleep. Every time a man lays his head down to sleep he must pay a surcharge. I venture the assertion that if it ever gets to the highest court in this country the court will hold that it is unconstitutional, because it is a charge for which no service is rendered. The railroad companies are permitted to take money for doing something which they do not do. The Pullman Co. is opposed to it. They say that if Congress does not take it off they are going to the courts to try the issue of whether you can make one company collect money for the benefit of another company. It is absurd to say that the Pullman Co. should collect this charge for the railroad company when the railroad company does not render a single bit of service for the charge. It is in the nature of a tax, and it is simply collecting taxes for private corporations. It is granting the power of the United States Government to take money from one and give it to another without service. You might just as well pass a law here giving some dairyman over here the right to have a merchant who runs a store collect a surcharge on each bottle of milk and put it in his pocket without rendering any service for it. Yet the farmers are being deluded by being made to believe that if we leave this surtax on the railroad companies would grant them lower freight rates! They have never had such a thought.

This Interstate Commerce Commission does not want Congress to lay its hands on a single thing that they do. They are all-powerful. The only service they render is rendered to the railroads and not to the people of the United States. They are supposed to be a board that stands between the people and the railroads; they were created for that purpose. What do they do? Will anybody rise and point out a single example where they have ever rendered any service to the American public in the last five years?

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

Mr. McKEOWN. Yes.

Mr. RAYBURN. If the gentleman, as a Representative in the Congress of the United States, makes the statement that the Interstate Commerce Commission and its members are in favor of the railroads against the people, why does he not on his responsibility as a Representative of the people rise in his place and move their impeachment?

Mr. McKEOWN. Mr. Chairman, that motion would have just as much chance before the Interstate Commerce Committee of this House——

Mr. RAYBURN. But it would not go to the Interstate Commerce Committee.

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

Mr. BLANTON. Mr. Chairman, I yield the gentleman two minutes more.

Mr. McKEOWN. Mr. Chairman, I judge people by their actions, not by what they say. It is easy enough to say where you stand, but when your actions show where you are, that is the basis upon which an opinion rests. If the gentleman can name a single thing they have done in the interest of the people in the last five years I will shut up and hush up and have no more to say to the House about it. [Applause.] I yield back the remainder of my time.

I am going to print as a part of my remarks a letter from Francis M. Case on the question of Pullman surcharges:

CHICAGO, *February 21, 1925.*

A large number of the stockholders of the Pullman Co. have become thoroughly disgusted with the game that has been played against that company in the guise of law in the form of a 50 per cent surcharge which has been assessed on every Pullman ticket sold during the World War as a war measure and continued under the guise of law up to the present time.

Under what stretch of the human imagination the Pullman Co. could legally be made to hold a club over the traveling public of the United States in the interest of the railroads, and act as a compulsory agent in pulling chestnuts out of the fire for the railroads in the form of a 50 per cent surcharge on every Pullman ticket sold in this country, simply to hand something to the railroads and force every man, woman, and child who is compelled to sleep in a Pullman berth at nighttime, in traveling through our States, to pay an extra 50 per cent surcharge, before they can lay their heads on a pillow to go to sleep, is little short of a crime and a holdup.

The railroads themselves consider this the greatest joke that was ever played on the public and are really ashamed to take the money that has been collected in this way.

The Pullman Co. is ashamed of this whole procedure that has been forced upon them and are determined to get rid of such high-handed methods of extracting money from the traveling public.

Certain stockholders of the Pullman Co. may, unless protected by our legislators at Washington, carry a suit to the Supreme Court of the United States against the railroads and the Interstate Commerce Commission to remove the Pullman Co. from any jurisdiction by the Interstate Commerce Commission through any powers conferred under the transportation act.

If George M. Pullman was alive to-day, he would settle this whole business in short order, for he would push this matter through the courts of our country and to the United States Supreme Court in the shortest possible time and remove the Pullman Co. from under the jurisdiction of the transportation act, and remove this surcharge from the tickets of the traveling public. The Pullman Co. places a charge for the use of berths in its sleeping cars about equal to rates charged at any first-rate hotel and it considers these rates as a fair amount that the public should be charged without any surcharge, and it does not make as much profits in offering these accommodations to the public as are made by most of our hotel companies throughout the country. The Pullman Co.'s capital stock would be a much more valuable asset if it was invested in hotel buildings and central property holdings in the large cities of our country.

Have you ever considered that the Pullman Co. does not own a single mile of railroad track or siding or right of way, nor does it own a single steam engine, nor does it propel a single car over a single mile of track during the year? The value of a railroad lies in its right of way and the Pullman Co. has no such asset, it simply operates a series of flop houses or lodging houses, which for the convenience of the traveling public are placed on wheels and are drawn along in a railroad train which saves the public valuable time which would be required to leave the train and put up at a hotel or lodging house for the night while traveling on the road.

You will clearly see that the Pullman Co. is not in the transportation business, as it simply leases these cars for lodgings to the railroads, and the railroads sell these lodgings to the patrons on their roads, you will therefore see that the Pullman Co. is not a railroad and has not the rights of a common carrier.

The Pullman Co. serves the traveling public in a way that no railroad company can afford to do. It supplies sleeping cars for the use of the railroad at all seasons of the year when required for travel—north, south, east, or west. It fills all requirements at all times, in all seasons, for all roads, and takes care of the traveling public to their satisfaction. No railroad can afford to buy or to own such equipment for the use of any one road, and if all the railroads owned and operated their sleeping cars the capital investment to the railroads would amount to five times the present capital investment of the Pullman Co. and would make sleeping berth rates prohibitive to the traveling public.

No other body of men in this country would ever put $150,000,000 capital together to operate a sleeping-car business, as the whole business is too precarious.

Therefore let us protect what we now have, for if we drive the Pullman Co. to the wall the whole country will suffer in consequence.

If you would care to take the time to look up the names of the directors of the Pullman Co., you will find that many of them are associated in the management of the large railroad systems of the country.

The purpose of this letter is to show you the attitude of certain of the stockholders of the Pullman Co. toward the imposition of this

entirely unfair and unwarranted surcharge upon the traveling public, which not only injures the business of the Pullman Co. by cutting down the amount of travel in Pullman berths but also prevents a very large amount of travel to the railroads, as the traveling charges are too expensive and people will stay at home and do their business by catalogues, letters, and long-distance telephones, and both the Pullman and railroad equipment may lie idle.

I am going to ask the Members of the House to give this matter their very serious, immediate concentration and ask and vote to have this entire surcharge matter taken out of the hands of the House Committee on Interstate and Foreign Commerce and be brought to the floor of the House to be passed upon on the floor of the House where it belongs.

FRANCIS M. CASH.

The CHAIRMAN. The gentleman yields back one minute.

Mr. REED of West Virginia. I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I shall support the bill to afford relief in reference to schools in the District of Columbia, and I shall support the measure for the regulation of traffic in the District of Columbia, and I hope those two bills will have consideration to-day I do not want to let go unnoticed the remarks of the gentleman who has just left the floor criticizing the Committee on Agriculture and the Congress in general, and especially the Federal Farm Loan Board for their attitude toward agriculture. As I understand the gentleman, he has offered a very constructive program for the suffering farmer, and that is that the Federal Farm Loan Board modify their regulations and rules and that Congress amend the Federal farm loan act so as to lend to the actual value of the land to the farmer. I venture the assertion, and let it go in the RECORD, that there is not a foreclosure in the gentleman's district to-day except for the nonpayment of interest and taxes. There is not a foreclosure pending by reason of a mortgage being due if a farmer could pay the interest and taxes but what he could have it renewed. Now, I just want to submit this, that it is not constructive to suggest that the relief which the farmer needs is to increase the loan on which he can not now pay interest and pay his taxes.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. TINCHER. Yes; I always yield to my friend.

Mr. McKEOWN. It is based on the proposed prosperity to come about whereby the farmer might have a chance to pay his interest, and another thing is that the present interest rates run from 8 to 10 per cent, and they can not pay 8 and 10 per cent even under Republican prosperity.

Mr. TINCHER. I claim you can not give relief by increasing the amount of the farm mortgage being foreclosed on which the farmer now can not pay interest. So much for that. Another thing: Our constructive friend offers another suggestion to the farmer. There are three things—Pullman rates, freight rates, and passenger rates, and the too high Pullman rates. He says they are too high, and one of the constructive reliefs for the farmer which he advocates is by repealing and taking out of the treasury of the railroad companies $37,000,000 a year.

Mr. WEFALD. Will the gentleman yield?

Mr. TINCHER. No; I have only five minutes. I claim it is just as constructive as to increase the amount that a man can borrow on his land on which he now can not pay his interest. I am in favor of reducing freight rates. I am not yet in favor of Congress becoming a rate-making body, but whenever they determine to do that I want to be here when we pass the first rate bill, and I want that rate to apply to the people who pay the freight.

The gentleman says the farmer pays it in both directions. When we start into rate making let us start in and reduce the freight rates, and not start—at least on the eve of going home—to reduce the little extra fare we will have to pay for the privilege of riding in a Pullman car home. Maybe the gentleman can go home and meet his constituents and they say, "What did you do for us in reference to railroad rates?" Would they be satisfied if he said to them, "We took $37,000,000 off of taxes of those who ride in Pullman cars and we repealed the Hoch resolution we passed, which demanded the Interstate Commerce Commission reduce the rates on agricultural products; we repealed that law," and give that as an excuse for not reducing freight rates on agricultural products?

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. CONNALLY of Texas. I agree largely with what the gentleman says about the reduction of freight rates on agricultural and other commodities.

Mr. TINCHER. I am sure the gentleman does.

Mr. CONNALLY of Texas. The gentleman is a member of the steering committee on the majority side. Can he tell us what plan the majority has in reference to meeting that very situation?

Mr. TINCHER. I am glad to enlighten the gentleman. Not only have we a plan but we have passed a resolution that commands the Interstate Commerce Commission that they reconstruct the rate structure and reduce the rates on agricultural products, and I hope the gentleman with his ability and leadership will join——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TINCHER. May I ask for five additional minutes?

Mr. REED of West Virginia. I yield five minutes to the gentleman.

Mr. TINCHER. I hope the gentleman [Mr. CONNALLY], with his ability as a leader, will help us to prevent the repeal of the Hoch resolution, which contemplates a reduction of freight rates on agricultural products.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield there?

Mr. TINCHER. Yes.

Mr. HASTINGS. What has been done with the Hoch resolution?

Mr. TINCHER. I understand that the Interstate Commerce Commission has set up a body within their own body revamping a rate structure which will carry it out.

Mr. HASTINGS. I understand they have denied that reduction.

Mr. TINCHER. Oh, the Hoch resolution was withheld by a Senator until the Agricultural Commission reported in favor of it, and has only been a law about two weeks.

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

Mr. TINCHER. Yes.

Mr. CARTER. I understood the gentleman to say he would help to repeal the Hoch resolution.

Mr. TINCHER. Oh, no; to prevent the repeal of the Hoch resolution.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. CONNALLY of Texas. Who is proposing now to repeal the Hoch resolution?

Mr. TINCHER. I understand there was not only a unanimous vote of the Interstate and Foreign Commerce Committee on the Republican side, but all but two men on the Democratic side voted against taking off the surcharge.

Mr. CONNALLY of Texas. What has that to do with the relief of agriculture?

Mr. TINCHER. It offers the Interstate Commerce Commission an excuse for not reducing it at all.

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

Mr. TINCHER. Yes, sir.

Mr. CARTER. I understand the gentleman has read the Interstate Commerce Commission's ruling?

Mr. TINCHER. Yes, sir.

Mr. CARTER. In that ruling the chairman of the commission states—and another commissioner agrees with him, who voted for the decision—that in his opinion 50 per cent of that rate ought to be repealed.

Mr. TINCHER. Oh, I concede that Pullman rates are too high, but that is not the place for this Congress to start rate legislation or rate making.

Mr. CARTER. Here are two members of the Interstate Commerce Commission who agree that that charge should be reduced 50 per cent, and, lacking one majority, they agreed that it ought to be abolished.

Mr. TINCHER. But they all agree that the agricultural rates are too high. Every member of the commission did that. Will the Congress now wedge itself in and destroy any prospect of relief from that condition by taking the income off somewhere else?

Mr. HOCH. Mr. Chairman, will my colleague yield?

Mr. TINCHER. Certainly; I yield.

Mr. HOCH. I think we ought to straighten out the matter of the commission. Seven of the commission were opposed to taking off the surcharge as provided by the Senate rider. Two of them were in favor of taking off one-half of it.

Mr. CARTER. They contended that one-half should be taken off.

Mr. HOCH. Very well. Two of the seven favored taking half of it off, but seven out of the eleven were opposed to taking it off, and only four of the commission were opposed entirely to the surcharge.

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

Mr. TINCHER. Yes.

Mr. HAWES. What the gentleman means when he talks about interfering with the Hoch law is this, that if this Congress takes from the revenue of the railroads $37,000,000 now paid by only three or four out of every one hundred passengers that use a train, that will prevent the operation of the Hoch law to the extent of $37,000,000 or $40,000,000. Is that the gentleman's position?

Mr. TINCHER. Yes. Does my friend from Missouri agree with me on that?

Mr. HAWES. Entirely. Does the gentleman understand that the Senate has never held a hearing on the subject of this bill at any time, and that the House Committee on Interstate and Foreign Commerce has just completed a hearing, and that of the 21 members of the House committee 19 are opposed to this bill? It seems to me that the House should wait until that report is made before discussing this bill.

Mr. TINCHER. I did not start the discussion. I hope I have not provoked any discussion here to-day.

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

Mr. BLANTON. Mr. Chairman, this is District day. We ought to let the District have its day. I yield five minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman, I had no idea of pressing my views upon the committee until the gentleman from Kansas [Mr. TINCHER] had made his statement in regard to the Pullman surcharge.

I am heartily in sympathy with the Senate amendment to repeal the surcharge [applause] and I want to take a moment or two to tell you why.

The Interstate Commerce Commission does not present a decision saying that the surcharge ought not to be repealed. Four of them say it ought not, four of them say it ought, and two more of them say at least half of it ought to come off. I wish the gentlemen of this committee would read the whole opinion, and especially the dissenting opinion of Mr. Campbell, of the Interstate Commerce Commission. There is about $37,000,000 involved. Mr. Campbell says, and those who concur in that opinion, that from $17,000,000 to $20,000,000 of that money goes to the class 1 railroads of this country; he also says that those class 1 railroads do not need the $17,000,000.

The minority opinion also says—and it is just as much a majority opinion as it is a minority opinion, because the majority does not hold in its opinion against the repeal of these Pullman surcharges—that the other railroads of the country are not benefited by keeping the surcharge on because they get practically no benefit from it on account of the contracts which those weaker railroads have with the Pullman Co.

Now, then, gentlemen, there are 1,000,000 traveling salesmen in America who do not want to continue to pay this surcharge; there are millions of business men in America who have to pay this surcharge, and they are getting no service in return.

Gentlemen talk about the Interstate and Foreign Commerce Committee of this House making a report and holding a hearing on this proposition, but the fact is that the Interstate and Foreign Commerce Committee of this House did not think about having a hearing on this proposition until the amendment was put on in the Senate. Why have they not been having hearings on this matter for some time? Why wait until the Senate acted, 56 to 8, and then take up this proposition and have a 19 to 2 decision in order to try to defeat this proposition?

Mr. HOCH. If the gentleman will yield, I will make the statement that the Interstate and Foreign Commerce Committee of the House had set it down for a hearing before the action of the Senate.

Mr. OLDFIELD. But I ask why your committee did not hold hearings on the bill pending in your committee long before this time, and why you waited until the Senate acted and then held superficial hearings in the last week?

Mr. HOCH. The gentleman may call them superficial hearings, but he was not present.

Mr. OLDFIELD. Let me ask this question: Is it not true that there has been a bill pending before the House committee for a long time, and that it has been only within the last two or three days that your committee held superficial hearings on this proposition? I wish you had held real hearings.

Mr. HAWES. The gentleman has asked a question, and I would like to answer it. In the first place, there has never been a hearing in the Senate on this subject of any kind or at any time; in the second place, the Congress created the Interstate Commerce Commission to hear the facts, and our committee waited until that commisison had reported, so that we could know what their determination would be, and within one week after that report was made we held a hearing, which the Senate has never done.

Mr. OLDFIELD. Well, why did you hold a hearing at all? Now, let me say this: I think the Interstate and Foreign Commerce Committee of this House takes the position that we ought not to legislate. Then if you take the position that we ought not to legislate on this proposition why did you have a hearing at all?

Mr. HOCH. Will the gentleman yield upon that point?

Mr. OLDFIELD. Yes.

Mr. HOCH. This surcharge was not put on a revenue bill, but it was put on by the Interstate Commerce Commission in 1920 as a part of a general rate increase.

Mr. OLDFIELD. I hope that when the House gets to the proposition it will sustain the Senate's position.

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

Mr. BLANTON. Mr. Chairman, I yield the remaining four minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, this unexpected discussion of the so-called Pullman surcharge was not precipitated by members of the committee which has had the matter under consideration and comes as a surprise.

I naturally assume that the conferees who had under consideration the independent offices appropriation bill, calling for an appropriation of $452,349,000, to which was attached the so-called surcharge bill, will later procure ample time for debate.

But since immediate discussion of the subject has been precipitated, some of the facts may be stated now.

The proponent of this bill, the Order of United Commercial Travelers of America, is composed of some of the best men in America. I number many of them as warm personal friends, and they should not be criticized for trying to remove a charge which bears heavily upon them. But they have brought their case to the wrong tribunal, because if Congress answers their appeal for relief, Congress will again be called upon in other instances to give relief to other branches of passenger service or in the matter of freight rates.

The bill contemplates a reduction in Pullman surcharges now paid to railroads of an amount between $37,000,000 and $40,000,000 annually.

No one has attempted to determine where this sum is to come from. In some vague and indefinite way it is proposed that it be taken from the railroads.

Assume, for the sake of argument, that the railroads do not require this $37,000,000. Shall we take the whole amount off Pullman passengers and distribute none of the decrease to the farmer, the manufacturer, and the coach passenger?

We know that it will not come out of the blue sky, nor can it be merely taken from the imagination of men; but if it is taken from the railroads, it reduces their revenue capacity $37,000,000 annually.

Anyone understanding the transportation act must know that one of two things will happen, can not fail to happen; no other logical deduction can be made:

1. It will be added to the present cost of passenger transportation or to the present rate of freight, or it will put off—to the extent of $37,000,000—the time when a general reduction can be made upon passenger or freight rates.

There can positively be no escape from one of these two conclusions.

No committee report from the Senate has been offered to this House, because no committee meeting was held on the subject, and until this afternoon no report was made from the House committee having the matter in charge; and the only communication upon which the House can base its observations and conclusions is the report of the Interstate Commerce Commission, which heard the matter and rejected the claim.

The Interstate and Foreign Commerce Committee is composed of 21 men, representing 21 different States.

After a hearing by a vote of 19 to 2 they have decided to report this bill adversely, and one of the primary reasons why it will be reported adversely is because it introduces into Congress for the first time the matter of rate regulation by legislative enactment.

The committee understands that every time a man has a complaint against a decision upon a passenger fare or a freight rate this will set a precedent for similar appeals to Congress every time the Commerce Commission passes upon a rate subject.

Just at this particular time the traveling salesman makes the appeal. The next time it may be the oilman, the next time the steel man, and the next time the lumberman and then the coal man, and the next time the tobacco growers, the cotton growers, the woolen mills, the paper mills. And what about the farmer? Has he not the right to make the same attempt; and the cattle

raiser? And why not those who exclusively use day coaches and do not patronize Pullmans? May they not seek a decrease in rates?

One's imagination does not have to be vivid to see how Congress will be converted into a continuous debating club as to the merits and demerits of various forms of reductions in rates.

Twenty years ago the experiment of rate making by States was attempted. It proved a failure. It involved long, tedious delays in courts, was never satisfactory; so that to-day the legislatures of the 48 States have abandoned the practice and have delegated the exercise of this power, where it can be done lawfully, to commissions appointed for that purpose.

If the States of the Union having only the problems of a single State to discuss have found this policy to be unwise and have abandoned it, how much more difficult will it be for Congress, which represents 48 States, to now attempt to exercise a discretionary, investigating, and fact-finding power which the individual States have discovered could not be done properly by a legislative body?

Some of the history preceding the introduction of this bill may be interesting. At least it should be known by Members of the House before they vote upon this measure.

On May 1, 1920, the wages of the employees of railroads were increased in one year in the amount of $618,000,000. This was done to meet the increased cost of living and to secure a living standard which would provide for the necessities of railroad employees.

To meet this increased wage and operating cost the Interstate Commerce Commission took up the question of rates, and as a result the commission granted an increase in passenger rates of 20 per cent, an increase in freight rates ranging on the average considerably over 30 per cent, and at the same time authorized an increase in Pullman fares and for railroad service in hauling the Pullmans and parlor cars.

It will be observed that this was done by the commission.

On July 1, 1922, the commission ordered a horizontal reduction of 10 per cent in freight rates, and has made some additional reductions since.

The Order of United Commercial Travelers of America made application before the commission for a reduction in Pullman fares.

In April, 1923, an investigation was begun which included hearings and the taking of testimony at Chicago, St. Paul, San Francisco, Portland, Me., and Washington, D. C. These hearings extended over a period of 18 months, and the arguments and hearings were concluded on November 24, 1924.

These hearings developed that one cause of complaint was the roads' collection of the surcharge which was authorized by the commission in 1920.

The commission investigated both the propriety and reasonableness of the surcharge and the rates of the Pullman Co. for sleeping and parlor cars.

The Pullman Co. and the common carrier, both being under the jurisdiction of the Interstate Commerce Commission, the complaints were consolidated, and notice was given to the general public and to the different commercial bodies and regulatory bodies of the various States to be present at the hearings.

It was not until January 26, 1925, this year, that the commission rendered its finding, which was adverse to the removal of the surcharge, and the Committee on Interstate and Foreign Commerce shortly after—or, to be exact, on February 13—took up the surcharge bill.

It would seem to be unwise to have forestalled a decision by the Interstate Commerce Commission, or attempt to approve a bill which was then under consideration by that body created by Congress to perform this identical work.

The attempt of the commission to consider at the same time both the matter of the common carriers' surcharge and the Pullman Co.'s rates promising long delay, the commission decided to separate the subject and to pass upon the matter of surcharges while its decision in the matter of Pullman charges is being investigated.

But we are urged to take action on the railroad rate while the Pullman charge is still under consideration and is not brought before the House for consideration.

As I stated, the commission finally reached its decision on January 26 of this year.

In an attempt to protect its members, the Order of United Commercial Travelers of America caused bills to be introduced in both the House and the Senate for this repeal, as it will be seen, long prior to the decision by the commission, and even before it was half through with its investigation. That is to say, they made an appeal, first, to the commission and then to Congress before the commission had decided, so that when their bills were originally introduced in Congress it would not have been in criticism of the commission, because the commission had not even made a finding.

On May 24, 1924, while the investigation was still in progress before the Interstate Commerce Commission the Senate, without holding a hearing or taking testimony, passed Senate bill 862, which was the bill discussed before your House committee, to which I will later refer.

Recently this same bill has been attached as a rider to one of our important appropriation bills, to which it is not related in any manner, and sent to the House, and will soon be submitted for determination, the House conferees unanimously refusing to concur, just as the House committee, by a vote of 19 to 2, refused to approve the Senate bill after a hearing.

In view of the absence of any hearings of any kind before the Senate, and the further fact that the matter was soon to be discussed in the House, your Committee on Interstate and Foreign Commerce devoted three days to a hearing on this subject. It was not a complete hearing; time did not permit. But at least it was the only hearing which has been held in either of our congressional branches.

There are in this whole matter certain outstanding facts which can hardly be disputed by anyone.

1. The so-called surcharge was a thing allowed by the Interstate Commerce Commission and was only approved after investigation and hearing.

The removal by Congress of this special service rate would immediately nullify the investigating, fact-finding, and discretionary powers of the commission. It would take from all the railroads revenues amounting to from $37,000,000 to $40,000,000 annually, which would undoubtedly require an advance of either passenger or freight rates; and if this is not done, the deduction of $37,000,000 to $40,000,000 annually will undoubtedly prevent for a time—and the period no man can just now tell—any reductions of either passenger or freight rates.

We must keep constantly in mind that the House but recently passed what is known as the Hoch resolution, which directed the Interstate Commerce Commission to make a general inquiry into the subject of rates, with the view of so adjusting them as to bring about a general reduction.

The passage of this bill was unfortunately delayed in the Senate and has been a law but a short period.

One matter can not be disputed by anyone: That if the $37,000,000 or $40,000,000 is now withdrawn by act of Congress it will retard and hamper the investigation ordered by the Hoch resolution. It will take from this fact-finding body a sum of money which possibly might be used in the reduction of rates to all classes.

No one can dispute the fact that if Congress reduces the rate upon one class of service it can, with equal propriety, be called upon to make similar changes of rates for other classes of service, and in this way Congress would ultimately be called upon to supplant the functions of the Interstate Commerce Commission.

Whether the decision of the commission in the surcharge case was wise or equitable might be debated, but it was nevertheless delivered after a long and careful investigation of a matter which clearly came under the jurisdiction of the commission, being originally brought to its consideration by the Order of United Commercial Travelers.

Certainly, with no hearings in the Senate and only a limited hearing before the House committee, the House is in no position to pass upon a question which required a commission 18 months of time and nearly 3,000 pages of testimony to complete an investigation.

The machinery of Congress is not adequate for the purpose of making rates. It early recognized this fact and created the Interstate Commerce Commission, composed of 11 men, which has under its jurisdiction 1,400 employees, among whom may be found some of the best-trained experts in America. The commission can extend its hearings throughout the year. It would not be humanly possible for Congress to pass upon all the disputed or contested opinions of this commission.

I do not desire to enter upon an appeal made to class prejudice, but the facts are undisputed that out of every 100 railroad passengers only 4 use the Pullman service, and obviously these 4 out of each 100 belong to that class of our citizens who are best able to pay for it.

Personally I sympathize very strongly with the members of the United Commercial Travelers of America in their desire to reduce the cost of sleeping-car accommodations, just as I do with the farmer who finds that freight rates are destroying his profits, or the manufacturer who finds that freight rates are injuring his sales, or the commuter or the passenger upon day coaches who believes he is paying an excessive rate. But

I can not bring myself to believe that one class should be picked out and be given preference over other classes.

But even this is not a subject for Congress to determine, and certainly not upon a partial and incomplete hearing.

We should not be driven from our position of 37 years for a special case. If we make a change, it should be a broad change covering everything, because Congress can not go into the rate-making business in one matter and refuse to go into it in other matters.

If we are going to take up the question of rates, let us be frank about it and go into the whole subject.

No part of the rate or revenue of a railroad can be properly considered except in its relation to the whole rate structure as affected by ton-mile freight costs or passenger-mile passenger costs.

It can not be separated from the matter of investments, operating expenses, maintenance cost, revenues, traffic volume, and countless other factors which Congress has not and could not have the time to investigate.

Since my preliminary remarks on this subject the House committee has made its report, and I take the liberty of submitting it at this time because no report has been made by the Senate.

The report is adverse to the passage of the bill and obviously to the rough rider on the appropriation bill:

REPORT OF INTERSTATE AND FOREIGN COMMERCE COMMITTEE FEBRUARY 23, 1925

The committee bases this adverse report on the following considerations:

1. This bill would initiate direct rate-making by Congress—a serious and unwise departure from long established policy (1887).

2. This precedent would open the doors for every interest dissatisfied with any existing rate to ask Congress to take on the commission's statutory duty as to rate making.

3. The removal of the surcharge would—

(a) Reduce service rates for those best able to pay.

(b) Result in raising other passenger and freight rates, or

(c) Postpone reductions in general passenger rates, or

(d) Postpone general reductions in freight rates on agriculture produce (including livestock) and other articles,

(e) Interfere with and retard the general survey and adjustment where possible, of freight rates as directed by the HOCH-SMITH resolution recently enacted.

FINANCIAL CONSIDERATIONS

(a) Testimony (not disputed) showed revenue to railroads from surcharge for 1923 (the last complete yearly accounting available) was about $37,000,000.

(b) Assuming that carriers can stand a revenue reduction of $37,000,000 there is no reason why the entire reduction should be made for the benefit of Pullman travelers.

(c) If a cut in revenue of $37,000,000 can not fairly be made, and, nevertheless, the removal of the surcharge as such is desirable, other sources of income must be determined. No suggestion was made as to what rates should be increased in lieu of surcharge returns.

(d) About $18,000,000 of the $37,000,000 goes to railroads earning a total of less than 5 per cent on their book value investment.

(e) A large part of the $19,089,564 which accrues from surcharge to railroads earning 5 per cent or more goes to carriers which would earn less than 5 per cent if the surcharge were removed.

(f) Only $8,627,000 goes to railroads earning over 6 per cent.

(g) The earnings of certain important railroads earning less than 5 per cent would be depleted to an embarrassing extent if their surcharge incomes were taken away.

Only 4 persons out of every 100 buying railroad passenger transportation ride in Pullmans, and consequently 4 per cent pay all the surcharge.

No proponents appeared nor requested to be heard at the hearings except those representing organizations of commercial travelers.

Correspondence on file with the committee discloses but few communications from travelers for pleasure, tourists' organizations, associations or organizations fostering agriculture, manufacturing, or labor.

Of this correspondence there are several communications from employers of traveling salesmen in favor of the bill; but there is a far greater representation from such employers who are opposed to the removal of the surcharge.

In view of the all-around seriousness of the proposal to remove the surcharge and the inevitable rate-making complications involved, the real responsibility for proving that the existing rate-making methods and the rates themselves are ill-advised is a clear obligation of those favoring the bill. We believe that the proponents have not proven their contention.

The existing surcharge was established by the Interstate Commerce Commission in 1920, concurrently with and as a part of, a general rate-schedule revision, including advanced passenger and freight rates, for the purpose of insuring necessary operating revenue to the railroads.

All surcharge receipts go to the railroads and none to the Pullman Co.

The bill purports to provide for the removal of the surcharge, but under its provisions it would also prohibit the levying of other railroad transportation charges, though just and reasonable, upon those desiring special accommodations and extra service in a Pullman sleeping or parlor car.

As of December 26, 1924, Mr. Elmore, statistical analyst of the Interstate Commerce Commission, reported on the Pullman surcharge to the commission.

The proponents of this bill referred to this report as proving their contention that a Pullman car could be operated by a railroad less expensively than a coach. This was only a partial finding.

In his conclusions covering all items entering into the cost of such operation Mr. Elmore stated in his report that the cost to the railroad for operating per car-mile on a daily trip of 112 miles for the coach was 44.81 cents and for the Pullman 49.37 cents; on a daily trip of 272 miles for the coach was 36.50 cents and for the Pullman 41.06 cents.

Mr. Elmore further reported in respect of the last figures as follows: "The figures in these tables indicate that when car-mile costs, which embrace both line haul and terminal expense, are equaled for the same length of haul, the cost per car-mile of the Pullman is approximately 4.56 cents greater than that of the coach."

Let Members consider what a favorable vote for the Senate rider would mean—

1. It would put Congress in the business of making railroad rates.

2. It would pick out one particular class, whose interests would be advanced above all others.

3. It would prevent proper consideration of the directory Hoch resolution; and

4. It would precipitate endless trouble, countless investigations, long court proceedings, and judicial reviews, which would not expedite the general plan of reducing passenger and freight rates, but would, on the contrary, retard this general reduction.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk completed the reading of the bill.

Mr. REED of West Virginia. Mr. Chairman, I move that the committee do now rise.

Mr. WINGO. Before the gentleman does that, will the gentleman yield a moment?

Mr. REED of West Virginia. I yield to the gentleman.

Mr. WINGO. I had intended to offer an amendment on page 7, but my attention was diverted until after it was passed. I would like to have unanimous consent to revert to page 7 for the purpose of offering an amendment, in line 4, to strike out the words "the Force and."

Mr. BLANTON. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. BLANTON. If the gentleman knew that his amendment will endanger final agreement on this bill by the Senate, and would probably keep this bill from becoming a law at this session, would the gentleman insist on it?

Mr. WINGO. I think I would, because I am in favor of enlarging the schools of the District and not contracting them.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to page 7 of the bill for the purpose of offering an amendment in line 4. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, I want to state that there are one or two little objections I have to the bill, and I would have offered certain amendments, but I have pretty definite information that unless this bill passes the House to-day unamended it can not become a law at this session. If we amend the bill in any particular and it has to go back to the Senate it will likely fail of passage and not become a law. I am informed by those who know the facts that this is a most important bill; that without it the educational facilities of the District are crippled. But I do not feel like objecting to any Member offering amendments, and I will leave it to the good judgment of my friend, the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, I offer an amendment on page 7, line 4, to strike out the words "the Force and."

The CHAIRMAN. The gentleman from Arkansas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 7, line 4, strike out the words "the Force and."

Mr. WINGO. Mr. Chairman, the effect of the amendment if adopted would be to replace the Adams School with a 24-

room school building instead of replacing both the Force and the Adams Schools. If you leave the language as now in the bill, you will have a contraction of school facilities in that part of the city instead of an enlargement of them.

There is just one reason why Force is included. It is purely a real-estate proposition. It is a proposition to drive the Force School, the most historic public school in the city, off of Massachusetts Avenue. I know something about Force School. I have been in it for 12 years and have had a personal interest in it. My two children have gone through it. I have no personal interest in maintaining it now, but it is a good, first-class building and can be put in proper shape with a reasonable appropriation. It can be enlarged with a reasonable appropriation. It is an ideal location and one that needs school facilities now worse than it did when the school building was put there, and yet it is proposed to destroy this historic building to please certain real-estate interests and rob the children of that vicinity of school facilities.

My objection to it is, first, one of sentiment, it is true; not the sentiment of myself, because that is not the proposition at all. It is one of the most historic public schools in the city. There are more officers of the United States Army and Navy, there are more men in public life to-day, who passed through old Force School than any other similar school in America. It is in a proper place for a school and is a good building. It simply needs certain repairs and alterations.

In addition, instead of this territory having no longer any need for a school, it is a more congested neighborhood than ever. Adams School is an old building that ought to be replaced by a modern 24-room building, and if my amendment is adopted that is what will take place.

I anticipate the committee will vote down my amendment for the reason that the gentleman from Texas [Mr. BLANTON] has suggested, but I am making the fight because this will not be the last of it. I suspect the chairman is wise to advocate voting down my amendment, but I want to make the record. I had intended to offer this amendment, but I realize the importance of the bill and I do not want to hold it up. I want it to go through because I believe in a five-year building program for the schools of the District of Columbia. But, gentlemen, if this scheme to destroy Force School is persisted in by those in authority, I think I know something about their motives, and I shall fight them to the finish and hold up, by every parliamentary method I can, everything that that group wants in this House as long as I remain a Member of this House.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. SEARS of Florida. If the Senate is sincere and if the House is sincere, why could not the conferees in five minutes get together on the gentleman's amendment and agree to it?

Mr. WINGO. They could, but I am afraid they would not. It is more important we adopt this program than to adopt the proposed amendment, because this simply authorizes the purchase of the site and they will have to have a site to replace Adams School anyway. I appreciate the suggestion of the gentleman, and my object in offering the amendment was to get my objection in the RECORD.

I am going to withdraw my amendment now so as not to jeopardize the building program, but I am going to put certain gentlemen on notice that there will be something more than a parliamentary fight on this and other matters in which they are interested in if they persist in this scheme to destroy Force School.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to withdraw his amendment. Is there objection?

Mr. LINTHICUM. I object.

Mr. BLANTON. The gentleman from Arkansas is broad-minded enough to ask the committee to vote down his amendment in the interest of the bill. I commend him for it. If we should adopt his amendment it means the killing of the bill. If this bill should go back to the Senate it is as dead as Hector. It can not be passed. I will state this to the gentleman from Florida and the gentleman from Arkansas, if there is any way to get this back in the bill it will be put there.

Mr. WINGO. But I understand this bill is not going to conference.

Mr. BLANTON. I say if there had been a conference, but there is no chance of a conference, and no chance of passing the bill if we amend it. I hope the committee will vote down the amendment.

Mr. LINTHICUM. Mr. Chairman, I withdraw my objection to the request of the gentleman to withdraw his amendment. I misunderstood it.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas to withdraw his amendment?

There was no objection.

Mr. REED of West Virginia. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3765, and had directed him to report the same back with the recommendation that the bill do pass.

Mr. REED of West Virginia. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. REED of West Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

Mr. ALLEN. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an address delivered by Senator WILLIS of the State Legislature of West Virginia on last Saturday concerning the development of natural resources and the advantages of vegetation in West Virginia.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. LONGWORTH. Mr. Speaker, I regret that I must object.

RESTORATION TO THE JUVENILE COURT TO HEAR AND DETERMINE NONSUPPORT CASES

Mr. REED of West Virginia. Mr. Speaker, I call up the bill (H. R. 12331) 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.

The Clerk read the bill, as follows:

Be it enacted, etc., That the 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 of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, be, and is hereby, amended so as to strike out the words "hard labor" wherever they shall appear in the act.

SEC. 2. Section 3 of the above-mentioned act be, and is hereby, amended as follows: Strike out the words "for each day's hard labor performed by such persons" and substitute therefor "for each day of the sentence served by such person."

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. REED of West Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATION OF TRAFFIC IN THE DISTRICT OF COLUMBIA

Mr. REED of West Virginia. Mr. Speaker, I call up the bill (S. 4207) 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. And pending that motion I would like to see if we can make some arrangement as to the division of time.

Mr. BLANTON. I have had several requests for time. I would say that there are some vital amendments to this bill that must be made if we are to have a good traffic bill, and we ought to have liberal debate. I suggest an hour and a half on a side.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that general debate be limited to one hour, one-half to be controlled by the gentleman from Texas and one-half by myself.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the time for general debate be limited to one hour, one-half to be controlled by the gentleman from Texas and one-half by himself. Is there objection?

There was no objection.

The motion of Mr. ZIHLMAN was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

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

The Clerk read the title of the bill, as follows:

A bill (S. 4207) 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.

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

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

There was no objection.

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

Mr. BLANTON. Oh, no, Mr. Chairman; the time was one hour on a side.

Mr. ZIHLMAN. The time was 30 minutes on a side, 1 hour.

Mr. BLANTON. I hope that the gentleman will not do anything unfair.

Mr. BEEDY. The gentleman from Maryland made the request for 30 minutes on a side.

Mr. BLANTON. I understood him to say one hour on a side.

Mr. ZIHLMAN. I will say that I have no desire to take any advantage of the gentleman. I rose and asked the gentleman from Texas if he would agree on a division of time. The gentleman suggested 3 hours, and, thinking he was facetious, I requested that general debate be limited to 1 hour, 30 minutes to be controlled by the gentleman from Texas and 30 minutes by myself.

Mr. BLANTON. I did not understand the gentleman; I understood it to be an hour on a side. The rule gives us an hour on a side. I was not going to be obstreperous. I was not going to filibuster against this.

Mr. ZIHLMAN. Mr. Chairman, I am willing to allow the gentleman 15 minutes of my time, so that he can have 45 minutes of the hour.

Mr. BLANTON. That is satisfactory.

Mr. ZIHLMAN. In view of the fact that the chairman of the subcommittee is not here at the present time, I ask the gentleman from Texas to use some of his time now.

Mr. BLANTON. Let the gentleman yield me 15 minutes of his time now.

Mr. ZIHLMAN. I yield 15 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentleman of the committee, with the general principles of this bill I am in hearty accord. There should be a proper traffic bill passed to-day. Every member of our committee wants to get a good traffic bill passed to-day. No one objects to it. There was a joint meeting of the House and Senate committees to frame a traffic bill. We had before us some of the best traffic experts in the United States, who testified. The traffic expert of New York City came down here at his own expense and voluntarily gave us the benefit of his knowledge and information concerning this question. The Senate and House joint committee determined absolutely upon three fundamentals. They determined that when a motorist causes a collision and serious accident and then runs off and leaves his victim without leaving his name and address there ought to be a jail penalty attached to his punishment in addition to the fine. I am sure all of you would agree with me on that.

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

Mr. BLANTON. Yes.

Mr. MACLAFFERTY. There is something to be said upon the other side, and on that I want to ask the gentleman's opinion. I know of a case, and there have been such cases, where as a result of an automobile collision a man stopped to render aid and was murdered by the people in the other car. I have known several cases where people who did that were badly beaten up. I am not opposed to this.

Mr. BLANTON. Let me say this, because the gentleman is going to leave us in a few days: I consider it an honor to have served with the gentleman from California [Mr. MACLAFFERTY]. He is one of the most lovable men personally that I have ever met. I regret exceedingly that he is going to leave us, and I think it has been a pleasure to the whole House to have him here. I think his people made a great mistake when they did not send him back, and I think they ought to send him back some other day [applause]; but if he were to run over somebody, he would stop his car and go back, would he not?

Mr. MACLAFFERTY. I would.

Mr. BLANTON. I know him well enough to know that in his heart he could not run off and leave somebody suffering whom he has run over without finding out the extent of the injury.

Mr. MACLAFFERTY. Let me say that I have done that very thing.

Mr. BLANTON. The gentleman means that he has gone back?

Mr. MACLAFFERTY. Yes; but I have known cases such as I have already mentioned, and I have never heard any one mention the other side of this question. I wanted to bring it to the attention of the gentleman. There are cases where it is dangerous for a man to stop where he has been in an accident, because if there happens to be a rough crew in the other car they may treat the man very severely.

Mr. BLANTON. Yet the gentleman would not give him a chromo?

Mr. MACLAFFERTY. No; the gentleman mistakes my idea entirely, but there are two sides to every board.

Mr. BLANTON. I am in favor of providing a jail penalty when the man does not go back and find out what he has done and leave his name and address. Then another thing. When a man goes out and tanks up with a lot of bad liquor and runs over a little child or causes an injury to somebody else, he ought to be subjected to a jail penalty, because a man has no business driving an automobile when he is drunk.

Mr. STEVENSON. Does the gentleman not think it would be a very good idea to make it a jail penalty to drive a car when a man is drunk anyway, whether he runs over anybody or not?

Mr. BLANTON. Yes; our committee agreed on that. Then we agreed on another thing, that wherever an automobile uses a smoke screen or runs up on a street car that is stopping to take on passengers, runs completely by that car, and does not come to a complete stop, there ought to be some punishment besides a fine. There ought to be a jail penalty. We agreed on that. I hope gentlemen here will help us write all of those provisions in this bill. After we had worked for weeks on this bill, Members of another body, who had not been to any of the hearings and knew nothing about them, rewrote the bill to suit themselves and then had the Senate pass it.

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

Mr. BLANTON. Yes.

Mr. WINGO. Suppose we amend the bill, will the Senate agree to the amendment?

Mr. BLANTON. If they do not, then the burden rests upon them and not upon us. We will have done our duty. Let them answer to their constituents throughout the United States for their failure to do their duty.

Mr. WINGO. This bill even as we have it to-day represents an improvement, does it not?

Mr. BLANTON. Very little over the present law.

Mr. WINGO. Is anything wrong in it?

Mr. BLANTON. Well, for instance, it allows a fellow to run 30 miles an hour instead of 18, which is the present limit.

Mr. WINGO. Are they not running 30 miles an hour now?

Mr. BLANTON. The present law is 18 and this bill makes it 30.

Mr. WINGO. Are we going to get anywhere by killing the little good that we can get?

Mr. BLANTON. Let me say this to the gentleman from Arkansas——

Mr. WINGO. I am about this bill as the gentleman was about the school bill. I am giving the gentleman a dose of his own medicine. I was gracious and yielded to his importunities and I want him to be as good to me.

Mr. BLANTON. Mr. Chairman, I have just as much sentiment about the Force School as the gentleman from Arkansas has. Two of my children went to the Force School and they consider it an honor to have gone there—not particularly because 17 admirals have graduated from there, not particularly because the Roosevelt children went there, not particularly because other prominent children attended there, including those of my friend from Arkansas, but because it is a good school, there is a good faculty there; but there was not anything vicious about the school bill, while there is something vicious about the traffic bill.

There is an impounding provision in this bill that permits this sort of transaction to occur: You let a young girl clerk who comes from your State, West Virginia, maybe, Mr. ALLEN, and she is here working in a department. She has not any friends here—that is, to look after her business affairs. She has a little Ford car, and rides to work in it. She rides down on the street and parks her little Ford, and in her absence

some policeman comes along and thinks she is parking in the wrong place, and he takes charge of that Ford car and takes it off somewhere so she can not find it and he impounds it, and that poor girl has to go around the city looking up her car, and maybe never finds it. I am against this impounding section, and hope it will be stricken out.

Mr. ALLEN. Does the bill provide that where a person is driving a car under the influence of intoxicating liquor that their license shall be revoked?

Mr. BLANTON. It makes that a cause. It permits the revocation of licenses for cause, but it does not require it be done. It merely permits it to be done and——

Mr. RATHBONE. Will the gentleman yield?

Mr. BLANTON. I want first to answer the gentleman from West Virginia. I want to say this to the gentleman from West Virginia [Mr. ALLEN]: Ever since the Sixty-eighth Congress convened I have sat by him here day after day and hour after hour, whether it was a day session or a night session, he has been here continually in that seat where he is now. I want my colleagues here and the people in the country to know that he has never yet missed a roll call, not one, and his people in West Virginia did not have enough sense to send him back here.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BLANTON. People ought to take the time to find out something about the service of their Congressmen here, and when he gives such service as the gentleman from West Virginia has given here they ought to send him back. I will yield.

Mr. LINTHICUM. I notice by section 42 that it creates four judges of the police court. Are those four judges to try traffic cases or all kinds of police court cases?

Mr. BLANTON. All sorts of cases.

Mr. LINTHICUM. Are any established other than for traffic court cases?

Mr. BLANTON. Two judges exist already. We create two new ones.

Mr. LINTHICUM. The other two are intended to try traffic cases?

Mr. BLANTON. No; all kinds of cases. I want to say this in answer to the gentleman from Maryland, that this joint committee—and I want to commend the distinguished Senator who sat at the head of the table, the chairman of the joint committee on the traffic bill, for his good work—I want to say that they decided that these judges ought to have two shifts and there ought to be a night court.

Mr. LINTHICUM. May I ask the gentleman another question?

Mr. BLANTON. And when we get through with this bill this evening I want my colleagues to help keep that provision in this bill, so that they will have to have a night court down there.

Mr. LINTHICUM. What I am trying to get is whether those two judges are especially to try traffic cases or other cases?

Mr. BLANTON. They will try everything, including traffic cases.

Mr. HUDSON. Does this provide that one judge as a presiding judge is selected?

Mr. BLANTON. No; they sit as separate judges; four courts going on.

Mr. HUDSON. There is no authority designating who shall preside over traffic cases?

Mr. BLANTON. No; all will have traffic cases unless they designate one.

Mr. HUDSON. Would it not be an improvement on present conditions if they should have one designated as presiding judge to designate what judge——

Mr. BLANTON. He might run out of business with traffic cases only.

Mr. HUDSON. Oh, no.

Mr. BLANTON. If he begins to give a jail sentence, if he begins to put people in jail, he would stop the violation of traffic rules in Washington in very short order.

Mr. REED of West Virginia. Does not my colleague make a mistake about this bill cutting out the provision of sessions at night court?

Mr. BLANTON. I did not say so. I said there might be a movement on foot to try to get it out of the bill.

Mr. REED of West Virginia. It is in the bill.

Mr. BLANTON. Thus far; but the bill has not passed yet.

Mr. REED of West Virginia. The bill as we have it now has that provision in it, and the most objectionable features have been eliminated by the hard work of the committee and the gentleman's assistance.

Mr. BLANTON. Oh, this Senate bill which we are considering needs amending. The gentleman took up the Senate bill, and it is not as good a bill as the House bill. The Senate bill was not written by the men who wrote and introduced the first Senate bill and the first House bill. There was a little friction over there and it was rewritten.

Mr. RATHBONE. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. RATHBONE. I want to ask the gentleman——

Mr. BLANTON. How much time have I remaining?

The CHAIRMAN. The gentleman has one minute remaining of the time yielded him by the gentleman from West Virginia, and 30 minutes to which the gentleman is entitled in his own right.

Mr. RATHBONE. In order to get this matter clearly before the House—and I know the disposition of the gentleman is to be perfectly fair—will you not agree upon some of the good features of this bill which constitute a distinct step forward?

Mr. BLANTON. I have already done that.

Mr. RATHBONE. I did not hear all of the gentleman's address.

Mr. BLANTON. I want the gentleman to get his own time and speak in his own time and not use mine.

Mr. RATHBONE. I would like to get the gentleman's views.

Mr. BLANTON. The gentleman knows my views, because he and I have sat across the same table and agreed on many fundamentals.

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

Mr. BLANTON. I yield myself five minutes more.

Mr. SEARS of Florida. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SEARS of Florida. The gentleman objected to amending the other Senate bill because, as he said, if we dot an "i" or cross a "t" we must go to conference and then come back. Why get so excited about this bill?

Mr. BLANTON. I am not excited. I am speaking very calmly.

Mr. SEARS of Florida. This is a House bill, and if the other statement is correct we know the Senate will never pass such a bill.

Mr. BLANTON. This is a bill that affects the little children of Senators. Some of the little children in Washington are children of Senators. They go up and down the streets of Washington. There is as much chance of running over a Senator's child as there is of running over some other little child, and I am going on the assumption that this traffic bill is one that Senators are going to see passed before we adjourn. They are not going to take chances on their children being run over here and killed for the next eight months.

Mr. SEARS of Florida. Then, it is true that the Senate can act?

Mr. BLANTON. Yes; it can always act.

Mr. SEARS of Florida. And the Senate can pass the river and harbor bill?

Mr. BLANTON. Yes; but I am not talking about the river and harbor bill, and I am not going to allow the silk-stocking Member from Florida to divert me from this discussion. [Laughter.]

Mr. LINTHICUM. The gentleman wants to pass this bill if it takes all night?

Mr. BLANTON. If it takes until 11 o'clock to-night.

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

Mr. BLANTON. Yes.

Mr. RAKER. Under section 13, subdivisions (a) and (b)——

Mr. BLANTON. Is the gentleman not in favor of amending it?

Mr. RAKER. Is it the gentleman's opinion that there will be a designated place for impounding, and that a place will be indicated where the cars can be found?

Mr. BLANTON. They have got no business impounding machines. If a machine is parked overtime or in the wrong place, let them put a police tag on it and require them to come down and report. That is the way to handle them.

Mr. RAKER. Is it the gentleman's view that in the case of taking a machine where it is parked under the regulations, if they destroy the machine in taking it to the pound the owner would have any relief?

Mr. BLANTON. Yes. He could collect damages from the city. I am trying to save that condition.

Now, Mr. Chairman, while I am on the floor I want to call attention to a very important matter that has no connection with this bill. I want to get it before the taxpayers of the United States.

You can not get it before them through some of the newspapers, because the press carries only just such items as they desire to carry. I do not blame them. Probably if I were in the same business I would do as they do. But there are 44,000 copies of this CONGRESSIONAL RECORD that are printed that go out to constituents in every State every day, and are read by them, and therefore I am taking advantage of this situation to get this matter before the taxpayers of the country. The CONGRESSIONAL RECORD is a medium of communication with the people.

FRENCH LOANS

I refer to the program that is on foot now by the Republic of France to float on the money markets of New York next week, if possible, or this week if they can, a $200,000,000 bond issue. I introduced this resolution in the House of Representatives.

The CHAIRMAN. The time allotted to himself by the gentleman from Texas has expired.

Mr. BLANTON. I yield myself five minutes.

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

Mr. HAMMER. Will the gentleman yield?

Mr. BLANTON. In just a minute.

I refer to House Joint Resolution 361, which, on February 19, 1925, I introduced in this House of Representatives. I want to read it:

Joint resolution (H. J. Res. 361) to prohibit the Federal Reserve Board, its member banks, and all other governmental banking institutions from discounting any obligation or, directly or indirectly, handling any banking transaction for, and from receiving, handling, or discounting any money, credits, or securities, of or for any nation, or the nationals thereof, that has defaulted in obligations due the Government of the United States and failed and refused to fund such obligations in violation of their understanding had with this Government at the time it advanced such loans; and to discourage American citizens and private banking institutions from rendering such banking facilities

Whereas all Americans, rich and poor alike, loyally submitted to increased taxation and generously subscribed to Liberty bonds to furnish finances loaned during the war by the Government of the United States to foreign countries; and besides mobilizing, training, arming, and equipping over 4,000,000 soldiers, and sending large armies and supplies abroad at our own expense, every loyal American made personal sacrifices, in many instances borrowing the money at high rates of interest to pay for bonds, to the end that sorely needed succor could be sent abroad; and

Whereas since the successful termination of the war certain foreign nations mostly benefited thereby have forgotten, disregarded, and ignored their obligations to this Government, and have failed and refused to fund same as agreed upon to this Government: Now, therefore, be it

Resolved, etc., That when the President of the United States ascertains that any nation has made default in the payment of money obligations to the United States Government, and has failed and refused to fund same in accordance with its understanding had with this Government or upon terms satisfactory to this Government, he shall certify such fact to the Federal Reserve Board, and thereafter it shall be unlawful for said Federal Reserve Board, its member banks, or any other governmental banking institution of the United States, to discount any obligation, or directly or indirectly to handle any banking transaction for, or to receive, handle, or discount any money, credits, or securities, of or for any such foreign nation, or the nationals thereof; and it shall be the duty of the President of the United States and said Federal Reserve Board, in such case, to discourage all American citizens and private banking institutions in the United States from rendering such banking facilities.

During the reading of the resolution the following occurred:

Mr. LINEBERGER. Mr. Chairman, I make the point of order that the gentleman is not discussing the subject matter of the bill under consideration.

Mr. BLANTON. I am sorry the gentleman from California is not familiar with the rules of the House. This is District day, and we are now in general debate. And the point of order is not well taken.

The CHAIRMAN. The Chair will state that this is general debate, not subject to the ordinary rule, and overrules the point of order.

Mr. LINEBERGER. I am sorry that is so.

Mr. BLANTON. I am sorry, too, for the gentleman. I read the resolution, however, hoping to benefit the people of our country.

Mr. STENGLE. Mr. Chairman, will the gentleman yield now?

Mr. BLANTON. If it is on this subject, yes.

Mr. STENGLE. Oh, no; it is not.

Mr. BLANTON. I want to finish this subject first.

Mr. Chairman, I was present in this House, on this floor, when we entertained the French High Commission during 1917. I heard the speech of Mr. Viviani and the felicitations of Marshal Joffre of France. I know what transpired then between their Government and our Government, through them, and I know what this Government did for France.

The CHAIRMAN. The time fixed by the gentleman has again expired.

Mr. BLANTON. I yield myself two minutes more.

I know, I repeat, what this Government did for France and her citizens. They say they can not pay, and we do not expect them to now, but they can at least fund their debt. They should come in and say, "We can not pay it now, but we will pay it; we are willing to fund." We will give them terms such as we gave other nations. The people of this country bought Liberty bonds until it hurt in order to send that money abroad.

The people in my district made sacrifices until it hurt, and they expect France some day to pay that money back. They want me, as their Representative, to raise my humble voice against the financiers of this country floating any $200,000,000 Liberty bond issue for France until she comes in here and shows an honest disposition to settle her debt.

Mr. LINTHICUM. They did not even mention it in their budget, did they?

Mr. BLANTON. No; they did not. But let me get back to a discussion of this traffic bill.

Mr. HAMMER. Will the gentleman yield?

Mr. BLANTON. Yes; but I will say to the gentleman that I intend to yield him some time.

Mr. HAMMER. I do not care to make a speech, but I want to get some information from the gentleman, because I believe he knows more about this bill than anybody else. For a violation of this act there can be a revocation of these permits. Does not the gentleman think there ought to be a right to appeal from the decision of the director of traffic?

Mr. BLANTON. I do not think there ought to be any appeal, because then you would have to have 25 additional judges to hear the appeals.

Mr. HAMMER. There would not be many appeals, but in my opinion there is too much power given him.

The CHAIRMAN. The gentleman from Texas has consumed the two additional minutes he allotted to himself.

Mr. BLANTON. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 18 minutes remaining.

Mr. BLANTON. I yield myself three additional minutes and will reserve the remainder of the time to yield to others.

Mr. HAMMER. The gentleman spoke about his solicitude for the young girls. I see that power is given to the director to give permits to those who now have the right to operate cars without an examination, but that power is entirely with him. It strikes me it would be well to limit that power, and then if it is abused some advantage could be taken of it in some other way. Then another objection which I find to this bill is this——

Mr. BLANTON. The gentleman may offer amendments under the five-minute rule.

Mr. HAMMER. But I want to get the information before the House and the gentleman's own views about the bill. Permits are granted to operators for one year only, when there must be a renewal. The bill does not say how the renewal is to be made, but I take it to mean that the renewal will be granted upon an examination.

Mr. BLANTON. I am in favor of changing that clause, as my colleague knows, so as to make these operators' permits good as long as the operators stay here after they are once issued or until they are revoked. I do not think the operators ought to be required to renew them once a year.

Mr. HAMMER. The bill provides that these operators' permits shall be renewed without examination unless there is a written complaint filed by some one. If these renewals are to be made upon an examination, it will mean a long line of 75,000 people standing there for two or three days. What would the gentleman think of requiring that on the part of the girl clerks the gentleman has been speaking about?

Mr. BLANTON. I am going to move to change that by an amendment.

Mr. STEVENSON. Let me call the gentleman's attention to the fact that the provision he speaks of is already in the bill.

Except that upon the renewal of any such operator's permit such examination and demonstration may be waived in the discretion of the director.

Mr. BLANTON. But the bill requires the permits to be renewed every year at a charge of $1, and that ought to be changed.

Mr. STENGLE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STENGLE. On page 7 of this bill you impose a considerable amount of power and authority upon a director of traffic, but in section 5 you do not make any requirements as to the qualifications necessary to be a traffic director. Does not the gentleman think such qualifications ought to be stated in the law?

Mr. BLANTON. I think so; and I am insisting that an inspector of police should not be designated to act as director of traffic.

Mr. STENGLE. Ought we not in this section to describe what his qualification should be?

Mr. BLANTON. I think so.

Mr. KING. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KING. I would like to ask the gentleman, because I believe the gentleman from Texas is perhaps the best-posted man on this bill in the House——

Mr. BLANTON. I doubt that, for several of my colleagues have worked hard on it.

Mr. KING. I want to know whether there is any particular protection in this bill for the pedestrian, which has not been the case under other laws. The reason I ask the gentleman that is because——

The CHAIRMAN. The gentleman from Texas has consumed the time allotted to himself.

Mr. BLANTON. Mr. Chairman, if there is no request for time, I will take five minutes more.

Mr. KING. Now, if the gentleman will yield, I am particularly interested in the rights of the pedestrian because I am a pedestrain. I have no fear myself, because I have studied the movements and antics of the antelope and I can dodge any automobile that travels the streets of Washington.

Mr. BLANTON. The gentleman had better "touch wood," because I remember one of our colleagues stating that "there were just two kinds of people left, the quick and the dead."

Mr. KING. The only place I have to be particularly careful is when I am within one of those white lines that are painted on Pennsylvania Avenue and in front of the Capitol.

Mr. BLANTON. The gentleman wants to be careful even when within those white lines.

Mr. KING. And my experience has been that one is more liable to get hit there than any other place.

Mr. LOZIER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LOZIER. In reference to the loaning of American capital abroad I will say to the gentleman that I have made quite a study of the matter, and does not the gentleman know that, independent of the attitude of France, American financiers have during the last few weeks and months gone ahead and loaned money to even the railroads of France upon a so-called Government guaranty, the amount being $45,000,000?

Mr. BLANTON. The gentleman and I stand right together on that issue.

Mr. LOZIER. And is it not true that the great financial papers are now beginning to deplore the excessive lending of American capital abroad, tying it up in frozen and long-time securities and enabling Great Britain to conserve her finances so as to be ready to take advantage of the markets of the world?

Mr. BLANTON. The gentleman is not only a very close student of economics but also of finances as applied to farming, and the gentleman knows that whenever you take $200,000,000 out of the money markets of New York you take just that much money from the money borrowers of America and make it that much harder to get such money for our home people. This is reflected all the way down the line from Wall Street to the farmers of Missouri and the farmers of Texas, and that is what I am trying to head off by the resolution which I have read. Until you can stop this money from flowing to France and until they fund their debt to our Government and we see the return of some of it that lending is going to be felt by the borrowers of our country, among whom are many farmers.

Mr. O'CONNOR of Louisiana. Preliminarily let me state that if the gentleman is not the best-informed man on the District of Columbia I think the gentleman is one of the best-informed men in this House. Have not the Commissioners for the District of Columbia ample authority legally to adopt rules and regulations with regard to traffic?

Mr. BLANTON. They have that authority now, but they do not exercise it. They let a bootlegger run 40 miles an hour in front of your House Office Building, run over a poor charwoman, drag her a block, and yet that criminal has never been indicted by a grand jury.

Mr. O'CONNOR of Louisiana. Do I understand that the Congress of the United States has to take up a great many matters that the Commissioners of the District of Columbia could take up?

Mr. BLANTON. Oh, yes; we have to do that all the time.

Mr. O'CONNOR of Louisiana. That is about as severe a reflection upon appointees of the President of the United States for the District of Columbia as I ever heard.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. I note in section 5 of the bill the director of traffic must necessarily be an assistant chief of police.

Mr. BLANTON. We are going to try to change that, and I hope the gentleman will help us.

Mr. LINTHICUM. I will certainly help the gentleman to do that.

Mr. BLANTON. If you want better conditions, you want to change this bill.

Mr. LINTHICUM. Why should the director of traffic report to the chief of police? Why not to the commissioners direct?

Mr. BLANTON. He ought to be the head himself, but there ought to be cooperation, of course.

Mr. Chairman, I reserve the balance of my time.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having taken the chair, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following order:

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

The message also announced that the Senate had passed the following concurrent resolution:

Concurrent Resolution 46

Resolved by the House of Representatives (the Senate concurring), That, in enrolling the bill (H. R. 4202) entitled "An act to amend section 5908, United States Compiled Statutes, 1916 (Rev. Stat., sec. 3186, as amended by act of Mar. 1, 1879, ch. 125, sec. 3, and act of Mar. 4, 1913, ch. 166)", the Clerk of the House is authorized and directed—

(1) To strike out the words "That if" immediately after the enacting clause and to insert in lieu thereof the following:

"That section 3186 of the Revised Statutes, as amended, is amended to read as follows:

"'SEC. 3186. That if'";

(2) To insert quotation marks at the end of such bill;

(3) To amend the title so as to read: "An act to amend section 3186 of the Revised Statutes, as amended."

Attest.

WM. TYLER PAGE.

IN THE SENATE OF THE UNITED STATES,
February 17 (calendar day, February 23), 1925.

Resolved, That the Senate concur in the House Concurrent Resolution No. 46.

Attest.

GEORGE A. SANDERSON.

REGULATION OF TRAFFIC IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. RATHBONE].

Mr. RATHBONE. Mr. Chairman and gentlemen, this is a most important measure. The joint committee have had hearings and have given it the most careful and painstaking attention. I do not claim that this is an ideal bill, but I am prepared to maintain that it is a distinct step in advance and a

decided improvement in conditions which sorely need improvement.

We ought to take pride in the Nation's Capital. We ought to want to see Washington at the forefront instead of lagging behind other cities of this country in the most important respects with regard to regulation of traffic and protection of human life and limb. The statistics unquestionably bear out the assertion that there are more accidents and that there is a worse condition of traffic in Washington than in almost any other great city in the country, and that ought not to be so.

We give additional power to the constituted authorities to enforce needed traffic regulations. We add to the police force. The gentleman from Illinois [Mr. KING] asked what protection was provided for the pedestrians. There is that much protection. We give you more policemen. We give you additional judges. We hope by the provisions of this bill to give you better jurymen, because you can not expect business men to leave their business willingly for a month, as is now the case. This has been tried out in many other communities. In my own State of Illinois and the city of Chicago we find that a jury service of two weeks is the right length of time. You can then get business men to serve and you can have an intelligent, high-class set of jurymen.

In addition, this bill provides for arterial highways. The experts from New York City—and there is no city in the world that has better regulation of traffic than that great metropolis—have advised us in these respects. We ought to have arterial highways through which the traffic can go. It would be a mistake to limit traffic on such highways too much as to speed, but it is not true that they can run 30 miles an hour in any street of this city with impunity. There is a provision, as you will notice, in this bill that they shall be judged by circumstances, and that reckless driving shall depend upon the conditions and the circumstances of the particular case. It may well be that at times 20 miles would constitute reckless driving.

In addition to this, we provide for a night court, and with the additional judges it will no longer be possible to have this disgrace of courts that drag far behind with their work, so that a case like the one cited by the gentleman from Texas [Mr. BLANTON] a minute ago, where a person was killed by an automobile more than a year ago and the driver has not even been indicted for trial, would be impossible.

In addition to that, the bill deals with some of the devices of law breakers. This bill provides a most severe penalty for anyone who equips his automobile or knowingly uses such a thing as a smoke screen.

I happen to know that the policemen of this city are more interested in that than anything else. The smoke screen can not subserve any legitimate purpose; no law-abiding person will use it; it is a device of lawbreakers and lawbreakers alone. It has caused most serious accidents. Motor-cycle policemen follow one of these cars that dash away at a terrific speed and have kept along the best they could trying to do their duty, trying to make an arrest, and suddenly a dense, foul, black smoke is thrown out purposely, blinding the police officer, and often he has dashed into a truck or some other obstacle, and has gone to the hospital, and been crippled for life. This bill deals adequately with that form of law violation. [Applause.]

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

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the House, I do not think any Member of this House who has watched traffic conditions in the District of Columbia can fail to be extremely glad that a measure of this sort is apparently about to pass. The bill having passed the Senate and being about to be passed by us, there should be no possible reason why it should not become a law in accordance with the effective date of the act.

Traffic conditions in Washington are unusually difficult to handle, because of the unusual number of intersecting streets. Washington was laid out by Major L'Enfant with many circles in order that field artillery might be placed at crucial points in the center of the circles, commanding a great many streets, if there should ever arise occasions in the Federal Capital such as arose in Paris just before the time that our capital was being laid out.

This adds enormously to the difficulty. I was much interested in what the gentleman from Texas [Mr. BLANTON] said about extreme danger to little children in this city. The other day I saw a Ford car parked beside the street. I saw a reckless driver smash into it, driving it up the side of the street into a baby carriage and seriously damaging a perfectly good baby. So I hope this bill will pass and will pass promptly.

Mr. BLANTON. Will the gentleman yield? The other day a bunch of joy riders drove their car onto a loading platform and ran over in the safety zone a number of people, killing one and seriously injuring five other people.

Mr. HILL of Maryland. I had heard of that, and I thank the gentleman for calling it to my attention here. I think the provision in regard to intoxicated drivers is absolutely proper and necessary. There is no excuse for anybody driving a car when he is drunk. It is one of the most scandalous things that happen in this city.

Mr. LAGUARDIA. I wonder if the gentleman would support an amendment that I am going to offer providing for imprisonment alone? We put them in jail in New York.

Mr. HILL of Maryland. I believe in putting them in jail, but I am willing to trust the judges. I do not believe in tying up the situation with a mandatory jail sentence so that a prosecuting officer can not get a conviction. I believe in the modern tendency of penology, which is to put discretion in the hands of the judges, but I think they ought ordinarily to have a jail sentence.

WORLD WAR

Now, Mr. Chairman, I want to avail myself of this opportunity to say a word about another matter. This House created the American Battle Monument Commission for the care of American cemeteries and battle fields abroad. The commission, on which I happen to be the House representative, made an exhaustive study during the past year of the cemetery situation, the battle field monument situation, and the general subject of battle fields in Europe.

A great many questions have been asked me as a member of the commission by our colleagues in this House, and I therefore feel that you may be interested in a brief survey of the American operations in Belgium and France, with a statement of what has been done and is being done on the American battle fields in Europe.

Soon after the arrival in France by General Pershing and the vanguard of the American Expeditionary Forces plans were prepared by the American staff for the operations of American troops with the Allies. Immediately after preparing an estimate of the initial force needed to take the field the American staff began a study to determine the most effective point or points and areas in which to use these American troops. Finally the sector of the Woevre was chosen by General Pershing for a number of reasons. First and most important of these reasons was the strategic advantage of this front, since at that point a powerful American offensive would reach the vitals of Germany by the shortest route. Second, was the advantages of lines of supply and communications in this particular sector.

From the time when the first American troops began to arrive in France the American staff continued its work upon plans for carrying out operations in this sector and installing the many supply arrangements necessary for the undertaking. But troops were slow in arriving at first, and the formidable threat of the German offensive of March 21, 1918, which threatened to sever the communications between the British and French Armies and crush France, together with the necessity of stopping the next powerful German offensive of May 31, which almost resulted in the capture of Paris, it was necessary to put in abeyance temporarily the plans of the American commander and hastily dispatch such American troops as were available to points on the French and British fronts. This move resulted in placing American divisions in the path of the Germans on the road between Chateau-Thierry and Paris which halted the German offensive on June 2, 1918, and probably saved Paris.

The lack of reserves on the part of the British also and the fear of another powerful thrust against them made it necessary for General Pershing to dispatch some nine American divisions to the British front, and these became the Second American Corps. All except two of them were eventually withdrawn to the American front in the Woevre after the danger to the British had passed. Of the divisions of the Second American Corps the Thirty-third Division was engaged in a brilliant operation at Hamel and at Chipilly Ridge, besides helping to defend the front south of Albert. The Eightieth Division participated in a local offensive with the British north of Albert and the Seventy-eighth Division helped to defend a section of the line west of Lens. The Twenty-seventh and Thirtieth Divisions, whose entire service in the American Expeditionary Forces was with the British, engaged in an operation south of Ypres which resulted in the capture of Vierstraat Ridge, and were engaged in the operations which broke the Hindenburg line on the St. Quentin Tunnel, and in subsequent operations which resulted in driving the enemy east of the Selle River.

So long as the German salient on the Marne River threatened Paris it was impossible for the American commander in chief to withdraw American troops from that front and continue the preparations for the great offensive in the Woevre, which he had so fervently hoped to launch. In order to remove this menace and that his troops might be able to participate in the offensive which he planned, he urged the French high command to arrange an offensive which would reduce the Marne salient. He pointed out to Marshal Foch the weaknesses of the German position in the Marne salient and formulated a plan for its reduction. This plan was adopted by Marshal Foch in principle. In the offensive, which resulted in driving the Germans from the Marne River, American divisions played a most prominent part. In fact, the spearhead of this attack consisted of two veteran American divisions, which in three days cut the German lines of communication which fed the salient and forced the enemy's withdrawal. Seven other American divisions continued hammering at him, until by August 6 he had withdrawn to the heights north of the Vesle River and the Marne salient had been reduced.

With the threat on Paris removed, the American commander in chief began to urge the French high command to permit him to continue the organization of the First American Army for the purpose of launching an offensive in the Woevre. This Marshal Foch agreed to do, and American divisions were hurried to the St. Mihiel front for the purpose of reducing that salient as a preliminary to the gigantic American offensive, by which General Pershing not only hoped to capture the Briey iron basin, so vital to Germany as a source of her supplies, but to cut the Metz-Sedan-Mezieres Railway, which served as a jugular vein to the German armies on the western front.

On September 12, 1918, the St. Mihiel offensive was launched. This was the first major offensive action which was planned and executed by American command. With magnificent dash American troops in 26 hours reduced the St. Mihiel salient and performed that which had been impossible for the French to perform, despite their tremendous efforts at various times during the war. This operation caused the French to marvel at the ability of American troops and raised their estimation of the American soldier in no small degree.

By September 16 the enemy was in full retreat on the front of the First American Army. Had the First American Army continued its offensive in the Woevre, there is no doubt that the Briety iron basin as well as Metz would have fallen into our hands within the next few days. But Marshal Foch had in mind other work for the First American Army.

The French had long desired to launch an offensive on the Champagne front and between the Argonne Forest and the Meuse River. The brilliant success of American troops at St. Mihiel as well as successful local offensives of the French and British farther north caused Marshal Foch early in September, 1918, to decide upon launching a great offensive between the Meuse River and Rheims with a view of bettering the allied situation before winter set in. He hoped to gain a line from which allied offensives in the spring of 1919 would end the war. He offered General Pershing the choice of two sectors—either that portion of the front between Rheims and the Argonne or that between the Meuse and the Argonne. General Pershing, realizing that the Meuse-Argonne front presented difficulties which he believed American troops had the ability of surmounting, choose that front.

The St. Mihiel front was reluctantly allowed to stabilize on September 16, 1918, and American troops were hurried north to take their places on the Meuse-Argonne front, while new or tired American divisions held the ground which had been gained by the St. Mihiel offensive.

Before the Meuse-Argonne offensive began Marshal Petain expressed the opinion that the American offensive could not be pushed beyond the heights of Montfaucon before the weather conditions incident to winter would make operations impossible. This proves that the French high command had at that time no idea that the war would end in 1918.

On the morning of September 26, 1918, there was launched between the Meuse River and the Argonne Forest the greatest battle in American history. On this front nine divisions smashed through the German lines and by noon of the first day had reached a line far in advance of that which the French high command believed possible in 1918. These powerful American thrusts continued, while the Germans frantically threw in division after division from other fronts in their attempts to check the Americans in their drive for that artery of communications, the cutting of which meant ruin to the German armies in northern France. But the First American Army was not to be stopped. By November 4 its guns were hammering the Metz-Sedan railway, and by the 7th of November American troops were on the heights 2 kilometers south of Sedan hammering that town with their guns.

It is not a matter of mere coincidence that the date of November 6, 1918, on which the First American Army cut that so vital German avenue of retreat—the Metz-Sedan-Mezieres railway—was the day on which the German high command asked Marshal Foch for a conference for discussing the terms of an armistice.

The fact that no American troops entered Sedan after arriving so near its gates is not to be taken to mean that they tried and failed. In fact, Sedan would have fallen into American hands on the following day had it not been for the sentimental reasons of the French, who desired for the purpose of boosting their national morale that they should have the glory of entering Sedan. Consequently, General Pershing magnanimously called off his troops from that area south of Sedan which they had fought so hard to win and delivered it to the French, directing his First American Army to the sterner task of driving the enemy across his border south of Luxembourg.

When the allied high command handed the terms of the armistice to the representatives of Germany on the night of November 7–8 they complained that they were too severe; and severe they were, since to accept them amounted practically to an unconditional surrender. These German representatives returned to headquarters of the German Army at Spa, Belgium, for instructions from the Government. But any doubts that Germany had about not accepting the armistice terms were dispelled within the next two days, when the continued and powerful onslaughts of the First American Army toward her borders, as well as the continued pressure of the Allies farther north, threatened the total destruction of the German armies in northern France. To the American Army falls the credit in no small degree for the forced decision on the part of Germany to accept these terms imposed by the Allies.

Before the Meuse–Argonne offensive began, Marshal Petain asked General Pershing for two divisions to assist the Fourth Fench Army on the Champagne front. The Fourth French Army, like the First American Army, launched its offensive on September 26, 1918, and by October 1 they had come in contact with almost impregnable German positions on Blanc Mont Ridge, which the Germans considered the key to their defenses in Champagne. Here the Fourth French Army was vainly trying to pass this barrier, and had failed. On October 2 the Second American Division was thrown in line and attacked Blanc Mont. By noon of the first day of this attack all of the Blanc Mont Ridge in the sector of the American division had been captured and by October 7 the enemy had been driven to his last line through St. Etienne. Here the Thirty-sixth American Division was thrown in, and after a severe struggle broke through on October 12, and together with the divisions of the Fourth French Army pursued the enemy for 21 kilometers to the Aisne River, where he strongly entrenched himself to the north of that barrier. The attack of these two American divisions in Champagne resulted in breaking the backbone of the German Champagne defenses and enabled the Fourth French Army to advance.

While the great American offensive on the Meuse–Argonne front was under way, the Sixth French Army in Belgium, under command of King Albert of the Belgians, had appealed for the help of American divisions in overcoming formidable obstacles to its advance. Accordingly, General Pershing withdrew two American divisions from the Meuse–Argonne front, where they were badly needed, and loaned them to King Albert. These American divisions—the Thirty-seventh and Ninety-first—were thrown into the line of battle along the Courtrai–Ghent highway on October 30, and by November 1 had driven the enemy from the heights around Cruyshautem and north of the Scheldt River. The only troops of the Sixth French Army which were able to force a crossing north of the Scheldt River during these attacks were troops of these two American divisions. These two divisions were withdrawn from the line for a few days' rest, but were returned again on November 8 and were hammering the enemy and pushing him farther out of Belgium when the armistice was signed on the 11th.

Other points of the front where American troops served with distinction are on the Champagne, northeast of Soissons, and in the Vosges. On July 15 and 16, 1918, the Forty-second Division and Three hundred and sixty-ninth United States Infantry did magnificent work in aiding the Fourth French Army to stop the great German July offensive on that front. From September 15, 1918, until the armistice the Three hundred and seventieth United States Infantry, as part of the Fifty-ninth French Division, attacked on a front northeast of Soissons, and the time the armistic went into effect was pursuing the enemy near Rocroi, Belgium.

Nearly every American division which later saw offensive action on the western front had its initial training in the defensive sectors of the Vosges Mountains. While no great offensives were undertaken in these mountainous regions, the American troops who operated there suffered many casualties in defending that important sector of the western front.

The Italians launched a great offensive from the Piave River on October 26, 1918. A small American force, principally the Three hundred and thirty-second Infantry, assisted the Italians in this offensive. Under the pressure of this Italian offensive the retreat of the Austrians became a rout by October 30. The Austrians fought desperately, however, in their vain attempts to delay the Italians. The Three hundred and thirty-second United States Infantry particularly distinguished itself in forcing a crossing of the Tagliemento River against Austrian resistance. We also had a large air force in Italy on the battle front.

American troops also saw service in Russia—on the Archangel front, as well as in Siberia. These American troops were sent as part of the allied expeditions which had as their mission the guarding of the ports of Archangel and Vladivostok and protecting the lines of communication by which the Allies were sending the Russians badly needed supplies of munitions.

The United States lost a total of 48,900 men killed in battle, in addition to those who died in the service abroad from disease, exposure, or other causes. Since the armistice was signed the American Graves Registration Service, after a tremendous amount of effort, has succeeded in collecting these dead from their resting places where they were originally interred on the battle fields and has moved them to eight cemeteries in Europe or has returned them to their relatives in the United States or elsewhere. At the present time the United States has in Europe eight military cemeteries, located at Brookwood, England; Suresnes, France, Belleau, France; Seringes-en-Nesle, France; Bony, France; Thiaucourt, France; Werengen, Belgium; Romagne, France.

By January, 1925, the United States Graves Registration Service had moved to the United States or to the homes of relatives in foreign countries 46,290 bodies of American soldiers who were killed in battle or who died on foreign soil during the war. Upon the request of relatives, 130 American soldiers still lie buried on the battle fields where they were originally interred. And there are still 1,662 American soldier dead whose bodies have not yet been found in the original burial places on the battle fields. However, as a result of a systematic effort and search, the United States Graves Registration Service is gradually finding these bodies and reburying them either in the American European cemeteries or sending them to relatives in the United States or elsewhere.

The largest of the American military cemeteries is fittingly located at Romagne, around which there was perhaps the most bitter fighting of the whole war, during which the Americans broke the Kriemhilde Stellung line. This cemetery contains the graves of 13,976 American soldiers who lost their lives in the Meuse-Argonne battle and during the battles in Champagne.

The St. Mihiel American Military Cemetery, located near the village of Thiaucourt, is the resting place for 4,134 American dead who lost their lives in the St. Mihiel battle and during the fighting in the Vosges.

The Aisne-Marne Cemetery, located near the small town of Belleau, in Belleau Wood, contains the remains of 2,100 American soldiers who lost their lives during the Aisne-Marne defensive and the Marne offensive.

The cemetery at Seringes-en-Nesle, near Ferre-en-Tardenois, is the resting place for approximately 6,000 American soldiers who lost their lives during the fighting on the Vesle and the Aisne Rivers.

The American cemetery at Bony, on the slopes of the St. Quentin Tunnel, is the resting place for approximately 1,800 American soldiers who were killed in the battle for the Hindenberg line and other operations with the British Army on the British front.

The American cemetery at Werengen, Belgium, is the resting place for 363 American soldiers who lost their lives during the offensives south of Ypres and in the vicinity of the Scheldt River.

The cemetery at Suresnes, near Paris, contains the bodies of 1,503 American soldiers who died at various points in France, particularly in the hospitals and Service of Supply areas.

The American cemetery at Brookwood, England, contains the bodies of some 440 American soldiers and sailors who died while on duty in the British Isles.

I hope that this personal report of the work which you have committed to the American Battle Monuments Commission will assist the Members of the House in answering some of the many questions that they are asked you about American battle fields in Europe. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, I suppose it is unnecessary for me to state that Congress is more freely and frequently criticized by its failure to meet the municipal requirements in the city of Washington, or its imaginary failure, than to solve any other problem that comes before Congress pressing for solution. I often wondered myself why we should be giving so much time to matters that could be disposed of by the municipal officers.

I think I am more or less competent to speak upon that peculiar phase of the administration of the city of Washington by reason of the fact that for years I was closely associated with the government of the city of New Orleans.

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

Mr. O'CONNOR of Louisiana. I have only five minutes. We have a commission form of government in the city of New Orleans, composed of four commissioners and a mayor. In them are reposed legislative and administrative functions, of course through a charter derived from the State of Louisiana. It is ample and gives us power in the city of New Orleans to meet every imaginable need of a great municipality. The city of New Orleans is about the same size, from the standpoint of population, as the city of Washington. There are about 400,000 people there. If there is any city in the United States of America, due to its peculiar growth, to its origin and population, where the traffic congestion is greater than in the city of New Orleans, I would like to know what that city is. I dare say you all know that New Orleans was a Latin city for many years. Down below Canal Street, which is the district that I have the honor to represent, it is largely a Latin city. Up above Canal Street it is an American city. All the people of the entire city must go to Canal Street, the great imaginary dividing line of the city; every street car, every wagon, every automobile goes there, and as a consequence the traffic congestion would be very great if it were not for the wonderful regulations which have been formulated as the result of a study of traffic conditions all over the United States and Europe. That city is about the same as the city of Washington. We are all about the same kind of people, and we have the same wants and hopes and aspirations and the same problems. That commission council of the city of New Orleans is in a position to meet almost from day to day every new demand made by a growing civilization, a complex population. Why can not that same power be granted to the Commissioners of the District of Columbia? I do not wonder that people stand in amazement at the thought that the Congress of the United States of America has to take up so much of its time with what apparently are municipal ordinances. That power could be granted to the commissioners here and they could ordain upon the subjust, just as does the commission council of the city of New Orleans, and act as administrators at the same time. To say that the commissioners are not doing their duty is a reflection upon the appointive power. Though such a charge is made in good faith, I can not accept it. It is absurd to think that the commissioners are indifferent to the wants and hopes of the people of the city of Washington. If anything is needed here it is greater and more ample power, which should be given to the commissioners, and in a large measure prevent this almost absurd and nonsensical handling by the Congress of legislative matters that dwindle into the insignificant proportions of municipal ordinances. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am glad the committee is taking up this question of traffic legislation. Last evening I was within 10 feet of a street car on the corner of Twelfth and F Streets, and wanted to get to the Union Station, but the automobiles were so close together that it was impossible for me to cross to one of those platforms where we board the street car. We need not only traffic legislation of this kind but traffic officers who will give the pedestrians a chance to get across the street and to the street cars. On several occasions lately it has been impossible for me to reach street cars or cross streets, because there were so many automobiles passing, with no officers at the intersections of the streets to give a person going in the other direction a chance.

If you are going to appoint a director of traffic, that director ought to be a very capable man. He ought to be a man who is something of an engineer, a man of extraordinary ability, because he will have a man-sized job to handle. I do not think we ought to limit it to the assistant chief of police, as

provided in section 5 of the bill. If the assistant chief of police is a better man than anybody else, we can appoint him, but let us not tie ourselves down to the assistant chief of police and make it impossible to appoint any other man, no matter how great his capabilities are.

Mr. McKEOWN. Mr. Chairman, is there such a position as chief of police in the District of Columbia?

Mr. LINTHICUM. Yes.

Mr. ZIHLMAN. That amendment was inserted on the floor of the Senate, and it is the purpose of the committee to offer an amendment striking it out.

Mr. McKEOWN. Is there a chief of police in the District of Columbia?

Mr. BLANTON. No.

Mr. LINTHICUM. Section 5 of the bill refers to the chief of police of the District of Columbia. If there is no chief of police, there should not be such a reference in the bill.

Mr. BLANTON. He is a major and superintendent of police.

Mr. LINTHICUM. The bill provides that he shall be under the chief of police. Then the bill is wrong?

Mr. BLANTON. Yes. That was written by somebody who was not familiar with the situation here.

Mr. LINTHICUM. Another point I bring to the attention of the committee is the matter of running an automobile when intoxicated. It seems to me there ought not to be a fine connected with that offense. When a man runs an automobile while intoxicated there ought to be no fine, no influence to bring about a fine, and the judge ought to be compelled to give the man a jail sentence to teach him a lesson.

Mr. DOWELL. Is there a provision in this bill to relieve such a culprit of his license under those circumstances?

Mr. LINTHICUM. I do not know. We have such a provision in Maryland, but I do not know of any in this bill; but I think it is at the discretion of the director of traffic.

Mr. HILL of Maryland. In Maryland, as the gentleman well knows, such offenders always get a jail sentence imposed upon them.

Mr. LINTHICUM. Yes; regardless of who they are. They get a jail sentence in Maryland, and they get their license taken away from them for at least a long time.

In addition to what I have said about this bill, which seems to me a great improvement upon the present situation, I think the bill which we passed to-day in respect to a building program for schools is a mighty good bill. We ought to look forward to the building of schools for the children.

The people of Baltimore have spent somewhere around $20,000,000 in the last few years in building magnificent school buildings. In a democracy the government depends upon the people, and the better the education they can give, the better they can provide for the children growing up and the better government they can have. I am proud of the public-school buildings now being erected in this country. And in conclusion I want to say that the bill we passed two weeks ago to-day providing for inspection of dairies, pasteurization of milk, and the protection of the people from impure ice cream is a bill in the right direction, but did not go far enough. It seems to me so radically wrong not to protect the people against that raw product—butter—which was omitted from the bill, and which I endeavored in every possible way to have included.

I was fighting to protect the people from the impurities so easily carried in butter. When we realize that 60 per cent of the bacilli is contained in the cream, and that the cream is made into butter, and yet we fail to protect the people against impure butter, we are recreant to our trust. I want to see the people of the District of Columbia and of the country have the very best creamery products which science and modern methods can produce. I want to see the day when bovine tuberculosis, which kills so many of our little ones every year, is entirely eradicated. I was charged by some with filibustering because I stood up for the rights of the consumer against the creamery combines and monopolies. If this be a just cause of criticism, then I welcome it. So long as I am a Member of Congress I shall fight until I see the people protected against impure butter and all other creamery products by adequate legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Could the gentleman yield me a few more minutes?

Mr. ZIHLMAN. I will say the gentleman from Texas had 45 minutes.

Mr. BLANTON. Have I any time left?

The CHAIRMAN. No time remains to the gentleman from Texas.

Mr. ZIHLMAN. I had only 15 minutes. Will the gentleman from Maryland come in under the five-minute rule?

Mr. ZIHLMAN. I yield the remainder of my time to the gentleman from Vermont [Mr. GIBSON]. [Applause.]

The CHAIRMAN. The gentleman from Vermont is recognized for six minutes.

Mr. GIBSON. Mr. Chairman and gentlemen of the committee, I was very much interested in what the gentleman from Louisiana [Mr. O'CONNOR] said with respect to taking care of some of the small matters of legislation which affect the District of Columbia. I call attention to the fact that I have introduced a joint concurrent resolution providing for a study of the situation here in the District government in order that we might devise ways and means to get rid of the legislative details of which the gentleman complained. But we are informed the joint resolution is not to go through the Senate at least. In view of this legislative situation I have introduced a House resolution calling for an investigation on the part of the committee of the House, and I sincerely trust that the Rules Committee will see fit to let us take action on it so we may remedy the condition.

The gentleman from Illinois [Mr. RATHBONE] has called attention to the traffic situation here in the District. I wonder if we realize that there were nearly 100 people killed last year here by automobiles, one for about every three days of the year—100 human souls gone out from their existence here because of reckless drivers. Now, that is a situation, gentlemen of this committee, that demands prompt action.

There are some things about this bill I do not like. The gentleman from Texas [Mr. BLANTON] well called attention to three specific basic provisions that we agreed on in the joint subcommittee. There is another one, and that is we should have a separate administrative head who would have charge of the granting of licenses and permits and their revocation. That is a big job, and I do not think that the appointive power ought to be limited to the District of Columbia. The right should be given to go anywhere in the country and get the best man available for the purpose. We have had the administration of the laws here so far as automobiles are concerned under the control and direction of the commissioners and the police force. I think that they have pretty clearly demonstrated that they are not equal to handling the situation. There is another thing that this bill does not do away with, and that is the collateral nuisance and menace, which is one of the most vicious things in our present practice here in the District. A man is arrested and he comes into court and puts up collateral; he is not required to appear in court; the collateral is forfeited, and that ends the case. May I call attention to the records of some offenders? I have here some records of the Metropolitan police force. Here is the case of Solomon Nathan Chesevoir, who has had 13 charges lodged against him, and in many cases he put up his collateral and went his way. Here is the case of Russell A. Murray, with 16 offenses charged against him, and he likewise in many cases put up his collateral and went his way. Here is the case of Benjamin Chesivoir, with 11 charges against him. Here is the case of John Lyons, with 24 charges against him; here is the case of Leo Paul Connors, with 25 charges against him; here is the case of George Michael King, with 36 offenses, mostly violations of the automobile law, against him, and in nearly every case these men still have their licenses to operate here in the District of Columbia.

Mr. DOWELL. Will the gentleman yield?

Mr. GIBSON. I will.

Mr. DOWELL. That is the very purpose of the bill. Under the law as it now exists there is no power to take the licenses, as I understand, and no power to put them in jail?

Mr. GIBSON. It goes to a certain extent, but if we had a separate, independent administrative head, separate from all the entangling influences here in the District——

Mr. DOWELL. Is not the gentleman aware that if the police force of the city of Washington does not desire to enforce any statute we may make it can not be enforced outside, and is it not necessary to have the cooperation of the police force of the city if you are going to administer properly any criminal statute?

Mr. GIBSON. Does the gentleman assert that under this proposal we will not have the cooperation of the police force?

Mr. DOWELL. My question was the gentleman was questioning that the police force had not enforced it, and perhaps could not, as I understood him.

Mr. GIBSON. They have not.

Mr. HUDSON. It is not a question of the cooperation of the police force. It is a question that the police force had

cooperated under a provision which allowed the deposit of collateral and they never appeared for trial.

Mr. DOWELL. Should not the language of the bill that is supposed to override the board provide that if tried and convicted they be sent to jail or their licenses canceled?

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

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

ADDITIONAL JUDGES FOR THE POLICE COURT

SEC. 3. (a) Section 42 of the District of Columbia Code is amended to read as follows:

"SEC. 42. CONSTITUTION: The police court of the District shall consist of four judges learned in the law, appointed by the President, by and with the advice and consent of the Senate. No person shall be so appointed unless he has been an actual resident of the District for a period of at least five years immediately preceding his appointment and has been in the actual practice of law before the Supreme Court of the District for a period of five years prior to his original appointment. The term of office of each judge shall be six years, except that any judge in office at the expiration of the term for which he was appointed may continue in office until his successor takes office. Each judge shall be subject to removal by the President for cause. The salary of each judge shall be fixed in accordance with the classification act of 1923. The judges shall hold separate sessions and may carry on the business of the court separately and simultaneously, but the holding of such sessions shall be so arranged that the court shall be open continuously from 10 o'clock antemeridian until 11 o'clock postmeridian each day, Sundays excepted, for the trial of cases involving violations of traffic laws and regulations. The judges shall have power to make rules for the apportionment of business between them and the act of each judge respecting the business of the court shall be deemed and taken to be the act of the court. Each judge when appointed shall take the oath prescribed for judges of courts of the United States."

(b) Nothing contained in this section shall affect the term of office of the present judges of the police court or require their reappointment.

(c) The judges of the police court are authorized to appoint not exceeding six additional deputy clerks and four additional bailiffs, if the business of the court requires it. The salaries of such additional deputy clerks and bailiffs shall be fixed in accordance with the classification act of 1923.

(d) The commissioners shall provide for the use of the police court as enlarged by this act such additional quarters, furniture, books, stationery, and office equipment as may, in their opinion, be necessary for the efficient execution of the functions of the court, and as may be appropriated for by the Congress from time to time.

Mr. BLANTON. 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. BLANTON: Page 3, line 17, after the word "from" strike out "ten" and insert "nine."

Mr. BLANTON. Mr. Chairman, there are some very good reasons why Congress does not meet until 12 o'clock noon. We have most of our work to do off of this floor. Much of our work is with departments and bureaus in behalf of our constituents. Much of our work is in committee rooms, and we have to prepare our minority reports and majority reports concerning bills that come from committees in our offices. We must study bills closely and prepare amendments to them in our office. Therefore there is a reason for our not meeting until 12 o'clock. But there is no reason on God's earth why a court should not meet before 10 o'clock. Why should not these courts meet before 10 o'clock? Why, in the summer time the sun is four or five hours high in the heavens before they meet. Why should they not meet at 9 o'clock? Why should they not go to work at 9 o'clock?

I am proposing to make this hour of meeting for courts here 9 o'clock instead of 10 o'clock. Here are four judges. They are going to have two shifts—three to sit in the daytime and one to sit at night until 11 o'clock—two shifts each, so that they will have a night court. You are fixing to let them open court at 10 o'clock a. m. and adjourn at 3 or 4 o'clock p. m.

Mr. DOWELL and Mr. TINCHER rose.

Mr. BLANTON. I will yield to these gentlemen in a moment. I defeated one of the best loved and most prominent men in my district as circuit judge because he would not open his court early. The people put me in there because they knew I would open the court at 9 o'clock or earlier if necessary and clean up the dockets. That is the reason why the dockets here are so crowded. The judges do not begin early enough or work long enough. These gentlemen have had their salaries raised. You do not know it, but the classification act has raised their salaries by quite a large amount—I think by some substantial sum. You are providing for their raise in this bill. When you do it you ought to say, "Mr. Judge, you have got to open your court at 9 o'clock." Remember they are to have two shifts of judges. Two or maybe three will sit in the daytime and one at night.

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

Mr. BLANTON. Yes.

Mr. DOWELL. Is it the idea of the committee that these traffic violators are to be tried immediately by the court from time to time?

Mr. BLANTON. Oh, yes; there are a great many transient motorists who come here from the States. A man drives in here in the morning or in the daytime and goes out that night. It is quite an accommodation to a man if he is caught violating the traffic law to let him go down and have a hearing at once.

Mr. DOWELL. The gentleman thinks they ought not to be obliged to remain in the city here several days before their trial?

Mr. BLANTON. Yes; if I were arrested for speeding here I would want a hearing right now. Of course, I am not going to violate the law, but if I were to be arrested for violating the law I would want a speedy hearing. I would want them to give me a hearing right away.

Mr. DOWELL. It seems to me we ought not to complain about the salaries to be paid.

Mr. BLANTON. No; it would be the best money we ever spent if these judges would only work and enforce the laws. I hope you will adopt this amendment and make them work from 9 o'clock in the morning.

Mr. ZIHLMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. BLANTON]. I rather think the gentleman from Texas is trying to carry out some campaign pledge made early in his campaigning in the State of Texas in trying to insist that the police court of the District of Columbia should convene at 9 o'clock in the morning. I am informed—I do not know how correctly, but I have heard a rumor to the effect—that at one time the gentleman from Texas was in favor of having Congress convene at 8 o'clock in the morning. There may be some reason why this court that is to sit from 10 o'clock in the morning until 11 o'clock at night should be allowed to adjourn at the hour of 10 o'clock at night, but there is no reason why they should convene before 10 o'clock in the morning.

The gentleman from Texas has been a judge—and he has so informed us here from time to time—and he knows that a judge must prepare his docket beforehand and prepare for the business of the day. The committee has had protests filed from men interested in the police court who objected to a court in a city of this size being compelled to sit until 11 o'clock at night, and they point out the inconvenience to the jurors in not being dismissed until 11 o'clock. There may be some justification for an amendment providing that the court should adjourn earlier than 11 o'clock, but there is no justification for obliging the court to begin at 10 o'clock.

Mr. UNDERHILL. How long is it proposed that each shift shall work?

Mr. ZIHLMAN. There is no provision as to the length of the session of each judge, but provision is made that the court should be open from 11 a. m. to 11 p. m.

Mr. UNDERHILL. If they started at 9 o'clock they would probably work until 4 or 5 o'clock, which would be longer than the Government employees work.

Mr. RATHBONE. Is it not a fact that in the vast majority of cases in the cities of the size of Washington the courts do not convene as early as 9 o'clock? Is it not a fact that 10 o'clock is the regulation hour?

Mr. BLANTON. The police courts of New York convene at 9 o'clock, do they not—I will ask the gentleman from New York [Mr. BLACK]?

Mr. BLACK of New York. The traffic courts convene then.

Mr. ZIHLMAN. I think from 10 o'clock in the morning until 11 o'clock at night, as provided in this bill, is amply sufficient to take care of traffic cases that come before the court.

Mr. McKEOWN. Would it not be better to open at 9 and close at 10 instead of 11?

Mr. ZIHLMAN. I do not think so. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. Let us have a division on that 10 o'clock opening.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 20, noes 13.

So the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 4, line 5, after the word "exceeding," strike out "six" and insert "two."

Mr. BLANTON. Mr. Chairman, this is the most ridiculous proposition I have ever heard of. Just because we give them two extra judges—they already have two and we give them two more—they want us to give them six additional deputy clerks. It is absolutely ridiculous. Two additional deputy clerks are plenty, and that is all they need. I see several men here who have been on the district bench. There is the gentleman from Oklahoma [Mr. McKEOWN]. He was a distinguished judge in his State, and he never had but one clerk for each court, just one clerk, and his clerk did the work of his court. [Laughter.] I am speaking about the clerical work.

It is ridiculous to ask for these six additional deputy clerks. I want to ask you gentlemen this: Are you willing to give three additional deputy clerks for each new judge? They already have some deputy clerks, and you are fixing by this bill, if you vote down my amendment, to give them three additional deputy clerks for each new judge, or six new ones, when it is all one court.

Mr. McKEOWN. Why not make it three and split the difference?

Mr. BLANTON. I am willing, if you colleagues require it.

Mr. McKEOWN. Mr. Chairman, I move to amend by making it three.

Mr. BLANTON. I accept the amendment.

The CHAIRMAN. The gentleman from Oklahoma moves to amend the amendment in the manner in which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN to the amendment offered by Mr. BLANTON: Strike out the word "two" and insert in lieu thereof the word "three."

Mr. ZIHLMAN. Mr. Chairman, I desire to oppose the amendment, and I want to call the attention of the committee to the fact that the joint committee of the House and the Senate labored on the provisions of this bill for a period covering four or five weeks, and all these matters as to the required additional personnel were determined upon and thrashed out with the police-court judges, and there is nothing excessive in the additional help granted to this branch of the courts of the District of Columbia. There are 50,000 cases a year going to the police courts of the District of Columbia; the dockets are tremendously crowded, and these additional employees will have to be provided for by appropriations. They must run the gauntlet of the Appropriations Committee and satisfy that very able and economical committee as to the necessity for this additional help.

Mr. CRAMTON. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. As I understand, after those joint hearings the bill that was recommended to the House by the House committee was materially different from this bill in many respects. Evidently, then, the House committee does not feel it essential that the House accept the judgment of the Senate in this matter.

Mr. ZIHLMAN. I will say to the gentleman that the changes in this bill are largely changes of penalties. In the original bill the penalties were very drastic.

Mr. CRAMTON. Did not the joint committee go into the matter of penalties?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. And if the House and Senate could not agree on that important matter, why not let the House have a chance to express its judgment on some of these other matters?

Mr. ZIHLMAN. I have no objection to that. I have made my statement.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. I will state to the gentleman from Michigan that the joint committee was not in accord on needing six deputy clerks or needing four new bailiffs, as provided in the Senate bill.

Mr. CRAMTON. Why do they need six new clerks?

Mr. BLANTON. They do not need them.

Mr. CRAMTON. The gentleman from Maryland knows that if six are provided it will be insisted before the Appropriations Committee that the House has expressed its judgment and that the places must be filled.

Mr. ZIHLMAN. I will say to the gentleman from Michigan that his committee has full jurisdiction in this matter. The bill simply provides that they shall have not to exceed six additional deputy clerks and four additional bailiffs. The gentleman's own committee provided, in a bill that passed the House, for 100 more policemen in the District of Columbia and the House accepted its judgment on that.

Mr. CRAMTON. But they can not fill those positions because they can not get the men. However, they will be able to get clerks all right. Is it the opinion of the gentleman from Maryland that they need only two additional clerks now? I am asking that for the guidance of the Appropriations Committee when it comes to act.

Mr. ZIHLMAN. No; it is my judgment that they need the number carried in the bill.

Mr. CRAMTON. Why?

Mr. ZIHLMAN. Because of the congestion, the difficulty of transacting business in the police court and the doubling of its work. Can the gentleman tell me how many clerks they have there now? If he can, I can answer his question better.

Mr. CRAMTON. I thought the gentleman from Maryland had that information and I am just asking him for it. But I will say this, that a representative of that court was before our committee last week and I made some examination of him with reference to the work of the court, and the only difficulty he offered then as being in the way of bringing the cases up to date was the need of more judges. He did not say anything to us about needing six more clerks.

Mr. RATHBONE. Will the gentleman from Maryland yield?

Mr. ZIHLMAN. Yes.

Mr. RATHBONE. I will say, in reply to the gentleman from Michigan, that the gentleman is, of course, aware that this bill does not carry the positions with it. The bill provides that they shall only be appointed if they become necessary. Now, the congestion of the court is tremendous. It has been shown that they are a year or more behind, and if we are going to impose upon these four judges the burden of catching up in that work in a short period of time, as we want them to do, they ought to have the help they need to do it.

Mr. CRAMTON. If the gentleman from Maryland will permit, the gentleman from Illinois knows that the present congestion is in connection with jury trials, in which they are from one to two years in arrears, but the gentleman, I think, knows that a clerk does not require as much time to handle the paper work in connection with the case as the jury does to try it.

The mere fact they are in arrears because of the delay in jury trials does not mean we have got to give them an army of clerks.

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

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to proceed for one more minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I want to say to the members of the committee that conditions in this court were so congested that the committee, of which the gentleman from Michigan [Mr. CRAMTON] is a member, provided legislation which was offered here, under an agreement with the legislative committee, that a point of order would not be raised as to its being legislation on an appropriation bill; and in that bill the District of Columbia appropriation bill, as it passed the House, they provided for two additional judges and provided for an increase in the amount involved as a penalty before an offender could demand a jury trial.

Mr. CRAMTON. No one is objecting to two clerks.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma [Mr. McKEOWN] to the amendment of the gentleman from Texas [Mr. BLANTON].

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 20, noes 30.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, this is to reduce the clerks to two.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 41, noes 22.

So the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 4, line 5, at the end of line 5, strike out "four" and insert "one."

Mr. BLANTON. Mr. Chairman, I wish the Members who are not lawyers would go down to this police court and ascertain just how little the bailiff there has to do. They have two bailiffs there already who are idle much of the time. They have practically very little to do. They call court, keep order, adjourn court, and act as court crier. The biggest sinecure job on earth is that of court bailiff in Washington, and now just because we want to give Washington two extra judges they want two extra bailiffs apiece, or four new bailiffs. It is absolutely ridiculous, and I expect the gentleman from Michigan [Mr. CRAMTON] to get up here and help us strike this out of the bill.

Mr. UNDERHILL. The gentleman does not need any help.

Mr. BLANTON. Let me tell my friend the gentleman from Maryland [Mr. ZIHLMAN] something. If the gentleman wants this bill to pass, the gentleman ought to help us to make it a good bill, that will appeal to the membership of the House and will appeal to the Committee on Appropriations when they have to furnish the money. Just because the gentleman wants to pass his bill, I am sure the gentleman does not want to get up here and insist on everything in it when the gentleman does not believe in it.

Mr. DOWELL. How many bailiffs have they in the court now?

Mr. BLANTON. They have two down there that I know of who are idle much of the time. They do not need but one more bailiff. They really do not need that, but we ought to give them one, to be sure of giving them enough.

Mr. RATHBONE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. RATHBONE. How many bailiffs are there all together? The gentleman has talked with authority here.

Mr. BLANTON. I will put the question right back to my friend from Illinois. How many have they got down there?

Mr. RATHBONE. I am asking the gentleman and I am waiting for his answer, and I am sure I will have to wait a long time.

Mr. BLANTON. No; I will tell you. They have two down there now who are idle much of the time.

Mr. RATHBONE. There are two bailiffs for two judges.

Mr. BLANTON. There are two bailiffs for that police court down there.

Mr. RATHBONE. Does the gentleman mean to say a court ought to run without at least one officer to preserve order and to uphold the dignity of the court, whether it is a police court or not? Does the gentleman take that position?

Mr. BLANTON. No. There are officers there sufficient to keep order. Let me tell the gentleman something. Do not you ever think there will be four of these courts all running at the same time. At least one of these judges is going to work at night.

Mr. RATHBONE. Will the gentleman yield a moment?

Mr. BLANTON. I can not yield for the gentleman to take up all of my time. His day has passed. February 12 has gone. [Laughter.] The gentleman must let us who are trying to frame a good traffic bill have a little time. The gentleman is a good lawyer, but he does not know how little these court bailiffs have to do in Washington. The gentleman wants to have them specially robed and capped and gowned, with revolvers at their sides and boots and spurs on.

Mr. RATHBONE. Will the gentleman yield a moment?

Mr. BLANTON. Yes.

Mr. RATHBONE. Does the gentleman really think we all have the great familiarity with police courts that the gentleman has?

Mr. BLANTON. No; but about the only court that the distinguished gentleman practices in is the Supreme Court of the United States, and it already has plenty of bailiffs. The gentleman from Illinois frames splendid traffic bills in joint sessions of the House and Senate committees and then lets some other body throw his bill out of the window and send him something that somebody else wants him to pass, and the gentleman meekly accepts it instead of standing up here and fighting for something that is good. He accepts such a makeshift bill and thinks he has something worth while to give to the people.

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

Mr. BLANTON. I hope, gentlemen, you will not give them these four extra bailiffs but that you will adopt my amendment.

Mr. RATHBONE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and gentlemen, I wish to say that the statement just made by my friend from Texas [Mr. BLANTON], whose ability I have a high regard for, is absolutely unfounded. There is a practical side to all this. You gentlemen do not want to see any court in Washington or anywhere else, particularly a court of the United States, the greatest country in the world, that is not in a position to uphold its dignity. You know a judge can not run a court by himself. He must have the right sort of assistance and he has got to have a bailiff. You never heard of a court that did not have one.

It is ridiculous to try and hamstring this important and essential legislation right at the start. We only ask for something that is fair; I do not care about amendments if they are not essential.

Mr. McKEOWN. Each judge ought to have a bailiff; how many bailiffs are there there?

Mr. RATHBONE. The gentleman from Texas says there are two bailiffs for two judges. Every judge should have a bailiff, and it is an absolute outrage and a wrong to talk about having a court without a bailiff.

Mr. GASQUE. Will the gentleman yield?

Mr. RATHBONE. Yes.

Mr. GASQUE. Does not the gentleman think that two bailiffs would be a sufficient number?

Mr. RATHBONE. In the best judgment of those who know the conditions, one bailiff is enough for a court. I have no pride of opinion, I am satisfied with that; but I do stand by the proposition that every court ought to maintain its dignity and have at least one bailiff.

Mr. GASQUE. I was going to offer an amendment by making it two bailiffs.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to modify my amendment and make it two bailiffs instead of one.

Mr. ZIHLMAN. I am willing to accept that amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment by making it two bailiffs instead of one. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas as modified.

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

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Maryland asks that all debate on the section and amendments do close. Is there objection?

Mr. AYRES. I should like to ask what section the gentleman refers to?

Mr. ZIHLMAN. Section 3.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read section 4 of the bill.

Mr. AYRES. Mr. Chairman, I desire to offer an amendment on page 4, line 14.

The Clerk read as follows:

Page 4, line 14, after the word "time", insert a new paragraph as follows:

"*Provided*, That section 42 of the Code of Law of the District of Columbia hereby is amended so as to provide that the police court in the District shall consist of four judges, and the provisions of other sections of such code as relate to the powers and duties of employees of said court shall apply to such employment as the court may authorize in pursuance thereof, and said court sitting en banc shall have power to make rules affecting the business of the court not inconsistent with law, including the selection of a presiding judge: *And provided further*, That the second paragraph of section 44 of the Code of Law for the District of Columbia is hereby amended to read as follows: 'In all cases where the accused would not, by force of the Constitution of the United States, be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be more than $300 or imprisonment as punishment for the offense may be more than 90 days, the accused shall demand a trial by jury, in which case the

trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.'"

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is not germane either to the paragraph or to the bill.

Mr. CRAMTON. Mr. Chairman, I can not see any basis for the point of order by the gentleman from Texas. The only possible question might be as to the place in the bill where it is offered. The only question might be whether it should be in the part of the bill relating to judges. But the part of the paragraph just read has to do with judges. So far as it being germane to the bill I can not see any question about it. The bill is a bill which is to increase the number of judges for the purpose, as every man knows, of relieving the congestion in the police court.

There are two main purposes of the bill—first, the regulation of the traffic, and, second, to relieve the congestion in the police court. One way of relieving the congestion is by the addition of more judges. Another way, and a very effective way, is that set forth in this amendment, by decreasing the cases in which jury trials can be had. There is where the congestion is most acute.

In addition to that the bill provides for the selection of jurors and has numerous provisions that have to do with the selection and duties of jurors, and manifestly an amendment of this kind is germane to this bill. Naturally there would be something in the amendment a little different in terms from the phraseology already in the bill, otherwise there would be no occasion for an amendment. But the main purpose of the amendment is closely akin to the purpose of the bill.

Mr. DOWELL. Mr. Chairman, wherever the amendment may be germane it certainly is not germane to the paragraph to which it is offered. The paragraph referred to and to which this is an amendment provides for securing quarters for the judges. That is an amendment to line 14.

Mr. AYRES. This is to insert a new paragraph.

Mr. DOWELL. It must be germane to the paragraph which it follows. Under this paragraph which the amendment seeks to amend there is no reference whatever to the subject matter in the amendment. The one prior to that provides for additional clerks, and this one provides for quarters for additional judges.

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

Mr. DOWELL. If this is germane to any part of this bill, it certainly should be offered at the place where it is germane. I yield.

Mr. AYRES. All of the preceding paragraphs have relation to police judges and police courts. This is an entirely new section.

Mr. DOWELL. But it must be germane under the rules to the paragraph preceding it, and I submit that there is no more relation to this paragraph to which this amendment is offered than anything in the world, and this amendment certainly is not germane to this paragraph.

Mr. AYRES. Mr. Chairman, if there is any question as to whether it is offered at the wrong place, I am willing to withdraw it and offer it on page 6.

Mr. BLANTON. Mr. Chairman, if the gentleman will permit, if he will withdraw the amendment now and offer it at the bottom of the next section, I think it would be germane, and I would be in favor of his amendment.

Mr. AYRES. I do not care where it is offered. I am willing to withdraw it and offer it to the next section.

The CHAIRMAN. The Chair does not wish to be understood as saying that he would hold it in order as to any particular section. The Chair is satisfied that the second part of the amendment is not germane to the present section.

Mr. AYRES. Then I ask unanimous consent to withdraw it at this time and offer it later on.

The CHAIRMAN. The Chair does not desire to mislead the gentleman, however. The first part of the amendment in the opinion of the Chair is germane here. Whether it would be germane elsewhere would be a question to be determined later, in case the gentleman should withdraw his amendment and offer it later.

Mr. DOWELL. I am not objecting to the gentleman's amendment. I am objecting to the place where he has offered it to this bill.

Mr. AYRES. Mr. Chairman, I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

JURORS FOR POLICE COURT

SEC. 4. (a) Section 45 of the District of Columbia Code is amended to read, as follows:

"SEC. 45. JURY: The jury for service in said court shall consist of 12 men, who shall have the legal qualifications necessary for jurors in the Supreme Court of the District, and shall receive a like compensation for their services, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court. The term of service of jurors drawn for service in the police court shall be for one jury term and in any case on trial at the expiration of any jury term until a verdict has been rendered or the jury discharged. The jury terms shall begin on the first Monday and the third Monday of each month of the year. The jury term beginning on the first Monday of each month shall terminate at the end of two weeks, and the jury term beginning on the third Monday of each month shall terminate on the Saturday next preceding the beginning of the next jury term. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court shall proceed with the trial by the same jury, as if said term had not commenced."

(b) The third paragraph of section 204 of the District of Columbia Code is amended so as to compose two paragraphs to read as follows:

"At least 10 days before the first Monday and at least 10 days before the third Monday of each month of the year the said jury commission shall likewise draw from the jury box the names of such number of persons as the police court of the District of Columbia may from time to time direct to serve as jurors in the police court and shall forthwith certify to the clerk of the Supreme Court of the District of Columbia the names of the persons so drawn as jurors.

"At least 10 days before the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year the said jury commission shall likewise draw from the jury box the names of persons to serve as jurors in the juvenile court of the District of Columbia in accordance with sections 14 and 15 of the act of Congress approved March 19, 1906, creating the said juvenile court, and shall also draw from the jury box the names of persons to serve as jurors in any other court in the District of Columbia which hereafter may be given cognizance of jury trials, and shall certify the respective list of jurors to the clerk of the Supreme Court of the District of Columbia."

Mr. AYRES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 3, strike out the period and add the following: That the second paragraph of section 44 of the Code of Law for the District of Columbia is hereby amended to read as follows: "In all cases where the accused would not, by force of the Constitution of the United States, be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be more than $300 or imprisonment as punishment for the offense may be more than 90 days, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year."

Mr. AYRES. Mr. Chairman, just a word. If you increase the number of judges to four, with the code as it is at the present time, they would not be able to clear the docket. The record shows that there are 117 cases undisposed of of drunken drivers, simply because each and every one of them can demand a trial by jury of 12 jurors. The code provides—that is, section 44—where the fine exceeds $50 or 30 days in jail, the defendant can demand a trial by jury. In addition to the 117 cases not disposed of, of drivers that have run over people or have smashed automobiles, or for driving automobiles while drunk, there are 48 cases of exceeding the speed limit, where accidents have occurred in many instances. These are undisposed of, because they can demand a trial by jury. There is not a police court in any city in any State that I know of, with possibly the exception of two—Illinois and Texas—where an accused can demand a jury trial for the violation of an ordinance, and the supreme courts have held that these are petty offenses, and that the legislatures have a perfect right to delegate the power or authority to cities to pass ordinances that will not allow a trial by jury for such offenses.

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

Mr. AYRES. Yes.

Mr. LAGUARDIA. In New York City our traffic court is composed of one magistrate and no jury, and he has jurisdiction up to six months and he handles hundreds of cases.

Mr. AYRES. I think there are only two States where it is provided that a man guilty of a petty offense of violating a city ordinance is entitled to a trial by jury as a matter of right.

Mr. WILLIAMSON. Will the amendment of the gentleman give any considerable amount of relief in the event that the new traffic bill should go through?

Mr. AYRES. Yes; indeed it will.

Mr. DOWELL. Mr. Chairman, does this cover the heavier penalties in the new bill which we are now considering?

Mr. AYRES. Yes; I think so, if I understand the gentleman's question.

Mr. DOWELL. Will this amendment cover this bill, with the penalties that are provided for in the bill?

Mr. AYRES. If they do not exceed a $300 fine or three months' imprisonment.

Mr. LAGUARDIA. In reply to the gentleman's query, if the defendant waives a jury trial and is found guilty by the magistrate, the maximum that the magistrate could commit him for under the gentleman's amendment would be 90 days.

Mr. AYRES. Yes.

Mr. DOWELL. Then it covers the question.

Mr. AYRES. I hope this amendment will be adopted, because if gentlemen will talk to the present police judges they will find that it is utterly impossible, even if we increase the number of judges to six or seven, to even clear the docket as it is now.

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

Mr. AYRES. Yes.

Mr. CRAMTON. I wonder if it will be agreeable to the gentleman to ask unanimous consent to modify the form of his amendment, making it stand as section 4, coming in following line 14, on page 4, instead of making it a part of the preceding paragraph? It will not change the effect, but it will put it in much better shape.

Mr. AYRES. Yes; I think that is where it ought to go.

Mr. CRAMTON. Then I ask unanimous consent that it be modified in that way, with the understanding that it shall not interfere with the rights of others to offer other amendments to the section now under consideration.

Mr. Chairman, owing to the fact there seems to be some apprehension as to the constitutionality of this amendment, I want at this time to call attention to a decision of the District Court of Appeals, which I feel sure clearly settles that question. I refer to the case of Bowles *v.* District of Columbia (22 App. 321). This is a case where the accused, Bowles, was prosecuted in the police court of the District for the violation of a municipal ordinance or police regulation for prohibiting the propulsion of horseless carriages on the streets of the city of Washington beyond a specific rate of speed under penalty of not less than $1 nor more than $40 for each offense. The accused demanded a jury trial as a matter of right and was refused. The court tried the case without a jury, found the accused guilty, fined him $25, and in default of payment to be committed to the workhouse for 60 days. The code at that time governing such cases is the same to-day—that is, section 44 of the Code of Law of the District of Columbia—the second paragraph of which is as follows:

> In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be $50 or more, or imprisonment as punishment for the offense may be 30 days or more, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine, it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.

The only change this amendment I offer makes to that section of the code is to strike out the figures "$50" and insert "$300," and to strike out "30 days" and insert "90 days."

Now, the contention of Bowles was that he was entitled to a trial by jury for the following reasons:

First, on the ground that the offense charged is one which in common law would have entitled him to trial by jury as well as under the code itself by a proper construction of its provisions; and, second, that the provision of the code, which I have just cited, is null and void in so far as prohibiting a trial by jury in cases where the fine may be as high as $40, and imprisonment either for nonpayment of fine or otherwise may be for a period of one year.

That is the contention on the part of some here this afternoon in arguing against the proposed amendment—that it provides for the infliction of punishment of imprisonment which might be for more than 30 days; in fact, as much as a year. This is in default, of course, of the payment of the fine imposed. As the court of appeals has said, if that argument were well founded every violator of a municipal ordinance would have to be tried by jury, for it would always be in the power of the accused to refuse to pay the fine imposed and thereby force imprisonment if the municipal ordinance is not to become a nullity and mockery. It must suffice to say that under such a construction of the law, which would practically allow a party to take advantage of his own wrong, municipal ordinances would become worthless and municipal chaos would take the place of law and order. The condition which would be superinduced would be intolerable.

I should think all would agree that it is necessary to provide a means or mode for the enforcement of fines imposed as punishment. If no provision was made for the enforcement of these fines by punishment it would be useless to impose fines. As I have heretofore stated and shown the present code provides for imprisonment of not to exceed one year in the way of punishment for failure to pay fines and that provision has not been changed in the least by the proposed amendment I offer, and I can not see that the arguments made here this afternoon against this amendment because of that provision, are good in the face of the decision of the court of appeals in the Bowles case, which I have just called to your attention.

I am quite sure I would not think of offering an amendment to the code in providing for a method or means of punishment for violation of an ordinance in which there is doubt as to the constitutionality of same and I do not feel the arguments made here this afternoon against this amendment that if adopted it would deprive the accused of his constitutional rights of trial by jury are very sound, and I am very much in hopes that the amendment will be adopted for, as I have already said, the adoption of same will do more to assist in clearing the docket of the fearful congestion that now exists than appointing six or seven judges and leave the code as it is at the present, allowing every offender of petty offenses a trial by jury.

Mr. BLANTON. We have got some important amendments to the section.

Mr. CRAMTON. I am protecting that in my request.

Mr. BLANTON. I make the point of order that the gentleman from Kansas has the floor, and he can not take the gentleman off the floor.

The CHAIRMAN. There is a unanimous-consent request, to which the gentleman from Kansas yielded. The gentleman from Michigan asks unanimous consent that the present amendment may be modified so as to appear as a separate section, No. 4, following section 3 of the bill as reported. Is there objection?

Mr. CRAMTON. Without interfering with the offering of other amendments.

The CHAIRMAN. Is there objection?

Mr. DOWELL. Mr. Chairman, reserving the right to object, may I ask the gentleman from Michigan a question? In what respect—I am for the amendment—would it be better in that form of a new section than as originally proposed?

Mr. CRAMTON. For this reason: It is now put in as a proviso to a paragraph in reference to assignment of jurors to juvenile and other courts. It is much better to have it stand by itself as a separate paragraph.

Mr. DOWELL. I withdraw the reservation.

The CHAIRMAN. Is there objection?

Mr. BLANTON. This amendment is not objectionable, and if the gentleman from Maryland will accept it, we will get the greatest obstacle out of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none. The time of the gentleman from Kansas has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. BLANTON. Not now; we have got two important amendments to come.

Mr. CRAMTON. I have one amendment, but I do not think I shall desire five minutes.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

Mr. BLANTON. Hold it up a while; let it run along a little further.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. BLANTON. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

Mr. RATHBONE. Mr. Chairman, I ask unanimous consent for one minute in which to ask the gentleman from Kansas a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. RATHBONE. I want to ask the gentleman, for whom I entertain a high regard, if he does not think imprisonment for 90 days can be classed as a petty offense and if he is willing to have the law stand that a man who is claimed to have violated the provisions of this traffic act can at the whim, if you please, by decision of a magistrate, be locked up for 90 days without having the privilege of trial by a jury of his peers?

Mr. AYRES. I will say to the gentleman that the question of punishment does not govern in arriving at what constitutes a petty offense and that the constitutional right guaranteed to anyone, whether charged with a petty offense or otherwise, is not denied in my amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RATHBONE. One minute to put a single question.

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

Mr. RATHBONE. I desire to ask the gentleman from Kansas if he would not be willing to separate this amendment so as to provide in cases of fine there should be no jury trial, but in cases where the decision of the magistrate might result in imprisonment for 90 days under certain circumstances there should be a jury trial?

Mr. AYRES. I do not think we should make a distinction of that kind. If we did, it would be passing legislation here to cover every particular offense and to provide all kinds of penalties to cover each.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I have no objection to fixing it so that we can have a summary trial provided this amendment comports with the Constitution, which guarantees the right of trial by jury. Now, you will find in a number of cases where they allow you to have six jurors to try that the requirements of the Constitution are complied with when it gives the right of appeal and trial de novo. Now, the right of trial by jury in the District of Columbia has been decided by the Supreme Court, and if you attach to that the right to put this man in prison I have my doubts as to the right to do that without trial by jury.

Mr. AYRES. If the gentleman will yield, I will say that in volume 22, Reports of the Court of Appeals of the District, they have decided that an amendment of this kind, not necessarily of this kind, but a party charged with the offense of violating the code is entitled to a jury trial as a matter of right under the Constitution, and therefore it would be constitutional for an amendment of this kind.

Mr. McKEOWN. That is where they were liable to be confined in prison.

Mr. AYRES. Oh, yes.

Mr. McKEOWN. If they have decided that, that is different from anything I am aware of in relation to the Supreme Court of the United States.

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

Mr. McKEOWN. Yes.

Mr. LAGUARDIA. Our city magistrates have jurisdiction up to six months for misdemeanors, and that has been sustained

Mr. McKEOWN. That is under your State constitution?

Mr. LAGUARDIA. Yes. It has come up to the Supreme Court.

Mr. WINGO. The Supreme Court of the United States has held that this inhibition does not apply to the States. The States may provide just as has been done by the State of New York, but they have held that in a criminal trial in the Federal court—and those include the District of Columbia—it is bound by this sixth amendment, and you must have the right to be tried by jury.

Mr. McKEOWN. That should apply to cases where punishment is given by fine. That would meet the requirement of the Constitution. But if you imprison a man without the right of trial by jury you would strike out the law.

Mr. AYRES. I have in mind a case which I will put in the RECORD. I have forgotten the exact title of the case, but it covers this exact point.

Mr. McKEOWN. Is that in the District Code?

Mr. AYRES. Yes. The very code I am speaking of.

Mr. BLACK of New York. In what section of the District Code is that?

Mr. AYRES. Section 24. The court held there, in the manner I mentioned, in construing the present code, where a fine was provided for over $40.

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

Mr. McKEOWN. Yes.

Mr. BLANTON. Of course, it has been stated that the present code provides now that where the fine is not over $50 there is not any jury.

Mr. McKEOWN. I will not object to that.

Mr. BLANTON. I think the amendment of the gentleman from Kansas [Mr. AYRES] is absolutely in order. It is constitutional. We ought to pass it. It will be the greatest boon that the people here ever had.

Mr. McKEOWN. If it can be done, I would have no objection to it.

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

Mr. McKEOWN. Yes.

Mr. BOYCE. The proposed amendment provides for what is tantamount to a waiver of a jury trial by an accused charged with a misdemeanor in a police court. The amendment does not deny the accused the right to a jury trial, but it expressly preserves it to him, if he demands such a trial.

Mr. McKEOWN. My understanding is that the gentleman's amendment does more than that.

Mr. AYRES. No. I am not seeking to amend the whole code.

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

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the debate on the amendment offered by the gentleman from Kansas be now closed.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the debate on the amendment offered by the gentleman from Kansas be now closed. Is there objection?

Mr. ZIHLMAN. Mr. Chairman, I wish to modify that and make it at the expiration of five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ABERNETHY. Mr. Chairman, may we have the amendment again read?

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to speak for five minutes out of order.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to address the committee for five minutes out of order. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Chairman, I can not let this opportunity pass without registering my protest against the breach of one of the most wholesome and time-honored practices this House has ever known—that of reading Washington's Farewell Address in the House on every anniversary of his birth. [Applause.]

When his birthday falls on Sunday, as it did on yesterday, the practice has been to read it the following day.

I was over in the Senate a few moments ago, and they were reading his Farewell Address, in accordance with the custom that is almost as old as this Government. That document is perhaps the greatest contribution to American literature. It has in it the combined wisdom of all the great leaders of his time. It has been the greatest inspiration to the American people for more than a hundred years in guiding them through the troublous times through which they have passed; and I am of the opinion that whenever this House begins to let that anniversary pass without reading that great document it will set a precedent that will redound to the detriment of American institutions in the years to come, as well as to the just criticism of the American Congress.

I sincerely trust that before the hour of adjournment arrives an arrangement will be made to have the Clerk of the House read from the rostrum this great message, the greatest manifestation of American patriotism to be found in all the records of this great Republic. [Applause.]

Mr. CRAMTON. The gentleman, I am sure, will be very glad to know that the Speaker has already designated the gentleman from Montana [Mr. LEAVITT] to read the Farewell Address.

Mr. RANKIN. I raised this question when the House first convened, and the Speaker, as I recall, said that he did not know anything about it; that it was not for the Speaker to decide. He first thought that it was read at the memorial services on yesterday; then he said it was not. It is now about 4 o'clock in the afternoon. The legislative day has almost expired, and if we continue the consideration of this bill until it is finished, it will take the entire day.

Mr. CRAMTON. The Speaker—I do not know but it may be in consequence of the inquiry of the gentleman from Mississippi—has designated the gentleman from Montana to read it if called for by the House. The gentleman from Mississippi

has the same right as any one else to make the request. His present remarks would stand and be construed as a request.

Mr. RANKIN. As I said, I raised this question when the House first convened in the hope that some of the Members in control of the legislative program would have this address read.

Mr. CRAMTON. I say that probably resulted in the Speaker's action.

Mr. BLANTON. When we have passed the traffic bill there will be another bill taken up directly, and the gentleman will then be given the opportunity to have the address read.

Mr. RANKIN. I decline to yield further. I wanted to call the attention of the House to this matter again and to express the hope that the House will not adjourn without having read, in accordance with a time-honored custom, that immortal farewell message of the Father of his Country. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. AYRES].

The question was taken; and on a division (demanded by Mr. ABERNETHY) there were—ayes 38, noes 5.

Mr. ABERNETHY. Mr. Chairman, I raise the point of order that there is no quorum present. Pending that, if the Chair and the committee will permit, I would like to ask the gentleman from Kansas a question.

Mr. BLANTON. Mr. Chairman, that is not permissible.

Mr. ABERNETHY. I insist on the point of order, then.

Mr. RANKIN. Mr. Chairman, I move that the committee do now rise.

Mr. ABERNETHY. If I can get this information I will withhold the point of order. Can I not ask a question for information?

Mr. BLANTON. The gentleman cut himself out by making the point of no quorum. If the gentleman will withdraw his point of no quorum he can ask all the questions he pleases.

Mr. ABERNETHY. I can not withdraw it without asking the question.

Mr. BLANTON. If the gentleman will withdraw it he can ask all the questions he pleases.

Mr. ZIHLMAN. I ask the gentleman from North Carolina to withdraw his point of order of no quorum and let us get along with this bill.

Mr. ABERNETHY. If the chairman of the committee will permit, I just want to ask a question for information of the author of this amendment.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent——

The CHAIRMAN. The gentleman from North Carolina has the floor and has made a point of order of no quorum.

Mr. ABERNETHY. Mr. Chairman, I will withhold it temporarily if the committee will permit me to ask a question for information.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the gentleman be allowed one minute in which to ask a question.

Mr. BLANTON. Mr. Chairman, I move to make it two minutes in which the gentleman from North Carolina may have time to ask questions of the gentleman from Kansas.

Mr. ABERNETHY. I would like to ask the author of this amendment whether or not——

The CHAIRMAN. The Chair desires to know whether the gentleman from North Carolina raises the point of no quorum. If he does——

Mr. ABERNETHY. Mr. Chairman, I withhold that for the time being.

The CHAIRMAN. The point can not be withheld. The gentleman either raises it or he does not raise it.

Mr. ABERNETHY. Mr. Chairman, I withdraw it.

Mr. RANKIN. Mr. Chairman, I make the point of no quorum. In order that we may have the Farewell Address of the Father of our Country read, I make the point of order of no quorum, so that we may get back into the House.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise, and on that I ask for tellers.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise and asks that the question be taken by tellers. As many as are in favor of taking the question by tellers will rise and stand until counted. [After counting.] A sufficient number have arisen, and tellers are ordered.

The Chairman appointed as tellers Mr. ZIHLMAN and Mr. BLANTON.

The committee divided; and the tellers reported—ayes 12, noes 91.

The CHAIRMAN. The motion that the committee rise is not agreed to, a quorum is present, and the amendment offered by the gentleman from Kansas is agreed to.

Mr. BLANTON. Mr. Chairman, I have an amendment on the Clerk's desk.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 4, line 19, after the word "men," add the following: "in all felony cases, but in all misdemeanor cases where a jury trial is authorized the jury shall be composed of six men, with right of appeal."

Mr. BLACK of New York. Mr. Chairman, I make a point of order against the amendment.

Mr. BLANTON. Mr. Chairman, it is not subject to a point of order.

Mr. BLACK of New York. Mr. Chairman, I make a point of order against the amendment, on the ground that the amendment is not in order because it calls for a jury of six persons to try a man accused of a crime in a Federal court. The courts have uniformly held that Article VI of the Federal Constitution requires that in the Federal courts there shall be a jury of 12 persons.

Mr. BLANTON. Even if that were true, this committee is not controlled by constitutional provisions.

The CHAIRMAN. The Chair will say, first, that in the opinion of the present occupant of the chair the constitutionality or nonconstitutionality of a pending amendment or bill very rarely, if ever, becomes a subject for consideration by the Presiding Officer of the House or of the committee upon a point of order, and the Chair does not believe that the constitutional question is now before the Chair for consideration.

Mr. BLACK of New York. Will the Chair hear me on that?

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. BLACK of New York. As the rules of the House derive their only authority from the Constitution, I think that when a problem is presented to the House that may be affected by the Constitution you can go back of the rules of the House and raise a parliamentary objection to a pending proposition on the ground that it contravenes the Constitution. The rules of the House can be no better than the Constitution.

The CHAIRMAN. The Chair will call attention to the House Manual and Digest, the edition of 1923, page 271, in which is to be found the following sentence:

He—

The Speaker or the Chairman of the committee, as the case may be—

does not decide on the legislative effect of propositions or on the consistency of proposed action with other acts of the House, or on the constitutional powers of the House, or on the propriety or expediency of a proposed course of action—

Citing precedents.

The rules of the House state well-defined limits within which the Chairman of the committee or the Speaker of the House must rule upon propositions offered for the consideration of the House or the committee.

With reference to the question of germaneness, the Chair will say that the language on page 4, line 18, of the bill reads as follows:

The jury for service in said court shall consist of 12 men, who shall have the legal qualifications necessary—

And so forth. In other words, the section does treat of the number of men who shall constitute a jury for the trial of cases in the police court of the District of Columbia. The proposed amendment merely modifies that by providing that there shall be 12 men in felony cases and 6 men in misdemeanor cases.

The Chair thinks the amendment very clearly is germane. The point of order is overruled.

Mr. BLANTON. Mr. Chairman——

Mr. ZIHLMAN. Will the gentleman yield for me to submit a unanimous-consent request?

Mr. BLANTON. In just a moment I will yield.

Gentlemen, I am extremely delighted that this committee is honored this afternoon with the presence of our chairman of the Committee on Appropriations [Mr. MADDEN]. With his help we may pass this amendment. The gentleman is in favor of it and knows the need of it. He knows the necessity of it

He has almost injured his health working in the committee rooms of the Committee on Appropriations trying to reduce the expenditures of this Government.

This is not a radical amendment to the law. This is a conservative, salutary amendment to the law. Name me a single State in this Union that does not in misdemeanor cases permit a jury of six men. You can not name me a one now that does not so provide.

Mr. RATHBONE and Mr. McKEOWN rose.

Mr. BLANTON. Mr. Chairman, I am not going to yield my time away now to my good friend, the distinguished gentleman from Illinois [Mr. RATHBONE]. The gentleman deserves great praise for his splendid work done on this bill, but he is one of those technical lawyers who want to pass a substitute Senate bill whether it is good or bad. I want to pass a Senate bill when it is as good as the bill my Illinois friend helped to write, but when it is bad I want to amend it.

Mr. RATHBONE. I will show the gentleman the provision of the Constitution of the United States.

Mr. BLANTON. I ask that the distinguished gentleman please permit me to get through with my short speech.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLANTON. I am sorry I can not yield now, I have not the time.

This bill, if you adopt my amendment, will give a jury of 12 men to every criminal charged with a felony. If you adopt my amendment it will give a jury to every man charged with a crime where the punishment is over $300, and if you adopt the amendment which I propose and which I have written and introduced here at the suggestion of the chairman of the Committee on Appropriations, when a man is charged with a little misdemeanor down here and the law otherwise does not give him the right to demand a jury trial, he can be tried by six men, and necessarily that does not cost the Government so much money.

Down in my State, in the county court, every county court jury that tries criminal cases of less degree than a felony tries them with a jury of six men. In my State every civil action that involves not more than $1,000 is tried in the county court before a jury of six men. In every police and justice of the peace court in that great State of Texas the criminals are tried by a jury of six men.

I know that criminal lawyers who do criminal practice want juries of 12 men. Why? They can always expect to get 1 out of the 12 to hang the jury in favor of the criminal.

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

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman and gentlemen of the committee, I wish it were possible to have in the District of Columbia a trial by a jury of only six men, but I want to ask the attention of the committee while I cite you to the fact that the Supreme Court of the United States has held in five cases that the right of trial by jury and the jury referred to in the sixth amendment of the Constitution means the old, common-law jury of 12 men. It has further decided in at least three cases that that provision applies to the District of Columbia and to the Territories.

The gentleman says that down in Texas they can try them with six men. That is true.

The Supreme Court has held, and I will read you the citation from Senate documents, volume 3, as follows:

> The jury referred to is a jury constituted, as it was at common law, of 12 men, but this requirement applies to prosecutions in the Federal courts alone; it does not guarantee trials by jury in the State courts, and so does not preclude a trial without jury in a State court, or a trial with a jury of less than 12 men.

In other words, if you will take the history of the sixth amendment, you will find it was specifically intended by the founders that this restriction should apply to trials in the Federal courts, and for that reason State courts are only limited by the restrictions of their own constitutions.

Mr. BLANTON. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman.

Mr. BLANTON. The distinction is that the Congress with respect to matters in the District of Columbia has the same jurisdictional powers and the same legislative powers that a legislature has over any State.

Mr. WINGO. I know that, but the Supreme Court has held in three cases—Capital Traction Co. *v.* Hoffman (174 U. S.), Reynolds *v.* United States (98 U. S.), and Lovato *v.* New Mexico (242 U. S.)—that this amendment, referring to the sixth amendment, is applicable to trials in the courts of the District of Columbia and the Territories.

In other words, if a man is entitled to a trial by jury at all in the District of Columbia and in the Territories and in every Federal court—if he is entitled to demand a jury trial, the Supreme Court has held that that means a common-law jury of 12 men.

We can not do in the District of Columbia like they may in Texas. There the State permits a jury in misdemeanor cases of less than 12 men. That question has been settled by the Supreme Court and you would absolutely destroy your whole provision if you provide for 6 men instead of 12.

Mr. CONNALLY of Texas. Has not the court further held that it does not guarantee a jury trial in State courts, that this is a limitation on the Federal courts, and not the State courts.

Mr. WINGO. In other words, they were trying to prevent what they feared was tyranny of the Federal courts, and they provided that as far as the Federal courts are concerned, the right of trial by jury was preserved and they guaranteed that right as defined by common law, that that right should not be denied him, and the Supreme Court has held that right was not only to a jury but to a jury of 12 men, and it could not be set aside by any legislative provision.

Mr. RATHBONE. Mr. Chairman, I desire to call attention to Article VI of the Bill of Rights of the Constitution of the United States, which reads as follows:

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

That deals with Federal courts. Later on, in Article XIV, an amendment was adopted to the Constitution of the United States, which deals with the subject of jury trials in the State courts and that is a totally different matter, and has been so construed by the Supreme Court of the United States. That reads:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law.

Now it appears clear, gentlemen, that if we are going to have a law that will stand the test of the Supreme Court, that will be constitutional, we must make it stand on the provisions of the Bill of Rights, Article VI, that guarantees every person in the District in all criminal prosecutions without distinction, whether they are felonies or misdemeanors, all criminal prosecutions, a trial by jury. That means, as the gentleman from Arkansas has said, and no lawyer here will dispute its accuracy, that means the common-law jury, a jury of 12 men, the only jury known to the common law.

In other words, Article VI of the Bill of Rights was to preserve the rights and liberty of the people of the District of Columbia, which is the same as a Territory, and does not extend to the States. That is the plain difference between the two. I am satisfied that if we have ever passed this amendment we would have a flaw in this law, and it will be to that extent unconstitutional.

Mr. BLACK of New York. Mr. Chairman and members of the committee, this is no time to break down the barriers surrounding criminal juries. I have a case in point—Rasmussen against the United States. The Oregon code that was passed for Alaska covered misdemeanors and permitted jury trials by six persons. Here is the case in the One hundred and ninety-seventh United States Reports, page 516, Rasmussen *v.* the United States—this is the syllabus:

> Under the treaty with Russia ceding Alaska and the subsequent legislation of Congress, Alaska has been incorporated into the United States and the Constitution is applicable to that Territory, and under the fifth and sixth amendments Congress can not deprive one there accused of a misdemeanor of trial by a common law jury, and that paragraph 171 of the Alaska Code (31 Stat. 358), in so fare as it provides that in trials for misdemeanors six persons shall constitute a legal jury, is unconstitutional and void.

That case directly covers this situation.

Mr. MADDEN. Is this police court a Federal court?

Mr. BLACK of New York. It has been construed as a Federal court. This case was argued November 4, 1904, and was decided in 1905.

Mr. McKEOWN. Mr. Chairman, I think that not only this amendment is unconstitutional, but the amendment of the gentleman from Kansas [Mr. AYRES] goes too far. The Supreme Court has decided that question in the case of United States against Wilson, where the United States Supreme Court held that in the District of Columbia you could not deprive a man of a trial by jury except in such petty cases at common law as were not tryable by a jury. That is the reason why I wanted to call the attention of the gentleman from Kansas [Mr. AYRES] to the fact that if he so drafted his amendment as not to provide for imprisonment he could get by with it and have a summary trial, but I announce here now that you can not try a man in the District of Columbia where the punishment may be confinement in prison without the right of trial by jury, and you can not evade that by giving them six jurors in the police court with a trial de novo in the Supreme Court of the District, because the Supreme Court has held that that is a mere mockery, that a man is entitled to a trial upon the first instance in the courts by a jury of 12 men. It is unfortunate that the condition here is not the same as in the States, where you can try men in the courts summarily, and, as I remember it, in New York City they try them so fast sometimes that you can hardly keep up with them. That is not the case here. Here it is a matter of whether you are going to pass a law that will be constitutional or a law that will get immediately into the courts and be stricken down.

Mr. WILLIAMSON. Does not the gentleman think there is a distinction between a police court of the District of Columbia and the ordinary Federal court?

Mr. McKEOWN. No; the Supreme Court of the United States says that there is no distinction in the District of Columbia. The case of Callan against Wilson so holds. That is the case that went from the police court. I call the gentleman's attention to the case and he can satisfy himself. In the police court of the District of Columbia they tried a gentleman and deprived him of his right of trial by jury. He went to the Supreme Court under a writ of habeas corpus, and that court said there was only one class of cases in the District of Columbia which could be tried summarily, and those were such cases as commonly were classed as petty cases, and that means cases where no imprisonment can result. If you want that amendment to stand up you had better strike out the language referring to imprisonment. I call attention to just what the Supreme Court says. I am reading now from Thompson v. Utah (170 U. S. Repts. 349):

> Assuming then that the provisions of the Constitution relating to trials for crimes and to criminal prosecutions apply to the Territories of the United States, the next inquiry is whether the jury referred to in the original Constitution and in the sixth amendment is a jury constituted, as it was at common law, of 12 persons, neither more nor less. (2 Hale's P. C. 161; 1 Chitty's Cr. Law, 505.) This question must be answered in the affirmative. When Magna Charta declared that no freeman should be deprived of life, etc., "but by the judgment of his peers or by the law of the land," it referred to a trial by 12 jurors.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. RANKIN. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the Blanton amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 5, noes 52.

So the amendment was rejected.

The CHAIRMAN. The Chair calls attention to the fact that this section is No. "4." A previous section 4 having been adopted, without objection the Clerk will be authorized to renumber this and the succeeding sections. Is there objection?

There was no objection.

The Clerk read as follows:

DIRECTOR OF TRAFFIC—REGULATIONS

SEC. 5. (a) The commissioners are hereby authorized to appoint an assistant chief of police to be known as the director of traffic who, under the direction of the chief of police of the District of Columbia, shall perform the duties prescribed in this act and such additional duties, not inconsistent therewith, in respect of the regulation and control of traffic in the District, as the commissioners may require. The term of office of the director shall be three years and his salary shall be fixed in accordance with the classification act of 1923. The director shall be subject to removal by the commisisoners for cause.

(b) The director is hereby authorized, beginning 50 days after the enactment of this act, (1) to make reasonable regulations with respect to brakes, horns, lights, mufflers, and other equipment, the speed and parking of vehicles, the registration of motor vehicles, the issuance and revocation of operators' permits, and such other regulations with respect to the control of traffic in the District not in conflict with any law of the United States as are deemed advisable, and (2) to prescribe within the limitations of this act reasonable penalties of fine, or imprisonment not to exceed 10 days in lieu of or in addition to any fine, for the violation of any such regulation. Such regulations shall become effective when adopted and promulgated by the commissioners in accordance with law.

(c) Regulations promulgated under subdivision (b) shall, when adopted, be printed in one or more of the daily newspapers published in the District, and no penalty shall be enforced for any violation of any such regulation which occurs within 10 days after such publication, except that whenever it is deemed advisable to make immediately effective any regulation relating to parking, diverting of vehicle traffic, or closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. The placing at or upon the public highway of any sign relating to parking or the regulation of traffic, except by the authority of the director is prohibited.

(d) The commisisoners are hereby authorized to appoint one additional assistant to the corporation counsel, whose salary shall be fixed in accordance with the classification act of 1923.

The CHAIRMAN. The Chair calls attention to the spelling of the word "the," in line 6, page 8. Without objection the spelling will be corrected.

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. ZIHLMAN: Page 6, line 16, strike out all after the word "appoint" down to the word "the" in line 16 and insert "a," so that it will read "to appoint a director of traffic."

Mr. BLANTON. Mr. Chairman, if the gentleman will permit at this time, I offer a substitute for that, which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. BLANTON as a substitute to the amendment offered by Mr. ZIHLMAN: Page 6, line 16, after the word "appoint," strike out the balance of line 16, all of line 17, and that part of line 18 down to and including the word "Columbia" and insert in lieu thereof the following: "a director of traffic who"——

Mr. ZIHLMAN. Mr. Chairman, is not that practically the same amendment?

Mr. BLANTON. The only difference is that my substitute conforms to what the joint committee of the House and the Senate agreed upon without a dissenting vote, if I remember correctly, while the gentleman's amendment does not meet their agreement at all. That joint committee agreed upon a director of traffic who should have charge of the traffic of the District of Columbia. The gentleman makes him a submissive officer to the present major and superintendent of police.

Mr. ZIHLMAN. Mr. Chairman, I understand the difference between the gentleman's amendment and mine. This bill was amended on the floor of the Senate to provide that the director of traffic should be the assistant to the chief of police. The idea of the joint committee, as I understand it, was that we should obtain for the director of the traffic the best man obtainable, and that his classification and compensation should be left to the discretion and judgment and finding of the Classification Board under the classification act. The committee did debate the matter as to whether this director should be under the direction and jurisdiction of the chief of police or not, and it was decided in the committee that we should not set up here in Washington a dual system of traffic control, that the enforcement of this act must necessarily depend upon the members of the Metropolitan police force of the city, and that we should not set up a director for the enforcement of the provisions of this act who was not directly under the authority of the chief of police.

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

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. I am heartily in accord with the gentleman as to that portion of his remarks, but I want to know just what the effect of the gentleman's amendment will be upon

the salary. I suppose the gentleman knows what the salary of an assistant chief of police would be?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. What will be the salary of the director of traffic?

Mr. ZIHLMAN. Well, I would say to the gentleman——

Mr. CRAMTON What is the salary of assistant chief of police?

Mr. ZIHLMAN Three thousand, five hundred dollars a year is the salary of the assistant chief of police, and we could not get a satisfactory man as director of the traffic at a small salary, and it would result in designating one of the lieutenants of police to do this work. It is the idea of the committee that we should have the very best man obtainable and it is our opinion he would be classified in the same classification as the chief of police.

Mr. CRAMTON. Is it intended that there shall be promoted the present traffic officer at a very generous raise of pay?

Mr. ZIHLMAN. I will say to the gentleman that the appointment of a director of traffic is left to the discretion of the Commissioners of the District of Columbia, and the committee did not attempt to provide they should appoint or not appoint a member of the present police force.

Mr. CRAMTON. Is it the gentleman's expectation that a more liberal salary would permit the bringing in of a more expert assistant rather than just being a polite form of making a generous salary to some one already in the service?

Mr. ZIHLMAN. I will say to the gentleman that it was the opinion of the committee that we should obtain the very best man that is possible to get for this position, and it was the hope of the committee that the commissioners would appoint some one who has given thought and study to the many problems arising out of modern motor vehicle traffic, and if necessary they could go beyond the confines of the District in securing such a man.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, there is just this difference in the two propositions: If you adopt the amendment of the gentleman from Maryland [Mr. ZIHLMAN], you have a director of traffic, which you say in another line of the bill shall be under the direction of the chief of police. There is no such officer in the District of Columbia as "the chief of police." There is no such official. There is no such officer here known to the law. The man who acts as a chief of police is designated as "major and superintendent of police." He is Major Sullivan. You do not want this new official to be director of traffic under the direction of a straw man. I do not want him to come under the direction of anybody. I wish you could have heard the expert director of traffic from New York City who came down and testified before the joint Senate and House committees. I never saw before such efficiency in my life displayed by any one executive.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. I wish we had in the District of Columbia and everywhere else a traffic director like that in New York.

Mr. LAGUARDIA. And Doctor Harris serves without salary.

Mr. BLANTON. He is one of the finest traffic experts I ever heard testify. I wish Washington could get one like him.

Mr. HAMMER. My information from all sources is that the police authorities there depend upon him for information, and he did not depend upon anyone.

Mr. BLANTON. You go to New York City and try to violate the traffic laws and you will find out his efficiency in about two minutes.

Mr. GASQUE. And is it not a fact also that if we put him under the major of police we will have no traffic director?

Mr. BLANTON. You will thus give him no chance whatever to bring about better conditions or to display his own initiative and genius. I want a change, to stop these fellows running at high speed, joy riding over safety platforms, and killing five people at a time.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. WILLIAMSON. Will this director of traffic exercise police powers?

Mr. BLANTON. He is to be the head of all traffic regulations.

Mr. WILLIAMSON. With the authority to arrest?

Mr. BLANTON. Certainly. He makes the rules and regulations and the police department under him enforce them.

Mr. LAGUARDIA. And he has power to detail men where he wants to?

Mr. BLANTON. Yes. It should be just exactly like the law of New York.

Mr. LAGUARDIA. He is deputy police commissioner.

Mr. BLANTON. It should be exactly the same with this man. I expect to offer another amendment that puts him at the head of the enforcement of all traffic regulation and hope that the gentleman will support me.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. HUDSPETH. The gentleman from New York stated that the traffic director of New York served without pay?

Mr. BLANTON. This is a $7,500 job in this case before us.

Mr. HUDSPETH. Has the gentleman ever found a man in the District of Columbia who was willing to work without pay?

Mr. BLANTON. No; but we ought to be able to find a good one for the $7,500. No matter which amendment is adopted the man whom you create is going to get $7,500 under the present law, because you provide he shall get the salary fixed by the classification act, and that salary is $7,500 for every director, so the salary question is not involved.

Mr. THATCHER. Mr. Chairman, will the gentleman yield there for a question?

Mr. BLANTON. I yield.

Mr. THATCHER. To whom will the director you propose report?

Mr. BLANTON. To nobody. He is at the head of traffic regulations and enforcement, and Congress will look to him and to the police department to see that we have proper law enforcement here. If he and the police do not do their duty, we know how to get behind them.

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

Mr. BLANTON. Yes.

Mr. HUDSPETH. Who appoints him?

Mr BLANTON. I would like to see the President do it, so that it would not embarrass the commissioners. The bill provides that the commissioners shall do it. But in any event the director of traffic ought to be the head of his department. That is the idea of my friend from Illinois [Mr. RATHBONE]. I am backing him up on it. I hope you will adopt it.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. BLANTON. I object.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Maryland moves that the debate on this section and all amendments thereto close in five minutes. The question is on agreeing to that motion.

Mr. DOWELL. Mr. Chairman, I move an amendment by making it close now.

Mr. BLANTON. Mr. Chairman, I offer a substitute.

The CHAIRMAN. One at a time. The gentleman from Iowa moves that the debate be closed now.

Mr. BLANTON. I offer a substitute to the amendment of the gentleman from Maryland. This is one of the most important provisions we have. I offer a substitute, that the debate close in 20 minutes.

The CHAIRMAN. The gentleman from Texas moves as a substitute that the debate close in 20 minutes. The question is on agreeing to that motion.

The question was taken; and the Chairman announced that the noes appeared to have it.

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

The CHAIRMAN. The gentleman from Texas asks for a division.

The committee divided; and there were—ayes 26, noes 53.

So the substitute was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Iowa, that the debate do now close.

The question was taken; and the Chairman announced that the ayes appeared to have it.

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

Mr. ZIHLMAN. Mr. Chairman, I make the point of order that the demand for a division came too late.

The CHAIRMAN. The gentleman from Texas demands a division.

The committee divided; and there were—ayes 51, noes 15.

So the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Texas [Mr. BLANTON] as a substitute for the amendment offered by the gentleman from Maryland [Mr. ZIHLMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas demands a division.

The committee divided; and there were—ayes 31, noes 38.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the motion offered by the gentleman from Maryland.

The motion was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 8, after the word "advisable," strike out the period and insert a comma and add "shall remain in force until revoked by the director with the approval of the commissioners.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. HAMMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAMMER: Page 8, line 23——

The CHAIRMAN. The Chair will state that that section has not yet been reached. The Clerk will read.

The Clerk read as follows:

OPERATORS' PERMITS

SEC. 6. (a) Upon application made under oath and the payment of the fee hereinafter prescribed, the director is hereby authorized to issue annually a motor-vehicle operator's permit to any individual who, after examination, in the opinion of the director, is mentally, morally, and physically qualified to operate a motor vehicle in such manner as not to jeopardize the safety of individuals or property. The director shall cause each applicant to be examined as to his knowledge of the traffic regulations of the District and shall require the applicant to give a practical demonstration of his ability to operate a motor vehicle within a congested portion of the District and in the presence of such individuals as he may authorize to conduct the demonstration, except that upon the renewal of any such operator's permit such examination and demonstration may be waived in the discretion of the director. Operators' permits shall be issued for a period not in excess of one year expiring on March 31, renewable for periods of one year upon compliance with such regulations and the payment of such fee, not exceeding $1, as the director of traffic may prescribe. The fee for any such permit shall be $2 except that in case of any permit which will expire within less than six months of the date of its issuance the fee shall be $1. In case of the loss of an operator's permit the individual to whom such permit was issued shall forthwith notify the director, who shall furnish such individual with a duplicate permit. The fee for each such duplicate permit shall be 50 cents. No operator's permit shall be issued to any individual under 16 years of age; and no such permit shall be issued to any individual 16 years of age or over but under 18 years of age for the operation of any motor vehicle other than a passenger vehicle used solely for purposes of pleasure and owned by such individual or his parent or guardian, or a motor cycle, or a motor bicycle.

(b) Each operator's permit shall (1) state the name and address of the holder, together with such other matter as the director may by regulation prescribe, and (2) contain his signature and space for the notation of convictions for violations of the traffic laws of the District.

(c) Any individual to whom has been issued a permit to operate a motor vehicle shall have such permit in his immediate possession at all times when operating a motor vehicle in the District and shall exhibit such permit to any police officer when demand is made therefor. Any individual failing to comply with the provisions of this subdivision shall, upon conviction thereof, be fined not less than $2 nor more than $40.

(d) The director shall provide by regulation for the issuance without charge, upon application therefor, of operators' permits under the provisions of this act to individuals in possession of operators' permits issued to such individuals in the District prior to the enactment of this act. Such permits shall be issued with or without the examination and practical demonstration provided in subdivision (a) of this section, as the director may deem advisable. All such permits shall expire on March 31, 1926.

(e) No individual shall operate a motor vehicle in the District, except as provided in section 7, without having first obtained an operator's permit issued under the provisions of this act. Any individual violating any provision of this subdivision shall, upon conviction thereof, be fined not more than $500 or imprisoned for not more than one year, or both.

(f) Nothing in this act shall relieve any individual from compliance with the act entitled, "An act to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire," approved January 29, 1913.

Mr. HAMMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAMMER: Page 8, line 23, after the word "demonstration" and before the word "be," strike out the word "may" and insert "shall"; after the word "waived" strike out the words "in the discretion of the director" and insert the following: "unless written complaint is made and filed with the traffic director, and in all such cases the applicant shall have reasonable opportunity to show that he is a fit person to operate a motor vehicle."

And on page 9, line 1, after the word "renewable" and before the word "for," insert the words "as hereinbefore provided in this section."

Mr. HAMMER. Mr. Chairman, in order that that may be complete it is necessary to consider another amendment with it.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that a further amendment may be read for the information of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment proposed by Mr. HAMMER: On page 10, line 11, after the word "issued" and before the word "without," strike out the words "with or"; on page 10, line 13, after the word "section," retain the comma and strike out the words "as the director may deem advisable" and insert the words "unless the traffic director has information that the applicant is not a fit or suitable person to whom a license should be issued."

Mr. ZIHLMAN. Mr. Chairman, I have no objection to those amendments.

The CHAIRMAN. The question is on agreeing to the first amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The CHAIRMAN. The question is now on the second amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. BLANTON. 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. BLANTON: On page 8, line 11, strike out the word "annually."

Mr. BLANTON. Mr. Chairman, my amendment deals only with the operator's permit; it has nothing to do with getting annual number tags. Number tags ought to be gotten annually, but it is all foolishness to renew these licenses for operators every year as a matter of course. What is the use of forcing a man who already has an operator's permit to go down here every year and get a new one. He is presumed each year to be better qualified. Under the present law, for instance, I have an operator's permit in my pocketbook; it is issued to me authorizing me to drive an automobile in the District. It is good for all time to come unless you change the law. I paid $2 for it. If I do something wrong, let them annul it and take it away from me, but until I do something wrong why do they not let me keep it? They have already passed on my qualifications.

Mr. LaGUARDIA. Is an annual fee provided?

Mr. BLANTON. Yes; an annual fee is provided for and required in this bill. There are 100,000 people, approximately, in the District who run automobiles.

Mr. GILBERT. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GILBERT. If we strike out the word "annually," it will leave it as it is in most of the jurisdictions now.

Mr. BLANTON. Yes. I am going to follow that up by striking out the provision for an annual fee at the top of the next page. As I say, what is the use of forcing 100,000 District people to go down here to a little office on the 1st day of March every year and renew these operator's licenses? It is ridiculous; it puts them to a lot of trouble; they will have to stand in line for a day, or several days, and you will have to give them about 25 clerks additional there to wait on them.

Mr. HILL of Maryland. And it means additional expense.

Mr. BLANTON. Of course it does, and that is what we are trying to avoid placing on the people here. There is not a citizen of the District who operates a car that is in favor of this annual license fee. I hope that you will strike out this word "annually" and will also adopt an amendment I am going to offer to strike out the annual fee of $1.

Mr. LOWREY. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LOWREY. Would not the cost to the Government for a clerical force and so forth be quite a large expenditure of time and money, as well as a great interference with our rights?

Mr. BLANTON. I will state that the clerical force will eat up the amount of money you will derive from this license provision, and the small amount of $1 which you will have to pay is just a small thing compared with going down here and standing in line for two or three days trying to get your operator's permit renewed every year, and every member of your family will have to do likewise.

Mr. UNDERHILL. Oh, no.

Mr. BLANTON. If a citizen's wife here in the District drives a car, she will have to go down and stand in line and get her permit renewed every year. If a citizen's daughter drives a car she will have to go down and get her permit renewed every year, because every operator of a car must have a permit. The gentleman from Kansas [Mr. TINCHER] and the gentleman from Massachusetts [Mr. UNDERHILL] I understood to say, claim they would not have to do that.

Mr. TINCHER. No; I did not say that.

Mr. BLANTON. I misunderstood the gentleman.

Mr. TINCHER. I said getting a license once was enough. For once, I am in accord with the gentleman.

Mr. BLANTON. I am proud of it. If a citizen of this District had five children, and his wife and five children each drove a car, all seven of them would have to go down and get an operator's permit, and they would all have to stand in line on March 1 and get them renewed each year if this bill stands as it is now. I do not think you want to put that trouble on them, and I hope you will adopt my amendment.

Mr. UNDERHILL. Mr. Chairman, I want to be heard in opposition to the amendment.

There are some advantages, possibly, in the amendment which the gentleman from Texas has offered, but, as a matter of fact, in many States of the Union they have a similar provision, only they require the payment of $2 instead of $1 as an annual license fee.

You do not have to go down to an office and renew a license. You are sent a notice that your license expires on such and such a date and that by inclosing in an envelope a check or money order for $2 the license will be renewed. This has resulted in a revenue in the State of Massachusetts of over $400,000 a year for keeping the roads in repair in part and such other expenses as the commission may find necessary. The clerical hire will not begin to eat up the $100,000 that the gentleman prophecies will come into the Treasury. Furthermore, it is a protection to the people.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. RATHBONE. Is not one great advantage in the way this bill is drafted the fact that it leaves a certain latitude to cover changed conditions. For instance, if an operator is given a license, at that time he is a proper man to drive, but conceivably, he may lose his mind, or later on may become an habitual drunkard or be given to the use of narcotic drugs, which make him an unfit man to drive. Then should there not be an opportunity to deny him a license? Is that well founded or not, in the gentleman's opinion?

Mr. UNDERHILL. It may be well founded, but as a matter of fact, this is a revenue proposition rather than a moral one.

Mr. HAMMER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HAMMER. As I understand, the amendments that have just been adopted avoid the troubles that the gentleman from Texas [Mr. BLANTON] objects to, and as the bill now stands there does not have to be a reexamination but there must be the payment of a fee of $1.

Mr. UNDERHILL. That is all.

Mr. HAMMER. The amendments provide that the demonstration and examination shall be waived.

Mr. UNDERHILL. Yes; my only objection to that clause is that it is not $2 instead of $1.

Mr. HAMMER. We ought to retain the $1 fee.

Mr. UNDERHILL. When you license a man in the District of Columbia, you license him to drive an automobile in every State of the Union—practically every State in the Union—I do not say every State because I do not know the law in every State, but in many States of the Union, for instance, New York, where they have over 1,000,000 registered drivers, they have no difficulty in collecting their fee of $2 per annum for a license, and there will be no difficulty in the District of Columbia in collecting a $2 license fee anually for the privilege of driving an automobile. It is also a safeguard which ought to be retained in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 25, noes 20.

So the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer a further amendment.

The Clerk read as folows:

Page 8, beginning with line 24, strike out the words, "Operators' permits shall be issued for a period not in excess of one year expiring on March 31, renewable for periods of one year upon compliance with such regulations and the payment of such fee, not exceeding $1, as the director of traffic may prescribe."

Mr. BLANTON. I make that amendment to correspond to the other amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I have one more important amendment.

On page 10, line 5, after the figures "$40," strike out the period and insert a colon and the following proviso:

Provided, That this shall not apply to transient visitors from States in the Union.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as folows:

Amendment by Mr. BLANTON: Page 10, line 5, after the figures "$40," strike out the period and insert a colon and the following provision: "*Provided*, That this shall not apply to transient visitors from States in the Union."

Mr. BLANTON. Mr. Chairman, under this paragraph you provide that any visitor from outside must immediately get an operator's license; and unless he does, he will be fined.

Mr. ZIHLMAN. Has the gentleman looked at the nonresidence provision of the bill, that he must comply with the laws of his own State?

Mr. BLANTON. This section does not refer you to a succeeding section, but my amendment makes it certain that it does not apply to transient visitors. I want to be sure that when the Governor of Maryland comes over here that the very minute he crosses the line some policeman does not jack him up because he has not an operator's license.

Mr. ZIHLMAN. I will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

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

Mr. WILLIAMSON. Mr. Chairman, I move to strike out the last word. I want to call the attention of the House to language in section 6. It says:

The fee for any such permit shall be $2, except that in case of any permit which shall expire within less than six months of the date of its issuance the fee shall be $1.

Now, on page 9, line 4, you should strike out the word "except" and all of lines 5 and 6 and the words "be $1" in line 7.

Mr. ZIHLMAN. I will accept that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 4, strike out the word "except," all of lines 5 and 6, and the words "be $1" in line 7.

Mr. ZIHLMAN. I will accept the amendment.

The amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the language on page 10, beginning with line 13, "All such permits shall expire on March 31, 1926."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ZIHLMAN: On page 10, line 13, strike out the words "All such permits shall expire on March 31, 1926."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SPEEDING AND RECKLESS DRIVING

SEC. 8. (a) No motor vehicle shall be operated upon any public highway in the District at a rate of speed greater than 30 miles per hour.

(b) No individual shall operate a motor vehicle over any public highway in the District (1) recklessly; or (2) at a rate of speed greater than is reasonable and proper, having regard to the width of the public highway, the use thereof, and the traffic thereon; or (3) so as to endanger any property or individual; or (4) so as unnecessarily or unreasonably to damage the public highway.

(c) Any individual violating any provision of this section where the offense constitutes reckless driving shall, upon conviction for the first offense, be fined not less than $25 nor more than $100 or imprisoned not less than 10 days nor more than 30 days; and upon conviction for the second or any subsequent offense such individual shall be fined not less than $100 nor more than $1,000, and shall be imprisoned not less than 30 days nor more than one year, and the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual.

(d) Any individual violating any provision of this section, except where the offense constitutes reckless driving, shall, upon conviction for the first offense, be fined not less than $5 nor more than $25; upon conviction for the second offense, such individual shall be fined not less than $25 nor more than $100; upon conviction for the third offense or any subsequent offense such individual shall be fined not less than $100 nor more than $500, and shall be imprisoned not less than 30 days nor more than one year, and the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 12, line 16, strike out "30" and insert in lieu thereof the figures "22."

Mr. BLANTON. Mr. Chairman, the director of traffic of New York City recommended that under no circumstances should the speed limit be made over 22 miles an hour. If you pass this bill with a speed limit of 30 miles an hour, you will have children killed on the streets of Washington every day. Will the gentleman accept my amendment?

Mr. ZIHLMAN. Yes; I accept the gentleman's amendment.

Mr. GREEN. Mr. Chairman, I do not think this amendment ought to be accepted. The conditions here are very different from what they are in New York City.

Mr. BLANTON. Oh, I do not yield the floor.

Mr. GREEN. But the gentleman has yielded the floor, and I have not yielded to the gentleman from Texas. Conditions here are different from what they are in New York City. These wide streets here give opportunity for traffic that is found nowhere in New York. The congestion of traffic here is nothing like it is in New York.

Mr. BEGG. Is not the traffic faster than 22 miles an hour in New York City?

Mr. GREEN. Oh, they drive much faster than that.

Mr. BEGG. And they yell to you to get out of the way if you do not go faster than that.

Mr. GREEN. And in Chicago they very nearly arrest you if you do not drive faster than 22 miles an hour on the boulevards.

Mr. RATHBONE. Mr. Chairman, this bill provides for arterial highways. Is it not conceivable that on arterial highways, which are designed for the purpose of getting traffic through speedily, a higher rate of speed than 30 miles an hour may not only be safe but proper?

Mr. GREEN. Yes.

Mr. BLANTON. If you fix the speed limit at 30 miles an hour they will drive 40 and 50 miles an hour, and you will never be able to prove that they were driving recklessly. Whenever you get up to 30 miles an hour it is very hard to tell whether you are going 30 miles an hour or 40.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 50, noes 15.

So the amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. It is now 5 o'clock, and we have reached page 15 of the bill. It is quite evident that the committee will take up no other bill to-night.

Mr. BLANTON. Oh, we are going to take up another one.

Mr. LAGUARDIA. And we will be fortunate if we finish this bill.

Mr. BLANTON. We have another one to take up to-night.

Mr. LAGUARDIA. I simply want to point out that to-morrow the RECORD will show that all of the time was consumed to-day by members of the committee. Many of us have been waiting patiently all day long here without saying a word.

Mr. CRAMTON. Then why break a perfectly good record now?

DISTRICT OF COLUMBIA RENT COMMISSION

Mr. LAGUARDIA. Let us be frank about this. The next bill that should have been called up is the so-called rent bill, and I respectfully submit to the committee that the District Committee has had two or three days upon which the rent bill could have been called up. A whole day was spent on the milk bill, a bill which simply followed the regulation now in force in every city in this country.

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

Mr. LAGUARDIA. In just a moment.

Mr. BLANTON. I want to have the gentleman yield for a pertinent question. The District Committee this morning voted to make the rent bill in order right after this bill, and the gentleman is now keeping it from coming up.

Mr. LAGUARDIA. The gentleman is not keeping anything from coming up, and the gentleman is not so inexperienced in legislative matters as not to know just what is going on. Right here in my hand I have a number of protests from investors, agents, and landlords in New York against the rent bill. Here I have the proof that this District rent bill is not a local matter; it is a national matter of the utmost importance. I do not believe any man on the floor of the House has bucked the Committee on Rules more than I, and I want to say that the Committee on Rules is not to blame, because the District Committee had several opportunities before this to call this rent bill up and give the House a chance to vote for it. I hope the Rules Committee will grant a rule now. It is forced to do it. The good faith of the President of the United States is at stake. He urged this bill; he recommended the bill. He is on record wanting a rent bill. It is absolutely necessary. I have some very interesting letters here that I am going to put into the RECORD.

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

Mr. WINGO. Mr. Chairman, will be gentleman yield?

Mr. LAGUARDIA. Just a moment, please. Not only have landlords all over the country engaged in an organized propaganda against the rent bill but a prominent life-insurance company—the New York Life—and bond houses have written letters protesting against the bill and threatening to refuse to loan money on first mortgages if the rent bill is passed. Since when does a life-insurance company holding the money of the tenants—yes, gentlemen, money of the tenants, because 99 per cent of premiums paid to the New York Life Insurance Co. comes from tenants, and it is held in trust. The money does not belong to the New York Life; it belong to the policyholders. And why all this protest? Why these threats? In every one of these letters you will see the great fear that rent laws will be extended in other centers of population. The greedy landlords with their itching palms are impatiently waiting for these beneficial, humane rent laws to expire, so that they can take revenge on tenants who have resisted increases and throw them out on the street. They are waiting right here in Washington for Congress to adjourn without extending the rent law, so that they can increase rents. I know them. I know the same people that are writing me from New York. We extended the law there to 1926. They are fighting now to oppose a further extension, and the landlords, speculators, loan sharks, mortgage brokers do not want the National Congress to pass a law, because they hope to see all rent regulatory laws repealed or expire. What right has the New York Life Insurance Co. to threaten that it will not loan money in the District of Columbia if we extend the rent law? Just listen to this letter, which, I believe, was written to the entire New York delegation:

NEW YORK LIFE INSURANCE CO.,
346 Broadway, New York, January 28, 1925.

Hon. FIORELLO LAGUARDIA,
House of Representatives, Washington, D. C.

DEAR SIR: I desire to call your attention to House bill 11078, Senate bill 3764, known as the District of Columbia rent act.

If this bill becomes a law, a rent commission will be established which will have full inquisitorial and regulatory powers over all structures devoted to residential purposes within the District of Columbia, and quite puts it within the power of said commission to determine the amount of rent the landlord or owner may exact.

After an examination of this bill I am of the opinion that should it be enacted it would be unwise for this company to continue to make investments secured by mortgages on residential property within the District. Improved real estate like any other commodity must have an untrammeled and open market in order to maintain its valuation, and any law which restricts the right of contract between the lessor and the lessee must necessarily affect the valuation of the real estate involved just as much as would the right of contract in other forms of property between the vendor and the vendee. The modern method of estimating the valuation of real estate security for purposes of making investments is largely based upon the assured rental return over the period of the loan, and such a law would make impossible any such estimate.

Such a law would seriously impair the value of real estate, discourage the making of loans secured by mortgages thereon and the employment of private capital in the erection of residential buildings within the District of Columbia. I believe that the parties who hope to be benefited, namely, tenants, will, as a matter of fact, not be so benefited and that in the end they will be compelled to pay a larger rent than they would have had this legislation not been enacted. In effect, it establishes an involuntary partnership on the part of real estate owners with the Government, wherein the owner takes all the risk and the Government limits the return. To be logical the proponents of the bill should go further and provide for the condemnation of real estate within the District of Columbia and have the Government operate its own apartment houses. This would at least be honest, as in that event the owners in condemnation proceedings would be entitled to damages for the valuation of the property condemned. Under the proposed law the value of their holdings will be taken away from them by governmental interference without any compensation.

I can not believe that this bill has a chance of passing, but in the event that it might, I am taking the liberty of writing this letter to urge you to vote against it.

Yours very truly,

HARRY H. BOTTOME,
General Counsel.

Now, let me read you my reply to the New York Life Insurance Co.:

JANUARY 29, 1925.

HARRY H. BOTTOME, Esq.,
General Counsel New York Life Insurance Co.,
346 Broadway, New York City.

DEAR SIR: I have your letter of January 28, 1925, relative to Senate bill 3764, known as "the District of Columbia rent act." You state that "after an examination of this bill I am of the opinion that should it be enacted it would be unwise for this company to continue to make investments secured by mortgages on residential property within the District." Permit me to say that I am of the opinion that you will do nothing of the kind. Insurance companies are simply handling public funds. If any company or group of companies conspire to sabotage against any Federal statute, does it occur to you that such company or companies may be prevented from doing business in the District of Columbia?

The pressure that the landlords are bringing to bear against the passage of proper regulatory measures and their far-reaching ramifications demonstrate beyond any doubt the necessity of passing regulatory statutes to protect the tenants and the health, morals, and welfare of the community.

There is not the remotest possibility of the rent law impairing present or future investments of your funds. A life-insurance company, being a trustee of public funds, is permitted to invest in first mortgages only, and the amount of each investment is likewise fixed by law. Unless the company indulges in speculation and profiteering ventures, which the law specifically prohibits, you can not be at any disadvantage through the passage of any regulatory rent law.

You have permitted yourself to become part of a vicious, unwarranted, and organized propaganda carried on throughout the country where rent laws have become necessary.

Yours very truly,

F. LAGUARDIA.

I have absolute proof that the New York Life Insurance Co. is actually carrying out its threat. I will now read a letter written on January 23, 1925, to Mr. Fred Thorpe Nesbit, of this city, which shows clearly that the New York Life Insurance Co. has constituted itself the agent for landlords and seeks to intimidate investors in the District of Columbia. I serve notice right now that if the New York Life Insurance Co. continues this practice that legislation will be introduced at the next session of Congress that will control such companies in accordance with my letter to the company of January 29, 1925, that I have just read. Now listen to this sample of intimidation:

NEW YORK LIFE INSURANCE CO.,
New York, January 23, 1925.

Mr. FRED THORPE NESBIT,
Investment Building, Washington, D. C.

DEAR SIR: In re application for loan of $90,000. This application came before the real estate committee to-day, and I was directed to write to you and inform you that in view of the pending legislation now before Congress—House bill 11078, Senate bill 3764—known as "the District of Columbia rent act," this company feels that it can not safely make any further commitments for loans secured by mortgages on real estate for residential purposes within the District of Columbia.

If this bill becomes a law, it will give to the rent commission created thereby full inquisitorial and regulatory powers over the income derived from such property and quite put it within the power of said commission to determine the amount of rent the landlord or owner may exact, irrespective of whatever previous valuations may have been placed upon the said land by a mortgage investor based and calculated upon the probable income at the time of making the mortgage.

As you well know, the modern method of determining the valuation of improved real estate depends largely upon the estimated income over the period or life of the loan. In the face of such a law it would be impossible for this company to make any such estimate and consequently determine with any degree of security the valuation of the property for investment purposes.

There are many other features of this bill which we think highly undesirable, but I will not attempt to cover them in this letter, as our primary interest in the legislation is from the standpoint of a mortgage investor. We have heretofore found Washington a very desirable and safe city within which to make mortgage investments, and we can only hope that this legislation may be defeated, so that Washington may continue to be as it has been in the past, an outlet of our funds for investment.

Yours very truly,

FREDERICK M. CORSE,
Secretary in Charge.

I will now give you a sample of some of the letters which I received from New York that prove conclusively that the District rent bill is of national importance besides being a local necessity:

CUSHMAN & WAKEFIELD (INC.),
New York City, January 29, 1925.

Hon. FIORELLO LAGUARDIA,
House of Representatives Office Building, Washington, D. C.

DEAR SIR: I feel constrained to express my views to you on the so-called District of Columbia Rent Commission act now pending in Congress. This proposed legislation is, to my mind, the most radical measure that has ever come to my attention.

While I understand that President Coolidge feels it his duty to do something to assist Government employees, I have knowledge of the fact that there is an oversupply of moderate-priced apartments and homes available in Washington to-day. If my statement be correct, there seems no justification for a commission to regulate rents. If my statement is not borne out by the facts, there is only one answer, which is build more homes in order to make the best law, that of "supply and demand," operative.

In order to create more homes, efforts should be made to induce the mortgage money-lending institutions in this city and elsewhere to lend more money on new construction in the District of Columbia.

The best way to attract this money would be to show the need of the homes through carefully compiled statistics based on an actual rental survey of the existing supply of apartments and the demand for them.

The best way to prevent the investment of such money in Washington is to put through the pending Rent Commission act, and I have reason to know that should this bill be enacted several, if not all, of the large lenders of mortgage money in this city will positively and permanently discontinue making any future loans in the District of Columbia.

On account of the foregoing circumstances, I respectfully urge that you do everything within your power toward the defeat of this most radical and ill-advised bureaucratic legislation when it comes up in Congress.

Respectfully yours,

J. CLYDESDALE CUSHMAN, *President.*

P. W. CHAPMAN CO. (INC.),
New York, January 31, 1925.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

DEAR SIR: Our attention has been called to two new bills introduced as Government measures into Congress perpetuating a rent commission to regulate rents in the District of Columbia.

Fully acquainted as we are with the District of Columbia real-estate situation, we feel that there is no emergency existing at this time which will justify any such regulation of rents. Furthermore, should this bill pass in the District of Columbia it will undoubtedly be taken up in one form or another in the various States of the Union, and it is at once apparent that should a law like this be passed the very foundation and security of our real-estate mortgage would be undermined.

Respectfully,

GEORGE L. OHRSTROM, *Vice President.*

BUILDING MANAGERS AND OWNERS' ASSOCIATION OF NEW YORK,
January 12, 1925.

Mr. FIORELLO H. LAGUARDIA,
1852 University Avenue, New York City.

DEAR SIR: At a meeting of the executive committee of this association held on January 6, 1925, the following resolution was adopted:

"Whereas there has been introduced in the United States Senate a bill known as the District of Columbia rent act and designated as S. 3764, and in the House of Representatives as H. R. 11078, with the intent to nationalize the business of renting dwelling space in the District of Columbia because public officeholders and employees find their rents burdensome, and the bill contains the recital that the Federal Government is embarrassed in the transaction of the public business; and

"Whereas we believe this to be contrary to the facts and to introduce a new and radical feature of Government interference in business; and

"Whereas by this bill a commission is clothed with the authority to establish the income of all dwelling properties in the District of Columbia, therefore determining the return on the investment which might be inadequate to pay the interest charges, and thus invite the withdrawal of mortgage money from real estate in that city: And be it therefore

"*Resolved*, That the executive committee of the Building Managers and Owners' Association of New York, in session on the 6th day of January, 1925, does hereby go on record as being opposed to this bill; and be it further

"*Resolved*, That a copy of this resolution be sent to the Senators of the State of New York and its Representatives in the House."

Yours truly,

CHARLES F. MERRITT, *Executive Secretary.*

NEW YORK, *January 16, 1925.*

HON. FIORELLO LAGUARDIA,
House of Representatives, Washington, D. C.

Re: District of Columbia Rent Commission act (Senator BALL'S bill, S. 3764, and Congressman REED'S H. R. 11078)

DEAR SIR: Mere words can not adequately voice the opposition which the above measure has caused among intelligent people in general, especially property owners involved. It is unbelievable to think that any member of so honored a body could possibly introduce a bill so radical, so drastic, so harmful and rigorous to realty investors. You undoubtedly know how it is loathed, detested, and disliked by the real property owners over the entire country.

It is a precedent which, if set, would cause a great deal of disturbance in the business world and prove detrimental to the future prosperity of our country.

It is a well-known fact that most businesses are more or less dependent upon the real-estate field. It is also acknowledged that if the Government will pass stringent and severe measures harmful to the investors, they will divert their investments to other fields of activities. You can, therefore, readily see the effect it will have upon the general trend of the business world.

Our country's increasing prosperity rests a great deal upon your decision. Business in general might be affected immensely. Will you tolerate bureaucratic management to supplant private control? Would you permit so preposterous an act to pass the legislature?

Kindly extend your influence in this matter when it is brought before your House and save the business world from bureaucratic control.

Most respectfully,

PARTOS REALTY CORPORATION.
N. C. PENBY, *President.*

TURNER ASSOCIATES (INC.),
New York, January 14, 1925.

Mr. FIORELLO LAGUARDIA,
House of Representatives, Washington, D. C.

DEAR SIR: As Congressman from my State I urge you to vote against and to use your influence against the very radical measure now pending in Congress, known as the District of Columbia Rent Commission act (Congressman REED'S bill, H. R. 11078). As owners of large real-estate property in New York City and elsewhere in the State we are alarmed at the effect of the successful passing of the rent commission act on all real-estate property throughout the country.

There doesn't seem to us to be any need for such a commission as this bill would set up, nor for offering the free legal service to the tenants which the act provides.

We trust that you will do your best to see that this bill is beaten.

Very truly yours,

J. P. H. PERRY,
Vice President.

NEW YORK, *January 13, 1925.*

HON. FIORELLO H. LAGUARDIA,
Washington, D. C.

DEAR SIR: We wish to lodge a protest against the proposed passage of the Ball bill, Senate 3674, designed to regulate rents in the District of Columbia.

We are, of course, aware that this bill, if it becomes a law, will apply only to the territory named, but the precedent will be bad for the entire country. The war is over, and the time for passing emergency measures should also be over. The country is gradually getting on a safe financial footing, but we feel that a law of this kind would only make more acute the ill that it intends to remedy. It would put a brake upon the investment of capital in housing facilities. To use a phrase of the street, it would "Bite the hand that's feeding you"; will make confusion more confused.

If paternalistic and regulatory measures remedied evils, Russia would be a very happy and prosperous country, but it is neither happy nor prosperous. Capital is hidden or is inactive, and the country has gone from bad to worse. We appreciate that Washington and the United States are, happily, far removed from Russia and her condition, but the passage of this measure at this time will make us somewhat akin.

We hope that you will not only vote against the bill, but that you will use your influence in active way against it.

Very truly yours.

G. L. MILLER & CO. (INC.),
G. L. MILLER, *President.*

JOHN M. RIEHLE & CO. (INC.),
New York, January 21, 1925.

HON. FIORELLO H. LAGUARDIA,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: We understand that Senate bill 3674 has been introduced by Senator BALL, of Delaware, to create and establish a commission as an independent establishment of the Federal Government to regulate rents in the District of Columbia.

We believe this is a dangerous measure, and while it affects only the District of Columbia, if it should be enacted it would establish a precedent that might be extended to every State in the Union.

Yours very truly,

JOHN M. RIEHLE.

UNITED REAL ESTATE OWNERS ASSOCIATION (INC.),
New York City, January 12, 1925.

HON. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.:

Re Senate bill 3674, introduced by Senator BALL, of Delaware.

DEAR MR. REPRESENTATIVE: This association, consisting of 11,000 real-estate owners of the city of New York, is opposed to the above bill, even although it is only to apply at the present time to the District of Columbia.

If this bill becomes law, similar legislation may be passed in Congress to apply to the entire United States, including New York City; but even although a like bill were not introduced and passed for such purpose, it would be an inducement for every State in the Union to pass like legislation.

The result of this class of legislation will be that it will be the entering wedge for legislation to apply to every class of property under rental.

Such legislation will also defeat its own purpose, as the result will be to discourage the construction of new housing; and the late shortage, which so far as New York City is concerned has been changed into an excess, will be changed back into a shortage.

We urgently ask you to vote against this bill.

Faithfully yours,

STEWART BROWNE, *President.*

I earnestly feel that we ought to have the opportunity to vote for the extension of the rent law for two more years. There is not a Member from a city district but what has been receiving letters of the kind I have just read seeking to prevent the passage of this bill. I firmly believe that landlords who are willing to make reasonable profit on their investment, who are not waiting to overcharge their tenants, I mean honest landlords, are not opposing the extension of this law or the

extension of any State regulatory measure. I know the type of speculators, landlords, loan sharks, and agents that do not want any law. They want to do as they please. They want to have the power to charge any rent they desire and to have the right to summarily evict a tenant if he refuses or is unable to pay an exorbitant increase. That day is gone, let us hope, and gone forever.

I repeat that every profiteering landlord in this country is interested, and as between the profiteer and landlord and the President of the United States, I appeal to the regular Republicans to stand by the President.

Mr. STEVENSON. I make the point of order that the gentleman is not speaking to his amendment.

Mr. LAGUARDIA. I thank the gentleman; I am through.

The CHAIRMAN. The point of order is sustained. The time of the gentleman has expired.

The Clerk read as follows:

FLEEING FROM SCENE OF ACCIDENT—DRIVING UNDER INFLUENCE OF LIQUOR OR DRUGS

SEC. 9. (a) No individual while operating a motor vehicle in the District, knowing that such motor vehicle has struck any individual or any vehicle, or that such vehicle has been struck by any other vehicle, shall leave the place where the collision or injury occurred without stopping and giving his name, place of residence, including street and number, and registration and operator's permit numbers to the individual so struck or to the owner or operator of the other vehicle if such owner or operator is present, or if such owner or operator is not present then to bystanders. Any operator whose vehicle strikes or causes personal injury to an individual and who fails to conform to the requirements of this subdivision shall, upon conviction of the first offense, be fined not less than $100 nor more than $500 or shall be imprisoned for a term of not less than 60 days and not more than 6 months; and upon the conviction of a second or subsequent offense shall be fined not less than $500 nor more than $1,000 and shall be imprisoned for a term of not less than six months nor more than one year. And any operator whose vehicle strikes or causes damage to any other vehicle and who fails to conform to the requirements of this subdivision shall, upon conviction of the first offense, be fined not more than $500 or imprisoned not more than six months, or both; and for the second or any other subsequent offense be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) No individual shall, while under the influence of any intoxicating liquor or narcotic drug, operate any motor vehicle in the District. Any individual violating any provision of this subdivision shall, upon conviction for the first offense, be fined not less than $100 nor more than $500 or imprisoned not less than 60 days nor more than 6 months; and upon conviction for the second or any subsequent offense be fined not less than $200 nor more than $1,000 and imprisoned not less than six months nor more than one year.

(c) Upon conviction of a violation of any provision of this section the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual.

Mr. GILBERT. Mr. Chairman, I offer the following amendment:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GILBERT: Page 14, line 13, strike out "or" and insert "and." Also, page 14, line 21, strike out "or" and insert "and."

Mr. GILBERT. Mr. Chairman and gentlemen of the committee, the purpose of this is to make a jail sentence compulsory in one of these "hit and run" cases, where persons run into some one and pass on, and it is not left to the discretion of the judge. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I will accept the amendment.

The CHAIRMAN. The question is on the amendment.

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

Mr. GILBERT. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GILBERT: Page 15, line 5, after the figures "$500" strike out "or" and insert "and."

[Applause.]

Mr. GILBERT. Mr. Chairman, that is a similar proposition while operating an automobile while intoxicated. We agreed in the joint committee on that proposition, but it was stricken out in the Senate, and we want to put it back.

The CHAIRMAN. The question is on the amendment.

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

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I move to strike out the last word. I shall not offer an amendment, but I want to call attention to a provision which I think ought to be in any traffic code. In the first place I think the committee made a serious mistake when it put the maximum speed at 22 miles per hour on the theory that men are going to violate the law anyhow. If that is the case there is no use in passing a law. There is not a man driving an automobile, and that includes us all, who does not exceed 22 miles an hour when on an out street, and to pass a law making it 22 miles an hour and then to go out yourself and drive 25 miles an hour is absolutely a scandal and you ought not to do it. But that is not part of the bill to which I wish to refer. I do not think the bill, the way you are butchering it up, is going to accomplish anything. The purpose of traffic regulation is to get the traffic off the street, but this bill seeks to hold it on.

Now, I want to call attention to another provision you have not touched, and I will say I have seen the operation of automobiles in every city, big and little, in the United States east of the Mississippi, and there is not a worse city in all of them than Washington for the pedestrian who steps out behind an automobile in the middle of the street and starts diagonally across it. I think your bill ought to incorporate a provision somewhere putting the burden of proof on the pedestrians when they are crossing a street at other than the crossings, or when they are crossing a street when the sign is against them. You go down town to-night in your automobile and get a "clear" sign to go through on any street, I do not care where, and you have to watch every second of the time to dodge a string of human beings walking across there on foot.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. Not now. Now automobile traffic is not a luxury, it is not a preferred class which drives automobiles. Automobiles are an established fact and everybody is using them in business as well as pleasure.

We are passing a law for the benefit of traffic and it ought to have the most serious consideration for everybody concerned. Take New York City or Philadelphia——

The CHAIRMAN. The gentleman moves to strike out the word "individual."

Mr. BEGG. I am talking about individuals, Mr. Chairman, If the gentleman from Florida wants to be so technical, I am perfectly willing that he should be so.

Mr. JOHNSON of Washington. Is not the burden of proof on them now?

Mr. BEGG. I so understand.

I submit to the members of the committee, Mr. Chairman, that I can get along as well as the rest of you, but if you are going to regulate automobile traffic, as you must do some time, why not also regulate the pedestrians, and then have something of some value?

Mr. BLANTON. We will think about what the gentleman has said.

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

Mr. BEGG. Yes.

Mr. RATHBONE. The committee had advice from the best experts of the country. We know we can not put in a bill all the requirements.

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

Mr. BEGG. I ask unanimous consent, Mr. Chairman, to proceed for two minutes more.

Mr. CRAMTON. It would appear that the gentleman is filibustering.

Mr. BEGG. Oh, no.

Mr. WINGO. Mr. Chairman, I ask to be recognized in opposition.

The CHAIRMAN. The gentleman from Arkansas will be recognized in opposition to the pro forma amendment.

Mr. WINGO. Mr. Chairman, as one of the few pedestrians in the House, I think that somebody should get up and speak for them. The gentleman from Ohio [Mr. BEGG] frankly admits that he is a speed fiend. The mere presence of an humble pedestrian on the public streets is held by the typical automobilist as a damnable nuisance and one that ought to be knocked out of the way.

Gentleman may talk about the "jaywalker." Some people cross between the street crossings as a matter of safety. On Sixteenth Street a man takes his life in his hands at Sixteenth and Irving, at that point where automobiles are going in nearly every direction. He does the same thing at Seventeenth and Q Streets.

Mr. SNELL. What is the matter with Sixteenth and U?

Mr. WINGO. Yes; and at Sixteenth and U, and Sixteenth and R. I used to reside near Sixteenth and R Streets, and it

was an unusual thing to get by up there on a morning without somebody getting hurt in a collision with one of those automobiles driven by the speed fiends, of which my friend from Ohio [Mr. BEGG] admits he is one. They seem to resent the very presence of a pedestrian on the streets.

Mr. BEGG. The gentleman's complaint is not of the traffic; it is the speed. It is due to the lack of policemen.

Mr. WINGO. Oh, no. That is not it. It is not a lack of policemen, though we need more. If the single policeman that you have, whom I have seen stand there at Sixteenth and R Streets, would stop one-twentieth of your speed fiends coming down Sixteenth Street, life would be safer.

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

Mr. WINGO. No; I can not yield. I am serious about this. The greatest obstacle, the greatest obstruction, there is now to maintaining safety on the streets of the District is the very spirit that my friend from Ohio unconsciously shows. It is typical of the average motorist. He has a contempt for the pedestrian.

Gentlemen, there is a similarity between the effect that alcohol has on some people's brains and the effect that gasoline has on them. [Laughter.] They get drunk and wild on both. [Laughter.]

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

Mr. WINGO. Yes.

Mr. BEGG. I will ask the gentleman, if he is such a great pedestrian, whether he wants the street and the sidewalk, too? [Laughter.]

Mr. WINGO. I would like to have at least a part of it. But down there where I tell you about, even sober ones come up on the sidewalk. Twice in the last year I snatched a baby carriage out of the way of danger where wild automobiles, dodging each other, ran up on the pavement. You have to have the agility of a tomcat in order to cross the streets of Washington when these speed fiends, typified by my friend from Ohio, are abroad. [Laughter.]

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

Mr. WINGO. Yes.

Mr. BLANTON. The gentleman from Ohio [Mr. BEGG] likes to be going as fast as 22 miles an hour when he parks. [Laughter.]

Mr. WINGO. Yes. You are not going to stop the loss of life in the District of Columbia until you bring about a change of feeling on the part of automobilists. Their feeling is with respect to the pedestrian, "Get out of our way; we alone are entitled to the streets and to the free passage of them." Anybody who dares to get in their way takes his life in his hands. [Applause.]

The Clerk read as follows:

IMPOUNDING OF VEHICLES

SEC. 13. (a) The director is authorized to provide by regulation for the removal and impounding of vehicles parked in violation of any law or regulation, and for the release of any such vehicle upon payment by the owner of such vehicle or his representative of such impounding fee, not in excess of $10 for any violation, as he deems advisable.

(b) No such fee shall be collected from any owner of a vehicle under the provisions of this section if such owner can show that the parking of the vehicle for which the violation is charged was the act of a person not authorized by the owner to have control of the vehicle.

Mr. BLANTON. Mr. Chairman, I move to strike out lines 1 to 12, inclusive.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 18, strike out lines 1 to 12, inclusive.

Mr. BLANTON. Mr. Chairman and gentlemen, every organization and motorist in the District of Columbia is objecting to this section. No one wants it and it could be conducive of great trouble, injury, and inconvenience to many women drivers. It can be handled in plenty of other ways. They do not have to impound the vehicles; all they have to do when they find a vehicle parked in an improper place is to put a police tag on it and the party owning it must go immediately and answer at the police court.

Why impound them? Why take them away from the places where they are parked and carry them somewhere else? There could be damage to a great extent; cars could be damaged to a great amount, and the taxpayers of the District would have to pay the damages whenever cars were damaged in carrying them away from the parking place to the impounding place. I dare say that if you put it up to the 100,000 motorists in the District of Columbia you would find they do not want this impounding provision.

Our joint committee of the House and Senate voted it down. We had a joint session of the House Committee and the Senate Committee and none of the members of those committees was in favor of it. It was put into the Senate bill by somebody who did not attend the hearings and they knew nothing about it.

I hope, gentlemen, you will vote this impounding section, No. 13, out of the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. HAMMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAMMER: Page 16, line 24, after the word "act"—

Mr. CRAMTON. Mr. Chairman, I make the point of order that we have passed that point in the bill.

Mr. HAMMER. No, indeed, we have not.

Mr. CRAMTON. We just struck out section 13.

Mr. HAMMER. That is correct, and I ask unanimous consent to offer this amendment.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to offer an amendment on page 16, at the end of line 24, after the word "act." Is there objection?

Mr. TILSON. Mr. Chairman, let us hear what the amendment is.

The CHAIRMAN. Without objection the amendment will be reported for information.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HAMMER: Page 16, line 24, after the word "act," insert a semicolon and add the following: "*Provided*, That the person whose permit is so revoked shall have the right of appeal as in other criminal cases."

Mr. BLANTON. Mr. Chairman, I object, because that would be conducive of debate. There are a number of us who do not want to agree to that at all.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. BLANTON. I object.

The Clerk read as follows:

ARTERIAL HIGHWAYS OR BOULEVARDS

SEC. 14. For the purpose of expediting motor-vehicle traffic the director is authorized to designate and establish any public highway as an arterial highway or boulevard and to provide for the equipment of any such highway or boulevard with such traffic-control lights and other devices for the proper regulation of traffic thereon as may be appropriated for by the Congress from time to time.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word. I would like to ask the committee just what it is the intention to do with reference to this section?

Mr. ZIHLMAN. I will say to the gentleman that the committee understands that this language merely authorizes the director to designate certain streets—north, south, east, and west—as express streets.

Mr. NEWTON of Minnesota. Was the matter discussed at length with the traffic director; that is, the man who now handles the traffic violations?

Mr. ZIHLMAN. I will say that the committee went into this matter very thoroughly. They had several experts before them from New York, brought here by Members of the House and by Members of the Senate. The committee determined to authorize this, and the gentleman from Michigan [Mr. MCLEOD], who has a bill on the calendar covering the same subject, is prepared to offer an amendment making this mandatory instead of merely authorizing it.

Mr. NEWTON of Minnesota. That leads to what I wanted to say. I do not think it is possible to properly regulate traffic in a city the size of Washington without designating arterial highways and compelling people who cross those highways, at intersections, to come to a full stop. Anyone coming down Sixteenth Street in the morning or during the evening will see people crossing that principal thoroughfare—with cars traveling at 18, 20, and 25 miles an hour—without paying any attention whatever to the traffic. That kind of a system simply results in all kinds of accidents.

I hope the chairman so impressed the idea of arterial highways upon the director of traffic that that kind of an arrangement will be put into effect just as soon as it is possible.

Mr. McLEOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLEOD: Page 18, line 14, strike out section 14 and insert in lieu thereof the following:

"SEC. 14. (A) That any person operating a vehicle in the District of Columbia on any street or alley intersecting any 'through traffic street' shall bring such vehicle to a complete stop before entering or crossing such 'through traffic streets': *Provided*, That the provisions of this section shall not be applicable at any intersection when traffic is being directed by a traffic officer.

"(B) It shall be unlawful for any person to drive a vehicle out of any alley or driveway on to any street or highway without bringing such vehicle to a complete stop before driving same across the sidewalk or the crossing intersecting the entrance to the said alley or driveway.

"(C) For the purposes of this bill the following streets shall be, and are hereby, designated as 'through traffic streets': Pennsylvania Avenue, Connecticut Avenue, Massachusetts Avenue, Sherman Avenue, Brightwood Avenue, Rhode Island Avenue, New Hampshire Avenue, Sixteenth Street NW., and all of the highways that the director shall designate.

"(D) All streets or avenues intersecting the above-named arterial highways, or 'through traffic streets,' shall be marked with appropriate signs at the point of intersection.

"(E) Any individual found guilty of violating this section shall be find not less than $10 nor more than $50."

Mr. McLEOD. Mr. Chairman, this amendment was brought before the committee as a separate bill and was reported, I believe, unanimously. The streets mentioned were designated by the police department of the District as being the main arteries. This amendment also provides that the director may further designate other arterial highways, but these are the main arteries of the city now.

Mr. RATHBONE. Mr. Chairman and gentlemen, I am in very hearty accord and in full sympathy with what the gentleman from Michigan [Mr. McLEOD] has just proposed, but I doubt very seriously if this is a proper matter for us to take up at this time and put in the bill.

My reason for saying that is that this bill establishes a traffic director. We want him to have something to do. This is properly a matter of regulation. The experts that have advised your joint committee have said we ought not to overload this bill with substantive law and that we ought to leave matters of regulation to the traffic director and select a high-class man who will work this problem out to the best satisfaction of the people.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. RATHBONE. Yes.

Mr. CONNALLY of Texas. I would like to ask the gentleman whether the committee has considered the question of automatic signals or is that going to be a matter of regulation by the director?

Mr. RATHBONE. That is to be a matter of regulation by the director.

It would be impossible, I will say to the gentleman, for us to have a bill that could be agreed upon and put through at this session which would be overloaded with all sorts of provisions, excellent in themselves, but which should not be incorporated in a bill and ought to be left to the discretion of the director.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

ADDITIONAL POLICE

SEC. 15. The commissioners are authorized to appoint 100 additional privates for the Metropolitan police force.

Mr. WINGO. Mr. Chairman, I offer an amendment to substitute the figure "200" for the figure "100."

The CHAIRMAN. The gentleman from Arkansas offers an amendment which the Clerk will report.

The clerk read as follows:

Amendment offered by Mr. WINGO: Page 18, line 24, strike out the word "one" and insert in lieu thereof the word "two."

Mr. WINGO. Mr. Chairman——

Mr. BLANTON. If the gentleman will yield, I want to state to the gentleman from Arkansas that the joint committee of the House and Senate that had this bill under consideration agreed on 300 additional policemen and so provided in the bill.

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Texas?

Mr. WINGO. I think I am going to. I have not found out yet.

Mr. BLANTON. When the bill came up before the Senate certain Senators claimed they would not under any circumstances agree to more than 100 additional policemen, and the Senator in charge of the bill saw that there was no chance to get more than 100 additional policemen and agreed to that. I do not believe the gentleman can get a provision providing for more than 100 passed.

Mr. WINGO. Well, we might do this. We have amended this bill and it has got to go to conference anyway. I do not think any one Senator who happens to be afraid of having too many policemen in the city ought to block the bill. I think we ought to have at least 200 additional. I would be in favor of 300, which the joint committee agreed on, but I think we ought to at least fight for 200 additional ones, and I think we can get 200 if we will insist upon it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 42, noes 24.

So the amendment was agreed to.

The Clerk read as follows:

EFFECTIVE DATE OF ACT

SEC. 17. (a) The following provisions of this act shall take effect 60 days after its enactment: Sections 6, 7, and 13, and subdivision (a) of section 16.

(b) Except as provided in subdivision (a) of this section and in subdivision (b) of section 5, the provisions of this act shall take effect upon its enactment.

Mr. HAMMER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. HAMMER: Page 18, after line 25, insert: "The commissioners are hereby authorized and directed to provide in the organization of the traffic bureau for 1 inspector, 1 captain, 2 lieutenants, and not less than 10 sergeants.

Mr. HAMMER. That should come in after the word "force" on line 25. Inasmuch as we have provided for 200 policemen, we should have these additional officials. By the way, the amendment should read "not more than 10" instead of "not less than 10."

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to modify his amendment by substituting the word "more" for the word "less." Is there objection?

There was no objection.

Mr. BLANTON. The gentleman's amendment is unnecessary, because if these officers are needed they will be automatically supplied. Under the rules and regulations of the police department these officers would be supplied with the additional force. We do not give them so many officers, we give them so many men.

Mr. HAMMER. I do not understand that to be the case. If we are to have 200 additional police officers we need these officials.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEPARABILITY OF PROVISIONS

SEC. 18. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

Mr. ZIHLMAN. Section 13 has been stricken out, and I offer this amendment.

The Clerk read as follows:

Amendment by Mr. ZIHLMAN: Page 20, line 16, after the figure "6," insert the word "and," and at the beginning of line 17 strike out the figures "13," and the word "and" at the end of line 16.

The amendment was agreed to.

The CHAIRMAN. Without objection, the Clerk will have authority to make the necessary corrections in numbering the sections.

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: At the end of the bill add the following:

"SEC. 19. That title 2 of the food control act and the District of Columbia rent act, as heretofore amended, are hereinafter extended and continued"——

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is out of order. We have gone far enough in the reading of it to show that.

Mr. MILLER of Illinois. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. BLANTON. I feel sure that the gentleman does not want to adjourn the House? We want to pass this bill before we adjourn. Has the gentleman ever been so solicitious about a quorum of the House before? [Laughter.]

The CHAIRMAN. The gentleman from Illinois makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and one Members present, a quorum. The gentleman from Texas makes the point of order against the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order against the LaGuardia amendment that it is not germane to this bill and not germane to any paragraph of the bill.

The CHAIRMAN. The Chair sustains the point of order on the ground that the proposed amendment is not germane to the pending bill.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out section 18.

The Clerk read as follows:

Amendment by Mr. HILL of Maryland: Strike out section 18.

Mr. HILL of Maryland. Mr. Chairman, I only want to take just one moment on this section 18. It has lately become a habit to put in such sections as this. I do not think they ought to be put in. We vote on these measures as a whole. If the court knocks out one section an act ought to come back to Congress for reconsideration of the whole bill. Section 18 says:

If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

This act is to protect the public from reckless and criminal violators of the law relating to automobiles on the streets of Washington. I am entirely for this act, as we all are, but in the interest of orderly procedure and protecting the rights of the House and the people in not passing what may turn out to be piecemeal legislation, I move to strike out section 18.

If the Supreme Court should find part of this law bad, but let the remainder be in force we would have a badly balanced act, and when we pass laws they should not only be coordinate with other criminal laws, but they should be internally and intrinsically coordinated.

The CHAIRMAN. The question is on the motion of the gentleman from Maryland to strike out section 18.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for one minute in order to inquire whether the gentleman from Maryland was moving to strike out the eighteenth section of the bill or the eighteenth amendment to the Constitution of the United States?

Mr. HILL of Maryland. Oh, Mr. Chairman, I have read this amendment and also the Constitution of the United States, even though the gentleman from Michigan does not seem to be very familiar with either.

I am glad, however, to take the opportunity offered by the question of the gentleman from Michigan [Mr. CRAMTON] to make certain observations on a condition of affairs that has been created in this country by the eighteenth amendment to the Constitution to which the distinguished leader of the Anti-Saloon League referred.

In connection with section 18 of this motor traffic bill, which I just sought to strike out, I said that we must guard against the passage of badly balanced acts which are not coordinated with other criminal laws. The eighteenth amendment, brought into this discussion by the gentleman from Michigan, started a riot of absurd and uncoordinated laws in this great Nation. A few days ago you passed a bill that for aggregate penalty of 12 months for violating the Volstead Act an alien should be deported, while to be thus banished he must rob, steal, assault, or what not, to the extent of at least 18 months. You rated violations of the Volstead Act as 50 per cent more criminal than any other crime in the Federal Penal Code. How idiotic! I feel sure that the alien deportation act will die, as it should, in the Senate, but it is an excellent example of unscientific as well as un-American legislation.

The Volstead Act itself is an example of stupid and mendacious legislation. Under its false standards I go to jail if I make, at home, old English ale of one-half of 1 per cent alcoholic content, but I can make, and have made, home-made wine or cider of one-half of 1 per cent and over, even up to 2.70 per cent or to 11.64 per cent and still violate no law. (See United States against Hill.) I am always fighting the enactment of any more laws like the Volstead Act, and that is why I moved to strike out section 18 of the pending bill. The pending bill as a whole is good, but with half of it held unconstitutional what remained might be dangerous.

The people of the Nation are alert at last to the deliberate creation of favored criminal classes, and the placing of heavy penalties on one offense and none on what is precisely the same act. That is one reason why there was so much interest in the recent case of the United States of America against John Philip Hill in the District Court of the United States for the district of Maryland.

The bulletin of December 10, 1924, of the Manufacturers and Dealers League made a very interesting collection of editorials on the decision in this case, which are as follows:

CONGRESSMAN HILL'S CIDER

The outstanding news item during November was the trial of Congressman JOHN PHILIP HILL in the United States District Court in Baltimore for violation of the Volstead law.

Mr. HILL had been indicted for the unlawful home manufacture and possession of wine and cider, and for creating a nuisance thereby. The jury acquitted him on all counts after Judge Soper had ruled that the Volstead law specifically exempts cider and fruit juices when made for use exclusively in the home; that to violate the law by such manufacture and use, the product must be intoxicating in fact, and that the burden of proving that it is intoxicating was on the Government.

It will be recalled that Mr. HILL had made cider with 2.75 per cent alcohol and grape juice with 11 per cent, and that he had followed the recipes of the United States Department of Agriculture in the matter. The case was forced by Mr. HILL for the purpose of testing the law. In fact, he has been nagging the Federal authorities for two years, until at last they were forced to take action. One of the interesting and amusing features of the case was the summary dismissal by Judge Soper of the testimony of Dr. Howard A. Kelly, of Baltimore, and Dr. Harvey L. Wiley, who were introduced by the prosecuting attorney as Government experts. These two gentlemen, who have long been notorious for their extreme prohibition sentiments, undertook to establish technical definitions of intoxication. The jurors were instructed to ignore their testimony. As Mr. HILL has been acquitted by a jury, there is apparently no basis upon which an appeal may be taken from the verdict.

Apart from the recent presidential election, there has been no subject of timely interest which has aroused so much editorial comment. The trial itself was featured as a "front-page story" in all the daily papers, having been telegraphed by all the various news agencies and played up by all the Washington newspaper correspondents. Our clipping service, which only covers the daily papers, has brought in about 300 editorials. It is obviously impossible to give even a fair résumé of them within the limits of our space. The principal points upon which they agree are that Congress deliberately intended to discriminate between the farmer and the city man for the purpose of catching the farmers' vote. They are almost unanimous in commending the wisdom and fairness of Judge Soper's findings.

New England papers emphasize the discriminatory feature of the Volstead Act and the hypocrisy and slovenliness of the law. As the Springfield Union says: "Judge Soper has pointed out the contradiction and the lie in the Volstead Act," and asks the question, "If 2.75 per cent cider, why not 2.75 per cent beer?"

The Providence Tribune says: "Congress will give an honest interpretation of what constitutes intoxication, or the Volstead Act will be amended so that cider and fruit-juice makers will not be a special class."

The Springfield (Mass.) Republican speaks of the discrimination as "indefensible."

The New Haven Union says that Congressman HILL has "opened the way for a renewal of the entire discussion of intoxicating content."

The Hartford Times says: "An American's home, as well as an Englishman's, is his castle."

The Portland (Me.) Press Herald says: "In our own State the legislature 'ducked' cider just as long as it could, because it was believed so many farmers would be affected by it."

The Christian Science Monitor, of Boston, has discovered that "Congress had, and still has, the power to establish under the authority vested in it by the eighteenth amendment whatever standard it may see fit in determining what are and what are not intoxicating beverages."

The New York Times says that the decisions and the verdict "may, if they can be driven into the public head, make for a modification of the Volstead Act in the direction of common sense."

Others papers in New York State and New Jersey regard the Judge's rulings as of sweeping importance, and declare that Mr. HILL is in a position to go before Congress and insist that the Volstead Act is not enforcible in its present confused state.

Mr. HILL in an interview declares that "no law with a double standard can endure."

The middle western papers are very much of the same mind. The St. Paul (Minn.) Pioneer Press says that Mr. HILL "has proved that while one man may be sent to jail for making beer of six-tenths of 1 per cent alcohol, another may make wine or cider with as high as 11 per cent alcohol without breaking the Volstead Act" * * * and that "if Congress could arbitrarily define an intoxicating liquor once, it can do so again."

The St. Paul (Minn.) Despatch says: "Many eminent lawyers have maintained that Congress went beyond its authority in declaring that half of 1 per cent is intoxicating, as it is not true in fact."

The Chicago Tribune says: "If Judge Soper's decision is sustained, some citizens legally may have wine. Others legally may not. Some may have cider which has turned hard. Others may not, because they can not make it. It might be in parallel to decree that you might legally eat chicken if you raised the chickens. Otherwise, you would have to bootleg your broilers. A movement already has been started to make the apple the national emblem instead of the eagle."

The Indianapolis News doubts whether Congress had the power to adopt a definition of intoxicating liquors that was not true.

The St. Louis Post Dispatch holds that Judge Soper convicted the Congress which passed the Volstead law of both "stupidity and hypocrisy."

The Davenport (Iowa) Times says that the ruling emphasizes discriminations under the law, which are "in keeping with the inconsistency of the Volstead Act, and no less ridiculous and farcical than our whole attempt at prohibition." As Mr. Will Rogers says: "Prohibition is no longer an issue; the country has settled down to steady drinking."

The Fort Wayne (Ind.) Journal Gazette emphasizes that making wine and cider for home use has been extensively carried on throughout the country.

The Peoria (Ill.) Star says that "the only sensible and satisfactory solution of this question will be to permit the sale and use of beer and light wines and let them be sold in grocery stores and any place where food and drink is sold."

The Omaha World Herald reminds us that "the reason for this exception was congressional consideration for the farmer. It was objected, when the Volstead bill was up for passage, that to prohibit the farmer from making cider or wine would make the farmer mad and lose his vote to the Republican Party."

The Peoria (Ill.) Transcript says that "the country is placed in a ridiculous light" by this case, and that "as an example of class legislation, the Volstead Act will become a classic. * * * And yet the Antisaloon League asks vaudeville actors to refrain from cracking jokes about prohibition."

Ohio papers point out that the clause in the Volstead Act relating to cider and fruit juices was thrown as a sop to the dry farmers who like their own home brew. As the Columbus (Ohio) State Journal says, "the prohibition controversy more and more reflects the ill feeling and jealousy between country and city and the cider element from which the professional reformers dominate the situation, draw their main strength."

Of course the Kansas papers are not pleased with the verdict. Ignorant of the fact that Judge Soper is regarded as a dry sympathizer, the Topeka (Kans.) State Journal says: "Given a jury trial and a not unfriendly judge, the man charged with violating the Volstead law, unless he be a common bootlegger, not infrequently escapes conviction."

The Baltimore papers regard the trial as of national importance.

The Pennsylvania and Maryland papers cover very much the same ground. The Cumberland (Md.) Times says: "Some day the country may get sober enough to elect a Congress free from class and bloc dictations that will view this prohibition question calmly and sanely and replace the Volstead Act with a law plain, sensible, and honest enough for everybody to understand and reasonable enough for every citizen to respect, obey, and insist upon all others obeying."

The Baltimore Evening Sun sums it all up in the sentence "it showed that under the Volstead Act 2.75 cider is nonintoxicating and therefore legal, whereas 2.75 per cent beer is intoxicating and illegal."

Capt. Wm. H. Stayton, the executive head of the Association Against the Prohibition Amendment, makes this comment, "I think the result of the trial of Mr. HILL opens the door to a sane and legal enforcement of the eighteenth amendment. Then it is up to us to do two things: First to give the people a trial of a sane law which will permit the use of beer and wine of all alcoholic content, like the 2.75 per cent, which seems to be almost universally recognized as nonintoxicating, and then, after that has been in practice for a few years to decide whether that is what we want."

In contrast with this is the angry explosion of Orville S. Poland, attorney of the Anti-Saloon League of New York, who says: "If the case proves anything positively, as against negatively, it is the fact that Congressman HILL and his guests were tanks and apparently did not get drunk. If this group of Baltimore hooch hounds did remain sober, it proves nothing as to anyone else, and each case arising under this provision of law will have to stand on its own feet."

Comment from the Southern papers is significant. The Atlanta (Ga.) Constitution says that "If the Maryland test case is accepted as authority, the lid is off."

The Chattanooga (Tenn.) Times shows that under this decision, "beverages containing 2.7 per cent of alcohol which are made for home use, are not intoxicating in fact, although the same beverages which were not made in the home are intoxicating in theory and therefore prohibited under the eighteenth amendment." "This result presents a humiliating conflict between law and fact, which may account for the widespread contempt for the law."

The Wilmington (N. C.) Star says: "It realy begins to look as if the now famous dry law was patterned in its intricacies something on the order of the still worm, the destruction of which was its prime motive."

The Tampa (Fla.) Tribune declares: "It is safe to say that 'home brew,' wine, beer, and whisky is being made and used in millions of homes in this country, regardless of the Volstead Act and the prohibition authorities."

The Newport News (Va.) Press says: "It is well known to the general public and to the officers of the law that wine is made in thousands of American homes."

The Louisville (Ky.) Herald points out that, "Nothing in the verdict covers home-brewed beer, because that is made of malt and hops. It might be argued that hops are fruit, but certainly malt is not. Thus the farmer, who is chiefly responsible for prohibition, may have his cider hard, while the city man, who is more frequently 'wet,' must perforce remain dry. The farmer with a few ancient and disreputable apple trees can have all the 2.7 per cent cider he wants. The city man can not afford to make cider from apples that sell for 5 cents each."

The Columbia (S. C.) Record remarks: "It must be terribly humiliating that JOHN PHILIP HILL has been acquitted by a jury of his peers of the frightful, odious crime of making cider with a perceptible kick in it, and wine, oh boy! with an alcoholic content of 11 per cent. It was not once a crime to do such things, and it is not now a crime to do such things in any other land than in this land of the freak laws."

The Newport News (Va.) Press says: "The Layman Act of Virginia, with all its rigid provisions, is more liberal than the Federal law, for it authorizes those who may have the 'makings' on their own premise to manufacture all the wine and cider they want, regardless of the alcoholic content. This, of course, is a sop to farmers, but it violates both the letter and the spirit of the eighteenth amendment."

The Daytona (Fla.) Journal says: "Congress may indeed have made an exception for the benefit of the farmer only, but if it is to stand it will have to be in favor of home brewers in general, and Representative HILL has performed a service in forcing a test of the question."

The Newport News (Va.) Press says: "It is the most important case which has been tried since the Volstead Act took effect and must give prohibitionists grave concern. * * * The prohibition question is still in a state of fermentation."

The Baltimore News of November 15 reports that "floods of telegrams and letters from all parts of the country are being received at Congressman HILL'S home and office congratulating him on the outcome of his trial and promising him support when he opens his fight in Congress next month for liberalization of the Volstead Act."

The New Republic of November 26 sums it all up in this paragraph:

"The acquittal of Representative HILL, charged with making for home use beverages with an alcohol content in excess of one-half of 1 per cent, has given a new impetus to the 'light wines and beer' movement. Constitutional prohibition does not distinguish between home brew and alcoholic beverages produced for sale. It prohibits all intoxicating liquors, under whatever system they may be produced. What percentage of alcohol makes a beverage intoxicating is not determined by the Constitution. In enacting the Volstead law Congress fixed upon one-half of 1 per cent as the limit of toleration. Suppose it had fixed on 5 per cent or 10; would it have been guilty of repudiating its obligations under the Constitution? Not unless such a percentage could be established as intoxicating in fact. One court at least has decided that beverages with much more than one-half per cent of alcohol are not intoxicating in fact. It has taken its definition of intoxication from the every day use of language, not from refined physiological usage. The case will not be appealed to the higher courts. If it were, and the higher courts followed the same line of reasoning, the light wines and beer advocates would find the way clear to remove the ban on such beverages if they could get the support of a majority in

Congress. For common sense refuses to regard as intoxicating in fact beverages which produce only a mildly exhilarating effect when consumed up to the normal limits of appetite."

We must have equality under all Federal laws. If in the pending motor traffic bill some of the penalties should be held invalid, the other and valid penalties should be reconsidered, and Congress should pass a whole new law in the light of the decision of the Supreme Court. To do otherwise is to recommit the absurdities of the Volstead Act, where one-half of 1 per cent of alcohol in malt juice is illegal while one-half of 1 per cent of alcohol in apple juice is entirely legal. That is why I moved to strike out section 18 of the pending bill.

I should like to strike out the eighteenth amendment to the Constitution also; and some day it will either be modified or it will suffer the fate of the fourteenth and the fifteenth amendments. I thank the gentleman from Michigan [Mr. CRAMTON] for asking me the question, and for thus giving me the opportunity for these few remarks on equality in, of, and by Federal laws. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Maryland to strike out section 18.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for one minute in order to inquire whether the gentleman from Maryland was moving to strike out the eighteenth section of the bill or the eighteenth amendment to the Constitution of the United States?

Mr. HILL of Maryland. Oh, Mr. Chairman, I have read this amendment and also the Constitution of the United States, even though the gentleman from Michigan does not seem to be very familiar with either.

Mr. ZIHLMAN. 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.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, and 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. SPROUL of Illinois. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman withhold that for a moment.

Mr. SPROUL of Illinois. Yes.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

DEFICIENCY APPROPRIATION BILL

Mr. MADDEN, by direction of the Committee on Appropriations, reported the bill (H. R. 12392; Rept. No. 1568) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, etc., which was read a first and second time, and, together with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BYRNS of Tennessee. Mr. Speaker, I reserve all points of order on the bill.

NIGHT SESSION TUESDAY, FEBRUARY 24, 1925

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that to-morrow, between the hours of 8 p. m. and 11.30 o'clock p. m., it shall be in order to consider bills on the Private Calendar unobjected to, beginning at the beginning of the calendar.

The SPEAKER. The gentleman from Ohio asks unanimous consent that to-morrow night, between the hours of 8 and 11.30 o'clock, it shall be in order to consider bills on the Private Calendar unobjected to, beginning at the beginning of the calendar. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, we got nearly through the calendar at the last session, and I fear if we begin that way we will never in the world reach those other bills that have never had a chance.

Mr. LONGWORTH. There are several bills on the calendar which Members are very greatly interested in, and I can not modify the request.

Mr. BLACK of Texas. I shall not object, but I register my protest because I do not think it is fair to the other bills.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WURZBACH, on account of illness.

MAKING REPLY TO THE BALTIMORE SUN—STRANGE REASONS GIVEN WHY MARYLAND HAS NOT JOINED THAT CONSTITUTIONAL UNION

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, for two or three years the Baltimore Evening Sun has been disporting itself frequently after the reckless fashion of fundamentally "wet" papers, as careless of facts in attacking "Congressman, the Rev. WILLIAM DAVID UPSHAW" and his position on the liquor question as General Sherman was said by Henry Grady to be "careless about fire." The last "volcanic eruption" from the belligerent editorial sanctum over in Baltimore dealt with an address which I made in Annapolis at a rally of the leading churches under the auspices of the Lord's Day Alliance, in which I took the position that those who disregard the command of God to "remember the Sabbath day, to keep it holy," are for the most part in league with those who fought for the continuation of saloons before prohibition came and now discourage the Government itself, the patriotic Anti-Saloon League, and all other private, consecrated agencies in their efforts to enforce this constitutional law. But the Sun editorial went further than to take sharp issue with me on this point, but indulged in some characteristic criticisms of Georgia, Georgia's governor, and Georgia's institutions in general.

Having never before made any reply to these antiprohibition, anti-Upshaw, anti-Georgia explosions. I have finally decided that every impulse of loyalty to my cause and my State calls for a reply.

Through leave granted me by the House to extend my remarks in the RECORD I am giving here a somewhat detailed reply, which appears in the Evening Sun of February 24:

CONGRESSMAN UPSHAW REPLIES TO BALTIMORE SUN

EDITOR BALTIMORE EVENING SUN:

Through the kindness of some anonymous friend in the Maryland metropolis, I have received a delayed copy of your editorial of February 12, based on an utterance of mine in a speech under the auspices of the Lord's Day Alliance in Annapolis the night before.

If I were to attempt to answer all the criticisms hurled at me by the "wet" papers in America because of my "safe and sane" fight in Congress, and outside, for sober officials and sober citizens, I would have no time to properly represent my district as I seek to do on all essential matters; and, indeed, if I had simply answered every foolish fling which The Evening Sun has made at "Congressman the Rev. WILLIAM DAVID UPSHAW" during the last two and a half years, I would have found time for little else. What you say about me personally or officially, because of my consistent attitude and my persistent battle for constitutional, personal, and official sobriety is a small matter, so small that you and your readers are witness to the fact that until this good day I have never made reply; but when you attack my State, my governor, and the Constitution of my country, all in one broadside of "selective anarchy," I think, perhaps, for the sake of thousands of your readers who laugh at your folly, and perhaps other thousands who approve your unfortunate, unpatriotic course, I should make some comment—especially since you close your editorial with the words "Can Mr. UPSHAW tell why?"

Infinitesimal as I regard your vaudeville editorial performances, I would get up at midnight to help you personally if you were in trouble, and fearing you would be "utterly crushed" from wounded pride if I should pay no attention to your personal question so publicly propounded, I answer now, benevolently remembering that the forthcoming congressional vacation of nine months will leave you mighty lonesome with no "gentleman from Georgia" to attack in word or thought before saying your morning prayers.

First of all, let's get the record straight. In your frequent editorials you refer to me as "Congressman, the Reverend," etc. Much as I honor the ministry, I have often said in public utterances in Baltimore and in Washington that I am not an ordained preacher—just a Christian layman actively at work—and one reason I have never been ordained is the fact that I have wanted to be free as a layman to help lick the fellow who jumps on preachers. I love to be free as a layman, in the pulpit and outside, to crown the preachers of Jesus Christ as the most unselfish set of men the world has ever seen. But as I am not an

ordained preacher, suppose you be a good sport hereafter and refer to me—if ever again—simply by my name, without trying to create some sort of prejudice among your "wet" readers by tying a preacher and a Congressman together. There is no harm, to be sure, in putting them together, but I prefer not to wear any robes or parade in any plumage that is not my own.

In other words, "quit your kidding" and talk sense.

YOU MUST BE "SKUN"

Being naturally tender-hearted, I feel somewhat like the mountaineer preacher just before he licked the highwayman who held him up—I feel a sense of commiseration just before the act of annihilation which I am compelled to visit upon your far-fetched argument, but I tell you now like the little fellow who was trying to skin the live minnow which he had caught from the limpid brook: "Hold easy, little fish, and I will skin you just as easy as I can, but you've got to be 'skun.'"

Maybe you remember the Irish lad, Mike, who, when his mother upbraided him for scratching his head, grinned and replied: "I won't stop, Ma'am—they 'kummenced' on me 'fust.'" Remember, Mr. Editor, you began on me first. You have, for many rebellious months, bombarded me with shafts of raillery and attempts at logic because of my great crime of being as "dry" and as conservative as the Constitution of my country. You complain because I complain that Maryland has not "joined the constitutional Union." In other words, when practically all of her sister States have taken their places beside the Federal Constitution by passing a concurrent law to help enforce that part of the Constitution that outlaws the liquor traffic, "Maryland, my Maryland"—I mean, your Maryland, says to "Uncle Sam" and his prohibition law: "Nothing doing! Although this law was passed by due governmental process, after generations of education and agitation, I refuse to obey the spirit of your Constitution or share the fellowship of my sister Commonwealths."

A TRAGEDY IN STATEHOOD

What a tragedy in statehood! The State of Maryland ought to be like many patriotic citizens, not only in Maryland, but all over the Union, who were formerly conscientiously "wet," but who, since the National Government has constitutionally spoken, refuse to put their individual appetite above the Constitution of their country! That is patriotism in the individual—that ought to be the course of every loyal Commonwealth, remembering that, according to Supreme Court decision, every atom of the Constitution is law upon every inch of ground covered by the Constitution and the flag. And yet, when I good-naturedly but definitely "dared the Baltimore papers to tell why Maryland has never joined the constitutional Union," you make the following utterly illogical answer:

First: Maryland has not joined those States that support the Volsteadian hypocrisy for the very reason that Georgia did join it.

What piffle! You know that, "wet" as that statement is, it won't hold water. Forty odd States besides Georgia, with varying local conditions and problems, have joined the so-called "Volsteadian hypocrisy." What unspeakable effrontery to charge 300,000 praying wives, and mothers, and daughters of the Women's Christian Temperance Union, supported by the bravest, most unselfish set of men whoever inspired American youth and defended American homes, with many millions more of unorganized but none the less earnest citizens, with being animated by "Volsteadian hypocrisy!" If you had never uttered anything but that harsh and baseless indictment since the eighteenth amendment was passed, it would be enough to defeat your "wet" cause forevermore.

Volsteadism indeed! It is surely a weak cause that must leave the essence and the facts in an argument and resort to an aspersive epithet. Mr. Volstead was simply an able Member of Congress who was chairman of the Judiciary Committee. Hence the name of the bill. Our prohibition law is no more "Volsteadism" than it is Neal Dowism, or Frances Willardism, or D. L. Moodyism, or Sam Jonesism, or Billy Sundayism; it is simply red-blooded, sober, God-fearing constitutional Americanism, which fought its way into our laws by due constitutional process, and every patriotic American will personally obey this law and encourage others to obey it.

Second. You give as your second reason for not joining the prohibition union that—

> "Maryland is not dominated by Ku Klux intolerance. Maryland does not elect Ku Kluxian governors," etc.

This is worse than piffle. The modern Ku-Klux Klan had hardly been heard of when Maryland was first confronted by the patriotic obligation to join the constitutional union, in 1918–19. The modern Ku-Klux Klan was utterly unknown through the masterful, militant march of the years when the forces of righteousness were valiantly fighting for two generations against the corrupting saloon which Maryland tried so hard to retain, the saloon that was the trysting place of anarchy, the companion of the brothel, and the gateway to hell. Nay, nay, Mr. Editor! Nay, nay, "wet" Baltimore! It has not been "liberty" but liquor; not the klan but "klaret" that has influenced your action in staying out of the prohibition union.

And since you speak of governors, let it be remembered that I hold no brief for Georgia's governor further than to say that I have known him since his boyhood, and I know Clifford Walker to be a golden-hearted Christian man, always on the right side of every moral question. If he has elected, in the exercise of his American freedom, to belong to a secret, fraternal, patriotic organization of Protestant Americans like the klan, he certainly has as much right to belong to that as some other governors in America have a right to belong to the Knights of Columbus, an organization so secret and so exclusive that nobody but an oath-bound Roman Catholic may belong. It is easy enough for the Evening Sun to prate about "intolerance" on the part of Protestant klansmen, or Masons, or members of the Junior Order of United American Mechanics, but you seem to think that there is nothing intolerant about Catholics and Jews banding themselves together in exclusive secret organizations. The fact is—and you know it mighty well—that it is nobody's "blooming" business what organization any man or woman belongs to, just so they are loyal American citizens.

Mr. Editor, I don't relish such a discussion very much, but you "began on me first," and you have written so many columns of "slushy" editorials reflecting on "the gentleman from Georgia" and the State he loves that I think my turn has come.

And why do you single out Georgia for electing a klan governor when the newspapers carried stories of at least a dozen other States, several of them up North, that elected governors evidently supported by klansmen-Americans.

Come, come, Mr. Editor, just "fess up" and admit that the reason you give so much space to Georgia is because that "Empire State of the South" happens to be the home of the Congressman whose "dry" activities seem to pester your thoughts by day and your dreams by night.

Third. You side-step that question entirely by giving as another reason for Maryland's constitutional aloofness the fact that your State "does not support an organization that hires spies in order to stage fake moral clean ups."

It is to laugh—it is almost to weep! You, a great newspaper serving a great metropolis and a great constituency for hundreds of miles aground grab an isolated case of a purely local nature and run off with it as a "reason" for Maryland's attitude on a great moral, constitutional question. But if every word you say were true concerning one special municipal fight in Georgia that would not compare with the great hideous moral responsibility of Maryland's State Legislature indorsing the crime and the slime of race-track gambling with all its train of debauching evils upon the ideals and the homes of your own Commonwealth and hundreds of thousands from neighboring States.

Fourth. You stand right up in meeting and say in defense of Maryland's course—

> "It believes in the first 10 amendments to the Constitution of the United States."

Sakes alive, Mr. Editor, that is "selective anarchy" with a vengeance. If the mention of one thing means the exclusion of another, then you seem to say that Maryland does not believe in the constitutional authority of the other amendments.

You claim the protection of the Constitution and the flag for the property of the Evening Sun and all other property, real and personal, with all the comforts of home and happiness that constitute the flower and fruitage of our civilization, but you deny that Constitution and that flag when they come between you and your own outlawed opinion or between your "wet" supporters and their own outlawed appetite for intoxicating liquor.

Again you say that Maryland "can not support a moral system which considers it proper to give life service to a law which violates every concept of public decency, debauches public officers, tempts youth, and at the same time fails to accomplish that which it pretends to do."

Again you indict the spirit, the ideals, the honesty of the millions of consecrated men and women whom you charge with "lip service," when you know they sincerely fought the saloon which you so sincerely defended.

Your argument that a moral law makes officers corrupt and tempts youth would abrogate every law of God and man from Sinai to Annapolis and Washington.

I do you the moral credit to believe that you believe that if the Baltimore Sun (morning and evening), and all other "wet" papers in Maryland, had begun with the Constitutional enactment of the eighteenth amendment to help in every way possible to enforce the law, instead of doing your best to bring it into disrepute, Maryland would have a far better reputation for law-abiding sobriety and your youth, your homes, and your churches would be far happier in righteous progress.

Finally. You quote, as you have so often done before, the pledge of total abstinence which I signed on the floor of Congress, and ask "Can Mr. UPSHAW tell why other Congressmen did not come forward and sign?"

Let's get the record straight for the last time. Much as I believe that it would be a wholesome thing at this time of public suspicion

concerning public officials, for all of them to openly declare their personal attitude on this moral and patriotic question for the sake of their influence upon American youth, it is only fair to say that the occasion to which you have so often referred was not of my own initiative.

Mr. HILL of Maryland had just made a speech in which he "dared" "the gentleman from Georgia and his colleagues to sign the pledge," declaring that if they would sign he would agree never to touch the flowing bowl again until the Volstead law is modified or repealed. I simply accepted his challenge so far as I was personally concerned, employing the Lincoln-Lee pledge of the Anti-Saloon League, the heart of which was written and signed by Abraham Lincoln. And when I had said "In the presence of Almighty God and my colleagues I sign this pledge," I "dared" Mr. HILL to sign with me, but he refused. Nobody else was asked to sign. That's all there was to that incident out of which the Evening Sun has tried to make so much.

It should never be used to make the impression aboard that Members of Congress are not overwhelmingly dry in practice as well as precept. I have always paid high tribute to the personnel of Congress, declaring that where the average is so splendid, the few who do drink and bring dishonor upon the reputation of their sober colleagues ought to quit their devilment or resign from Congress—for political leaders should also be moral leaders of our youth.

America is engaged in the greatest moral battle any nation has ever known, and the friends of "that righteousness that exalteth a nation" covet the support of a great paper like the Baltimore Evening Sun, and the hearty cooperation of the historic Commonwealth of Maryland.

WILLIAM D. UPSHAW.

ATLANTA AND WASHINGTON.

ADJOURNMENT

Mr. ZIHLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 24, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

901. A communication from the President of the United States, transmitting a supplemental estimate of appropriation from the reclamation fund (special fund) for the fiscal year 1925, to remain available until June 30, 1926, amounting to $200,000, for the Department of the Interior (H. Doc. No. 646); to the Committee on Appropriations and ordered to be printed.

902. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, for the purpose of carrying into effect the provisions of the act of February 13, 1925, for disposal of Patent Office models (H. Doc. No. 647); to the Committee on Appropriations and ordered to be printed.

903. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior in the sum of $20,000 for the fiscal year 1925, to remain available until June 30, 1926, for the expense of the Southern Appalachian National Park Commission (H. Doc. No. 648); to the Committee on Appropriations and ordered to be printed.

904. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1925, amounting to $164,169.23, for claim of Government of Norway (H. Doc. No. 649); to the Committee on Appropriations and ordered to be printed.

905. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, pertaining to the activities of the Public Health Service, $32,600 (H. Doc. No. 650); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FITZGERALD: Committee on World War Veterans' Legislation. S. 33. An act 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; without amendment (Rept. No. 1563). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 3018. An act to authorize the designation of deputy fiscal or disbursing agents in the Department of Agriculture stationed outside of Washington; without amendment (Rept. No. 1564). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. J. Res. 179. A joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge"; without amendment (Rept. No. 1565). Referred to the Committee of the Whole House on the state of the Union.

Mr. MADDEN: Committee on Appropriations. H. R. 12392. A bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes; without amendment (Rept. No. 1568). 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. VINCENT of Michigan: Committee on World War Veterans' Legislation. H. R. 12292. A bill granting insurance to Lydia C. Spry; without amendment (Rept. No. 1567). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. S. 862. An act amending section 1 of the interstate commerce act (Pullman surcharges); adverse (Rept. No. 1566). Laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WOOD: A bill (H. R. 12387) extending the limitations of time upon the issuance of medals of honor; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 12388) for the acquirement of land in the District of Columbia as sites for public buildings, and for other purposes; to the Committee on the District of Columbia.

By Mr. WAINWRIGHT: A bill (H. R. 12389) for the erection of a monument upon the Revolutionary battlefield of White Plains, State of New York; to the Committee on the Library.

By Mr. HAUGEN: A bill (H. R. 12390) to create a farmers' export corporation; to prevent a recurrence of agricultural depression; to place agricultural commodities upon an equality under the tariff laws with other commodities; to place agriculture upon an equality with industry and labor; and for other purposes; to the Committee on Agriculture.

By Mr. SHALLENBERGER: A bill (H. R. 12391) providing for the irrigation of certain lands in the State of Nebraska; to the Committee on Irrigation and Reclamation.

By Mr. MADDEN: A bill (H. R. 12392) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. McDUFFIE: Joint resolution (H. J. Res. 368) directing the Federal Trade Commission to investigate the causes of the increase in the price of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON: Joint resolution (H. J. Res. 369) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document; to the Committee on the Library.

By Mr. WOODRUFF: Joint resolution (H. J. Res. 370) instructing the Secretary of the Treasury to secure from the sculptor and Stone Mountain Memorial Association designs of

plans complete together with use proposed for moneys to be raised by the sale of the commemorative coins; to the Committee on Coinage, Weights, and Measures.

By Mr. MEAD: Resolution (H. Res. 453) directing the Committee on Interstate and Foreign Commerce of the House of Representatives to investigate the activities of the United States Railroad Labor Board, and for other purposes; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of South Dakota, petitioning the President and Congress relative to future wars; to the Committee on Military Affairs.

By Mr. CHRISTOPHERSON: Memorial of the Legislature of the State of South Dakota favoring legislation that will prevent water being removed from the Great Lakes by the Chicago Sanitary District; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of South Dakota, favoring the enactment into law of the universal draft bill; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of South Dakota, requesting Congress to enact adequate truth-in-fabric legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: Memorial of the Legislature of the State of South Dakota, favoring correction of the abuse by the Sanitary District of Chicago in the use of water from the Great Lakes; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of South Dakota, urging the early enactment into law of the universal draft bill; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of South Dakota, favoring truth-in-fabric legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: Memorial of the Legislature of the State of Montana, petitioning Congress to amend the interstate commerce act so as to protect shippers and livestock in their contracts with carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Memorial of the Legislature of the State of Minnesota, urging Congress to create an additional Federal district judgeship, and providing for filling the vacancy there in caused by the death of Federal Judge John F. McGee; to the Committee on the Judiciary.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, stressing the urgent need of an additional district judgeship in that State, and urging that the Congress of the United States provide immediately by legislation for filling the vacancy caused in said judgeship by the death of the late Federal Judge John F. McGee in the public and private interest; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. HERSEY: A bill (H. R. 12393) granting an increase of pension to Matilda R. Snow; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 12394) granting an increase of pension to Caroline Boerodaile; to the Committee on Pensions.

Also, a bill (H. R. 12395) granting an increase of pension to Hannah Dyslin; to the Committee on Pensions.

Also, a bill (H. R. 12396) granting an increase of pension to Josephine C. Jones; to the Committee on Pensions.

Also, a bill (H. R. 12397) granting an increase of pension to Mary Neff; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12398) granting an increase of pension to Mary E. Harl; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 12399) granting a pension to Jane Calahan; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 12400) granting an increase of pension to Louis Wise; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 12401) granting an increase of pension to Eliza M. Young; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 12402) granting an increase of pension to Violet Purnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12403) granting an increase of pension to Lucinda Young; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12404) granting an increase of pension to Thomas Mahan; to the Committee on Pensions.

PETITIONS, ETC.

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

3877. By the SPEAKER (by request): Petition of E. H. Duffield, vice president Arizona Wool Growers' Association, asking for grazing fee relief; to the Committee on Agriculture.

3878. By Mr. BACHARACH: Petition of sundry citizens of Egg Harbor, favoring the passage of the Sterling-Reed bill; to the Committee on Education.

3879. By Mr. CLAGUE: Petition of sundry citizens of Avoca, Minn., not to concur in the passage of compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3880. By Mr. COOK: Petition of Harrie Plummer and 55 others of Van Buren Grant County, Ind., for passage of the Cramton bill; to the Committee on the Judiciary.

3881. By Mr. CRAMTON: Petition of Joy Morton, II, and other residents of St. Clair County, Mich., in support of the game refuge public shooting ground bill; to the Committee on Agriculture.

3882. By Mr. DAVIS of Minnesota: Petition of the South St. Paul Kiwanis Club and the South St. Paul Commercial Club, of South St. Paul, Minn., favoring the erection of a Federal building in that city; to the Committee on Public Buildings and Grounds.

3883. Also, petition of sundry residents of Fairbault and Rice County, Minn., opposing S. 3218; to the Committee on the District of Columbia.

3884. By Mr. MOORE of Indiana: Petition of many persons against S. 3218, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3885. By Mr. NELSON of Maine: Petition of sundry citizens of Maine, opposing the enactment of S. 3218, or any similar legislation; to the Committee on the District of Columbia.

3886. By Mr. O'CONNELL of New York: Petition of the Maritime Association of the Port of New York, favoring the passage of S. 3927; to the Committee on Interstate and Foreign Commerce.

3887. By Mr. WYANT: Petition of the Pennsylvania State Grangers, approving the Dickinson bill (H. R. 12216); to the Committee on Agriculture.

3888. Also, petition of the secretary of agriculture of Pennsylvania, protesting against amendments to Capper-Volstead Cooperative Act and approval of Dickinson bill (H. R. 12216); to the Committee on Agriculture.

SENATE

TUESDAY, *February 24, 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 the bill (S. 4207) 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, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 12331) 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, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 4202. An act to amend section 3186 of the Revised Statutes, as amended;

H. R. 5204. An act to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States, and between each other, arising from incomplete or