By Mr. WOODRUFF: A bill (H. R. 5549) granting an increase of pension to Mary J. Willis; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 5550) granting an increase of pension to Margaret Stine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5551) granting an increase of pension to Gertrude Schachte; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5552) granting an increase of pension to Mary Jane Ressler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5553) granting an increase of pension to Lucinda Nedrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5554) granting an increase of pension to Euphemia J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5555) granting an increase of pension to Maria E. Sager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5556) granting an increase of pension to Mary C. Bossart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5557) granting an increase of pension to Henrietta R. Hill; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 5558) granting an increase of pension to John E. Root; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5559) granting a pension to Lizzie E. Buckingham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5560) granting a pension to Katherine V. Heusel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5561) granting a pension to Emma Ross; to the Committee on Pensions.

Also, a bill (H. R. 5562) granting a pension to Alice E. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5563) granting a pension to Mary E. English; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

94. By Mr. ADKINS: Papers to accompany H. R. 5257, granting an increase of pension to John M. Barrick; to the Committee on Invalid Pensions.

95. Also, papers to accompany H. R. 5258, granting an increase of pension to Evaline Stuart; to the Committee on Invalid Pensions.

96. By Mr. BEERS: Papers to accompany H. R. 5261, granting an increase of pension to Susanna Conner; to the Committee on Invalid Pensions.

97. By Mr. GARBER: Resolution of the Parent-Teachers' Association of School District No. 81, of Kay County, Okla., and resolution of Parent-Teachers' Association of School District No. 21, of Noble County, Okla., indorsing the establishment of a department of education; also resolution of the department executive committee of the American Legion of Oklahoma, relative to an extension of the time now allowed by law within which to convert or reinstate war-risk insurance; also resolution of the Tulsa Clearing House Association, Tulsa, Okla., opposing the extension of time whereby dividends and interest from domestic building and loan associations shall be excluded from gross income in preparing income-tax returns; to the Committee on Education.

98. By Mr. GARNER of Texas: Petition of the executive committee of the Sheep and Goat Raisers' Association of Texas, opposing legislation extending the time when sheep and goats which have or may be crossed into foreign country for temporary pasturage purpose only may be returned, except under the provisions of the tariff act of 1922, and pay thereon all duties assessed under said act; to the Committee on Ways and Means.

99. By Mr. WILLIAM E. HULL: Petition of members of Company C, of Camp Roosevelt, Fort Sheridan, Ill., during the summer of 1925, urging that inauguration day be made a legal holiday; to the Committee on the Library.

100. By Mr. KINDRED: Petition of the American Manufacturers' Association, asking for reduction of tax on pure alcohol; to the Committee on Ways and Means.

101. Also, resolution of the Good Citizenship League of Flushing, N. Y., urging a record vote during the present session upon the question of adherence to the World Court; to the Committee on Foreign Affairs.

102. By Mr. ROUSE: Petition of citizens of Campbell and Kenton Counties, Ky., asking for a tax reduction on the necessities of life; to the Committee on Ways and Means.

103. Also, resolution of Local Union No. 5 of the Amalgamated Association of Iron, Steel, and Tin Workers, of Newport, Campbell County, Ky., protesting against a consolidation of the Ward, Continental, and General Baking Cos.; to the Committee on the Judiciary.

104. By Mr. WOODRUM: Petition of the Fifteen Club of Bedford, Va., advocating the entry of America in the World Court; to the Committee on Foreign Affairs.

SENATE

TUESDAY, *December 15, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, we rejoice before Thee this morning that Thou hast continued unto us health and strength and permitted us to realize that we are dependent upon Thee for all the opportunities of life; and we seek Thy guidance in every pathway of duty. Lead us onward with a clearer apprehension of our obligations to Thee and to the land we love. Hear us, we ask Thee, in the midst of unblazed pathways, that we may find for ourselves that there is for us definite direction and that we can trust Thee to guide us by Thine eye. Hear and help, for Jesus' sake. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CLAIM ON ACCOUNT OF DANIEL SHAW WILLIAMSON, DECEASED (S. DOC. NO. 22)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the claim presented by the British Government for indemnity on account of the death of Daniel Shaw Williamson, a British subject, at East St. Louis, Ill., on July 1, 1921. I recommend that the Congress authorize an appropriation and that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 14, 1925.*

REPORT OF PERRY'S VICTORY MEMORIAL COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the Library:

To the Congress of the United States:

I transmit herewith for the information of the Congress the sixth annual report of Perry's Victory Memorial Commission for the year ending December 1, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 14, 1925.*

REPORT OF THE ALASKA RAILROAD

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

In compliance with the requirements of section 4 of the act of March 12, 1914, I transmit herewith the report of the Alaska Railroad, covering the period from July 1, 1924, to June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 14, 1925.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

REPORT OF GOVERNOR OF THE PHILIPPINE ISLANDS (H. DOC. NO. 127)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine government, for the fiscal year ended December 31, 1924.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 1½, 1925.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the county commissioners and assessors of the State of Wyoming, assembled in annual convention, protesting against the proposed extension of the boundaries of the Yellowstone National Park, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by the county commissioners and assessors of the State of Wyoming, assembled in annual convention, favoring the use of all funds derived from oil and gas royalties in Wyoming for the development of reclamation in that State, which was referred to the Committee on Irrigation and Reclamation.

Mr. WILLIS presented a petition signed by sundry citizens of Portsmouth, Ohio, praying for the passage of legislation to remove, or reduce the tax on industrial alcohol, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution of the Young Woman's Christian Association of Bethel College, of Newton, Kans., favoring the adherence of the United States to the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Wilsey, Kans., remonstrating against the passage of legislation proposing to change the postal rural-route system, which was referred to the Committee on Post Offices and Post Roads.

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the repeal of the Federal inheritance tax, which was referred to the Committee on Finance.

Mr. ROBINSON of Arkansas presented a petition of the American Federation of Express Workers, Progressive Lodge, No. 61, of Little Rock, Ark., praying for the passage of legislation for the protection of persons employed on railway baggage cars, railway express cars, and railway baggage-express cars, etc., which was referred to the Committee on Interstate Commerce.

Mr. HARRELD presented a resolution adopted by the board of directors of the Oklahoma Cotton Growers' Association which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

OKLAHOMA CITY, OKLA., *December 7, 1925.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF AGRICULTURAL ECONOMICS,
DIVISION OF CROP AND LIVESTOCK ESTIMATES,
Washington, D. C.

GENTLEMEN: The following resolution was passed by unanimous vote of the Board of Directors of the Oklahoma Cotton Growers' Association:

Resolved, That the Oklahoma Cotton Growers' Association believes that the interest of the cotton farmer is best served by crop estimates being furnished by a disinterested agency rather than by the discontinuance of this agency and allowing the substitution of reports from private and possibly prejudiced agencies.

We believe that the twice-a-month condition reports should be continued at least during the harvesting season. However, we think that possibly the disturbing influence of these reports might be lessened if, instead of twice-a-month condition reports with baleage estimate, that such a condition report be issued considerably oftener than at present, and that maybe attempts to estimate the future crop in bales be less frequent than at the present time.

But, in any event, we are not in favor of the elimination or the lessening of the report which the Government is furnishing to the world in connection with the acreage and the changing condition of the crop.

Hoping this may be helpful in continuing and maybe enlarging your efforts in connection with crop reports, we are

Very truly yours,

OKLAHOMA COTTON GROWERS' ASSOCIATION,
C. L. STEALEY, *General Manager.*

SETTLEMENT OF FOREIGN INDEBTEDNESS

Mr. SMOOT. From the Committee on Finance I report back favorably without amendment six bills relating to settlement of indebtedness with foreign countries, as follows: Latvia, Rumania, Esthonia, Czechoslovakia, the Kingdom of Belgium, and the Kingdom of Italy. I wish to give notice that I shall call up these bills for consideration immediately following the routine morning business to-morrow. At the request of a number of Representatives and Senators, I ask that the bills be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The bills are as follows:

A bill (S. 1134) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Czechoslovak Republic to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 6, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The net amount of the indebtedness in settlement of the financial differences between the two Governments and/or their agencies, both principal and interest, is fixed as of June 15, 1925, at $115,000,000.

The principal amount of the bonds to be delivered to the United States is $185,071,023.07, the increase over the funded indebtedness as of June 15, 1925, being due to the smaller payments during the first 18 years than would have been payable upon the basis of the British-American settlement, this difference being funded over the remaining 44 years, compounded annually, at the rates of 3 per cent per annum up to and including the tenth year and 3½ per cent per annum from the eleventh to the eighteenth year, both inclusive. The principal of the bonds shall be paid in semiannual installments on June 15 and December 15 of each year up to and including June 15, 1943, and thereafter in annual installments, subject to the right of the Czechoslovak Republic, after June 15, 1943, to make such payments in three-year periods. The first 36 semiannual installments are to be $1,500,000 each and are to be paid without interest on June 15 and December 15 of each year. The remaining 44 installments are to be paid annually on June 15 of each year with interest at the rate of 3½ per cent per annum from June 15, 1943, payable semiannually on June 15 and December 15 of each year. The amount of the installment due in the nineteenth year is $1,296,023.07, the annual installments to increase thereafter until in the sixty-second year the amount of the final installment will be $5,685,000, the aggregate installments being equal to the total face amount of bonds to be delivered, viz, $185,071,023.07.

The Czechoslovak Republic shall have the right to pay off additional amounts of the principal of the bonds on June 15 or December 15 of any year upon not less than 90 days' advance notice.

Any payments of interest or principal may be made at the option of the Czechoslovak Republic in any United States obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

A bill (S. 1135) to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Republic of Esthonia to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 7, Sixty-ninth Congress, first session, is hereby approved in general terms, as follows:

The amount of the indebtedness to be funded, after allowing for the cash payment made by Esthonia and the credit set out below, is $13,830,000, which has been computed as follows:

Principal amount of obligations to be funded		$13,999,145.60
Credit allowed for total loss of cargo on sinking of steamship *John Russ*, sunk by a mine in Baltic Sea		1,932,923.45
		12,066,222.15
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent a year		1,765,219.73
Total principal and interest accrued and unpaid as of Dec. 15, 1922		13,831,441.88
To be paid in cash by Esthonia upon execution of agreement		1,441.88
Total indebtedness to be funded into bonds		13,830,000.00

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to the right of the Republic of Esthonia to make such payments in three-year periods. The amount of the

first year's installment shall be $69,000, the annual installments to increase until the sixty-second year. The amount of the final installment will be $530,000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds.

The Republic of Esthonia shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' advance notice.

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until final payment.

The Republic of Esthonia shall have the option with reference to payments on account of principal and/or interest falling due on or before December 15, 1930, under the terms of the agreement, to make the following payments on the dates specified:

June 15, 1926, $50,000; December 15, 1926, $50,000; June 15, 1927, $75,000; December 15, 1927, $75,000; June 15, 1928, $100,000; December 15, 1928, $100,000; June 15, 1929, $125,000; December 15, 1929, $125,000; June 15, 1930, $150,000; December 15, 1930, $150,000; total, $1,000,000; and to pay the balance, including interest on all overdue payments at the rate of 3 per cent per annum in bonds of Esthonia, dated December 15, 1930, bearing interest at the rate of 3 per cent per annum from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as to the bonds of Esthonia received at the time of the funding of the indebtedness.

Any payment of interest or of principal may be made, at the option of the Republic of Esthonia, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

A bill (S. 1136) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Kingdom of Italy to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 3, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for certain cash payments made by Italy, is $2,042,000,000, which has been computed as follows:

Obligations taken for cash advanced by Treasury		$1,648,034,050.90
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922		251,846,654.79
		1,899,880,705.69
Accrued interest at 3 per cent per annum from Dec. 15, 1922, to June 15, 1925		142,491,052.93
		2,042,371,758.62
Deduct payments made on account of principal since Dec. 15, 1922	$164,852.94	
Interest on principal payments at 3 per cent per annum to June 15, 1925	7,439.34	
		172,292.28
Total net indebtedness as of June 15, 1925		2,042,199,466.34
To be paid in cash upon execution of agreement		199,466.34
Total indebtedness to be funded into bonds		2,042,000,000.00

The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, on a fixed schedule, subject to the right of the Kingdom of Italy to postpone such payments falling due after June 15, 1930, for two years, such postponed payment to bear interest at the rate of 4¼ per cent per annum. The amount of the annual principal installment during the first five years shall be $5,000,000. The amount of the principal installment due the sixth year shall be $12,100,000, the subsequent annual principal installments increasing until in the sixty-second year of the debt-funding period the final principal installment shall be $79,400,000, the aggregate principal installments being equal to the total principal of the indebtedness to be funded into bonds.

The Kingdom of Italy shall have the right to pay off additional amounts of principal of the bonds on June 15 and December 15 of any year upon 90 days' advance notice.

The bonds to be issued shall bear no interest until June 15, 1930, and thereafter shall bear interest at the rate of one-eighth of 1 per cent per annum from June 15, 1930, to June 15, 1940; at the rate of one-fourth of 1 per cent per annum from June 15, 1940, to June 15, 1950; at the rate of one-half of 1 per cent per annum from June 15, 1950, to June 15, 1960; at the rate of three-fourths of 1 per cent per annum from June 15, 1960, to June 15, 1970; at the rate of 1 per cent per annum from June 15, 1970, to June 15, 1980; and at the rate of 2 per cent per annum after June 15, 1980, all payable semiannually on June 15 and December 15 of each year.

Any payment of interest or of principal may be made at the option of the Kingdom of Italy in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

A bill (S. 1137) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America

Be it enacted, etc.: That the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 4, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The indebtedness to be funded has been divided into two classes, that incurred prior to November 11, 1918, called the prearmistice indebtedness, and that incurred subsequent to November 11, 1918, called the postarmistice indebtedness.

The amount of the prearmistice indebtedness to be funded is $171,780,000, which is the principal amount of the obligations of Belgium received by the United States for cash advances made prior to November 11, 1918. The prearmistice indebtedness is payable in annual installments without interest over a period of 62 years, the first payment falling due June 15, 1926. Belgium is to pay the following amounts on the dates specified: June 15, 1926, $1,000,000; June 15, 1927, $1,000,000; June 15, 1928, $1,250,000; June 15, 1929, $1,750,000; June 15, 1930, $2,250,000; June 15, 1931, $2,750,000; June 15, 1932, to June 15, 1986, inclusive, $2,900,000 per annum; June 15, 1987, $2,280,000.

The amount of the postarmistice indebtedness to be funded after allowing for certain cash payments is $246,000,000, which has been computed as follows:

Principal of obligations for cash advanced		$175,430,808.68
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922		26,314,491.66
		201,745,300.34
Principal of obligations for war material sold on credit	$29,818,933.39	
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922	491,359.24	
		30,310,292.63
Total indebtedness as of Dec. 15, 1922		232,055,592.97
Accrued interest thereon at 3 per cent per annum from Dec. 15, 1922, to June 15, 1925		17,404,169.47
Total indebtedness as of June 15, 1925		249,459,762.44
Deduct:		
Payments on account of interest received between Dec. 15, 1922, and June 15, 1925, on obligations for war material	$3,442,346.20	
Principal payment of $172.01 made Aug. 7, 1923, together with interest thereon at 3 per cent per annum to June 15, 1925	181.58	
		3,442,527.78
Net indebtedness as of June 15, 1925		246,017,234.66
To be paid in cash upon execution of agreement		17,234.66
Total indebtedness to be funded into bonds		246,000,000.00

The principal of the bonds issued for the postarmistice indebtedness shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, on a fixed schedule subject to the right of the Government of the Kingdom of Belgium after June 15, 1935, to make such payments in three-year periods. The amount of the first principal installment shall be $1,100,000, the annual principal installments to increase until in the sixty-second year the amount of the final principal installment shall be $9,600,000, the aggregate principal installments being equal to the total principal of the postarmistice indebtedness to be funded into bonds.

The Government of the Kingdom of Belgium shall have the right to pay off additional amounts of the bonds on June 15 or December 15 of any year upon not less than 90 days' advance notice.

The bonds issued for the postarmistice indebtedness shall bear interest from June 15, 1925, in the amounts and on the dates set forth in the following schedule: December 15, 1925, $870,000; June 15, 1926, $870,000; December 15, 1926, $1,000,000; June 15, 1927, $1,000,000; December 15, 1927, $1,125,000; June 15, 1928, $1,125,000; December 15, 1928, $1,250,000; June 15, 1929, $1,250,000; December 15, 1929, $1,375,000; June 15, 1930, $1,375,000; December 15, 1930, $1,625,000; June 15, 1931, $1,625,000; December 15, 1931, $1,875,000; June 15, 1932, $1,875,000; December 15, 1932, $2,125,000; June 15, 1933, $2,125,000; December 15, 1933, $2,375,000; June 15, 1934, $2,375,000; December 15, 1934, $2,625,000; June 15, 1935, $2,625,000; until and including June 15, 1935, and thereafter at the rate of 3½ per cent per annum, payable semiannually on June 15 and December 15 of each year, until the principal of said bonds shall have been paid.

Any payment of interest or principal may be made at the option of the Government of the Kingdom of Belgium in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

A bill (S. 1138) to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 8, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for the cash payments made by Latvia, is $5,775,000, which has been computed as follows:

Principal amount of obligations to be funded	$5,132,287.14
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent per annum	647,275.62
Total principal and interest accrued and unpaid as of Dec. 15, 1922	5,779,562.76
To be paid in cash by Latvia upon execution of agreement	4,562.76
Total indebtedness to be funded into bonds	5,775,000.00

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to right of the Government of the Republic of Latvia to make such payments in three-year periods. The amount of the first year's installment shall be $28,000, the annual installments to increase until the sixty-second year, the amount of the final installment will be $228,000, the aggregate installment being equal to the total principal of the indebtedness to be funded into bonds.

The Government of the Republic of Latvia shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' advance notice.

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, thereafter at the rate of 3½ per cent per annum until final payment.

The Government of the Republic of Latvia shall have the option, with reference to payments on account of principal and/or interest falling due on or before December 15, 1930, under the terms of the agreement, to make the following payments on the dates specified: June 15, 1926, $30,000; December 15, 1926, $30,000; June 15, 1927, $35,000; December 15, 1927, $35,000; June 15, 1928, $40,000; December 15, 1928, $40,000; June 15, 1929, $45,000; December 15, 1929, $45,000; June 15, 1930, $50,000; December 15, 1930, $50,000; total, $400,000, and to pay the balance, including interest on all overdue payments, at the rate of 3 per cent per annum, in bonds of Latvia, dated December 15, 1930, bearing interest at the rate of 3 per cent per annum from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as the bonds of Latvia received at the time of the funding of the indebtedness.

Any payment of interest or of principal may be made, at the option of the Republic of Latvia, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

A bill (S. 1139) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Kingdom of Rumania to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 5, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for the cash payments made by the Kingdom of Rumania and the credits set out below, is $44,590,000, which has been computed as follows:

Principal amount of indebtedness to be funded	$36,128,494.94
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent a year	5,365,806.08
Total indebtedness as of Dec. 15, 1922	41,494,301.02
Interest accrued and unpaid thereon to June 15, 1925, at the rate of 3 per cent a year	3,112,072.59
	44,606,373.61
Credits allowed by War Department on material, together with interest thereon	11,922.07
Total net indebtedness as of June 15, 1925	44,594,451.54
To be paid in cash upon execution of agreement	4,451.54
Total indebtedness to be funded into bonds	44,590,000.00

The principal amount of the bonds to be delivered to the United States is $66,560,560.43, the increase over the funded indebtedness as of June 15, 1925, being due to the smaller payments during the first 14 years than would have been payable upon the basis of the British-American settlement, this difference being funded over the remaining 48 years, compounded annually, at the rates of 3 per cent per annum up to and including the tenth year and 3½ per cent per annum from the eleventh to the fourteenth year, both inclusive. The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, subject to the right of the Kingdom of Rumania, after June 15, 1939, to make such payments in three-year periods. The first 14 annual installments are to be paid without interest on the dates specified and in the following amounts: June 15, 1926, $200,000; June 15, 1927, $300,000; June 15, 1928, $400,000; June 15, 1929, $500,000; June 15, 1930, $600,000; June 15, 1931, $700,000; June 15, 1932, $800,000; June 15, 1933, $1,000,000; June 15, 1934, $1,200,000; June 15, 1935, $1,400,000; June 15, 1936, $1,600,000; June 15, 1937, $1,800,000; June 15, 1938, $2,000,000; June 15, 1939, $2,200,000. The remaining 48 installments are to be paid annually on June 15 of each year, with interest at the rate of 3½ per cent per annum from June 15, 1939, payable semiannually on June 15 and December 15 of each year. The amount of the installment due in the fifteenth year is $430,560.43, the annual installments to increase thereafter until in the sixty-second year the amount of the final installment will be $2,172,000, the aggregate installments being equal to the total face amount of bonds to be delivered, viz, $66,560,560.43.

The Kingdom of Rumania shall have the right to pay off additional amounts of the principal of the bonds on June 15 or December 15 of any year upon not less than 90 days' advance notice.

Any payment of interest or of principal may be made at the option of the Kingdom of Rumania in any obligations of the United States issued after April 6, 1917, such obligations to be taken at par and accrued interest.

PAY OF EMPLOYEES

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 67) authorizing the payment of salaries to officers and employees of the Congress for December, 1925, on the 19th day of that month. This is the usual pre-Christmas joint resolution in regard to the payment of employees' salaries. I therefore ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police, the office of legislative counsel, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1925, on the 19th day of that month.

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

HEARINGS BEFORE THE COMMITTEE ON NAVAL AFFAIRS

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 80) submitted by Mr. HALE on the 10th instant and ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not to exceed 25 cents per 100 words to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

COMMITTEE SERVICE

On motion of Mr. WATSON, it was—

Ordered, That the following Senators be excused from further service as members of the following committees:

Mr. CAMERON from the Committee on Mines and Mining;

Mr. REED of Pennsylvania from the Committee on Territories and Insular Possessions;

Mr. MEANS from the Committee on Mines and Mining; and

Mr. GOFF from the Committee on Military Affairs.

That the following Senators be assigned to membership on the following committees:

Mr. GOODING to the Committee on Territories and Insular Possessions;

Mr. CAMERON to the Committee on Appropriations;

Mr. REED of Pennsylvania to the Committee on Rules;

Mr. MEANS to the Committee on Public Lands and Surveys;

Mr. GOFF to the Committee on the Judiciary;

Mr. WILLIAMS to the Committee on Commerce, the Committee on Privileges and Elections, and the Committee on Public Lands and Surveys;

Mr. LA FOLLETTE to the Committee on Indian Affairs, the Committee on Manufactures, and the Committee on Mines and Mining; and

Mr. ROBINSON of Indiana to the Committee on Military Affairs, the Committee on Mines and Mining, and the Committee on Territories and Insular Possessions.

That Mr. ERNST be excused from further service as chairman of the Committee on Patents.

That the following Senators are hereby appointed chairmen of the following committees:

Mr. ERNST as chairman of the Committee on Privileges and Elections; and

Mr. BUTLER as chairman of the Committee on Patents.

On motion of Mr. ROBINSON of Arkansas, it was—

Ordered, That Senator DILL be relieved from further service on the Committee on Territories and Insular Possessions.

That the following Senators be assigned to membership on the following committees:

Mr. MAYFIELD to the Committee on Agriculture and Forestry;

Mr. BAYARD to the Committee on Expenditures in the Executive Departments;

Mr. ROBINSON of Arkansas to the Committee on Military Affairs; and

Mr. DILL to the Committee on Patents.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. SMITH:

A bill (S. 1547) to amend section 24 of the interstate commerce act, as amended; to the Committee on Interstate Commerce.

By Mr. WHEELER:

A bill (S. 1548) to amend the practice and procedure in Federal courts, and for other purposes; to the Committee on the Judiciary.

A bill (S. 1549) for the exchange of lands adjacent to national forests in Montana; to the Committee on Public Lands and Surveys.

A bill (S. 1550) to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations; to the Committee on Indian Affairs.

A bill (S. 1551) granting a pension to Louis M. Semple;

A bill (S. 1552) granting a pension to Thomas Bainbridge; and

A bill (S. 1553) granting a pension to Christ Saxhang; to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 1554) for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lannigan, James Manley, and John Hunter; and

A bill (S. 1555) for the relief of John F. White and Mary L. White; to the Committee on Claims.

A bill (S. 1556) granting a pension to Mary Leeder;

A bill (S. 1557) granting a pension to Joseph Hoegeman;

A bill (S. 1558) granting a pension to Sarah E. Rogers; and

A bill (S. 1559) granting a pension to Clara B. Veach; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 1560) for the relief of James A. Hughes; to the Committee on Military Affairs.

A bill (S. 1561) for the relief of Caroline M. Hyde; to the Committee on Claims.

A bill (S. 1562) granting an increase of pension to John J. Powers; and

A bill (S. 1563) granting an increase of pension to Knute O. Ericson; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 1564) authorizing the payment of claims of men of the Army and Marine Corps while in training for commissions in the combatant branches of the Army and Marine Corps, and authorizing an appropriation therefor; to the Committee on Military Affairs.

A bill (S. 1565) to amend an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917; to the Committee on Pensions.

A bill (S. 1566) to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes," approved March 1, 1921; to the Committee on Post Offices and Post Roads.

A bill (S. 1567) to amend section 215, act of March 4, 1909 (Criminal Code), penalizing fraudulent use of the mails;

A bill (S. 1568) to amend section 3929, Revised Statutes, relating to exclusion of fraudulent devices and lottery paraphernalia from the mails;

A bill (S. 1569) to amend section 4041, Revised Statutes, enabling the Postmaster General to forbid payments of postal money orders in connection with the exclusion of fraudulent devices and lottery paraphernalia from the mails; and

A bill (S. 1570) to amend section 213, act of March 4, 1909 (Criminal Code), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 1571) for the relief of the Gulf Towing & Transportation Co., Tampa, Fla.; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 1572) for the relief of James L. Barnett; to the Committee on Civil Service.

A bill (S. 1573) to provide for the reappointment of Maj. Chauncey S. McNeill, subject to certain conditions; and

A bill (S. 1574) for the relief and to correct the military record of Kathryn C. Hopkins; to the Committee on Military Affairs.

A bill (S. 1575) granting a pension to James White;

A bill (S. 1576) granting a pension to Ella L. Collins; and

A bill (S. 1577) granting an increase of pension to Ellen Hopkins; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 1578) for the relief of James W. Mankins; to the Committee on Military Affairs.

A bill (S. 1579) for the purchase of a post-office site at Beckley, W. Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 1580) for relief of the heirs of Warren C. Vesta;

A bill (S. 1581) for the relief of John Hood;

A bill (S. 1582) for relief of the heirs of Jacob Harshbarger, deceased;

A bill (S. 1583) for the relief of the Ansted National Bank, Ansted, W. Va.; to the Committee on Claims.

A bill (S. 1584) granting an increase of compensation to Abbie Doty; and

A bill (S. 1585) granting payments of compensation to Gilbert Rice; to the Committee on Finance.

A bill (S. 1586) granting an increase of pension to Margaret J. Vantrump;

A bill (S. 1587) granting a pension to Charles E. Price;

A bill (S. 1588) granting an increase of pension to Rebecca E. Pepper;

A bill (S. 1589) granting an increase of pension to Mary E. Paugh;

A bill (S. 1590) granting an increase of pension to Caroline Pasley;

A bill (S. 1591) granting an increase of pension to Cora C. O'Neill;

A bill (S. 1592) granting a pension to Abraham Nestor;

A bill (S. 1593) granting an increase of pension to Zachary T. Miller;

A bill (S. 1594) granting a pension to Peter McCarty;

A bill (S. 1595) granting a pension to John H. Jackson;

A bill (S. 1596) granting an increase of pension to Martha A. Clark;

A bill (S. 1597) granting an increase of pension to Valentine Horst;

A bill (S. 1598) granting a pension to Emily F. Hill;

A bill (S. 1599) granting a pension to William A. Hawkins;

A bill (S. 1600) granting an increase of pension to James Forsyth Harrison;

A bill (S. 1601) granting a pension to Martha C. Hager;

A bill (S. 1602) granting an increase of pension to Mattie Goff;

A bill (S. 1603) granting an increase of pension to Jane Gatrell;

A bill (S. 1604) granting an increase of pension to Melvina Fowler;

A bill (S. 1605) granting an increase of pension to Mary E. Everitt;

A bill (S. 1606) granting an increase of pension to James A. Criswell;

A bill (S. 1607) granting a pension to Mellisa Clay;

A bill (S. 1608) granting an increase of pension to Arnold Brandley;

A bill (S. 1609) to increase the pensions of those who have lost limbs or have been totally disabled in the same, or have become totally blind in the military or naval service of the United States; and

A bill (S. 1610) granting pensions to the officers and soldiers who served in the West Virginia State troops in the late Civil War; to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 1611) granting an increase of pension to Ann M. Reynolds (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 1612) for the relief of Harry H. Burris; to the Committee on Military Affairs.

A bill (S. 1613) setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota;

A bill (S. 1614) authorizing the Chippewa Indians of Minnesota to hold a general council under the supervision of the Secretary of the Interior;

A bill (S. 1615) authorizing a per capita payment to the Chippewa Indians of Minnesota from their tribal funds held in trust by the United States;

A bill (S. 1616) authorizing the classification of the Chippewa Indians of Minnesota as competents and incompetents; and

A bill (S. 1617) to pay the claim of the estate of B. L. Fairbanks, deceased, against Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 1619) to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes; to the Committee on the District of Columbia.

A bill (S. 1620) to provide further for the national security and defense; to the Committee on Military Affairs.

By Mr. COUZENS:

A bill (S. 1621) granting a pension to Margaret H. Haan; to the Committee on Pensions.

A bill (S. 1622) for the relief of Asaid Henry; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 1623) further to assure title to lands granted the several States, in place, in aid of public schools, and to quiet titles; to the Committee on Public Lands and Surveys.

A bill (S. 1624) for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for dependent children; to the Committee on Claims.

By Mr. PHIPPS:

A bill (S. 1625) to amend the act entitled "An act authorizing the Secretary of the Treasury to exchange the present customhouse building and site located in Denver, Colo.," approved March 3, 1925, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. HALE:

A bill (S. 1626) granting a pension to Margaret I. Varnum; to the Committee on Pensions.

By Mr. STEPHENS:

A bill (S. 1627) to provide for payment of the amount of a war-risk insurance policy to the beneficiaries designated by Lieut. Lewis Wesley Kitchens, deceased; to the Committee on Finance.

By Mr. KEYES:

A bill (S. 1628) granting an increase of pension to Lanson O. Brown; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 1629) for the relief of George Turner; to the Committee on Claims.

By Mr. STANFIELD:

A bill (S. 1630) to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. UNDERWOOD:

A bill (S. 1631) for the relief of Capt. Edward T. Hartmann, United States Army, and others; and

A bill (S. 1632) for the relief of the estate of C. C. Spiller, deceased; to the Committee on Claims.

A bill (S. 1633) granting an increase of pension to Sidney S. Pugh; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 1634) for the relief of the State of Vermont; to the Committee on Claims.

A bill (S. 1635) granting an increase of pension to Freeman York; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 1636) for the relief of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 1637) granting a pension to Harriet Pool; and

A bill (S. 1638) granting a pension to Annie R. C. Owen; to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 1639) granting a pension to Louise M. Rees; to the Committee on Pensions.

A bill (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 1641) for the relief of Mary H. Dougherty; to the Committee on Naval Affairs.

A bill (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania;

A bill (S. 1643) relating to the liability of certain marine employers;

A bill (S. 1644) to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917, as amended by act of February 25, 1925; and

A bill (S. 1645) to provide for the appointment of an additional district judge for the middle district of Pennsylvania; to the Committee on the Judiciary.

A bill (S. 1646) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold (with an accompanying paper);

A bill (S. 1647) for the relief of the city of Philadelphia; and

A bill (S. 1648) for the relief of Rinald Bros., of Philadelphia, Pa.; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 1649) for the relief of W. C. Moye and Nannie Moye;

A bill (S. 1650) for the relief of M. W. Hutchinson;

A bill (S. 1651) for the relief of the widow and minor children of Ed Estes, deceased;

A bill (S. 1652) for the relief of H. F. Frick and others;

A bill (S. 1653) for the relief of J. C. Peixotto; and

A bill (S. 1654) for the relief of J. H. B. Wilder; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 1655) authorizing a preliminary examination and survey of Humboldt Bay, Calif.;

A bill (S. 1656) for the relief of Michael Sweeney; and

A bill (S. 1657) to remove charge of desertion from the military record of Elisha L. Bennett, jr.; to the Committee on Military Affairs.

A bill (S. 1658) for the relief of Joseph A. McCarthy;

A bill (S. 1659) for the relief of George Washington Gates;

A bill (S. 1660) for the relief of E. J. Hendrycks;

A bill (S. 1661) conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin;

A bill (S. 1662) for the relief of Francis Nicholson; and

A bill (S. 1663) for the relief of W. N. Attrill; to the Committee on Claims

A bill (S. 1664) granting a pension to Joseph H. Ransom;

A bill (S. 1665) granting a pension to Mary Maxwell;

A bill (S. 1666) granting a pension to Angeline M. Preston;

A bill (S. 1667) granting a pension to Millie Newman;

A bill (S. 1668) granting a pension to F. T. Bray;

A bill (S. 1669) granting a pension to Lucile S. Henninger;

A bill (S. 1670) granting a pension to Frank Dixon;

A bill (S. 1671) granting an increase of pension to William W. Bishop;

A bill (S. 1672) granting a pension to Anna H. McCarter;
A bill (S. 1673) granting an increase of pension to Mary J. Kepler;
A bill (S. 1674) granting an increase of pension to Frank Ziegler;
A bill (S. 1675) granting a pension to Sophronia O'Neill;
A bill (S. 1676) granting a pension to Elizabeth Ritchie;
A bill (S. 1677) granting a pension to Emma R. Morrison;
A bill (S. 1678) granting a pension to James H. Williams;
A bill (S. 1679) granting a pension to Emma R. Morrison;
A bill (S. 1680) granting an increase of pension to Harriet C. Rogers;
A bill (S. 1681) granting an increase of pension to Edward Z. Marlette;
A bill (S. 1682) granting a pension to Annette Payne; and
A bill (S. 1683) granting a pension to Sophronia O'Neill; to the Committee on Pensions.

By Mr. McKINLEY:

(By request.) A bill (S. 1684) to incorporate The Civil Legion; to the Committee on the Judiciary.

A bill (S. 1685) for the relief of the International Manufacturers' Sales Co. of America (Inc.); and
A bill (S. 1686) for the relief of Mary B. Jenkins (with accompanying papers); to the Committee on Claims.

A bill (S. 1687) for the relief of John H. Fesenmeyer, alias John Wills; and,
A bill (S. 1688) for the relief of William H. Dotson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 1689) granting a pension to Jerry J. Knedlik;
A bill (S. 1690) granting an increase of pension to Myra L. Moore;
A bill (S. 1691) granting an increase of pension to Hardy L. Knowles;
A bill (S. 1692) granting a pension to William J. Mitchell;
A bill (S. 1693) granting an increase of pension to Andrew J. Leonard;
A bill (S. 1694) granting an increase of pension to Andrew Kirkpatrick;
A bill (S. 1695) granting a pension to Electa Johnson;
A bill (S. 1696) granting a pension to William D. Harrington;
A bill (S. 1697) granting an increase of pension to Effie Fatheree;
A bill (S. 1698) granting a pension to Effie Edwards;
A bill (S. 1699) granting a pension to Alice E. Deitrick;
A bill (S. 1700) granting an increase of pension to Martha Brooks;
A bill (S. 1701) granting an increase of pension to Adaline Addis;
A bill (S. 1702) granting a pension to George Dennison (with accompanying papers);
A bill (S. 1703) granting a pension to Albert H. Mussbach (with accompanying papers);
A bill (S. 1704) granting a pension to Nancy Day (with accompanying papers);
A bill (S. 1705) granting a pension to Charles E. Dern (with an accompanying paper);
A bill (S. 1706) granting a pension to Lillie Dickenson (with accompanying papers);
A bill (S. 1707) granting a pension to Anna Margaret Ditzel (with accompanying papers);
A bill (S. 1708) granting a pension to Ben Garland (with accompanying papers);
A bill (S. 1709) granting a pension to Flora M. Gelger (with accompanying papers);
A bill (S. 1710) granting a pension to Mary Helena Hallock (with accompanying papers);
A bill (S. 1711) granting an increase of pension to William H. Hinkel (with accompanying papers);
A bill (S. 1712) granting a pension to Walter Howard (with accompanying papers);
A bill (S. 1713) granting a pension to Anna M. Huddleston (with accompanying papers);
A bill (S. 1714) granting an increase of pension to Mary W. James (with an accompanying paper);
A bill (S. 1715) granting a pension to Nettie E. Kimery (with accompanying papers); and
A bill (S. 1716) granting a pension to Cordelia E. Maley (with an accompanying paper); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 1717) to prevent the pollution by oil of navigable rivers of the United States; to the Committee on Commerce.

By Mr. CAMERON:

A bill (S. 1718) authorizing sale of certain lands to the Yuma Chamber of Commerce, Yuma, Ariz.; to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A bill (S. 1719) to provide for the purchase or condemnation of property in the Reno subdivision and adjacent thereto, for the purpose of improvement of street plan, and for other purposes; to the Committee on the District of Columbia.

By Mr. WHEELER:

A joint resolution (S. J. Res. 26) to appropriate certain tribal funds of the Flathead and other Indian Tribes in Montana, to bring test suits in the United States District Court of Montana, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A joint resolution (S. J. Res. 27) authorizing the President to extend invitations to other nations to participate in the world conference on narcotic education to be held in Philadelphia, Pa., and for other purposes; to the Committee on Foreign Relations.

By Mr. CAPPER:

A joint resolution (S. J. Res. 28) to declare Saturday, December 26, 1925, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

INDUSTRIAL ESPIONAGE

Mr. WHEELER submitted the following resolution (S. Res. 88), which was referred to the Committee on Education and Labor:

Whereas various court proceedings and published investigations have tended to show that a large number of private detective agencies are obtaining large sums of money from business concerns and organizations by falsely representing movements among their employees by joining labor organizations and advocating revolutionary methods for the purpose of discrediting said labor organizations, and by manufacturing scares concerning radical propaganda and alleged plans for the use of violence in industrial conflict; and

Whereas these agencies and other interests connected with them are detrimental to peaceful relationship between employers and employees, setting up a system of espionage in industry, thriving on the unrest and fear they create, and spreading false rumors and scares and often bringing about strikes in order to maintain their alleged services:

Resolved, That the Committee on Education and Labor be, and hereby is, empowered to conduct an inquiry into the extent of this system of industrial espionage in all its ramifications, and to report to the Senate what legislation, in the committee's judgment, is desirable to correct such practices as they may find inimical to the public welfare.

ALASKA FUR SEAL SKINS

Mr. WHEELER submitted the following resolution (S. Res. 89), which was referred to the Committee on Commerce:

Resolved, That the Secretary of Commerce be, and he is hereby, directed to furnish the Senate, for its information and use, a statement showing the total number of Government-owned Alaska fur seal skins, as annually taken since May 1, 1922, and showing total proceeds from sale of said skins as annually sold or disposed of under authority of act of August 24, 1912, up to September 30, 1925, inclusive; said statement to make a detailed showing of the time, place, and number of skins sold at each of said annual sales, with the classification of all the skins so offered and prices obtained for each grade of said sales;

Resolved further, That a complete record of the total annual payments made to the Governments of Great Britain and Japan, and as annually made since 1912, to January 1, 1925, inclusive, by the Secretary of Commerce, as provided for in said act of August 24, 1912, be furnished by him to the Senate for its use and information; and

Resolved further, That a complete statement of the total number of Government-owned fur seal skins which are on hand September 30, 1925, and held in storage at St. Louis, Mo., as such and still unsold up to that date, with a complete record of their ages and condition, be also furnished for the use and information of the Senate.

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS

Mr. HARRELD submitted the following resolution (S. Res. 90), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

TREATIES OF LOCARNO

Mr. WALSH. Mr. President, there was signed at Locarno some short time ago some epoch-making treaties. They are not only of great public interest, but in all probability reference will be made to them in discussion soon to take place in the Senate. I send to the desk a copy of the treaties and ask that they be incorporated in the RECORD. The text is in both French and English. I ask that the English text only be printed.

Mr. BORAH. The Senator is merely requesting that they be printed in the RECORD?

Mr. WALSH. Yes.

Mr. BORAH. It would be much more convenient if we could have them in document form.

Mr. WALSH. I agree with the Senator. I will also ask that they be printed as a public document.

The VICE PRESIDENT. Is there objection? If not, the treaties will be printed as a public document and will also be printed in the RECORD.

The treaties are as follows:

FINAL PROTOCOL OF THE LOCARNO CONFERENCE, 1925 (AND ANNEXES), TOGETHER WITH TREATIES BETWEEN FRANCE AND POLAND AND FRANCE AND CZECHOSLOVAKIA

(No. 1)

FINAL PROTOCOL OF THE LOCARNO CONFERENCE, 1925

The representatives of the German, Belgian, British, French, Italian, Polish, and Czechoslovak Governments, who have met at Locarno from the 5th to 16th October, 1925, in order to seek by common agreement means for preserving their respective nations from the scourge of war and for providing for the peaceful settlement of disputes of every nature which might eventually arise between them,

Have given their approval to the draft treaties and conventions which respectively affect them and which, framed in the course of the present conference, are mutually interdependent:

Treaty between Germany, Belgium, France, Great Britain, and Italy (Annex A).

Arbitration convention between Germany and Belgium (Annex B).

Arbitration convention between Germany and France (Annex C).

Arbitration treaty between Germany and Poland (Annex D).

Arbitration treaty between Germany and Czechoslovakia (Annex E).

These instruments, hereby initialed ne varietur, will bear to-day's date, the representatives of the interested parties agreeing to meet in London on the 1st December next to proceed during the course of a single meeting to the formality of the signature of the instruments which affect them.

The Minister for Foreign Affairs of France states that as a result of the draft arbitration treaties mentioned above France, Poland, and Czechoslovakia have also concluded at Locarno draft agreements in order reciprocally to assure to themselves the benefit of the said treaties. These agreements will be duly deposited at the League of Nations, but M. Briand holds copies forthwith at the disposal of the powers represented here.

The Secretary of State for Foreign Affairs of Great Britain proposes that in reply to certain requests for explanations concerning article 16 of the covenant of the League of Nations presented by the Chancellor and the Minister for Foreign Affairs of Germany, a letter, of which the draft is similarly attached (Annex F), should be addressed to them at the same time as the formality of signature of the above-mentioned instruments takes place. This proposal is agreed to.

The representatives of the Governments represented here declare their firm conviction that the entry into force of these treaties and conventions will contribute greatly to bring about a moral relaxation of the tension between nations; that it will help powerfully toward the solution of many political or economic problems in accordance with the interests and sentiments of peoples; and that, in strengthening peace and security in Europe, it will hasten on effectively the disarmament provided for in article 8 of the covenant of the League of Nations.

They undertake to give their sincere cooperation to the work relating to disarmament already undertaken by the League of Nations and to seek the realization thereof in a general agreement.

Done at Locarno, the 16th October, 1925.

LUTHER.
STRESEMANN.
EMILE VANDERVELDE.
ARI. BRIAND.
AUSTEN CHAMBERLAIN.
BENITO MUSSOLINI.
AL. SKRZYNSKI.
EDUARD BENES.

ANNEX A

TREATY OF MUTUAL GUARANTY BETWEEN GERMANY, BELGIUM, FRANCE, GREAT BRITAIN, AND ITALY. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The President of the German Reich, His Majesty the King of the Belgians, the President of the French Republic, and His Majesty the King of the United Kingdoms of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy;

Anxious to satisfy the desire for security and protection which animates the peoples upon whom fell the scourge of the war of 1914–1918;

Taking note of the abrogation of the treaties for the neutralization of Belgium, and conscious of the necessity of insuring peace in the area which has so frequently been the scene of European conflicts;

Animated also with the sincere desire of giving to all the signatory powers concerned supplementary guarantees within the framework of the covenant of the League of Nations and the treaties in force between them;

Have determined to conclude a treaty with these objects, and have appointed as their plenipotentiaries:

Who, having communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE 1

The high contracting parties collectively and severally guarantee, in the manner provided in the following articles, the maintenance of the territorial status quo resulting from the frontiers between Germany and Belgium and between Germany and France and the inviolability of the said frontiers as fixed by or in pursuance of the treaty of peace signed at Versailles on the 28th June, 1919, and also the observance of the stipulations of articles 42 and 43 of the said treaty concerning the demilitarized zone.

ARTICLE 2

Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of—

1. The exercise of the right of legitimate defense; that is to say, resistance to a violation of the undertaking contained in the previous paragraph or to a flagrant breach of articles 42 or 43 of the said treaty of Versailles, if such breach constitutes an unprovoked act of aggression and by reason of the assembly of armed forces in the demilitarized zone immediate action is necessary.

2. Action in pursuance of article 16 of the covenant of the League of Nations.

3. Action as the result of a decision taken by the assembly or by the council of the League of Nations or in pursuance of article 15, paragraph 7, of the covenant of the League of Nations, provided that in this last event the action is directed against a state which was the first to attack.

ARTICLE 3

In view of the undertakings entered into in article 2 of the present treaty, Germany and Belgium and Germany and France undertake to settle by peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy:

Any question with regard to which the parties are in conflict as to their respective rights shall be submitted to judicial decision, and the parties undertake to comply with such decision.

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two parties, the question shall be brought before the council of the League of Nations, which will deal with it in accordance with article 15 of the covenant of the league.

The detailed arrangements for effecting such peaceful settlement are the subject of special agreements signed this day.

ARTICLE 4

1. If one of the high contracting parties alleges that a violation of article 2 of the present treaty or a breach of articles 42 or 43 of the treaty of Versailles has been or is being committed, it shall bring the question at once before the council of the League of Nations.

2. As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its findings without delay to the powers signatory of the present treaty, who severally agree that in such case they will each of them come immediately to the assistance of the power against whom the act complained of is directed.

3. In case of a flagrant violation of article 2 of the present treaty or of a flagrant breach of articles 42 or 43 of the treaty of Versailles by one of the high contracting parties, each of the other contracting parties hereby undertakes immediately to come to the help of the party against whom such a violation or breach

has been directed as soon as the said power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarized zone immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this article, will issue its findings, and the high contracting parties undertake to act in accordance with the recommendations of the council provided that they are concurred in by all the members other than the representatives of the parties which have engaged in hostilities.

ARTICLE 5

The provisions of article 3 of the present treaty are placed under the guarantee of the high contracting parties as provided by the following stipulations:

If one of the powers referred to in article 3 refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision and commits a violation of article 2 of the present treaty or a breach of articles 42 or 43 of the treaty of Versailles, the provisions of article 4 shall apply.

Where one of the powers referred to in article 3, without committing a violation of article 2 of the present treaty or a breach of articles 42 or 43 of the treaty of Versailles, refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision, the other party shall bring the matter before the Council of the League of Nations, and the council shall propose what steps shall be taken; the high contracting parties shall comply with these proposals.

ARTICLE 6

The provisions of the present treaty do not affect the rights and obligations of the high contracting parties under the treaty of Versailles or under arrangements supplementary thereto, including the agreements signed in London on the 30th August, 1924.

ARTICLE 7

The present treaty, which is designed to insure the maintenance of peace, and is in conformity with the covenant of the League of Nations, shall not be interpreted as restricting the duty of the league to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 8

The present treaty shall be registered at the League of Nations in accordance with the covenant of the league. It shall remain in force until the council, acting on a request of one or other of the high contracting parties notified to the other signatory powers three months in advance, and voting at least by a two-thirds majority decides that the League of Nations insures sufficient protection to the high contracting parties; the treaty shall cease to have effect on the expiration of a period of one year from such decision.

ARTICLE 9

The present treaty shall impose no obligation upon any of the British dominions, or upon India, unless the Government of such dominion, or of India, signifies its acceptance thereof.

ARTICLE 10

The present treaty shall be ratified, and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall enter into force as soon as all the ratifications have been deposited and Germany has become a member of the League of Nations.

The present treaty, done in a single copy, will be deposited in the archives of the League of Nations, and the secretary general will be requested to transmit certified copies to each of the high contracting parties.

In faith whereof the above-mentioned plenipotentiaries have signed the present treaty.

Done at Locarno, the 16th October, 1925.

LUTHER.
STRESEMANN.
EMILE VANDERVELDE.
A. BRIAND.
AUSTEN CHAMBERLAIN.
BENITO MUSSOLINI.

ANNEX B

ARBITRATION CONVENTION BETWEEN GERMANY AND BELGIUM. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The undersigned duly authorized,

Charged by their respective Governments to determine the methods by which, as provided in article 3 of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, a peaceful solution shall be attained of all questions which can not be settled amicably between Germany and Belgium,

Have agreed as follows:

PART I

ARTICLE 1

All disputes of every kind between Germany and Belgium with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include in particular those mentioned in article 13 of the covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present convention and belonging to the past.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between Germany and Belgium shall be settled in conformity with the provisions of those conventions.

ARTICLE 2

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission styled the permanent conciliation commission, constituted in accordance with the present convention.

ARTICLE 3

In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present convention until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

ARTICLE 4

The permanent conciliation commission mentioned in article 2 shall be composed of five members, who shall be appointed as follows, that is to say: The German Government and the Belgian Government shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third powers; these three commissioners must be of different nationalities, and the German and Belgian Governments shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement, and in any case until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ARTICLE 5

The permanent conciliation commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

ARTICLE 6

The permanent conciliation commission shall be informed by means of a request addressed to the president by the two parties acting in agreement or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

ARTICLE 7

Within 15 days from the date when the German Government or the Belgian Government shall have brought a dispute before the permanent conciliation commission either party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within 15 days from the date when the notification reaches it.

ARTICLE 8

The task of the permanent conciliation commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavor to bring the parties to an agreement. It may, after the case has been

examined, inform the parties of the terms of settlement which seem suitable to it and lay down a period within which they are to make their decision.

At the close of its labors the commisison shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labors of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

ARTICLE 9

Failing any special provision to the contrary, the permanent conciliation commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (international commissions of inquiry) of The Hague convention of the 18th October, 1907, for the pacific settlement of international disputes.

ARTICLE 10

The permanent conciliation commission shall meet, in the absence of agreement by the parties to the contrary, at a place selected by its president.

ARTICLE 11

The labors of the permanent conciliation commission are not public, except when a decision to that effect has been taken by the commission with the consent of the parties.

ARTICLE 12

The parties shall be represented before the permanent conciliation commission by agents, whose duty it shall be to act as intermediary between them and the commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission, on its side, shall be entitled to request oral explanations from the agents, counsel, and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

ARTICLE 13

Unless otherwise provided in the present convention, the decisions of the permanent conciliation commission shall be taken by a majority.

ARTICLE 14

The German and Belgian Governments undertake to facilitate the labors of the permanent conciliation commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

ARTICLE 15

During the labors of the permanent conciliation commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the German and Belgian Governments, each of which shall contribute an equal share.

ARTICLE 16

In the event of no amicable agreement being reached before the permanent conciliation commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague convention of the 18th of October, 1907, for the pacific settlement of international disputes.

If the parties can not agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

ARTICLE 17

All questions on which the German and Belgian Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy, the settlement of which can not be attained by means of a judicial decision as provided in article 1 of the present convention, and for the settlement of which no procedure has been laid down by other conventions in force between the parties, shall be submitted to the permanent conciliation commission, whose duty it shall be to propose to the parties an acceptable solution, and in any case to present a report.

The procedure laid down in articles 6–15 of the present convention shall be applicable.

ARTICLE 18

If the two parties have not reached an agreement within a month from the termination of the labors of the permanent conciliation commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with article 15 of the covenant of the league.

GENERAL PROVISION

ARTICLE 19

In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the conciliation commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to insure that suitable provisional measures are taken. The German and Belgian Governments undertake, respectively, to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the conciliation commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ARTICLE 20

The present convention continues applicable as between Germany and Belgium, even when other powers are also interested in the dispute.

ARTICLE 21

The present convention shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present convention, done in a single copy, shall be deposited in the archives of the League of Nations, the secretary general of which shall be requested to transmit certified copies to each of the two contracting Governments.

Done at Locarno the 16th October, 1925.

STR. E. V.

ANNEX C

ARBITRATION CONVENTION BETWEEN GERMANY AND FRANCE. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The undersigned duly authorized,

Charged by their respective Governments to determine the methods by which, as provided in article 3 of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, a peaceful solution shall be attained of all questions which can not be settled amicably between Germany and France,

Have agreed as follows:

PART I

ARTICLE 1

All disputes of every kind between Germany and France with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include in particular those mentioned in article 13 of the covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present convention and belonging to the past.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between Germany and France shall be settled in conformity with the provisions of those conventions.

ARTICLE 2

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission styled the permanent conciliation commission, constituted in accordance with the present convention.

ARTICLE 3

In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present convention until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

ARTICLE 4

The permanent conciliation commission, mentioned in article 2, shall be composed of five members, who shall be appointed as follows, that is to say: The German Government and the French Government shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third powers; these three commissioners must be of different nationalities, and the German and Belgian Governments shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement, and, in any case, until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ARTICLE 5

The permanent conciliation commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

ARTICLE 6

The permanent conciliation commission shall be informed by means of a request addressed to the president by the two parties acting in agreement, or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

ARTICLE 7

Within 15 days from the date when the German Government or the French Government shall have brought a dispute before the permanent conciliation commission either party may, for the examinaiton of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within 15 days from the date when the notification reaches it.

ARTICLE 8

The task of the permanent conciliation commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavor to bring the parties to an agreement. It may after the case has been examined inform the parties of the terms of settlement which seem suitable to it and lay down a period within which they are to make their decision.

At the close of its labors the commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labors of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

ARTICLE 9

Failing any special provision to the contrary, the permanent conciliation commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries, the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (international commissions of inquiry) of The Hague convention of October 18, 1907, for the pacific settlement of international disputes.

ARTICLE 10

The permanent conciliation commission shall meet, in the absence of agreement by the parties to the contrary, at a place selected by its president.

ARTICLE 11

The labors of the permanent conciliation commission are not public, except when a decision to that effect has been taken by the commission with the consent of the parties.

ARTICLE 12

The parties shall be represented before the permanent conciliation commission by agents, whose duty it shall be to act as intermediary between them and the commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and request that all persons whose evidence appears to them useful should be heard.

The commission, on its side, shall be entitled to request oral explanations from the agents, counsel, and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

ARTICLE 13

Unless otherwise provided in the present convention, the decisions of the permanent conciliation commission shall be taken by a majority.

ARTICLE 14

The German and French Governments undertake to facilitate the labors of the permanent conciliation commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

ARTICLE 15

During the labors of the permanent conciliation commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the German and French Governments, each of which shall contribute an equal share.

ARTICLE 16

In the event of no amicable agreement being reached before the permanent conciliation commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague convention of the 18th October, 1907, for the pacific settlement of international disputes.

If the parties can not agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

ARTICLE 17

All questions on which the German and French Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy the settlement of which can not be attained by means of a judicial decision as provided in article 1 of the present convention, and for the settlement of which no procedure has been laid down by other conventions in force between the parties, shall be submitted to the permanent conciliation commission, whose duty it shall be to propose to the parties an acceptable solution and in any case to present a report.

The procedure laid down in articles 6–15 of the present convention shall be applicable.

ARTICLE 18

If the two parties have not reached an agreement within a month from the termination of the labors of the permanent conciliation commission the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with article 15 of the covenant of the league.

GENERAL PROVISION

ARTICLE 19

In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the conciliation commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to insure that suitable provisional measures are taken. The German and French Governments undertake, respectively, to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the conciliation commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ARTICLE 20

The present convention continues applicable as between Germany and France, even when other powers are also interested in the dispute.

ARTICLE 21

The present convention shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present convention, done in a single copy, shall be deposited in the archives of the League of Nations, the secretary general of which shall be requested to transmit certified copies to each of the two contracting Governments.

Done at Locarno the 16th October, 1925.

STR. A. B.

ANNEX D

ARBITRATION TREATY BETWEEN GERMANY AND POLAND. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The President of the German Empire and the President of the Polish Republic;

Equally resolved to maintain peace between Germany and Poland by assuring the peaceful settlement of differences which might arise between the two countries;

Declaring that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals;

Agreeing to recognize that the rights of a State can not be modified save with its consent;

And considering that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which may become the cause of division between States;

Have decided to embody in a treaty their common intentions in this respect, and have named as their plenipotentiaries the following:

Who, having exchanged their full powers, found in good and due form, are agreed upon the following articles:

PART I

ARTICLE 1

All disputes of every kind between Germany and Poland with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include in particular those mentioned in article 13 of the covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present treaty and belonging to the past.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between the high contracting parties shall be settled in conformity with the provisions of those conventions.

ARTICLE 2

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission, styled the permanent conciliation commission, constituted in accordance with the present treaty.

ARTICLE 3

In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present treaty until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

ARTICLE 4

The permanent conciliation commission mentioned in article 2 shall be composed of five members, who shall be appointed as follows, that is to say: The high contracting parties shall each nominate a commissioner chosen from among their respective nationals and shall appoint, by common agreement, the three other commissioners from among the nationals of third powers; those three commissioners must be of different nationalities, and the high contracting parties shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement, and in any case until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ARTICLE 5

The permanent conciliation commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

ARTICLE 6

The permanent conciliation commission shall be informed by means of a request addressed to the president by the two parties acting in agreement, or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

ARTICLE 7

Within 15 days from the date when one of the high contracting parties shall have brought a dispute before the permanent conciliation commission either party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within 15 days from the date when the notification reaches it.

ARTICLE 8

The task of the permanent conciliation commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavor to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down a period within which they are to make their decision.

At the close of its labors the commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labors of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

ARTICLE 9

Failing any special provision to the contrary, the permanent conciliation commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (International commissions of inquiry) of The Hague Convention of the 18th October, 1907, for the pacific settlement of international disputes.

ARTICLE 10

The permanent conciliation commission shall meet, in the absence of agreement by the parties to the contrary, at a place selected by its president.

ARTICLE 11

The labors of the permanent conciliation commission are not public except when a decision to that effect has been taken by the commission with the consent of the parties.

ARTICLE 12

The parties shall be represented before the permanent conciliation commission by agents, whose duty it shall be to act as intermediary between them and the commission; they may moreover be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission on its side shall be entitled to request oral explanations from the agents, counsel, and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

ARTICLE 13

Unless otherwise provided in the present treaty the decisions of the permanent conciliation commission shall be taken by a majority.

ARTICLE 14

The high contracting parties undertake to facilitate the labors of the permanent conciliation commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

ARTICLE 15

During the labors of the permanent conciliation commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the high contracting parties, each of which shall contribute an equal share.

ARTICLE 16

In the event of no amicable agreement being reached before the permanent conciliation commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague convention of the 18th October, 1907, for the pacific settlement of international disputes.

If the parties can not agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

ARTICLE 17

All questions on which the German and Polish Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy the settlement of which can not be attained by means of a judicial decision as provided in article 1 of the present treaty, and for the settlement of which no procedure has been laid down by other conventions in force between the parties shall be submitted to the permanent conciliation commission, whose duty it shall be to propose to the parties an acceptable solution and in any case to present a report.

The procedure laid down in articles 6–15 of the present treaty shall be applicable.

ARTICLE 18

If the two parties have not reached an agreement within a month from the termination of the labors of the permanent conciliation commission the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with article 15 of the covenant of the league.

GENERAL PROVISIONS

ARTICLE 19

In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the conciliation commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to insure that suitable provisional measures are taken. The high contracting parties undertake respectively to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the conciliation commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggrevate or extend the dispute.

ARTICLE 20

The present treaty continues applicable as between the high contracting parties even when other powers are also interested in the dispute.

ARTICLE 21

The present treaty, which is in conformity with the covenant of the League of Nations, shall not in any way affect the rights and obligations of the high contracting parties as members of the League of Nations and shall not be interpreted as restricting the duty of the league to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 22

The present treaty shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present treaty, done in a single copy, shall be deposited in the archives of the League of Nations, the secretary general of which shall be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

STR. AS.

ANNEX E

ARBITRATION TREATY BETWEEN GERMANY AND CZECHOSLOVAKIA. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The President of the German Empire and the President of the Czechosolvak Republic;

Equally resolved to maintain peace between Germany and Czechoslovakia by assuring the peaceful settlement of differences which might arise between the two countries;

Declaring that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals;

Agreeing to recognize that the rights of a state can not be modified save with its consent:

And considering that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which may become the cause of division between states:

Have decided to embody in a treaty their common intentions in this respect, and have named as their plenipotentiaries the following:

Who, having exchanged their full powers, found in good and due form, are agreed upon the following articles:

PART I

ARTICLE 1

All disputes of every kind between Germany and Czechoslovakia with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include, in particular, those mentioned in article 13 of the covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present treaty and belonging to the past.

Disputes, for the settlement of which a special procedure is laid down in other conventions in force between the high contracting parties, shall be settled in conformity with the provisions of those conventions.

ARTICLE 2

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission, styled the permanent conciliation commission, constituted in accordance with the present treaty.

ARTICLE 3

In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present treaty until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

ARTICLE 4

The permanent conciliation commission mentioned in article 2 shall be composed of five members, who shall be appointed as follows, that is to say: The high contracting parties shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third powers; those three commissioners must be of different nationalities, and the high contracting parties shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement, and in any case until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ARTICLE 5

The permanent conciliation commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

ARTICLE 6

The permanent conciliation commission shall be informed by means of a request addressed to the president by the two parties acting in agreement, or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

ARTICLE 7

Within 15 days from the date when one of the high contracting parties shall have brought a dispute before the permanent conciliation commission, either party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within 15 days from the date when the notification reaches it.

ARTICLE 8

The task of the permanent conciliation commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavor to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down a period within which they are to make their decision.

At the close of its labors the commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement, and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labors of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

ARTICLE 9

Failing any special provision to the contrary, the permanent conciliation commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries, the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (international commissions of inquiry) of The Hague convention of the 18th of October, 1907, for the pacific settlement of international disputes.

ARTICLE 10

The permanent conciliation commission shall meet in the absence of agreement by the parties to the contrary, at a place selected by its president.

ARTICLE 11

The labors of the permanent conciliation commission are not public except when a decision to that effect has been taken by the commission with the consent of the parties.

ARTICLE 12

The parties shall be represented before the permanent conciliation commission by agents, whose duty it shall be to act as intermediary between them and the commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission on its side shall be entitled to request oral explanations from the agents, counsel and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

ARTICLE 13

Unless otherwise provided in the present treaty the decisions of the permanent conciliation commission shall be taken by a majority.

ARTICLE 14

The high contracting parties undertake to facilitate the labors of the permanent conciliation commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

ARTICLE 15

During the labors of the permanent conciliation commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the high contracting parties, each of which shall contribute an equal share.

ARTICLE 16

In the event of no amicable agreement being reached before the permanent conciliation commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague Convention of the 18th October, 1907, for the pacific settlement of international disputes.

If the parties can not agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

ARTICLE 17

All questions on which the German and Czechoslovak Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy the settlement of which can not be attained by means of a judicial decision as provided in article 1 of the present treaty, and for the settlement of which no procedure has been laid down by other conventions in force between the parties shall be submitted to the permanent conciliation commission, whose duty it shall be to propose to the parties an acceptable solution and in any case to present a report.

The procedure laid down in articles 6–15 of the present treaty shall be applicable.

ARTICLE 18

If the two parties have not reached an agreement within a month from the termination of the labors of the permanent conciliation commission the question shall, at the request of either party, be brought before the council of the League of Nations, which shall deal with it in accordance with article 15 of the covenant of the league.

GENERAL PROVISIONS

ARTICLE 19

In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the conciliation commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the council of the League of Nations, if the question is brought before it, to insure that suitable provisional measures are taken. The high contracting parties undertake respectively to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the conciliation commission or by the council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ARTICLE 20

The present treaty continues applicable as between the high contracting parties even when other powers are also interested in the dispute.

ARTICLE 21

The present treaty, which is in conformity with the covenant of the League of Nations, shall not in any way affect the rights and obligations of the high contracting parties as members of the League of Nations and shall not be interpreted as restricting the duty of the league to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 22

The present treaty shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present treaty, done in a single copy, shall be deposited in the archives of the League of Nations, the secretary general of which shall be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

STR. DR. B.

ANNEX F

DRAFT COLLECTIVE NOTE TO GERMANY REGARDING ARTICLE 16 OF THE COVENANT OF THE LEAGUE OF NATIONS. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The German delegation has requested certain explanations in regard to article 16 of the covenant of the League of Nations.

We are not in a position to speak in the name of the league, but in view of the discussions which have already taken place in the assembly and in the commissions of the League of Nations, and after the explanations which have been exchanged between ourselves we do not hesitate to inform you of the interpretation which in so far as we are concerned we place upon article 16.

In accordance with that interpretation the obligations resulting from the said article on the members of the league must be understood to mean that each state member of the league is bound to cooperate loyally and effectively in support of the covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and takes its geographical position into account.

E.V. A.B. A.C. B.M.
DR. B. A.S.

(No. 2.)

TREATY BETWEEN FRANCE AND POLAND

The President of the French Republic and the President of the Polish Republic;

Equally desirous to see Europe spared from war by a sincere observance of the undertakings arrived at this day with a view to the maintenance of general peace;

Have resolved to guarantee their benefits to each other reciprocally by a treaty concluded within the framework of the Covenant of the League of Nations and of the treaties existing between them;

And have to this effect nominated for their plenipotentiaries:

Who, after having exchanged their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

In the event of Poland or France suffering from a failure to observe the undertakings arrived at this day between them and Germany with a view to the maintenance of general peace, France, and reciprocally Poland, acting in application of article 16 of the Covenant of the League of Nations, undertake to lend each other immediately aid and assistance, if such a failure is accompanied by an unprovoked recourse to arms.

In the event of the council of the League of Nations, when dealing with a question brought before it in accordance with the said undertakings, being unable to succeed in making its report accepted by all its members other than the representatives of the parties to the dispute, and in the event of Poland or France being attacked without provocation, France, or reciprocally Poland, acting in application of article 15, paragraph 7, of the covenant of the League of Nations, will immediately lend aid and assistance.

ARTICLE 2

Nothing in the present treaty shall affect the rights and obligations of the high contracting parties as members of the League of Nations, or shall be interpreted as restricting the duty of the league to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 3

The present treaty shall be registered with the League of Nations, in accordance with the covenant.

ARTICLE 4

The present treaty shall be ratified. The ratifications will be deposited at Geneva with the League of Nations at the same time as the ratification of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, and the ratification of the treaty concluded at the same time between Germany and Poland.

It will enter into force and remain in force under the same conditions as the said treaties.

The present treaty done in a single copy will be deposited in the archives of the League of Nations, and the secretary general of the league will be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

No. 3

TREATY BETWEEN FRANCE AND CZECHOSLOVAKIA

The President of the French Republic and the President of the Czechoslovak Republic;

Equally desirous to see Europe spared from war by a sincere observance of the undertakings arrived at this day with a view to the maintenance of general peace;

Have resolved to guarantee their benefits to each other reciprocally by a treaty concluded within the framework of the covenant of the League of Nations and of the treaties existing between them;

And have to this effect, nominated for their plenipotentiaries:

Who, after having exchanged their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

In the event of Czechoslovakia or France suffering from a failure to observe the undertakings arrived at this day between them and Germany with a view to the maintenance of general peace, France, and reciprocally, Czechoslovakia, acting in application of article 16 of the covenant of the League of Nations, undertake to lend each other immediately aid and assistance, if such a failure is accompanied by an unprovoked recourse to arms.

In the event of the Council of the League of Nations, when dealing with a question brought before it in accordance with the said undertakings, being unable to succeed in making its report accepted by all its members other than the representatives of the parties to the dispute, and in the event of Czechoslovakia or France being attacked without provocation, France, or reciprocally Czechoslovakia, acting in application of article 15, paragraph 7, of the covenant of the League of Nations, will immediately lend aid and assistance.

ARTICLE 2

Nothing in the present treaty shall affect the rights and obligations of the high contracting parties as members of the League of Nations, or shall be interpreted as restricting the duty of the league to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 3

The present treaty shall be registered with the League of Nations, in accordance with the covenant.

ARTICLE 4

The present treaty shall be ratified. The ratifications will be deposited at Geneva with the League of Nations at the same time as the ratification of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, and the ratification of the treaty concluded at the same time between Germany and Czechoslovakia.

It will enter into force and remain in force under the same conditions as the said treaties.

The present treaty done in a single copy will be deposited in the archives of the League of Nations, and the secretary general of the league will be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

INDIAN CITIZENS OF THE UNITED STATES

Mr. BRUCE. Mr. President, I ask for the privilege of having inserted in the CONGRESSIONAL RECORD an essay by Jennings C. Wise, of Washington, D. C., counsel for the Indian Board of Cooperation of California, entitled "A Plea for the Indian Citizens of the United States." In my humble judgment this essay not only deserves to be inserted in the CONGRESSIONAL RECORD but should have a place in every library in the land.

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

A PLEA FOR THE INDIAN CITIZENS OF THE UNITED STATES

WASHINGTON, D. C., *September 15, 1925.*

Hon. JOHN W. HARRELD,
Chairman Committee on Indian Affairs,
United States Senate.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
United States House of Representatives.

As counsel for the Indian Board of Cooperation of California, a philanthropic association created for the special purpose of ameliorating the lot of the 18 tribes of California Indians; as counsel for the Yankton Tribe of Sioux Indians, of South Dakota; and as associate counsel for the Six Nations of New York, I have the honor to present to you certain facts relating to the Indian citizens of the United States generally, and to request that I be afforded an opportunity to appear before your honorable committees and make to them the plea herein presented.

I

THE POLITICAL STATUS OF THE TRIBAL INDIANS

In 1823 the Supreme Court of the United States, speaking through Chief Justice Marshall, defined the political status of the tribal Indians. The tribes were then declared to be dependent communities and the tribal Indians the political wards of the United States. (Johnson *v.* McIntosh, 8 Wheat (U. S.) 543; Cherokee Nation *v.* State of Georgia, 5 Pet. (U. S.) 48; Worcester *v.* State of Georgia, 6 Pet. (U. S.) 515; United States *v.* Kagama, 118 U. S. 375; Choctaw Nation *v.* United States, 119 U. S. 1.) Over the tribal relations of the Indians Congress has ever been held to possess plenary authority. (Lone Wolf *v.* Hitchcock, 187 U. S. 553, 565; The Question of Aborigines, Snow.)

By the act of Congress approved June 2, 1924, however, every noncitizen Indian born within the territorial limits of the United States was declared to be a citizen of the United States. Thus, 148 years after the United States had assumed political jurisdiction over the Indians, they were elevated from the status of a dependent political wardship to that of full citizenship, and as citizens, with all the constitutional rights of such, assumed a definite place in the body politic of the Nation.

The effect of the transformation which they have undergone has not been fully recognized. Whatever the status of the United States with respect to the property of the political wards of the Nation may have been prior to June 2, 1924, the enfranchising act of that date, it is submitted, definitely fixed its status as the trustee at law of so much of the property of the Indians as remained in its hands. In the law of nations and the municipal law of the United States there is no sanction for any other relation between a sovereign state and its citizens of whose property it retains control.

The report of the Commissioner of Indian Affairs for 1924 shows that there are still about 150,000 full-blooded tribal Indians who, with other legal Indians, hold in common tribal lands that have not yet been allotted in severalty. Under the existing law the unallotted tribal lands of these Indians necessarily remain under the control of the United States, and, though the tribal Indians, like all others, are

citizens, it is clear that until they are prepared and elect to take their lands in severalty the Government is morally bound to continue in the relation of political guardian while discharging the trust with respect to their property imposed by the act of June 2, 1924.

Political history fails to disclose another instance of such a relation. (The Question of Aborigines, Snow.) It is a unique relation, even more peculiar than that existing with respect to the tribes between 1776 and 1924, and one that requires to be very carefully considered by Congress. Plainly, many of the laws and practices designed to meet the case of political dependents are no longer suited to the needs of citizens and are inconsistent with the legal relation existing between citizens and a sovereign trustee.

II

THE EXECUTIVE POLICY OF THE UNITED STATES WITH RESPECT TO THE TRIBAL INDIANS

The executive policy of the U ited States with respect to the tribal Indians was initiated and first expressed by President Washington in 1790 in an address to the Six Nations in the following words:

"The General Government will never consent to your being defrauded, but will protect you in all your just rights." (Am. State Papers, Indian Affairs, Vol. I, p. 142.)

Washington's executive policy has remained unchanged. In the celebrated Cayuga case, before the American and British Claims Arbitration, after referring to the political system of the United States with respect to the Indians, the Department of State in 1912 said:

"Under that system the Indians residing within the United States are so far independent that they live under their own customs and not under the laws of the United States; that their rights upon the lands which they inhabit or hunt are secured to them by boundaries defined in amicable treaties between the United States and themselves; and whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States *ample compensation for every right they have to the lands ceded by them.*" (Italics added.)

III

THE JUDICIAL POLICY OF THE UNITED STATES WITH RESPECT TO THE TRIBAL INDIANS

It was over 30 years after Washington established the executive policy of the United States before the Supreme Court was called upon to define the rights of the Indian tribes. In 1823 in the classic opinion delivered by Chief Justice Marshall in Johnson *v.* McIntosh, 8 Wheat. (United States) 543, it was held that the tribal title was a right of occupancy. Affirming this first decision, in 1895 Chief Justice White said:

"The Indian title against the United States was merely a title and right to the perpetual occupancy of the land with the privilege of using it in such mode as they saw fit until such right of occupation had been surrendered to the Government." (Spaulding *v.* Chandler, 160 U. S. 403.)

The Indians can convey no title without the consent of the United States; their title is conditioned upon actual occupation; settlement on their lands is prohibited by statute; grants thereof are made by the United States subject to the Indian right of occupancy; the Indian right can be extinguished only by the United States; title to Indian lands can not be acquired either by a third party or the United States by adverse possession; the doctrine of laches does not apply to the tribal Indians; the Indian right of occupancy is as sacred as the title of the United States to the fee; and even the United States can not extinguish that right save by the voluntary consent of the Indians or by the exercise of the sovereign right of eminent domain. (Johnson *v.* McIntosh, 8 Wheat. (U. S.) 543; U. S. *v.* Cook, 19 Wall. (U. S.) 591; Leavenworth, etc., R. Co. *v.* U. S., 92 U. S. 733; U. S. *v.* Sandoval, 231 U. S. 45–48; U. S. *v.* La Chappelle, 81 Fed. 152; Laughton *v.* Nadeau, 75 Fed. 789, R. S. 2118, 2257–2289.)

That the Indian right of occupancy is a property right has never been questioned, and that it is property within the meaning of the Fifth Amendment of the Constitution which forbids the taking of private property for public use without just compensation has long since been decided. (Binns *v.* United States, 194 U. S. 486.) In the celebrated case of the Kansas Indians, involving the right of occupancy of the Shawnee, Miami and other tribes, the Supreme Court in 1866 said:

"If they have outlived many things, they have not outlived the protection afforded by the Constitution, treaties, and laws of Congress." (The Kansas Indians, 5 Wall. (U. S.) 755. See also the New York Indians, 5 Wall. (U. S.) 763.)

That an Indian tribe can sue as such is not doubted. (Félix *v.* Patrick, 36 Fed. 457.)

In complete conformity with the foregoing principles the Court of Claims in 1910 in the Ute case said:

"While it may be true that the Indian title of the plaintiffs to any territory prior to the treaty of 1863 was not such a title as the defendants would recognize, yet the plaintiffs were located within this territory and had the usual claim of occupancy of other Indians. Their claim was considered of such importance that the defendants, during the year following the Guadalupe Hidalgo treaty, entered into a treaty with them and secured from them a concession for the right of free passage through their territory. (9 Stats. 984.) By the treaty of 1863 (13 Stats. 673) the defendants considered these claims to territorial occupancy of sufficient importance to obtain from them a cession of all 'claim, title, etc., to lands within the territory of the United States,' excepting certain lands which were set apart to them as their hunting grounds. By the treaty of 1868 (15 Stats. 619) the reservation in question was set apart to the plaintiffs, and by the third article of the treaty the plaintiffs relinquished 'all claims and rights in and to any portion of the United States or Territories except' such reservation. Even if they admit that they had no valid title to any lands, yet they claimed some title and honestly claimed it, and the yielding of such a claim to a party who wishes to purchase it is good consideration." (45 Ct. Cls. 440.)

IV

THE LEGISLATIVE POLICY OF THE UNITED STATES WITH RESPECT TO THE TRIBAL INDIANS

The policy of Congress has conformed, in theory at least, with the original Executive policy as expressed by Washington in 1790, and the judicial view pronounced by the Supreme Court in 1823.

In the report of the Committee on Indian Affairs of the United States House of Representatives, submitted in 1830, dealing with the constitutional right of Congress to remove Indian tribes from the domains claimed by them to the Indian Territory, it was said:

"The Indians are paid for their unimproved lands as much as the privilege of hunting and taking game upon them is supposed to be worth, and the Government sells them for what they are worth to the cultivator. * * * Improved lands or small reservations in the States are in general purchased at their full value to the cultivator. To pay an Indian tribe what their ancient hunting grounds are worth to them after the game is fled or destroyed as a mode of appropriating wild lands claimed by Indians has been found more convenient, and certainly it is more agreeable to the forms of justice, as well as more merciful, than to assert the possession of them by the sword. Thus, the practice of buying Indian titles is but the substitute which humanity and expediency have imposed in place of the sword in arriving at the actual enjoyment of property claimed by the right of discovery and sanctioned by the national superiority allowed to the claims of civilized communities over those of savage tribes. * * *" (21st Cong., 1st sess., H. Rept. No. 227, Feb. 24, 1830.)

In 1922 Justice Sutherland, speaking for the Supreme Court, said:

"Congress itself, in apparent recognition of possible individual possession, has in several of the State enabling acts required the incoming State to disclaim all right and title to lands owned or held by any Indian or Indian tribes." (The Cramer case, 261 U. S. 219.)

Elsewhere in the same opinion Mr. Justice Sutherland said:

"The fact that such right of occupancy finds no recognition in any statute or other formal governmental action is not conclusive. The right, under the circumstances here disclosed, flows from a settled governmental policy."

From the foregoing it is apparent that Congress itself has never deemed it within its undoubted "plenary power over the tribal relations of the Indians" to deprive them of their property rights without some form of compensation. Such a practice would not only be violative of the decisions of the Supreme Court of the United States, but would be contrary to the law of nations. Civilized states, though possessing plenary political power over their inhabitants, do not confiscate the private property of dependent peoples. (Binns *v.* The United States, supra.)

V

THEORY AND PRACTICE

Nothing could be fairer than the policy of the United States with respect to the Indians than that which is to be derived from the executive and legislative declarations and the judicial decisions hereinbefore quoted. Unfortunately the governmental practice has not accorded with theory. The two have been wide apart.

Without prejudice, without sentiment, let the facts of history be reviewed.

Although the Indians, measured by European standards, were the most moral people known to history, the colonial Englishman's church deemed them the "spawn of hell," to be extirpated in the spirit of the Old Testament. (The Puritan in Holland, England, and America, Campbell.) Desirous of their lands the frontiersman invented the useful fiction that a people who had occupied definite tribal domains from time immemorial, were nomads without attachment to the soil. (Hand Book of Am. Indians, pt. 2, tit., Popular fallacies.) Thus, when the United States assumed political jurisdiction in 1776 over these former subjects of the British Crown, the Americans along the frontier deemed the rights of the Indians and the buffalo to be on a parity. Said Brackinridge, a frontier editor, in 1782: "So far from admitting the Indian title, I would

as soon admit that of the buffalo." Again: "The animals vulgarly called Indians, being by nature fierce and cruel, I consider their extirpation would be useful to the world while entirely honorable to those who would effect it." (Narratives of Knight and Stover. Cincinnati Reprint, 1867.)

With such a view extant among the so-called civilized whites, it was not unnatural that the Indian should have become fierce in the defense of his lands—at times cruel—and that the idea should have gained credence that "the only good Indian is a dead Indian."

In vain Washington, who knew his fellow countrymen and was not deceived by them, sought to prevent the massacre of the Indians and protect them in their admitted rights. The Constitution itself forbade the acquisition of their lands save by United States treaties. New York ignored the Constitution and the statutes. Georgia, with the tacit consent of John Quincy Adams and Jackson twice nullified the mandates of the Supreme Court, threatening a resort to arms to prevent their enforcement, while Alabama threatened to secede from the Union if Indian statutes were rendered effective. (The Life of John Marshall, Beveridge; the Supreme Court in United States History, Warren.) Under Jefferson, Madison, and Jackson, dependent as they were for their political support upon the "new democracy" of the frontier, the Buffalo Party had free play. Harkening to the wisdom and justice of Washington and Marshall, in 1824 Monroe timidly proposed to give the Indians land individually in order that they might be emancipated from their aboriginal state and enabled to compete in the economic order of civilization. The Nation would not have it. He then proposed their concentration in the Indian Territory which was partly effected under Jackson as the means of driving them, despite the Supreme Court, from the white man's path. Even there they were molested and abused. Then came a veritable reign of terror for the Indians of the West. Along the Oregon Trail and in the gold fields of California and the Black Hills they were destroyed like the buffalo.

The Californians and Oregonians demanded that they be removed. Congress passed acts providing for the negotiation of treaties with the Indian tribes of the Pacific coast in which reservations were promised them for the lands surrendered. Pending the ratification of these treaties they were induced to remove. Political influence prevented the ratification by the Senate of the treaties. Thus deceived, dispossessed, betrayed, a quarter of a million helpless people who had been partly civilized and Christianized by the Spaniards, whose rights were secure under the laws of Spain and Mexico, and whose rights had been solemnly guaranteed by the United States in the treaty of Guadalupe Hidalgo, were harried from place to place, massacred at will, and left to become vagrants upon the earth. To-day they are homeless, dependent upon charity, and reduced to less than 20,000 souls. (Hearings before a subcommittee of the Committee on Indian Affairs, H. R., 66th Cong., 2d sess., March 23, 1920; 67th Cong., 2d sess., April 28 and 29, 1922. Annual Report, Dept. of the Interior, 1901, p. 346; Hand Book of Am. Indians, pt. 2, tit., Population.)

In addition to the gold seekers another enemy was soon to appear. In 1850 Congress adopted the policy of granting western lands to corporate interests in order to promote the construction of the transcontinental railroads. To this end grants aggregating 155,000,000 acres of land with slight regard to Indian rights were made. Then came the homestead act of 1862, which caused the remaining Indian lands to be deluged with white settlers. The Indians of the East and the Pacific coast having been entirely dispossessed, now came the turn of the plains Indians. In all, it was necessary for the guardian Government to wage over 50 official wars against its wards during the first century of its existence in the civilizing process which it brought to bear, though there is not one instance in which the Indians sought to defend themselves until after protection had been denied them. During this same period the Indians north of the Canadian border who were protected by their government, remained in unbroken peace.

It was a harsh tutelage which the Indians of the United States underwent. It was not until Grant became President that the responsibility of the Nation was recognized. With an integrity and a courage equal to that of Washington, he appointed a commission to examine into the Indian situation, and adopted the reservation system as the only possible expedient to save the Indians from complete destruction. It was never designed to be more than a temporary makeshift. At his instance the Indian homestead act of 1875 was passed and steps taken culminating in the general allotment act of 1887—measures designed to absorb the Indians in the economic and social order of the political society of the Nation. That absorption was to be expedited by education and allotment of land in severalty to the Indians. Those who took allotments were to become citizens. Inadequate provisions for Indian education having been made, allotment has naturally proceeded slowly. Yet, in 1917 the Indians were called upon to fight for the Nation. Responding with a spirit unequaled by the white or black citizens, and without regard to citizenship, they furnished 17,000 soldiers. Among all the Indians less than 250 sought exemption. As a reward they were enfranchised in 1924, but to-day, half a century after Grant instituted his wise reforms, over 150,000 tribal Indians remain enslaved to the outworn economic and social systems of an aboriginal race. The great-great-grandsons of the Nation's first Indian wards still speak only the Indian language. Instead of cultivating the lands of their ancestors, as their forebears did, in many instances they have been reduced to the hunter state by that civilization which displaced them. Far more has been done for the Negroes in 60 years, for the Filipinos and Hawaiians in 30 years, than has been done for the Indians in a century and a half. Though the political massacre of the California Indians is, perhaps, the most scandalous incident in the history of the United States, not an official hand has been raised to help them, while the efforts of the Indian Board of Cooperation of California—a private philanthropic association—have so far proved abortive. (The entire record of this case is to be found in the hearings before Congress in 1920 and 1922, already cited.)

It would be useless to attempt here an accounting as between the United States and its Indian wards for the purpose of determining whether or not the compensation paid for their lands has been "ample." Suffice it to say that if the acreage acquired by the United States, or the political guardian, from the Indians, or its wards, were placed in one column and the price actually paid therefor in another it would require a stretch of the imagination to construe the purchase price as "ample," or one that the Indians had in fact voluntarily accepted. History shows that the actual course of the Government of the United States in dealing with this dependent people, despite its high-sounding declarations to foreign governments, has ordinarily embodied the following steps:

1. Disputes over Indian lands between the Indians and white settlers.
2. Local violence to the Indians by white intruders.
3. Appeals to the Government by the Indians for the protection of their rights.
4. Failure of the Government to provide, or the provision of inadequate protection.
5. Efforts on the part of the Indians toward self-protection and sometimes retaliation for wrongs done them.
6. Official military restraint and often chastisement.
7. So-called treaties of cession at a price fixed by the guardian Government, sometimes procured fraudulently by shrewd negotiators and undue influence upon tribal representatives, sometimes compelled by threat of force, seldom voluntary.

Such, in brief, is the cold outline of the national history with respect to this dependent people. Deny it though we may, the facts are writ in large letters in the debates of Congress and the records of the fifty-odd wars the Nation has waged against this helpless race. It is not a record which supports the declaration that was made by the Government to Great Britain in 1912.

VI

THE CONSTITUTIONAL RIGHTS OF THE INDIANS PRESENTLY DENIED BY THE GOVERNMENT

It must not be thought that injustice to the Indians is a thing of the past. The mere conferring of citizenship upon them has not improved their lot. To-day they are subject to disadvantages known to no other citizens. Their situation is without a parallel in history, a fact that must appear from a consideration of the attitude of those executive agencies having charge of them.

In 1924 the Solicitor General, in the discharge of his public duty as advocate for the United States, argued the case of United States v. Title Insurance & Trust Co. et al. in the Supreme Court of the United States. (265 U. S. 472, decided June 9, 1924.) In that case the appellees sought to deny the Indian tribal title in order to derive an advantage against the United States. The Solicitor General contended with great weight of authority that the Tejon Tribe of Indians possessed under Spanish and Mexican law an undisputed right and title of possession and use of the tribal domain actually occupied by them at the time of the cession of California.

Citing, among other authorities, Holden v. Joy (17 Wall. 211) and Worcester v. Georgia (6 Pet. 515), said the Solicitor General on behalf of the United States:

"This Indian right was aboriginal, antedated the sovereignty of Spain and Mexico, and was not derived from either, but was recognized and protected by the laws of both."

In addition to the Ute case, unlimited authority might be added in support of the Government's contention. Long since it had been declared by the Supreme Court that the hunting grounds of the Indians were "as much in their actual possession as the cleared fields of the whites, and that their rights to its exclusive enjoyment in their own way and for their own purposes were as much respected until they abandoned them, made a cession to the Government, or authorized a sale to individuals." (Mitchell et al. v. U. S., 9 Peters 710.)

Over and over it has been declared that the tribal right of occupancy under the law of Spain and Mexico was a property right, and that the cession of California to the United States did not impair this right of

property. In Delassus *v.* United States (9 Pet. (U. S.) 117), Chief Justice Marshall said: "The right of property, then, is protected and secured by the treaty, and no principle is better settled in this country than that an inchoate title to lands is property." (Mitchell et al. *v.* U. S., supra; U. S. *v.* Moreno, 1 Wall. 400; U. S. *v.* Aquisola, 68 U. S. 352; Barker *v.* Harvey, 181 U. S. 481; Botiller *v.* Dominguez, 130 U. S. 238; Delassus *v.* U. S., 9 Peters 117; U. S. *v.* Percheman, 7 Peters 51; Townsend *v.* Greeley, 5 Wall. 326; Johnson *v.* McIntosh, 8 Wheat. 543; Chouteau *v.* Molony, 16 How. 203; Am. Ins. Co. *v.* Canter, 1 Pet. 511; U. S. *v.* Arredondo, 6 Pet. 691; U. S. *v.* Armijo, 5 Wall. 444; Knight *v.* U. S. Land Assn., 142 U. S. 161; Beard *v.* Federy, 3 Wall. 478; Astiazaran *v.* Santa Rita Mining Co., 148 U. S. 80; Ely's Admr. *v.* U. S., 171 U. S. 220.) Plainly, it was in recognition of these fundamental principles that in the Ute case the Court of Claims in 1910 rendered judgment in favor of the Indians against the United States for the misappropriation by the Government of their tribal lands for use as a forest reserve. (Ute Indians *v.* U. S., 45 Ct. Cl. 440.)

From what has been said it is apparent that the executive departments of the Government, and especially the Department of Justice, are fully advised as to the rights of the Indians of California and that the property rights of *all Indians* are protected by the Constitution.

In the case of Lone Wolf *v.* Hitchcock, 187 U. S. 553, 565, the Supreme Court said:

"Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the Government.

"The power to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the country, that it should do so. When, therefore, treaties are entered into between the United States and a tribe of Indians it was never doubted that the power to abrogate existed in Congress and that in a contingency such power might be availed of from consideration of governmental policy, particularly if consistent with perfect good faith toward the Indians."

The Government knows that plenary authority over tribal relations is not absolute power to confiscate property—a power unknown to the Constitution. On this point Alpheus Henry Snow in his recent work, entitled "The Question of Aborigines in the Law and Practice of Nations," written at the request of the Department of State (1921), says:

"The Supreme Court has also held that the power which the United States has, by the law of nations and its Constitution, over all colonies and dependencies is 'plenary' for the accomplishment of the object sought to be obtained. (Binns *v.* United States, 194 U. S. 486.) These objects can only be, and are, the extension of democracy, republicanism, and equality of opportunity. 'Plenary' power is the power which an agent has who is delegated to accomplish a certain object and whose mandate is limited only by the needs of the situation. An agent with plenary power—an agent plenipotentiary—represents the principal with full power to do all which the principal might reasonably do in the accomplishment of the object intended. *Plenary power is not absolute power,* but power limited to the needs of the situation. It implies that the supreme organs of the United States—its Congress, its President, its Supreme Court—acting for the United States, in fulfilling its fiduciary relationships under the law of nations respecting its colonies and dependencies, have full powers to do all which the United States might reasonably and legally do under the law of nations, consistently with the fundamental principles of the Constitution and the fundamental principles of human society recognized by all civilized states.

"As the Constitution contains a Bill of Rights imposing certain prohibitions or conditions upon the action of all the organs of the Central Government respecting individuals under the sovereignty of the United States, all of the provisions of this Bill of Rights which are of *universal* application are applicable in all the colonies and dependencies of the United States from the moment of their acquisition" (pp. 58, 59). (Italics added.)

It has been shown that in the case of the Kansas Indians, supra, the Supreme Court held that the provisions of the Constitution were applicable to the Indians.

It must, therefore, come as a distinct shock to Congress and the people of the United States to learn that 148 years after the United States assumed political jurisdiction over the Indians, 138 years after the Constitution was adopted, the Department of Justice, on behalf of the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of War, who together constitute the Federal Power Commission under the act of 1920, should argue in the Court of Appeals of the District of Columbia, the second highest court in the land, in effect that the fifth amendment to the Constitution guaranteeing private property rights is not applicable to the Indians of the United States—that Congress can confiscate their property without recourse on their part to the courts!

But that is exactly what was done.

In the Government's brief submitted in the case of Super et al. *v.* The Secretary of War, The Secretary of the Interior, The Secretary of Agriculture, and The Federal Power Commission, in the Circuit Court of Appeals of the District of Columbia, it was said (Super et al. *v.* Weeks et al., No. 4110, Ct. of App., D. C.; No. 262, Supreme Court, October term, 1925):

"The Lone Wolf decision is our authority for these propositions: That plenary authority over the tribal relations of Indians has been exercised by Congress from the beginning and the power is a political one not subject to be controlled by the judicial department of the Government; * * *; that Congress has paramount power *over the property of Indians* by reason of its exercise of guardianship and may interfere or determine the occupancy rights of Indians in lands; and if injury be occasioned, the relief must be sought *by an appeal to Congress* and not to the courts for redress." (Italics added.)

This argument is diametrically opposed to that of the Solicitor General hereinbefore mentioned. Shorn of all sophistry it seeks to set at naught the traditional executive and legislative policies of the United States, the law of nations, the fifth amendment to the Constitution, and innumerable decisions of the Supreme Court with respect to the Indian right of occupancy. How, let it be asked, can the Indian right of occupancy be as sacred as the title of the United States to the fee, if Congress can confiscate it at will without a legal remedy on the part of the Indians?

Yet, this argument was made by assistants to the Attorney General on behalf of the Secretary of the Interior, who is the executive agent in charge of the Indians, in 1924, coincidentally with the directly opposite contention of the Solicitor General hereinbefore mentioned.

What is the explanation?

Simply this. In the one case it was to the advantage of the Government to sustain the Indian rights. In the other, in which Indians sought to enjoin the usurpation and flooding of their lands by the Government, it was to the advantage of the United States to deny the Indian title, so that without any definite policy or supervision over Indian litigation by the executive branch of the Government subordinate officers of the Department of Justice were left free to put up any argument against the Indians that they might find it expedient to make in order to win a case committed to them. Indeed, it is all but inconceivable that the President, the Secretaries of War, Agriculture, and of the Interior, and the Attorney General even know that it is being contended in the courts by the Government that Congress with impunity may confiscate Indian property.

That fact does not excuse the existence of such a situation. Any system of administering the affairs of the former political dependents and wards of the Nation under which their constitutional rights can be denied at this day and generation is faulty and requires reformation.

Does Congress know that the constitutional rights of the Indians are being denied by the Secretary of the Interior in the highest courts of the land? That the Indians are being put to the expense of establishing those rights?

In the face of what has been said, is it not natural that the Indians should have some doubts as to the meaning and value of citizenship?

If from the mere fact that Congress has "plenary authority" over the "tribal relations" of the Indians, and the equally undoubted fact that it may abrogate Indian treaties, is to be implied the power on its part to confiscate Indian property rights guaranteed by a foreign treaty, and that the constitutional guaranties that apply to all other citizens and dependents do not apply to tribal Indians, surely it is time to amend the Constitution. Meantime, and until the law is determined, it would seem reasonable to expect the guardian government not to appear on opposite sides of the same question in two contemporaneous litigations in the highest courts of the land, thereby putting the national wards to the burden and expense of meeting the guardian government or trustee on both sides of the same question. Such a confused, if not unconscionable, executive practice can only serve to destroy all confidence on the part of the Indians in the integrity of the Government as the trustee of their property and all faith in its declarations to foreign governments.

VII

LACK OF COORDINATION IN THE GOVERNMENT

It has been shown how the executive and legislative branches of the Government failed to coordinate in the case of the California Indians. Waiting for the Senate to act upon the treaties negotiated with them on October 6, 1851, the executive agencies in charge of the Indians did nothing but persuade them to surrender their lands upon the promise of reservations. When the treaties were finally pigeonholed in the Senate under the ban of secrecy the Indians were homeless and at the mercy of squatters, who were affirmatively protected by the government of California, which has since confirmed title in the squatters. What lands belonging to the Indians were not confiscated in this way were misappropriated by the United States and converted into national parks and reservations. Under its own laws it could not acquire title

to these lands free of the Indian right of occupancy, since it has never extinguished that right, which was solemnly guaranteed by the treaty of Guadalupe Hidalgo. Yet the Government declared to Great Britain in 1912 that the Indians receive "ample consideration" for the lands surrendered by them to the United States.

Such a statement should not be made for the simple reason that it is false. It was bad enough to confiscate the property guaranteed by a treaty with Mexico. It was worse to make false representations in an international arbitration proceeding. Facts are facts. Whatever the explanation may be, let us look at them squarely. The Nation has not dealt with the California tribes in good faith, and there is no use in trying to avoid the facts of record. No one can read the record in the case without a blush of shame. (Hearings before a subcommittee of the Committee on Indian Affairs, House of Representatives, 66th and 67th Congs., 2d sess., 1920 and 1922.) No wonder the ban of secrecy was placed on that record for half a century, since it disclosed an affirmative intent to take the lands of the Indians without their consent, contrary to existing law. (Report of commissioner of Indian affairs of California to Secretary of the Interior.)

About such a course the Government is apparently without conscience. Thus, in 1924, in the case of Super et al. *v.* Weeks et al., supra, the Department of Justice contended on behalf of the Secretary of the Interior and the Government generally that the right of occupancy of the California tribes which had been guaranteed by the treaty of Guadalupe Hidalgo in 1848 was forfeited by the tribes because their claim to it was not presented to the Commission of Private Land Grants created in 1851. This, in spite of the fact that the California tribes held no grants from Spain or Mexico and that no less than three acts of Congress in 1850 and 1851 provided for the treaties to be negotiated with them in accordance with existing law, which were in fact negotiated with them on October 6, 1851.

In other words, the position of the Government in 1924 was that uncivilized tribes should have refused to deal with the treaty commissioners appointed by the President pursuant to the act of September 30, 1850, and sent among them with armed escorts; should have marched from the most remote quarters of California to San Francisco, in the face of armed opposition at every point, and presented to the Commission of Private Land Grants sitting there to pass on grants from the Spanish and Mexican Governments, grants which they never possessed.

That such a contention could be made by the Government of the United States against its Indian wards in the good year 1924, in the Court of Appeals of the District of Columbia—one of the highest courts of the land—almost transcends the power of credulity. (Super et al. *v.* Weeks et al., No. 4110, Ct. of App., D. C.) As declared by the Solicitor General, the Hon. James M. Beck, in a contemporaneous proceeding in the Supreme Court, such an argument was but to charge Congress with bad faith and to cloak the acts of Congress with a dishonorable design. (United States *v.* Title Ins. & Trust Co., 265 U. S. 472.)

The facts cited are valuable as evidence of the technicalities to which the Government has all along resorted to defeat the rights of the Indians. Over and over this has been done.

Another striking instance is the case of the Yankton Tribe of Sioux Indians.

In 1858 the United States entered into a treaty with the Yankton Sioux in which they were given certain rights in the celebrated Pipestone Quarry in Minnesota. By act of Congress of February 16, 1891, the Secretary of the Interior was directed to cause a Government educational institution to be established on the Pipestone Quarry Reservation. (26 Stat. I, p. 764.) All of the reservation was appropriated by the Department of the Interior, according to an official report to Congress, whereupon the Indians set up a claim to their rights. The United States now entered into a treaty with the Yankton Tribe (December 31, 1892), which was ratified by the act of August 15, 1894 (28 Stat. 286) section 12 of which provided as follows:

"If the Government of the United States questions the ownership of the Pipestone Reservation by the Yankton Tribe of Sioux Indians under the treaty of April 19, 1858, *including the fee to the land as well as the right to work the quarries*, the Secretary of the Interior shall as speedily as possible refer the matter to the Supreme Court of the United States, to be decided by that tribunal. And the United States shall furnish, without cost to the Yankton Indians, at least one competent attorney to represent the interest of the tribe before the court. *If the Secretary of the Interior shall not within one year* after the ratification of the agreement by Congress refer the question of ownership of the said Pipestone Reservation to the Supreme Court, as provided for above, *such failure upon his part shall be construed as and shall be waiver by the United States* of all its rights to the ownership of *the said Pipestone Reservation, and the same shall thereafter be solely the property of the Yankton Tribe of Sioux Indians*, including the fee to the land." (Italics added.)

Plainly it was the purpose of Congress to quiet the dispute over the reservation and to give the Government *one year* to establish its right, if in fact it possessed one. The act of August 15, 1894, was no more nor less than a statute of limitations upon the Government designed to quiet the title involved.

The Secretary of the Interior referred the facts to the Attorney General, who advised that the institution of a suit attacking the title of the Indians was "impractical." No such suit was instituted. This left the Government in the position of having misappropriated land which belonged to the Indians and having erected a Government institution thereon. Accordingly, by the act of June 7, 1897 (30 Stat. 87), the Secretary of the Interior was directed to negotiate an agreement with the Yankton Tribe for the purchase of their rights. This was done, and in a formal agreement signed by them on October 2, 1899, they agreed to accept $100,000 for their rights. (H. Doc. No. 535, 56th Cong., 1st sess.) The agreement was transmitted to Congress with the approval of the Secretary of the Interior on March 24, 1900, and on April 4, 1906, after a lapse of six years, the Senate Committee on Indian Affairs rendered a favorable report thereon and recommended its ratification. Nothing was done by the Senate. As time went on the Yankton Indians, who were without both their land and the money offered them for it, against whom had run the statute of limitations barring a claim on their part in the Court of Claims, appealed to Congress. By a special jurisdictional act the Court of Claims was directed to find the facts, which were found by it and reported to Congress. (Yankton Sioux *v.* U. S., 53 Ct. Cl. 67.) Again Congress did nothing, until finally by the act of January 9, 1925, it empowered the Court of Claims to adjudicate this particular case, but making no provision for the compensation of counsel for the Indians. Nevertheless the Yankton Sioux, who were in dire need of funds, employed counsel and brought their suit in the Court of Claims. In that proceeding the Government contended that the act of August 15, 1894, designed to quiet title to the Pipestone Reservation, was beyond the power of Congress, because it was impossible for the Secretary of the Interior to refer the question within one year to the Supreme Court, and that therefore the Indians only had a right under the treaty of 1858 to take pipestone from the quarry, and that their rights under the treaty had never been denied them.

Such an argument is but the veriest quibble.

The circumstances show that Congress did not intend in the act of 1894 that a suit to quiet title should be instituted in the Supreme Court in the first instance. It is plain that Congress intended that unless the question of title should reach the Supreme Court—in other words, be referred to it—within a year through the proper legal channels the title to the fee should be deemed to be vested in the Indians. So, too, it is plain that the Indians are not free to enjoy the rights conferred upon them by the treaty of 1858. The weakness of such a contention is manifest. The treaty of 1858 provided as follows:

"The said Yankton Indians shall be secured in the free and unrestricted use of the red pipestone quarry, or so much thereof as they have been accustomed to frequent and use for the purpose of procuring stone for pipes, and the United States hereby stipulate and agree to cause to be surveyed and marked so much thereof as shall be necessary and proper for that purpose and retain the same and keep it open and free to the Indians to visit and procure stone for pipes so long as they shall desire."

The Yankton Tribe numbers about 2,000 souls. It need only be inquired what would happen if the tribe in the exercise of the right conferred by the treaty should suddenly appear on the reservation which has been converted by the Government into a large and thriving educational institution boasting over 20 buildings, many other structures, and an experimental farm. In visiting the quarry at a great distance from their reservation in South Dakota the Yanktons would necessarily have to camp on the quarry reservation. Is it not obvious that the joint use of a small tract of 600 acres by the Government for an educational institution and demonstration farm with an Indian tribe is utterly impossible? It is extraordinary for the Secretary of the Interior to argue in 1925 that the Yankton Tribe has not been denied its right under the treaty of 1858 to the free and unrestricted use of the quarry when it was reported by the Secretary of the Interior as far back as 1900 that the entire Pipestone Reservation had been appropriated by his department to the use of the school erected thereon by the Government. (H. Doc. No. 535, 56th Cong., 1st sess.)

Oh, yes. The customary argument is anticipated—an old, outworn argument—that in the nature of things the governmental agencies can not assume the responsibility for ignoring technicalities. So, too, the weakness of the Federal Government in dealing with New York and Georgia and Alabama when they purposefully ignored the Constitution and the mandates of Supreme Court with respect to the Six Nations, the Creeks, and the Cherokees, is sought to be excused on the ground that the United States dared not enforce its laws against the States!

Such excuses have never helped the Indians in the least. The United States succeeded by act of the States to the sovereignty of Great Britain. The British Crown made a sincere effort after 1763 to protect the Indians, and has done so unfailingly ever since. (Report, Bureau of American Ethnology, 1910, title, The Policy of England.) The plain truth is, as declared by Presidents Washington, Harrison, and Grant, the American people have never taken enough moral inter-

est in the race to dictate a proper policy in dealing with that race. Inherently directly responsive to the popular demand, until the American people had sated their desire for Indian lands, it was impossible for Congress to deny that demand or enforce the decisions of the courts.

The old conditions no longer exist. The equally plain truth now is that senior executives under the existing system know nothing of Indian litigation. The Indians are left to the mercy of subordinates who are naturally more bent upon winning their cases than they are in seeing that justice is done by the United States to the Indians. Again, without any personal charges whatever against executive chiefs or subordinates, and no lack of understanding of their natural limitations, it is the haphazard system of Indian administration that is at fault; not the servants of the Government.

But neither does this explanation help the Indians. Surely, now, at last for reasons of economy as well as good conscience, it is the duty of Congress to bring to an end the necessity of such litigation by the Indians as that described.

Without regard to the legal merits of such cases and the intricate technicalities of the law by which Indian claims are defeated in the courts by the Government should the Indians be left to go on indefinitely consuming their paltry substance in such contests with a Government which possesses every advantage over them and under the existing law and system feels compelled to resort to every means to defeat Indian claims?

Is it not possible to establish a system of administration that will at least prevent inconsistent defenses being put forward by the Government against the Indians? A system that will at least insure a measure of coordination of policy by the several executive departments and full regard to the statutes of Congress and the intent of Congress with respect to the Nation's wards?

What, let it be inquired, would be the political effect should the Secretary of War and the Governor of the Philippines suddenly insist that the private property of Filipinos could be taken by them, without compensation, for the purpose of creating a public reservation? If the courts should then hold that the Filipinos had no remedy in the courts?

It is only because the Indians are disintegrated as a race, untutored, poor, and patient that the Government dares take such an attitude toward them. They have learned by a century and a half of sorrowful experience that their rights are deemed by the Government to be more or less on a parity with those of the buffalo—to be ignored when they stood in the way of the Government, notwithstanding the declarations of Congress and the courts. The will has all but vanished with the means of the tribal Indians to contend with the Government for their rights. Materially impoverished beyond the power of resistance, the spirit of the uncivilized Indians has been all but crushed. They have been reduced to a state of abject vassalage to a bureaucracy against which they almost fear to contend. They have been muted by injustice.

VIII

THE PRACTICAL DISADVANTAGES OF INDIAN LITIGANTS

Not only are the Indians of the United States put to the burden by the Government of contending against it for the most fundamental constitutional rights, but they are subject to the gravest disadvantages in their legal struggles with the so-called guardian government.

In theory adverse possession and laches may not be pleaded against the national wards either by the guardian government or third parties. Yet the practical effect of those equitable doctrines which the law invokes on their behalf is largely nullified for the reason that Indians, like other parties claimant, may only sue the United States in the Court of Claims within six years after the cause of action arose. [R. S. 1069.] The result is that in the great majority of cases the wards of the Nation must maintain lobbies before Congress to obtain relief, since it is seldom that they become advised of their rights before the general statute of limitations has run against them.

The case of Super et al *v.* the Secretary of the Interior, the Secretary of Agriculture, and the Federal Power Commission, supra, well illustrates the point.

Recognizing the preexisting right of occupancy of the Karok Tribe of California, which was guaranteed by the treaty of Guadalupe Hidalgo in 1848, in 1851 the Government caused a treaty to be negotiated with the Karok Tribe on October 6, 1851, in which the tribe agreed to cede its domain for a consideration. That consideration was a definitely specified reservation. The treaty failed of ratification and no attempt was ever afterwards made to extinguish the Karok title. In 1891 Congress passed the forestry act authorizing the President to set apart as forest reservations "public lands." Indian lands over and over have been held not to be *public lands*, and the Government has been forbidden by statute to designate them as such. Yet, acting, no doubt, upon erroneous advice, the President by proclamation on May 6, 1905, set apart the Karok tribal domain as the Klamath National Forest, over which the Secretary of Agriculture and the Federal Power Commission have since assumed to exercise control to the exclusion of the Karok Indians.

Plainly it was the duty of the guardian Government in 1905 to protect the rights of the Indians instead of misappropriating their lands to public use. But the Karok Indians were poor and scattered. Driven from place to place, they did not possess the means to procure legal advice. It was only in 1920 that the Indian Board of Cooperation of California, a private philanthropic society, investigated their case. The right of action of the Indians in the Court of Claims had long since lapsed.

Should such a limitation as that imposed by Revised Statutes 1069 be enforced by the political guardian in its own favor against its dependent wards whose property it has misappropriated?

Is there any theory of justice that can be invoked thus to favor the political guardian as against the ward, the trustee against the cestui qui trust? Surely the United States should not avail itself of the inequitable advantage of obtaining possession of a public reservation by virtue of such a limitation upon its own wards, who without the understanding and means to protect themselves were helpless at the hands of the Government.

Should they be put to the burden of continuing to lobby for remedial jurisdictional acts under which to obtain justice?

Plainly, an end should be put to such injustice by one jurisdictional act conferring upon the Court of Claims power to hear any Indian claim against the United States without regard to when the cause of action arose.

But even where an Indian tribe possesses the organization and the means requisite to the litigation of its rights, it meets with the utmost difficulty in doing so.

Under Revised Statutes 2103 the contracts between an Indian tribe and its attorneys are required to be approved by the Secretary of the Interior and the Commissioner of Indian affairs. The policy of the Government is to approve only such contracts as provide for a contingent fee. A maximum fee of 10 per cent of the amount recovered is allowed, and the court may allow less. The attorney must advance all the costs and expenses of the litigation in the first instance and is not reimbursed therefor unless a recovery is had.

A proper restraint upon such contracts is eminently wise in order to protect the tribes against fraud, to insure that the contract is authorized, to prevent the exploitation of the Indians by unscrupulous attorneys and their field agents, and to discourage by timely advice useless litigation. The fact is, however, the existing statute, coupled with the departmental policy of limiting the possible compensation of counsel to a contingent fee of 10 per cent of the amount recovered, leaving it to the courts to fix a lesser amount, at the same time casting on the attorney the risk of the expense of the litigation, has operated against rather than for the Indians in at least two ways:

First, purely contingent fees are not favored by the higher bar for reasons too numerous to require mention. In the case of the Indians, therefore, the executive policy of allowing only such fees tends to deny them the aid of eminent counsel, few of whom are available upon such terms. Second, it is not to be expected that the most able and conscientious counsel, even if they can afford to finance Indian litigation, will place at the disposal of their clients, with no hope of a reasonable remuneration of their services, the requisite funds, much less risk the loss of the same. Added to the risk of the costs now imposed upon attorneys for the Indians is the further deterrent that through lack of adequate accounting facilities available for Indian litigation a legal proceeding against the Government is apt to be prolonged for years.

In the very nature of things, therefore, these helpless wards of the Nation, who require the best possible legal advice and representation in a contest with the Government that is inherently unequal, are denied that aid. Instead of deterring their exploitation, the prevailing system tends to promote it.

Without throwing down the bars that experience has raised against the exploitation of the Indians by unscrupulous agents and attorneys who when once employed will have their pound of flesh, the whole system requires to be reformed.

The influence of the Department of the Interior and the Office of Indian Affairs, the duty of which it is to administer Indian property, should be wholly divorced from matters pertaining to the legal representation of the Indians. Since it is the duty of these executive agencies to furnish evidence in Indian litigation, absolute impartiality on their part in matters affecting their own administration is not only a very great but an unreasonable demand to make upon them. A statute might well be enacted providing that upon application to the Attorney General any Indian or tribe of Indians having a bona fide claim against the United States or any person, persons, State, foreign government, association, or corporation, by virtue of any treaty, agreement, or statute of the United States, should be entitled to select out of a list of attorneys approved by the President within the current year, a guardian ad litem to represent the applicant, and at the Government's expense, with the privilege of nominating attorneys for the approval of the President. In order to insure the willingness of competent attorneys to serve, all expense to them should be eliminated by providing for the payment to them of a reason-

able retainer as in the case of other special counsel, and for covering by appropriation such additional compensation as the court might allow. It is a simple device that would do justice and at the same time discourage wasteful and useless litigation, eliminate incompetent and untrustworthy counsel in Indian litigation, and enlist in the service of the Indians the highest legal talent in the country. To that much they are fairly entitled in a struggle either with the trustee, or to enforce their rights against others where the Government has failed to do so. Certain it is that the Attorney General should be required to see that Indians are not put to unreasonable expense by inconsistent or dilatory defenses on the part of the Government.

Again, upon what theory of justice can the wards of the Nation be required to bear the expense of costly litigation to recover what is due them from the guardian trustee?

If they are entitled to a judgment against the United States should they not receive the full amount net of what is due them?

Plainly, it is only fair that the United States, which now occupies as political guardian the position of the legal trustee of the property of the tribal Indians remaining in its hands, itself should furnish them with a guardian ad litem when the litigation of their rights becomes necessary.

In recent years, too, the practice has grown up of the Government deputing representatives to examine into local conditions among the Indians and charging the expense against the trust funds of its wards. Is this fair? Are the Filipinos, the Porto Ricans, the Hawaiians charged individually with the cost of Government inspection? In what other case are citizens of the United States required, save through general taxation, to bear the cost of government?

The whole question of Indian litigation requires to be gone into very thoroughly and regulated by statutes insuring fair and adequate representation for the Indians.

IX

THE DESTINY OF THE INDIAN CITIZENS

Enough has been said to disclose the imperative need of a new and definite national Indian policy.

What should that policy be?

Only the most careful study can determine. Yet, it may well be said that any policy that is determined upon should have full regard to the destiny of the Indian race.

What that destiny is would seem to be clear.

In the Handbook of American Indians, published in 1910 by the Bureau of American Ethnology, it is stated that upon the coming of the White Man there were 918,000 aborigines within the present continental limits of the United States including Alaska, and that in 1910 there were 403,000, including all degrees of admixture. (Pt. 2, p. 287.)

The Commissioner of Indian Affairs in 1924 reported that there were 320,497 Indians in the United States of all degrees of Indian blood, and that of these, 162,602 were full blooded. The figures as to the latter are much more apt to be correct than the number of persons claiming to be Indians for mere legal reasons. Thus, it is seen that on the basis of those figures there remains but 18 per cent of the original full-blooded population.

Of the 320,497 legal Indians reported in 1924, the Indian blood of some is as low as one sixty-fourth of 1 per cent, of many more only twice as great, and so on down to the full bloods. This fact, coupled with the census report of the number of Indians for 1920, or 265,683, is significant since from these figures it is obvious that in 1920 there were over 50,000 persons of Indian blood in the United States whose admixture was indiscernible to the census taker, or when not claimed for legal reasons, which fact, coupled with the evidence of the gradual amalgamation of the races in the past, would seem to indicate beyond the peradventure of a doubt the ultimate solution of the Indian problem—complete absorption of the Indians.

There are other circumstances which are conclusive of a marked affinity between the white and red blood. The red race by reason of a natural loss of vitality appears to be physically inferior to the white race, yet, despite its lowered physical condition, the average half-breed Indian is not inferior mentally or morally to either parent stock, nor physically inferior to the average Indian, while his relative intellectual capacity would seem to depend entirely upon his opportunity for its development. On the other hand, the mulatto is superior neither morally nor physically to the negro, and seldom under the most favorable environment develops the mental capacity of the white race, to which the negro is mentally inferior. Again, the Zambo, or Indian-Negro cross, is inferior mentally and morally to the Indian and, perhaps, the mulatto, and physically to the Indian as well as the Negro. (Race or Mongrel, Shultz; The Negro Race, Dowd.)

During the late war the psychiatric test was applied to thousands of Indians, white men, and negroes, with the result that no inherent discrepancy was found to exist between the mental capacities of the red and white races, while the American Indians, unlike Asiatics, showed a greater power to resist mental strain than the whites.

Is not this mental quality on the part of the red race but evidence of that spiritual poise that has come to it from a philosophy of life that makes God not an anthropomorphic deity but a universal, omnipresent, benignant force in nature? Is it not that philosophy that has given to the Indian his ability to stand fast; that integrity, that fundamental something that can be trusted which lies at the roots of his race—that something in human character to which faith may be pinned? There are those who believe that it is this thing that gives to the Indians not only their staunchness but their self-respect, their dignity, and their tremendous strength of mind. (The Soul of the Indian, Bishop Hugh L. Burleson.)

The conclusion that amalgamation is inevitable is fully borne out by the history of those racial groups of Indians which have been subjected to conditions that have made amalgamation possible. Left alone in 1784, entirely surrounded by whites, the Iroquois Tribes, known as the Six Nations, possessing as they did from the first tribal estates, or the basis of individual wealth, have all but vanished as a distinct race in the process of absorption by the whites. The same absorption has occurred in the case of thousands of the Indians of the Five Civilized Tribes in Oklahoma. The great majority of Indians even of the one-eighth blood must claim it to be distinguishable from the mass of white men.

Notwithstanding the prejudice of certain persons (Presidents Jefferson, Madison, J. Q. Adams, Jackson), nowhere is there to be found anything that justly can be taken to substantiate the view that the Algonquin, Siouan, and other great Indian families, long accustomed to self-government as they had been prior to 1776, would not have mixed with the whites as readily as the Six Nations and the Five Civilized Tribes had they been afforded the opportunity. The facts are that in the entire history of the world a greater congeniality has never perhaps existed on the part of a primitive people toward an advanced civilization than has been disclosed by the red race. Within the life of those in being representatives of this race invariably have been able to span in one great leap, as it were, the vast chasm of time that lay between the appearance of the aboriginal social forms on the American continents and modern civilization. Their actual proven ability to do so is unparalleled in history. It was not equaled by the Gauls and the Goths, between whom and the civilizations developed in Greece, Rome, and Alexandria little congeniality existed for centuries. One can not study their solar and lunar cults, and the existence in their social organization of masculine and feminine clans, without feeling that somewhere in the dim ages of the past, yet far more recently than commonly supposed, there was an origin common to the Celts and the aborigines of America which accounts for the peculiar affinity of the two races. (For full discussion of Celtic cults consult Hermeneutic Interpretation of the Origin of the Social State of Mankind, Fabre d'Olivet.)

At any rate, certain it is that into the problem of the Indian, the final solution of which remains, there is no complicating element of social prejudice, which has been the case with other aboriginal peoples. To-day some of the most illustrious white families of the Nation claim with pride an infusion of Indian blood.

Since it would seem certain that the remaining Indian blood is sooner or later to mingle with that of the whites, there can be no other reasonable policy than to protect it in every possible way as one of the inevitable national admixtures and thereby insure that along with it no other strain is admitted. The protection of Indian blood and racial character would seem to be the surest way to prevent their exertion of a debasing effect—a fact which in itself contains the first clue to the future national policy.

X

A NEW AND DEFINITE POLICY REQUIRED

In the determination of a new national Indian policy full regard should be had to the lessons which an unbiased study of the past affords.

The chief cause of the decrease of the Indians during the past century and a half in order of importance may be said to be smallpox and other epidemics; tuberculosis; sexual diseases; whisky and attendant dissipation; removals, starvation, and subjection to unaccustomed conditions; low vitality due to mental depression under misfortune; wars. In the categories of destroyers all but tuberculosis may be considered to have come from the white men, and the increasing destructiveness of tuberculosis itself is due largely to conditions consequent upon his advent. Smallpox has repeatedly swept over wide areas, sometimes destroying perhaps one-half the native population within its path. One historic smallpox epidemic originating on the upper Missouri in 1781–82 swept northward to Great Slave Lake, eastward to Lake Superior, and westward to the Pacific. Another, in 1801–1802, ravaged from the Rio Grande to Dakota; and another, in 1837–38, reduced the strength of the northern plains tribes by nearly one-half. A fever visitation about the year 1830 was officially estimated to have killed 70,000 Indians in California, while at about the same time a malarial fever epidemic in Oregon and on the Columbia—said to have been due to the plowing up of the ground at the trading posts—ravaged the tribes of the region

and practically exterminated those of Chinookan stock. The destruction by disease and dissipation has been greatest along the Pacific coast, where also the original population was most numerous. In California the enormous decrease from about a quarter of a million to less than 20,000 is due chiefly to the cruelties and wholesale massacres perpetrated by the miners and early settlers. (Handbook of American Indians, part 2, pp. 286–287.)

These facts are a dreadful commentary upon the Nation which assumed jurisdiction before God over the aborigines of America. Yet they clearly point the way to the needed reforms.

To insure the economic is but to insure the social welfare of a race, a fact which suggests that the emancipation of the remaining tribal Indians from reservation life and the poverty of the communal system should be expedited by education and instruction designed to convince them that the abandonment of the communal system is the only way they can acquire the basis of individual and inheritable wealth and an equality of opportunity in the economic order of the Nation. All Indians should be shown that individual poverty is the necessary consequence of the outworn aboriginal communal system. But although the Indians should be encouraged in every way possible to accept allotments in severalty under the present system of patents in fee, in trust, or in limited trust, according to their capacity to conserve the estate conferred on them, it would seem wise to leave them free to preserve the tradition of the tribe as a social organization. Unimpeded in this respect, the tribal community, shorn of all political and legal significance, will probably pass or persist in accordance with economic considerations.

It goes without saying that no Indian should be denied the highest form of free education of which he is capable, no matter what expenditure in comparison with that for the education of others it may entail, and that rudimentary education, at least, should be enforced upon all Indians. It also goes without saying that medical aid, hospitals, asylums for orphans, the blind, aged, infirm, homeless, and insane, should be freely placed at their disposal and no want or inconvenience on their part suffered to exist in these respects. Since these things must be provided not merely out of consideration for the Indians but in the interest of the whites as well, it is in no sense a national charity that the solution of the remaining Indian problem requires. For the lame and the halt—the injured ones among them, yes—there must be charity, as for all others of their kind, but charity for the red race as such can only debase it and the white race as well. The higher philanthropy of common sense is now demanded, a philanthropy designed not only to protect the Indian but the entire Nation. The welfare of both races demands that to the Indians shall be accorded freely all the human rights with which God endowed the race and that they shall be protected in them and taught to enjoy them to the fullest possible extent.

In the reformation of the existing statutes and practices with respect to the Indians there must be a departure from the old methods. Provisions, including legislation, designed to benefit the Indians must have regard to Indian character, Indian understanding, and Indian sensibilities, and be designed to gratify the wishes of the Indians more and those of the whites less than in the past.

It must be recognized that however loyal and uncomplaining they may be, however little they may ask, the Indians by nature are not the same as white men. In the soul of the red man course cross currents still uncharted by the white man's mind. These the Indians themselves should be allowed to mark out for the guidance of those whose different viewpoint of life often leads to the most extravagant blunders. This difference of viewpoint and consequent misunderstanding must be constantly borne in mind if the most conscientious purpose to help the Indians is not to be defeated. In other words, Congress must cease to regard the Indians through an opaque lens.

The point is not difficult to illustrate.

The inherent dignity of the Indian has often been misconstrued as stolidity, if not sheer stupidity. Analyzed, the understanding of the white man often shows him to be the more stupid of the two. For instance, let us consider our understanding of the Indian language.

Young-Man-afraid-of-His-Horse? What does such a name mean to the white man? Surely an absurd name for a warrior! To the Indian, however, it signifies a valor so great, a courage so dauntless, that the young soldiers or the recruits of the enemy feared even the prowess which the spirit of the knight had imparted to his steed. Thus, to the Indian mind, this gallant chieftain partook not of the nature of a soldier clown, but of a Cid or a Bayard! We missed the import of his name entirely.

Rain-in-the-face? What a comical name—to the white man! But to an Indian's mind it is not comical in the least since it expresses the idea of one with a confidence, a faith, a courage so sublime that he can face without the slightest misgiving the storm of life and without flinching confront the wintry gales of adversity.

Another case of equal misunderstanding may be cited. A gallant Chippewa chief, killed in battle, was borne home by his victorious warriors to a widowed bride. Soon a son was born to her. On the little mother's mind there was the impression of darkened days, cloud and rain, sudden shadows and sobbing trees. Just as the sun of her life seemed to have set forever, all joy departed, its rays had broken through a rift in the clouds and like the rainbow of a new hope, had shone out across the saddened plain of her thoughts. A little lad is born to her—a rift in the clouds of her sorrow. Of this beautiful conception the Indian language—literally translated, conveys no other meaning than Hole-in-the-Day. Such a name it was that the whites, seeking to do him honor, placed on the tomb of Rift-in-the-Clouds.

Again, a little girl, blue eyed and golden haired, won the hearts of the Mohawks. They gave her the name Gajajawox—a picture name suggestive of the wind listing through a field of flowers wafting their perfume as it came—the mingled perfume of the eglantine and honeysuckle borne on a summer breeze. Yet, in our language there were no words that fitted Gajajawox. The white man called her Smell-in-the-Air.

No. It is impossible to interpret the exquisite beauty which Indian words often convey to the artistic sensibilities of the Indian mind. Yet, deep down in the Indian soul there is a sense of beauty of which the white man scarcely dreams. We know it only in our literature and music. For us it is a thing we must create out of a strained imagery. We are only conscious of it as a thing apart from workaday affairs. In the Indian mind it is omnipresent, a living, everyday force, untainted by the so-called modern art of civilization. Is it not something worth preserving in the nature of a people, something from the expression of which the whole Nation may profit?

But we need not resort to such qualities or any sentiment whatever for the Indian to justify a different policy from that of the past in dealing with him. As we refer to each decade of Indian history, invariably we find standing out among this people some towering stature, heroic in his moral proportions, unsubmerged by the flood of adversity which poured in with white civilization upon him.

Were Philip, or Pontiac, or Cornplanter, or Little Turtle, or Tecumseh, or John Ross, or Osceola, or Chief Joseph of a quality, morally or intellectually, inferior to that of those whom with superb resolution they faced in the most unequal contest that was waged between their people and the whites? Men of such character were too numerous among the Indians to be accidental. Were there not thousands in this race of equal character?

Yet, has the Nation ever afforded the Indians—a race of the highest potential capacity—an opportunity to express its aims and aspirations?

Despite the ceaseless recommendations of Washington and their own pleadings, it was forty-two years after the United States assumed responsibility for this dependent people before the first dollar was appropriated by Congress for their education. (Indian Appropriation Act of 1818.) The paltry annual sum of $10,000 then appropriated for frontier schools was not increased for over half a century. Such was the pitiful provision made for the uplift of half a million aborigines.

Was it not natural that the two races with fundamentally hostile economic interests should have misinterpreted each other?

What are we really doing to-day for their education—to prepare them to enjoy their citizenship?

The current annual reports of the Commissioner of Indian Affairs indicate a very flourishing condition among the Indians. (Official bulletin issued by the Commissioner of Indian Affairs in 1923.) Nevertheless, there have been dreadful indictments on the floor of Congress in recent years of the Indian policy and conduct of Indian affairs. (Speeches of Hon. CLYDE KELLY, of Pennsylvania, CONGRESSIONAL RECORD, December 27 and 28, 1922.) Unfortunately the issue has become a political one between the Indian Commissioners and their accusers. Again, the Indians have been lost sight of in the controversy that has waged.

Personal experience leads the writer to believe that the issue which has been raised is not one to which the Commissioner of Indian Affairs and his office are properly parties; that the Commissioner of Indian Affairs and his subordinates are imbued with a very high sense of responsibility for the Indians; that they are deeply interested in their welfare; and that they are efficient in the discharge of their duty under the law as it exists. Complaint over the situation of the Indians should be directed not against them but against the law. It is with the law and the system that has developed under it that the fault lies. So long as the present laws remain on the statute books the existing system of dealing with the Indians must persist, and the Indians will not be bettered by investigating this or that administration or Indian Commissioner.

If the present system be scrutinized in a broad way, it will be seen that it is not well designed to advance the welfare of the Indians socially or economically. Like the fifteenth amendment in the case of the negroes, which demanded much of untutored aborigines, but gave them no chart with which to steer their course upon a stormy sea toward economic freedom, our Indian system leaves the tribal Indian to wallow on toward citizenship almost rudderless in an obsolete craft. How can we expect the tribal Indians to overtake the economic vessel in these days of steam and electricity equipped only with an aboriginal paddle.

The point may be well illustrated by the case of the Yankton Sioux of South Dakota, one of the finest and proudest groups of the red race.

Always friendly, these Indians received and entertained Lewis and Clark most hospitably during the winter of 1804. Upon the birth of one who was to become their head chief he was wrapped by Lewis in the American flag. The Yanktons came to honor and love that flag, and gave timely warning of the Minnesota massacre of 1862. They took no part in the Sioux uprisings of 1876 and 1891 and have never raised a hand against the Government. In 1917 they sent forth their young men in a body to fight side by side with their white brothers in France. Among them there was not a single case in which exemption from military service was sought, and to-day they are peacefully litigating their rights against the United States in the Court of Claims at their own expense. Assigned to their reservation at Greenwood, S. Dak., is one of the finest, ablest, and most conscientious gentlemen who occupies the office of Indian superintendent in the United States—Mr. Robert E. Lee Daniel.

How have these proud, brave, dignified, peaceful people prospered in their traditional loyalty to the Government?

A letter received by the writer from one of their chieftains, under date of August 26, 1925, describes their present plight as follows:

"A committee meeting was called at Greenwood last Saturday, the 22d, for the purpose of laying before you the awful conditions that some of the Indians are to face this coming winter.

"As you will remember we had a short crop last year, and many suffered from lack of food and fuel. In fact all the willows that grew along the river and on the little islands are gone, and soft coal is selling for $14 a ton. The reservation is going through one of the worst droughts since '94. Up until the 1st of July everything looked promising, but we haven't had a decent rain since.

"The Indians will have to do without their dried sweet corn, as we haven't got a roasting ear.

"I understand the superintendent has written the Indian Office in the matter. I know he will do all he can.

"Antelope and Standing Bull were strong in their speeches, Saturday, that now is the time that help is needed. Antelope thought it may be possible that two or three months of rations could be gotten.

"I understand that credit has been shut off at the agency stores, and as many Indians were living on the strength of share rents, you can imagine conditions with such a season.

"Lawrence just returned from Cheyenne River and says the country was blessed with lots of rains, but the Indians were living on horse flesh.

"A complaint is made that a resident doctor had been promised after July 1 and instead we have a contract doctor who is paid $1,200 per year and figures he can't serve the whole tribe for that amount, and says he will serve just those who have no money. He'll find out that there are a whole lot without money. These are some of the things that I was asked to lay before you."

If such conditions as those represented by the Yankton chief exist among the proud Sioux, they must also exist elsewhere.

Here it is to be observed, these people are not complaining, they are not asking for charity. They are only asking for aid in a cruel struggle with the elements.

Are they misrepresenting conditions?

What are the facts?

Does Congress really know the facts?

Will Congress take the risk of letting them perish for want?

Can a governmental policy toward the wards of the Nation which makes it necessary 150 years after the Nation assumed responsibility for these people for them to sue for rations be said to have been designed to uplift those people?

Are the tribal Indians, still like the few remaining buffalo herded on reservations, to be left indefinitely in their present plight, not even speaking the language of the Nation that claims them as citizens?

Since the receipt of the letter quoted, and at the interposition of the writer, the case of the Yankton Sioux has been investigated by the National Red Cross. While the tribe is very poor it would appear that less than 10 per cent require charitable aid. Even if conditions among them were found to be not as bad as those reported, it is a sorry reflection upon the Government's supervision and care of its wards that the facts respecting their true condition are a matter of doubt, and that any part of the tribe should require charitable aid, or aid over and above that which the Government is rendering.

XI

THE NEED OF AN INDIAN NATIONAL COMMISSION

Now and then in the martyrdom of man an epical plea is expressed, so convincing of the woes of humanity, of some great moral wrong, that even the most callous of men will pause to hearken to the cry that rises to the high heavens. So it was in the case of Euripides' imperishable tragedy—The Trojan Women—which shook to its foundations the Greek civilization, introducing into the moral philosophy of his time a new principle of humanitarianism. Longfellow but reiterated in Evangeline the protest of Euripides. Sometimes the wrong is so indisputable, the right so overwhelmingly on the side of the reformer, that even the most craven of men will not take issue. Then, the potential energy of the moral conviction which has been stored in the conscience of men translates itself into the moving energy of some great reformative act.

So it was when Granville Sharp climbed over the side of an English slaver in the port of Greenwich with Lord Mansfield's writ of habeas corpus in his hand, leading directly to the early abolition of slavery in the British Empire. (Martyrdom of Man, Winwood Reade, p. 355.) So it was later with Harriet Beecher Stowe's Uncle Tom's Cabin. A picturesque romance it was, of course, well calculated to inflame the passions of men, yet, it was compounded of pathetic though isolated truths each of which was recognized by some man here or there as that which could not be denied before God. The travail of the negro was a present fact. His wrongs were not merely things of the past, lamentable but irreparable. The potential energy of the moral conviction which Sharp and Clarkson had generated was translated by Garrison and Stowe, however, impoliticly, however violently, into the moving energy of abolition.

So, too, the oft published speech of Logan, the old Cayuga chieftain, the heroic stories of Lamotachee, the Creek, and Osceola, the Seminole warrior, served to touch the national conscience and store up the potential energy of a great moral conviction of the wrong that had been done the Indian, and no man stood forth in 1881 to deny the appalling indictment against the Government of Helen Hunt Jackson's Century of Dishonor. (A Century of Dishonor, by Helen Hunt Jackson, Harper Bros., N. Y., 1881.) Yet, ignorant of the present facts, the Nation conceived of the wrongs that had been committed against the Indians as crimes of the past. Moreover, uninspired by desire for political and economic gain as in the case of the abolition movement, and, since there was no one with whom to wage a conflict over the Indians, the passions of the people were not aroused by the revelations concerning them as they were by Uncle Tom's Cabin. Consequently, the potential energy of an almost unanimous moral conviction did not translate itself into a moving action. The mere spiritual gain that was to be had by the amelioration of the Indians' condition was left to the executive agencies of the Government, with the silent injunction that the indisputable crimes of a dishonorable past occur no more. For these reasons, Ramona, the Uncle Tom's Cabin of the Indians, was not to lead to their liberation from the bonds of political injustice. (Ramona, Helen Hunt Jackson, Little, Brown & Co., Boston, 1913.)

To one unfamiliar with the facts, it must seem strange, indeed, that during the first hundred years of the Nation's existence no one proposed the simple expedient to which resort was had first by Grant, then by Arthur and Cleveland, as the logical means of arriving at a sound basis of solving the whole vexed problem of the Indians. To such a one extraordinary indeed it must seem that a body of intelligent, able, unprejudiced students of human nature, who, to-day, would be called sociologists, economists, and what not, was not assigned to make a scientific study of that problem and give the Nation and Congress the benefit of its judgment. What at first appears almost inexplicable, however, must soon be seen from the most cursory study of the facts to be a natural consequence of the popular attitude toward the Indians.

Confident in the valiance of youth, learning nothing from Spain, from France, from the Dutch, consumed with a greed to which was brought the support of religious bigotry, all prior experience with respect to the Indians was set at naught by the youthful Republic that claimed to be the home of human freedom.

Sad were the years that intervened between Washington and Grant, sad were the futile struggles of the red man against whom a rapacious fate with mocking avarice had held down its thumb. In vain it is to regret that from the annals of the Nation may not be stricken out all record of the martyrdom of this helpless race; to rue the frenzied madness of the skin-deep humanity to which that race fell prey; to lament or to apologize for the unparalelled cruelty and neglect of a Government itself but recently born of a dreadful travail in the cradle of human justice. Let not the historian, with the smug apology that such a course was inevitable, brush over the mortifying facts, at the same time professing amazement over the carnival of blood that reigned in France, and to-day recurs in Russia, inspired as these madnesses were by centuries of oppression. Here, in free America, the soil of the Indian fatherland was saturated with the blood of a people that claimed only the right to exist.

Here a race was politically massacred, while in its defense not a single effective hand raised itself during the orgy of rapine and murder that marked the interlude between Washington and Grant. It was only when a man with all the courage and honesty of Washington, with nothing more to ask at the hands of the people, came into power—Grant—that the voice of the accuser was raised to touch the conscience of those whose interests were no longer affected. In the pulpits and among the settled portions of the country it was Grant who was first able to organize the counter force which eventually overthrew the

revel of confiscation that for the reasons mentioned had continued a hundred years. Then, then only, could Congress, reflecting the dominant view, turn to the task of reconstructing the Indians.

After all is said and done, the American people can not shunt the blame to Congress, since any long-continued policy of neglect is but the expression of their own will. This being so, the policy of Congress has been analyzed not for the purpose of disparaging that body, but simply to fix upon the American people more conclusively the responsibility for all that Congress and the Government failed to do.

Again, let the historian speak the truth, not out of a bitterness of heart, not with a vindictiveness designed merely to brand with unanswerable accusations a people who profess to be repentant, but to make the world so deeply conscious of their sin that others may pause upon the threshold of conquest to ask God what is the obligation which civilization imposes along with the right of preemption that may be claimed in its name. The story can not be made too full, be told too frankly, to insure that governments, ministries, cabinets in asserting the undeniable rights of civilization will not again revert to a barbarism which has been shown to have been more savage than the savagery of savages. With the facts before the world, perhaps a governmental police, not designed to destroy the aborigines but to restrain the ill-subdued ferocity, the skin-deep humanity of the white man, will hereafter precede the latter in uncivilized lands, denying to him the facile methods of the past.

Now, with only good will on the part of all for the Indians, free of all passion, with pride in their wonderful record in the late war, it is time for Congress to do what can be done by way of amends for the past. In the noble words of Grant—

"Our superiority of strength and advantages of civilization should make us lenient toward the Indian. The wrong inflicted upon him should be taken into account and the balance placed to his credit. The moral view of the question should be considered, and the question asked, Can not the Indian be made a useful and productive member of society by proper teaching and treatment? If the effort is made in good faith, we will stand better before the civilized nations of the earth and in our own consciences for having made it." (Second inaugural address, March 4, 1873.)

With little aid and in the face of well-nigh insurmountable obstacles all but 150,000 Indians have taken their place in the social and economic life of the Nation beside the other citizens. As to the tribal Indians, the duty of the Nation is as plain now as it was when Washington and Grant pointed it out in words which could have but one meaning.

What is the part of Congress?

The best policies become obsolete. Systems of administration become set and inflexible. New needs are ignored. It is inevitable that official bureaus and agencies should fail to respond to changing conditions even when recommendations are not resented and ignored simply because novel. It is time now for a nonpartisan commission, composed of the ablest obtainable men, to be entrusted with a complete survey of Indian affairs, in order that the Nation may not be misled into enacting laws designed merely to give expression to the white man's aspirations and ideas concerning the race.

The most reliable testimony—not that of their enemies, but of those who have lived and labored among them—is that deep down in the soul of the Indian there is still a living, burning ambition for leadership, a desire to do and to accomplish. Until now the Nation has felt that the white man must hold things in his own hands. But surely now there need be no fear to develop the Indian's power of leadership. Among a people who could furnish such faithful leaders as Cornplanter and Little Turtle, such restrained wisdom as that of John Ross, who but recently could furnish 17,000 soldiers for the defense of the common country, soldiers that could make the great sacrifice no less nobly than their white brothers, there can be nothing to fear. Among them, surely there are many who might, if given the chance, contribute much to the welfare of their race, as well as to the white man's understanding of what is best for it. By allowing them now to serve the country on a commission with white men, their powers of self-government could only be developed, at the same time their understanding of the Government's difficulties enlarged, and their influence for good among their own people enhanced.

If Congress could call upon these people to fight for the Nation, and enfranchise them, is it not time to give them a chance to be heard in their own behalf?

Are they not entitled to that much at the hands of a nation which at last, whatever the past may have been, is strong in its desire to do them justice?

Shall the Nation continue to pour its wealth and aid into Armenia, Russia, Turkey, China, and Japan, and let its own Indian citizens starve upon inhospitable and blighted reservations, still ignorant even of the language of their guardian Government and those with whom they are left to contend?

Should foreign policies, battleships, submarines, airplanes, road-building, harbor, drainage, and irrigation schemes, canals, post offices, and further economic developments designed to benefit the white man, take precedence over our duty to these people?

If not, what is the definite plan of Congress for their emancipation from the slavery of the aboriginal social and economic order to which the national policy has consigned them?

Before God, it is time for Congress to consider these things and *to act* in such a way that will remove forever the continuing reproach that now rests upon the Nation.

A long time now we have been thinking of the Indians as a romantic race. We read Prescott and Parkman and Cooper, visit the Wild West shows, and in our minds picture them only as befeathered savages of the past. It is time now to think of them with less sentiment and more reality. Let us visit their country—what little of it is left to them—and see them as they really are—citizens bending over the national hoe and plow in a life and death struggle with nature. Let us think of their young men in olive drab upon the firing line in France—not merely as painted warriors upon the warpath of a century ago. Then we will have in our minds a true picture of the Indians.

Then let us ask if the yoke they bear is not too heavy even for this patient people.

For once—the first time—let him confide to us what is in their hearts. Let the Nation hear what they have to say as well as what comes from the departmental bureaus and out of the debates of Congress.

That is the first step, it is submitted, that should be taken in recognition of the citizenship of this people who but recently have contributed so freely of their loyalty and blood to the defense of this, the land of their forefathers. Then—then only we may be able truthfully to say to our sister nations—for all that is taken from the Indians they receive ample consideration.

JENNINGS C. WISE.

REGULATION OF AIRCRAFT IN COMMERCE

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order. The Chief Clerk will state the first bill on the calendar.

The CHIEF CLERK. A bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

Mr. BINGHAM. Mr. President, in presenting the bill for consideration at this time I would like to state that a similar measure has twice passed the Senate—once in the previous Congress and once on a prior occasion.

Mr. SMOOT. The Senator does not expect to have the bill considered under the five-minute rule?

Mr. BINGHAM. If necessary I shall ask unanimous consent for its consideration at this time.

Mr. SMOOT. That is what the Senator had better do or else the five-minute rule will apply. I have no objection to taking up the bill for discusison at this time.

Mr. BORAH. Before I consent I would like to have the Senator take enough time to explain what the bill is.

Mr. BINGHAM. That is what I desire to do.

Mr. EDGE. Mr. President, I have no desire to object to the request for unanimous consent, for I likewise am very much interested in the bill which is in charge of the Senator from Connecticut, but, as is generally known, I have given notice that this morning immediately following the morning business I desired to speak on the subject of prohibition. I am entirely satisfied, however, to join in the unanimous consent, with the understanding with the Senator from Connecticut that if the bill shall develop a controversy he will yield to me in order that I may speak on the bill, and at the same time make the address I propose to submit.

Mr. BINGHAM. It will be so understood.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to strike out section 16, proposing to transfer the National Advisory Committee for Aeronautics to the Department of Commerce.

The bill as proposed to be amended is as follows:

Be it enacted, etc., That the words "commerce" or "commercial" when used in this act, unless the text otherwise requires, shall mean the flying, navigating, or operating of any civil aircraft in interstate or foreign commerce, or in, over, or through the District of Columbia, the Territories, and dependencies of the United States.

SEC. 2. It shall be the duty of the Secretary of Commerce to foster commercial air navigation in every way possible and to do all things necessary therefor, cooperating and consulting with all other established governmental agencies, Federal or State, and taking advantage to the fullest degree possible of the facilities they can offer. This shall include the following duties:

(a) To inspect each aircraft before it is used in commerce and to certify as to its condition, capacity, and safety at the date of inspection, and to make the information contained in such certificate available to the public in such manner as he may prescribe. Aircraft found upon such inspection and test to be airworthy shall be issued a certificate of airworthiness.

(b) To establish aerial traffic rules and regulations for the manner of navigating and operating civil aircraft in commerce.

(c) To designate and approve air routes suitable for air commerce.

(d) To encourage the establishment of airdromes, landing fields, and air ports.

(e) To make recommendations to the Weather Bureau as to the necessary meteorological service.

(f) To study the possibilities for the development of commercial air navigation and to collect and disseminate information relative thereto.

(g) To investigate, record, and make public the causes of accidents in civil air navigation.

(h) To exchange with foreign governments through existing governmental channels information pertaining to civil aviation.

(i) To operate and for this purpose to purchase, when appropriations shall have been made to do so, such aircraft as he may deem necessary for carrying out the provisions of this act.

INSPECTION AND LICENSING

SEC. 3. It shall be the duty of the Secretary of Commerce to provide regulations for the following purposes:

(a) The inspection and testing from time to time of any aircraft as to their airworthiness.

(b) The determination and examination of the qualifications of individuals to serve as airmen upon or in connection with aircraft in the United States. Such examination shall be based upon the character, physical fitness, training, and practical experience of the airman. Any individual found, upon such examination, to be qualified, shall be issued an airman's certificate.

REGISTRATION

SEC. 4. The Secretary of Commerce shall by regulation provide for the registration of aircraft as aircraft of the United States, but no aircraft shall be so registered (1) if it is registered under the laws of any foreign country, and (2) unless it is owned by (a) an individual who is a citizen of the United States or its possessions, or (b) a partnership of which each member is an individual citizen of the United States or its possessions, or (c) a domestic corporation, of which the president and three-fourths or more of the board of directors or managing officers thereof, as the case may be, are individual citizens of the United States or its possessions and in which at least 75 per cent of the interest is owned by persons who are citizens of the United States, (d) any State, Territory, or possession, or the District of Columbia, or the Canal Zone, or any political subdivision thereof, or (e) any association or corporation directed by act of Congress to act as a governmental agency. Any aircraft registered under this section shall be issued a certificate of registry.

SEC. 5. No aircraft shall at any time be held an aircraft of the United States unless at such time the aircraft is registered in accordance with the provisions of section 4.

IDENTIFICATION

SEC. 6. The Secretary of Commerce is authorized by regulations to provide for the identification and marking of aircraft in the United States.

SEC. 7. Aircraft, other than aircraft of the United States, shall not engage in the transportation of passengers or merchandise for hire, nor in any other commercial operation, between the several States, Territories, and/or possessions of the United States, nor within any of the Territories or possessions of the United States. Any aircraft violating the provisions of this section shall be subject to a civil penalty of $500 for each passenger transported and to a civil penalty of $5,000 for merchandise, which shall constitute a lien on such aircraft.

SEC. 8. (a) The owner of any aircraft navigated in commerce without registration, identification, or marking, or without a certificate of airworthiness, or with airmen not holders of certificates, as required by this act, or in violation of the rules and regulations made under this act, shall be subject to a civil penalty of $500, which shall constitute a lien on such aircraft.

(b) Any person acting as an airman upon any commercial aircraft without the certificate provided in section 3 (b) of this act, shall be subject to a civil penalty of $500.

(c) The Secretary of Commerce may, upon application, remit or mitigate the penalties provided for in this section or discontinue any prosecution for their recovery upon such terms as he shall think proper.

FEES

SEC. 9. There shall be paid to the Secretary prior to each registration, identification, inspection, or the issuance of any certificate under this act, reasonable fees in amounts to be fixed by the Secretary of Commerce. All fees so received shall be paid into the Treasury of the United States. The amount which, in the judgment of the Secretary, is equivalent to the cost of rendering such service shall be credited to the appropriation out of which such cost was paid and the balance, if any, shall be credited to miscellaneous receipts.

SEC. 10. The Secretary of Commerce is authorized to suspend or revoke any certificate issued under this act after giving reasonable notice and an opportunity for a hearing. He is authorized to prescribe regulations governing the procedure in cases of such suspension or revocation.

SEC. 11. The Secretary of Commerce is authorized, within the limits of appropriations hereafter made by the Congress, to establish and operate lights, aerial lighthouses, and aerial signal stations, and radio directional finding facilities for aircraft and radio communication facilities for aiding air navigation.

SEC. 12. Any person who, with intent to interfere with air navigation, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal prescribed by the Secretary of Commerce under this act, or regulations made thereunder, or for a light or signal connected with an aerial lighthouse, airdrome, or other aircraft facility; or knowingly removes, extinguishes, or interferes with the operation of any such true light or signal shall upon conviction be punished by a fine of not more than $5,000 or imprisonment for not more than five years, or both.

SEC. 13. The Secretary of Commerce is authorized to chart commercial air routes and to arrange for the publication of maps of such air routes, utilizing the facilities of existing Government agencies so far as practicable.

SEC. 14. The Secretary of Commerce is authorized—

(a) To make such regulations as are necessary to execute the duties vested in him by this act.

(b) To make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, and for law books, books of reference, and periodicals) as may be necessary efficiently to execute the functions authorized by this act and as may be provided for by the Congress from time to time.

(c) To publish from time to time a bulletin setting forth all licenses and permits issued or revoked under the provisions of this act, together with field reports of all civil air navigation activities, accidents, field and route data, and such other matters relating to the functions authorized by this act as he deems advisable.

SEC. 15. To aid the Secretary of Commerce in fostering air navigation and to perform such duties as the President or the Secretary of Commerce may direct, there shall be an Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary of $7,500 a year, to be paid monthly.

SEC. 16. The Secretary of the Treasury is authorized to designate places in the United States as ports of entry for aircraft engaged in foreign commerce. All such aircraft, upon entering or leaving the United States, shall enter such ports and clear under such regulations as may be provided by the Secretary of Commerce.

SEC. 17. Section 3 of the act entitled "An act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture," approved October 1, 1890, is amended by adding at the end thereof a new paragraph to read as follows:

"It shall be the duty of the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture (a) to furnish such weather reports, forecasts, warnings, and advices as may be required to promote the safety and efficiency of air navigation in the United States and upon the high seas, particularly upon air routes designated and approved by the Secretary of Commerce under the provisions of this act, or established under other authority of law, and (b) for such purposes to observe, measure, and investigate atmospheric phenomena, and establish meteorological offices and stations."

SEC. 18. Air navigation facilities under the jurisdiction of the head of any Government department or independent Government establishment may be made available for public use under such conditions and to such extent as the head of such department or establishment deems advisable and may by regulation prescribe.

SEC. 19. The head of any Government department or independent establishment having juridiction over any airdrome may, when necessary to the continuance of air navigation, sell to any aircraft alighting at the airdrome fuel, oil, equipment, and supplies, and furnish it mechanical service, temporary shelter, and other assistance, under such regulations as the head of the department or establishment may prescribe, if, and only if, such action is, by reason of any emergency, necessary to the continuance of such aircraft on its course to the nearest airdrome established by private enterprise. All such articles shall be sold and such assistance furnished at their fair market value prevailing locally. All amounts received under the provisions of this section shall be paid into the Treasury of the United States, and the amount which, in the judgment of such head of any Government department or independent establishment, is equivalent to the cost of the property so sold shall be credited to the appropriation from which the cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

SEC. 20. As used in this act—

(a) The term "United States," when used in a geographical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the air space above such territory; but shall not include the Canal Zone.

(b) The term "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in, the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(c) The term "airdrome" means any area or supporting surface, including structures anchored thereto or floating thereon, which is used or purposely adapted for the storage, maintenance, or repair of aircraft.

(d) The term "air navigation facility" includes any airdrome, landing field, air beacon, or other signal structure, radio directional finding facility, or radio communication facility, or other structure used as an aid to air navigation.

(e) The term "master" means the individual having command of an aircraft.

(f) The term "airman" means any individual (including the master and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any ground engineer who is in charge of inspection, overhauling, or repairing of aircraft.

SEC. 21. This act shall not apply to aircraft owned or operated by the United States.

SEC. 22. If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application thereof to other persons and circumstances shall not be affected thereby.

TIME OF TAKING EFFECT

SEC. 23. This act shall take effect upon its passage; except that no penalty or forfeiture shall be enforced for any violation of this act occurring prior to 90 days after the passage of this act.

Mr. BINGHAM. Mr. President, this bill, Senate bill 41, differs from the bill previously passed twice by the Senate in that instead of providing for a bureau of commercial or civil aviation in the Department of Commerce, with a commissioner of aviation, it provides for an additional Assistant Secretary of Commerce, as recommended by the President's Aircraft Board. It was felt that the Department of Commerce had a sufficient number of bureaus which could be used for the purpose of aiding civil air navigation.

For instance, the Bureau of Standards already conducts certain investigations regarding structural engineering and miscellaneous materials and could easily extend its studies to meet the needs of aviation.

The Bureau of Foreign and Domestic Commerce already has a division devoted to automotive machinery and could without difficulty add another division devoted to airplanes as a commodity. Its division of statistical research could without difficulty secure for us the necessary information regarding foreign commercial aircraft.

The Bureau of Lighthouses is already well equipped to handle the lighting of our future airways. The Secretary of Commerce tells us that it will cost much less to light our airways than it does to light our waterways, and that the cost of various aids to air navigation parallel to those now given to water navigation by the Bureau of Navigation would not be an extravagant sum.

The Coast and Geodetic Survey, also under the Department of Commerce, prepares the charts for water navigation and could readily add to its work the preparation of air charts for air navigation.

The Department of Commerce has offices in all our seaports where its Bureau of Navigation and its Steamboat Inspection Service carry on their work. These offices can readily be used without much additional expense for the necessary aviation inspectors, who must provide for the examination of pilots and airplanes and for their proper certification.

To do all these different things in a separate department would require an enormous additional expense. It would involve greatly increased overhead charges, the renting of new offices in all parts of the country, the provision for many services which under the coordinating hand of the new Assistant Secretary of Commerce can be easily undertaken by the extension of the existing bureaus of the Department of Commerce which have already formed a directing staff for similar work in all parts of the country. Those expenses would be avoided by adopting the plan proposed in this bill. Without building up even an additional bureau at the present time the office of the new Assistant Secretary of Commerce can provide a place for the study of the possibilities of the development of commercial air navigation and the collection and dissemination of information relative thereto which will be of enormous importance.

Mr. President, the situation in regard to commercial aviation in this country is not satisfactory. Insurance rates are almost prohibitive. One of the companies which was engaged in commercial aviation and tried its hardest to run passenger service in a safe manner over water finally failed. Their report shows that 30 per cent of their total income had to be devoted to insurance.

Accidents in aviation in the Government service are steadily diminishing. In the Army, for instance, in one branch of the service in which we are particularly interested, the training of aviators, since General Patrick became chief of the Air Service the casualties have steadily diminished. In 1921 there was 1 casualty for every 1,420 hours of flying; in 1922 there was 1 casualty for every 1,700 hours of flying; in 1923 the service was almost twice as safe, the casualties being only 1 for every 3,400 hours of flying; while in 1924 there was but 1 casualty for every 5,200 hours of flying.

Now, contrast with that the casualties in commercial aviation. Commercial aviation at the present time in this country may be divided into two parts—aviation conducted by commercial aviation companies operating from fixed bases or air ports and aviation which is carried on by what are known as "gypsy" flyers, or itinerant flyers.

The yearbook of the Aeronautical Chamber of Commerce shows that in 1924 the number of accidents of companies operating from a fixed base, with proper inspection so far as their own planes and pilots were concerned, was not very much greater than in the Army, their casualties being but 1 to every 4,550 hours of flying as compared to the Army, which, in the training of pilots, had 1 for every 5,223 hours of flying; whereas in the case of "gypsy," or itinerant, pilots in 1924 1 person was killed for every 200 hours of flying. Expressed in another way, in mileage, the Army in operating its model airway system over a period of three years had flown nearly a million miles without a single casualty, showing what can be done in commercial aviation when properly regulated, the idea of the model airway being to show what can be done in commercial aviation. Last year our fixed-base operators had only 1 casualty for every 300,000 miles flown, whereas the itinerant pilots had 1 casualty for every 13,500 miles flown. A very striking comparison may be found by considering conditions in Europe——

Mr. FLETCHER. Mr. President, may I ask the Senator what are the Army airways to which he refers?

Mr. BINGHAM. The Army, I will say to the Senator, some three and a half years ago established certain carefully laid-out routes, such routes as we have for ships at sea for which we provide buoys and channels and lighthouses and navigation directions, and directed that these air routes be marked and charted. They extend from Washington to Mitchel Field on Long Island; from Washington to McCook Field at Dayton, Ohio; from McCook Field to Scott Field in southern Illinois near St. Louis; and from there to San Antonio, Tex. In operating these airways they use only certain planes labeled "airway planes," and they fly about 7,000 miles a week, winter and summer. They operate entirely on a system designed to show what can be done over well-marked, well-charted routes, where they receive proper meteorological information, not only weather forecasts for the succeeding day but what the weather is and the condition at the fields at the time of starting or an hour or two preceding. Does that answer the Senator's question?

Mr. FLETCHER. Yes.

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

Mr. BINGHAM. Certainly.

Mr. KING. The Senator has not cited the figures showing the mortality attending what he denominates the "itinerant pilots" for the purpose of drawing any comparison as to the superiority of pilots who have been operating over the so-called laid-out routes, does he?

Mr. BINGHAM. No, Mr. President; but merely for the sake of pointing out the fact that when there is Government inspection of planes, Government inspection and certification of pilots, and Government control over routes over which they fly, the flying can be made very safe. However, we have never yet examined pilots federally for commercial aviation or examined the planes or, except in the case of the Post Office Department, provided airways lighted at night. The inference is obvious that when we have proper inspection we will then get safety.

In Europe, strange as it may seem, insurance rates are lower on valuables when carried from Paris to London and

from Amsterdam to London in airplanes than when carried on trains. Diamonds are sent from the diamond cutters in Amsterdam to the diamond market in London by airplane at about one-third the rate of insurance that is required when diamonds go by rail or express. There is nothing like that in this country. The reason is that the insurance companies in this country have no certification that the pilot knows how to fly; that the plane is air worthy; that the engine is of proper power and sufficient for the work which is required.

As I have said, the Senate has twice passed a bill similar to the one now pending, but the House has failed each time to pass such a measure. The changes in this bill over the bill formerly passed by the Senate are, in the first place, the appointment of an assistant Secretary of Commerce to coordinate all the air activities of the Department of Commerce under the direction of the Secretary of Commerce and to aid in every way in promoting commercial air navigation.

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

Mr. BINGHAM. Certainly.

Mr. FESS. In reference to the lower insurance rates in Europe on valuables conveyed by airplanes, is not that due to the comparatively greater risk of robbery when they are carried by train than when carried by airplane?

Mr. BINGHAM. That is undoubtedly true, and the same thing would apply in this country were it not for the additional dangers which are encountered in the hazards of commercial aviation without proper Government regulation and inspection.

Mr. FESS. Is it true that there is less danger in going through the air than in traveling on a railroad train? That is hardly true, is it?

Mr. BINGHAM. That can hardly be said to be true, although the Post Office Department last year in its air mail route from New York to San Francisco flew, winter and summer, day and night, a distance of 2,500,000 miles and only lost two lives.

Mr. FESS. That is very remarkable.

Mr. WATSON. Mr. President, will the Senator permit a question?

Mr. BINGHAM. Certainly.

Mr. WATSON. Can the Senator state how many airplanes are now devoted to commercial aviation and what tonnage they have?

Mr. BINGHAM. In this country?

Mr. WATSON. Yes; in this country.

Mr. BINGHAM. There is no means of furnishing that information exactly, I will say to the Senator, because the Government has never provided any office for the collection of such information. This bill provides that it shall be the duty of the Secretary of Commerce to collect such statistics.

Our Government has for years spent millions of dollars annually in aiding ocean navigation. My recollection is that the appropriation bill for the Department of Commerce usually carries from $14,000,000 to $16,000,000 a year to provide aid for water navigation. Of that amount about $10,000,000 goes to lighthouses and other lighting facilities. We have never expended a cent directly to aid air navigation, and yet we wonder why it is so dangerous. If we were to remove the lights, the beacons, the buoys, and suspend the issuance of charts and other aids which we have provided for ocean navigation, our merchant marine would be tied up immediately; the next day no one would dare to go to sea, and all insurance companies would immediately cancel their insurance policies. Yet we have expected commercial air navigation to develop without the aid that we give to ocean navigation.

The purpose of this bill is not so much to regulate as to promote; merely providing sufficient regulation to make sure that there will be proper pilots, proper planes, proper mechanics to take care of them, and also that, as the appropriations become available, the Secretary of Commerce shall have it as his duty to erect lighthouses at proper air ports to mark the airways and to provide the charts for pilots flying over them.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator again, as I understand the purpose of this bill, it is to lay the foundation for all these aids to air navigation? It does not in itself provide for lighthouses or the other equipment to which the Senator alludes, but it provides means whereby future Congresses may, in the development of the service, take care of those conditions? Am I correct about that?

Mr. BINGHAM. The Senator is correct. It authorizes the Secretary of Commerce to do that; but, of course, he can not do it until proper appropriations are made.

Mr. ROBINSON of Arkansas. Mr. President, let me ask the Senator from Connecticut what consideration was given to the bill by the Committee on Commerce?

Mr. BINGHAM. The Committee on Commerce considered the bill very carefully, and they gave it their unanimous approval. It was very similar to bills which had formerly been considered, there being only a few sections that differed from the bills which previously had been passed by the Senate.

Mr. ROBINSON of Arkansas. What are the important distinctions between this bill and the one passed at the former session?

Mr. BINGHAM. The chief differences are, first, the new Assistant Secretary in place of a bureau; second, the authorization of the provision of lights and radio directional finding facilities by the Secretary of Commerce as fast as appropriations become available; third, the authorization of the Weather Bureau to provide proper weather reports suitable for air navigation on the requisition of the proper authorities, and the provision making it the duty of the Secretary of Commerce to request such service from the Weather Bureau; and, fourth, certain definitions occurring in section 21 defining the terms used in the bill.

Mr. ROBINSON of Arkansas. This bill does not undertake to deal with the subject of radio generally, but merely as it relates to the Air Service?

Mr. BINGHAM. In section 11 the Senator will find the only reference to radio, in which it is stated that—

> The Secretary of Commerce is authorized, within the limits of appropriations hereafter made by the Congress, to establish and operate lights, aerial lighthouses, and aerial signal stations, and radio directional finding facilities for aircraft and radio communication facilities for aiding air navigation.

Mr. ROBINSON of Arkansas. Does this bill in any way deal with the subject of the right and power of the Department of Commerce or of any other Government agency to regulate the use of radio or the use of the air for radio purposes?

Mr. BINGHAM. Not so far as I understand.

Mr. ROBINSON of Arkansas. My attention has been called to a case in which the Department of Commerce gave to one station in the Southwest a wave length, for instance, of 375 meters. Subsequently, the right to use that wave length was divided with another station in the same part of the country. Approximately a year later the Department of Commerce gave permission to an organization in the eastern part of the United States to use the same wave length. It gave it at first upon the understanding that the use of that wave length, by the eastern station, would be merely experimental, the right having been granted to these two stations in the Southwest previously. It was found, however, that by the employment of powerful machines the eastern station completely destroyed the advantages of the southwestern stations, so that they can no longer broadcast.

I am wondering whether it is the policy of the Department of Commerce to permit arrangements of that character. It is most astounding to me that any department of the Government would, either under authority of law or assuming to act without authority of law, grant a permit and then grant another in conflict with it, so that the effect of its subsequent grant would be to destroy the first grant. If that is the way the Department of Commerce is to operate in these matters, the Senate would do well to look into the subject very carefully.

My information is that the Department of Commerce does not question the facts that I have stated here. It states that it is in some sort of unfortunate position; that it had no intention of violating the first permit that it granted, but that the parties who were operating the station in the East had employed more powerful agencies than were contemplated, so that the effect was to take away from the southwestern stations that had been enjoying the right for more than a year the privileges granted to them. I wondered if the attention of the Senator from Connecticut had been called to that subject.

Mr. BINGHAM. It has, Mr. President; and there is nothing in this bill which in any way affects that, one way or the other. The idea of the bill merely is to give to the Department of Commerce instructions to do for air navigation in the way of radio directional signals and fog signals what it is to-day doing so ably for water-borne navigation.

Mr. ROBINSON of Arkansas. Of course, I think it is inevitable that further power to regulate the employment of radio must be granted and exercised; but it certainly is a strange act on the part of any department to grant two inconsistent permits, as has been done in the case stated.

I am thoroughly in sympathy with the proposal to build up civil aviation, as well as thoroughly in sympathy with the proposal to strengthen the air power of the United States as a means of national defense. I am hoping that the committee have given very careful consideration to this measure, because the subject is of constantly growing importance. In the early, if not the immediate, future its importance will be realized.

I am not objecting to the consideration of the bill. I understand the Senator has submitted a request for its present consideration.

Mr. BINGHAM. Has the request been granted? I asked for unanimous consent for the consideration of the measure.

The VICE PRESIDENT. It is before the Senate already.

Mr. ROBINSON of Arkansas. At the request of some Senators who have not had an opportunity of considering the bill, I will ask the Senator from Connecticut to let the measure go over for a day or two until we may be able to study it.

Mr. CURTIS. I suggest that the Senator from Connecticut be permitted to complete his remarks on the bill.

Mr. ROBINSON of Arkansas. Yes; I am interested in hearing the Senator from Connecticut.

Mr. CURTIS. The Senator from New Jersey [Mr. EDGE] desires to make a speech; and if this bill can remain under consideration there will be something before the Senate, and then it can be laid aside.

Mr. ROBINSON of Arkansas. I do not desire to take the Senator from Connecticut off the floor, but I will ask that the bill go over in order that Senators may have an opportunity to examine it before action is taken upon it.

Mr. FLETCHER. I suggest that the request be granted and the bill laid before the Senate; and then, of course, it will not pass to-day, and it can be laid aside.

Mr. ROBINSON of Arkansas. I have no objection to that.

Mr. EDGE. May I suggest, Mr. President, that the Senator from Connecticut make a motion to have the bill laid before the Senate? Then it will become the unfinished business and can be brought up in the usual way.

Mr. ROBINSON of Arkansas. I do not object to the Senator's request for the present consideration of the bill. I shall only object to its final disposition at this time.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BINGHAM. I do.

Mr. NORRIS. If the Senator will permit me to make a suggestion, I think it would be to his advantage to make a motion to take up the bill, because if he does, and we adjourn, as we will, without finishing it, it will become the unfinished business. If it is taken up by unanimous consent, that will not be the case.

Mr. FLETCHER. We have not yet reached the hour of 2 o'clock. If the Senator made the motion now, it would not avail.

Mr. NORRIS. He will not make it the unfinished business by unanimous consent.

The VICE PRESIDENT. The bill is before the Senate as a matter of right under Rule VIII at this time.

Mr. FLETCHER. I suggest that the Senator press his request that it be taken up.

Mr. BINGHAM. Mr. President, in accordance with the suggestion of the Senator from Nebraska, I move that the bill be made the unfinished business.

Mr. SMOOT. Mr. President, I do not want the bill made the unfinished business in that way. Why not let it go over as it is until we get the information asked for by the Senator from Arkansas? I do not think the Senator can pass the bill to-morrow. I gave notice that I should ask for the consideration at that time of the bills affecting the settlement of the debts of six European countries to the United States. I should want it understood, if this bill is to be made the unfinished business, that it will be temporarily laid aside for that consideration.

Mr. BINGHAM. Mr. President, I move that the Senate proceed to the consideration of the bill at the present time.

The VICE PRESIDENT. The bill is already before the Senate.

Mr. ROBINSON of Arkansas. There is nothing to be accomplished by the motion of the Senator from Connecticut. Consent has been given by the Senate to proceed to the consideration of the bill, and we are now considering it. I merely notified him that I do not desire to have final action taken on the bill to-day.

Mr. JONES of Washington. Mr. President, may I suggest to the Senator that he let the matter run on until 2 o'clock, if the Senate stays in session that long, and then he can make his motion, and the bill will become the unfinished business. Then it can be laid aside.

Mr. SMOOT. A motion to make it the unfinished business at this time is not in order.

Mr. BINGHAM. Under the circumstances I withdraw the motion, as I understand it is out of order at this time.

Mr. President, there are eight things which need to be done to promote civil air navigation. There are eight things which will make it safe, which will make it possible for insurance companies to give reasonable rates of insurance, which will give the public confidence so that they will use it. There were very few passengers carried last year by any regular air lines in the United States. There were some 64,000 passengers carried over regular air lines in Europe.

The eight things which need to be done are the following:

In the first place, the certification of proper pilots. They should be well trained; they should be physically sound; they should be of good judgment; they should be required to pass stringent examinations as to their condition and training. In England at the present time the examination of commercial pilots is even more stringent than that of military pilots.

In the second place, the need is for proper planes. The plane must be structurally sound, it must be aerodynamically sound, and it must be in good condition, all of which things can be determined by proper inspection.

In the third place, the motor must be not only efficient, not only of sound construction, but of proper power to take such an airplane as it is proposed to take safely off the ground. It was reported that in the national air races at Mitchel Field last fall in one race a plane failed, and a passenger was killed and the pilot seriously injured because the motor was deficient in power. No one, however, had any authority to prevent that plane being taken off with that motor, because the State of New York had not provided for any such action.

In the fourth place, the safety of commercial aviation depends on the kind of mechanics employed. There is probably no known means of transportation where exquisite care on the part of the mechanics means so much as it does in aviation. Consequently it is of great importance that the mechanics be inspected and certified to as proper airmen.

In the fifth place, there is a need for air ports. Some of you have seen in some parts of the country a vacant field with a shed and a few planes and a sign up, reading "John Smith's airport," or somebody else's "airport," giving it a high-sounding name, as though it was comparable to a seaport. As a matter of fact, an airport is something which really is comparable to a seaport and differs from an ordinary flying field as a seaport differs from an ordinary natural harbor. Not only must an airport have a proper landing field, not only a shed for the planes, but it must have repair facilities, telephone facilities, radio directional finding facilities, and if it is to be used at night at all it must have the same kind of lighting that is now provided for the Post Office Department on its very well run night airways between New York and Chicago and Wyoming, over which planes fly every night. An airport has to have all the conveniences needed for the repair and for the proper reception and sending out of planes.

In the sixth place, there is a need for airways. The word "airway" is a new one and is not familiar to many people. It may be compared to a navigable ship channel, marked by buoys and beacons and lighthouses. An airway is a route over which it is safe for people to fly, because there are at certain distances emergency landing fields where in case of motor trouble a plane may land safely. These fields must be marked on the charts, just as harbors are marked on the charts for ships at sea. The airway must be so plainly marked that the airman who has never been over it before can find his way over it just as surely as the captain of the merchant ship to-day going along one of our coasts and entering a harbor which he never came to before can find his way by using the Coast Pilot and the charts, as provided by the Department of Commerce to-day.

That brings me to the seventh thing which is needed, and that is proper charts, proper maps. It is utterly ridiculous to think that we can expect air navigation to succeed in this country when we provide no Government charts for commercial air routes, while we are constantly providing most expensively made Government charts for the guidance of ships and water-borne traffic.

In the eighth place, and perhaps just as important as any one of the others, is the weather report needed. At the present time our Weather Bureau, in the Department of Agriculture, is interested chiefly in providing reports as to the kind of weather that may be expected the next day, whether a

frost is coming, whether rain is coming, in order that farmers may have the information in connection with making hay, or getting in their crops, or protecting their delicate crops, and so on. The Weather Bureau also provides storm warnings, which are displayed in the various seaports. The same thing must be done for the air.

Further than that, the airman, who goes so rapidly over several hundred miles, must know what the weather is like at the end of his route within an hour or two of the time he starts. This is an entirely new kind of weather service. Had we had such weather service last summer, the terrible disaster to the *Shenandoah* need never have happened, for the captain of the *Shenandoah* would have been warned that over the route over which he was to pass a terrible thunder storm was gathering, and he would have been warned in such a way that he would not have gotten into that cyclonic area.

In Europe, when a man starts to fly over the commercial airway from London to Paris, he has his radio receiver on board, and he listens in to reports which tell him what the weather is like and which indicate to him where he is from time to time, if there is fog. If he is flying from Paris to London, and there is a likelihood of there being a great fog, as he draws near London, he is told to what airport or what emergency landing field to go in the vicinity of London, where there is no fog, where he can come down safely. That is the kind of thing that saves lives. It is the absence of that weather information that causes the loss of a great many lives. That is provided for in the bill.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BINGHAM. I yield to the Senator.

Mr. DILL. I notice that by section 11 of the bill the Secretary of Commerce is given power to establish radio directional finding facilities. Is it proposed that the Government shall establish its own radio stations in connection with civil aircraft?

Mr. BINGHAM. That is one of the things that is most important. At every great airport approved by the Secretary of Commerce in the future as an adequate airport, either owned by a State or owned by a municipality, with proper facilities otherwise, it should be the duty of the Secretary of Commerce, in accordance with such appropriations as he may receive, to establish radio directional finding facilities, as provided by the Government, at that air port.

Mr. DILL. Are the owners of aircraft to be required to have radio facilities?

Mr. BINGHAM. Rules and regulations of that kind would be left for gradual development by the Secretary.

Mr. DILL. There is no authority in this bill for that, is there?

Mr. BINGHAM. There is no requirement in the bill that civil airplanes shall carry radio facilities.

Mr. DILL. There is in the bill no authority giving the Secretary the right to make the regulations which you mention.

Mr. BINGHAM. I understand there is authority given in the bill for him to make proper regulations.

Mr. DILL. Not in section 11.

Mr. BINGHAM. In paragraph b, section 2, he is authorized—

> To establish aerial traffic rules and regulations for the manner of navigating and operating civil aircraft in commerce.

That will give him the power.

Mr. DILL. Does the Senator think that covers radio?

Mr. BINGHAM. It does.

Mr. DILL. It does not say so.

Mr. JONES of Washington. May I suggest to the Senator that it does not give him power to regulate radio generally.

Mr. BINGHAM. Not at all.

Mr. DILL. It does not even mention radio in connection with aircraft, and I think that if that is the intention, the bill ought to mention it.

PROPOSED MODIFICATION OF VOLSTEAD ACT

Mr. EDGE. Mr. President, more than six years ago the now notorious Volstead Act became a law. I use the word "notorious" because, to my knowledge, no statute ever enacted in the history of the world has been more generally violated or more universally condemned.

May I at once reach the crux of the situation by presenting a few queries, the proper disposal of which is fundamental if relief is to be obtained?

IS THE VOLSTEAD ACT A JUST INTERPRETATION OF THE EIGHTEENTH AMENDMENT?

Would the existing spirit of protest and challenge be alleviated if Congress allowed all the Constitution permits, and, anyhow, has Congress the moral right to deny such a privilege?

Would legal modification assist enforcement?

Would home brewing be minimized and the thriving bootleggers' trade in poisonous substitutes less prosperous if the maximum alcoholic content of beverages were raised to the generally accepted point of nonintoxication?

Should the Federal Congress deny individual States discriminatory power within such limits?

Can the inconsistencies in the Volstead Act be defended when by its provisions all who possess beer with one-half of 1 per cent alcohol are criminals, when the same act permits wine and cider up to the point of proven intoxication, which all admit allows a much higher alcoholic percentage?

Why should nonintoxicating cider and fruit juices be legalized and beer of one-half of 1 per cent prohibited?

Would the masses be more content with a pure legalized light beer?

Can we any way justify or defend a congressional-made law that proclaims a citizen a criminal when the highest law, the Constitution, decrees otherwise?

Would the billion-dollar annual income which could be secured through a tax on nonintoxicating beer lower morals or be justified?

I thoroughly appreciate the radical prohibitionist, if I may be pardoned for this method of description, would indignantly protest every query, and the discussion would be supposed to be ended.

I propose, nevertheless, to-day to discuss these and other distinctly unsettled phases of this most important responsibility, an adjustment of which is necessary to the peace and tranquillity of the Nation. Legalizing of beer is not the all-important issue confronting us, but rather the necessity of removing discriminations that foment irritants impossible to explain away.

Everybody, whatever may have been the original view as to the wisdom of this legislation, agree something positive must be done and at once. What shall it be? Newspapers and magazines emphasize increasing violations, the disregard for law, and the attending national disgrace of existing conditions. The world glibly discusses our failure. An unbiased review and frank consideration of this situation is imperative.

The uncompromising refuse to admit facts and demand impossibilities. No citizen from the President down is immune from their tirades. More tolerant citizens, while publicly proclaiming that all laws should be observed, privately refer to human nature and personal liberty and differentiate as to what is really criminal. We are getting nowhere. In fact the unprejudiced admit the situation is rapidly growing worse.

Law is law, and should be obeyed. Because of the restrictions of the eighteenth amendment the latitude of Congress is very limited. I propose to-day to try to present the facts as they exist, together with the only legal solutions available as I see them.

It is admitted in advance that hard liquor legally is impossible without constitutional amendment, but it is well established mainly because of the cost that such offenders are necessarily confined to those with the means to buy.

WOULD AMEND CONSTITUTION

If I had the power I would amend the eighteenth amendment to provide for a reasonable distribution of hard-spirit beverages, not through the medium of saloons, which, however, have not ceased under present restrictions, or through drug stores, but under governmental supervision and surrounded by every possible safeguard. Such action would certainly reduce the present illegal supply of alcoholic poison as it would go far in eliminating bootleggers who obviously encourage intemperance and worse.

However, Congress can not amend the eighteenth amendment. We can only provide a method through which the States can express their wishes in this regard. This process at the best would require several years. While, in my judgment, it should be undertaken, and undertaken speedly, to-day I am confining my argument to what Congress of itself can alone accomplish.

Likewise the present dispensing method through the agency of physicians' prescriptions and drug stores is indefensible. This is, however, a Volstead Act provision and subject to congressional action. The heretofore high-grade business of a druggist or chemist has been invaded by semibootleggers for the apparent sole purpose of selling whisky. The public health is thus threatened because of the character of some men actually

legalized to sell drugs as well as spirits. Legitimate druggists are appealing for relief, but apparently without avail. Men in public life evade the subject. Efforts are continually being made to make it a moral issue. It is therefore surrounded by dynamite.

While prohibition is and always will be a political issue, I admit I despair of any entirely satisfactory solution through political debate or initiated in a political atmosphere. We can improve conditions, as I will endeavor to establish, but as to a permanent solution, too many elements of a character unnecessary to discuss unfortunately prevents here the frank and fearless consideration this so-called moral question demands.

However, a solution is imperative if respect for law is to be renewed. So far as the necessity for constitutional modification is concerned, I wish through some official agency a board could be created with a representative membership, removed from political obligation, not extreme from either viewpoint, and charged with the responsibility of considering and proposing a sane method to encourage temperance and respect for and enforcement of law and through proper consideration at the same time remove the existing bitter protest and challenge.

If what I propose fails to bring the relief demanded—and I frankly admit in advance no complete relief is possible without amending the Constitution—then at least the country will have a clearer understanding of the steps which must be taken if America is to reestablish her position as a community of law-abiding citizens.

VOLSTEAD ACT A FAILURE

The situation in the country to-day, however, no longer permits an indignant show of impatience and intolerance aimed at those who would amend existing law. To amend a statute is not encouraging law violation, as extremists would make it appear, but rather in the interest of law observation.

Real friends of prohibition, or at least temperance, admit failure. Surveys conducted by original proponents of the legislation prove an increase in intoxication and an appalling condition of violation of the law.

Among other happenings, the report on prohibition recently compiled by the Federal Council of Churches has focused attention on the facts.

Extremists who resent publication of the truth were severe in their criticism. I have failed, however, to find where they have even attempted to prove any inaccuracies. They content themselves with general abuse. It was always so.

The fact remains that this investigation clearly proved an increase in alcoholism, both as regards insanity and intemperance commencing after the first year of the Volstead Act.

This in spite of official bulletins previously issued endeavoring to create a different impression. Whenever increased arrests or convictions were broadcast by the former Prohibition Department, such facts were seized upon and represented as evidences of greater activity in the bureau—never as proof of greater violation.

The survey of prohibition conditions issued by the Moderation League only a few days ago is another startling exhibit. I will not detail its findings, as they have been widely published.

The report must prove conclusively to any citizen who will accept the facts the deplorable increase in drunkenness and alcoholic insanity under existing laws and stipulations.

A particularly significant feature of the report was the appalling increase in drunkenness in much-heralded dry sections of the country. Of course, as are all such surveys, it has been subject to the ire of the radical, as was the report of the Council of Churches. It is remarkable how unreliable is every statistic which proves the Volstead Act a failure. Likewise, those daring to issue the report have been, as usual, maligned and villified. However, one is inclined to have some confidence in citizens of the type of Elihu Root, Bishop Charles Fiske, James Speyer, Martin Vogel, Newcomb Carlton, William Barclay Parsons, and the other rather well-known Americans who authorize the use of their names as directors of the league. Surely, except in extreme circles, these men would hardly be accused, through this baring of the facts, of aiding and abetting bootleggers. They, like thousands of other citizens of every class, are advocates of common-sense moderation and enforceable laws as against fanatical prohibition stubbornness, encouraging law defiance.

It is usually claimed that efforts to liberalize the Volstead Act are confined to the large industrial centers of the East. This is far from correct.

Only a day or two ago a newspaper printed in the great State of Iowa came to my attention. The Davenport Democrat and Leader of Tuesday, December 8. This is what this Iowa paper has to say about their local sentiment:

Wet sentiment prevails in Davenport after six years of prohibition. Interesting facts and figures brought to light by William T. Waterman in an exhaustive survey of the city. Poll taken of all classes and representing all sections of the city. Vote is 4 to 3 for repeal of prohibition laws.

Summarized, the result as published in this newspaper is as follows:

	Yes	No
For repeal of Volstead law	850	652
For amendment to law	1,299	332
Is prohibition beneficial to the community	591	1,024

Almost 4 to 1.

I refrain from further comment.

Such a situation demands the earnest consideration of those in authority, and I propose to-day to discuss the subject not as a wet or as a dry but from a strong conviction of public duty.

Of course, it is our sworn duty to first exert every effort to compel respect for and obedience to the law, but when experience proves a law unwarranted, unjust, or unwise, and therefore unenforceable, it is not inconsistent with that duty to hunt for the remedy; rather we are shirking our obligations, dodging our plain responsibility, and playing false to a sacred trust when we refuse.

JAIL SENTENCES NECESSARY

Demand for better enforcement can not be assailed, but it is a plain evasion to rest on or present that plea as an excuse for condoning or defending the existing law. The time has arrived when we must cease closing our eyes to indisputable facts.

The only way to possibly compel observance of the unfair provisions of the Volstead Act would be by putting real teeth in the act. Compulsory jail sentences for violations is the sole method which might help bring about obedience. However, just consider the enormity of a compulsory jail sentence for drinking a beverage containing one-half of 1 per cent alcohol, when wine of a much greater voltage has been legalized. Yet certainly the experience of the past six years must clearly and convincingly demonstrate that so far as compelling observation is concerned fines mean absolutely nothing. With this one alternative before us, is it not all the more convincing that the act should be liberalized right up to constitutional limits? Then, so far as I am concerned, the penalty for violation can not be too severe. In fact, it must be severe if respect for law is to be renewed. Sincere advocates of temperance, who must admit the absolute failure of the Volstead Act, can not disagree with this perfectly obvious contention.

Then, which will we have—a just regulatory measure or jail sentences for something the Constitution does not prohibit? Surely we can not condone a continuation of admitted violation on the part of a tremendous proportion of our citizenship.

The law is not observed, and because of such general violation conditions are becoming worse instead of better.

Almost the leading national activity is to find ways to evade or beat the law. Citizens in all walks of life, scrupulously honest and law-abiding in all other ways, boast of their success or ability to do so. Homes where in the old days liquor was never found now provide so-called pre-war stocks in apparently inexhaustible supply.

A LEGAL REMEDY—WILL IT SATISFY?

How can we defend a refusal to at least bring the law in harmony with the Constitution?

It is, of course, perfectly obvious Congress could not liberalize the act beyond the limitations of the eighteenth amendment, and that amendment prohibits the use of intoxicating beverages. So where the danger?

My solution, as already indicated, and in fact the only solution open to Congress, without constitutional amendment, is to permit the highest proportion of alcohol possible under a liberal interpretation of the eighteenth amendment and control distribution. Then give the individual State's latitude. Scientific investigation in many countries establish nonintoxicating beverages at from 2.30 to 3 per cent by weight, which is slightly more by volume. Of course, I realize it will be disputed as to what is intoxicating. There is perhaps alleged proof to

justify and to unjustify. However, after all is said and done, the Supreme Court will be the final arbiters and does not the existing situation justify a liberal interpretation if such action will alleviate the present avalanche of protest and challenge? At least we could defend such an effort. We can not the present restrictions, as no one, in my memory, has ever contended one-half of 1 per cent to be intoxicating or near intoxicating.

It is entirely beside the question to contend that efforts in Ontario to increase alcoholic percentage in beers have not met public demand or that such action will fail to solve the problem.

If it is permissible under the Constitution, the public are entitled to the privilege, and it is not for Congress to say whether they want to exercise it or not. The people are at least entitled to decide as to that. They do not need Congress to decide for them, and Congress's determination to do so has proven a costly failure.

Again, in dry Ontario native wines as high as 28 per cent alcohol are permitted, which, especially in sections populated by people of French ancestry, take the place of any beer. We are denied that privilege, and when home production is resorted to the wine is assumed to be nonintoxicating. Anyhow, its possession, manufacture, or use here is a subterfuge and usually, under present conditions, admitted with apologies or pledges of secrecy.

Further, in dry Ontario, as in the United States, bootleggers have thrived and there, as here, resent any effort toward modification which obviously would reduce or restrict their illegal and nefarious traffic.

However, it is a step in the right direction, and we should contest the bootleggers' sway, as they are endeavoring to do in Canada.

It is indeed a curious situation to realize the radical dry and the bootleggers are to-day united in their opposition to modification.

Another frank admission as to the nonpopularity of the Canadian beer is that it is not palatable. My information is that the Canadian beer contains about 2.18 percentage of alcohol by weight, which is frankly less than the formerly acceptable beers. I can hear the extreme dry immediately observing, "Certainly it is not palatable. It doesn't have a kick. It is not intoxicating." I of course agree it is not intoxicating. A beverage, however, can be palatable and still not have a kick or be intoxicating. A glass of lemonade, when one wants it, is palatable, while at the same time a glass of water fails to fill the demand.

The bill I have introduced provides for a maximum alcoholic content of 2.75 by weight and about the strength of the old light beer of preprohibition days. It is precisely the strength of the war-time beer fixed by a proclamation of President Wilson during 1918 and 1919. The difference between the 2.18 in Canada and the 2.75 proposed is the difference between a palatable and a nonpalatable beverage without reaching the point of being intoxicating, which fact I will later clearly establish. If statistics are in the slightest degree interesting, I refer you to the criminal records which demonstrate beyond successful contradiction that the arrests for drunkenness after the 2.75 war beer went into effect were at the lowest ebb and after one year of prohibition have increased by leaps and bounds.

It has also been proposed a fair method of enforcing the eighteenth amendment would be an adherence to the fundamental principles of American liberty by eliminating stated maximums, and permiting juries to decide whether a beverage was or was not intoxicating. It is contended, not without merit, that some beverages might be intoxicating to some people and not to others; might be intoxicating in some climates under some conditions while not under reverse conditions. In any event an arbitrary under one-half of 1 per cent limitation, beyond which all are criminals, can never be successfully defended.

It is indeed very questionable from a moral standpoint if after ratifying the eighteenth amendment the Federal Government had the right to deny the use of a beverage, admittedly nonintoxicating. The eighteenth amendment only prohibits that which is intoxicating.

Certainly if the States should ratify the twentieth amendment, known as the child labor amendment, and such amendment prohibited the employment of children under 18 years of age, which it proposed, it would not be contended that Congress would, after this clear mandate from the people have the moral right to pass a Volstead Child Labor Act prohibiting employment under 20 years of age.

The only other method to bring about the modification not only desired but demanded would be to delegate to the individual States the power, through legislative enactment, to decide what is intoxicating. In other words, the repeal of the Volstead Act, or at least the elimination of any stated alcoholic percentage. While I am strongly in favor of State rights and State jurisdiction, in view of the restrictions of the eighteenth amendment, I would prefer for a trial at least the maximum as liberal as possible to be fixed by the Federal Government. Then, of course, permitting States to define their own standard within such maximum as their responsible authorities elect, and at the same time assume greater responsibility for enforcement. That would be a return of limited home rule or local option, always considered a true American principle until impossible prohibition was wished upon us and would be a reiteration of our policy in dealing with other constitutional amendments. Again it will be seen my proposal is most conservative and could be put into effect without the confusion and possible disruption that no stated maximum might invite. I will later discuss the phase of State jurisdiction in more detail.

Of course, through inattention on the part of either Federal or State Government, or both, the eighteenth amendment could be made a dead letter as are some other provisions of the Constitution.

However, I have not approached this question from that angle or with that design. My proposals are I believe within the law.

GOVERNMENT DOING ITS BEST

I am convinced the Federal Government, through its Prohibition Department, the Coast Guard, and district attorneys throughout the Nation, are now doing the best human nature permits with this impossible situation. So far as I can observe, General Andrews, Assistant Secretary of the Treasury, charged with this responsibility and working against odds, the like of which no public official has ever before faced, is making every possible effort to apprehend and punish the army of violators.

The criticism already directed at his administration is not only discouraging but undeserved. Of course, fanatics can not be reasonable. The recent tirade from representatives of certain organizations meeting in Washington was so demagogic it was repudiated by its own membership. Some critics of failure to dry up the country refuse to admit facts. They are apparently not interested in the truth.

No matter who was directing prohibition enforcement, he must necessarily depend on an army of poorly paid agents, who face temptations unparalled in public history. There is not one of them who can not secure a year's salary by closing his eyes for a single night. Witness the havoc in the ranks of the once proud Coast Guard. In one station over 25 per cent have been arrested for dereliction of duty and worse.

However, the people are entitled from time to time to the facts. They are paying in the aggregate a large sum of money to maintain these departments and evasive and misleading reports on this question, as have in the past emanated from some of the bureaus of the Government, have not helped the situation. A reorganization has recently taken place. After a reasonable period, giving every proper opportunity for new policies to be tried out, the Government should have no hesitation in stating, for the information of those who pay the bills, the real results.

It is reasonable to assume a very decisive majority of citizens are in favor of a temperate condition. The difficulty we now face has been caused mainly because, flushed with success, leaders in the prohibition movement went too far. In other words, in designating one half of 1 per cent, which was unwise and unjustified, they made enforcement impossible.

We are steadily drifting into a more serious situation from the attempt to do a desirable thing forcibly and too fast. If it is possible to devise an effective temperance measure that will work instead of a prohibition measure that will not work but breeds defiance, is it not time to do it?

There is a happy medium in everything, and real results are usually obtained through the recognition of the claims or convictions of both sides, especially where, in the viewpoint of many, personal liberty is involved. But, no, the slightest concession even up to the point of being fair was denied.

The result is that now no one is satisfied unless it be the bootleggers. Certainly not the real temperance advocate. Moderation in all things is an old fashioned and fairly well accepted proper state of the public mind, and if it had been recognized in writing a Volstead Act our condition to-day would not be the acute national disgrace we are compelled to admit.

ORGY OF LAW DEFIANCE

No more serious problem has ever faced the American people than the existing contempt for law almost unrestrained and in no way confined to any particular section of the country. Through inaction we are clearly encouraging a continuance of this condition. Patriotic citizens of every class and type have

in recent months been organizing in an effort to find the answer. Review after review has been written by talented and well-informed writers, mostly exposing unwelcome facts, but seldom, if ever, proposing a solution.

No matter in which direction these efforts in the highly commendable desire to overcome this wave of law violation lead, every unprejudiced man must admit there is just one act on the statute books that is and has and will continue to fan this breeze of discontent into a gale of law defiance, and that act is the unfair and totally unjustified Volstead measure. Through this act corruption, the destroyer of free government, has crept into official circles, both State and National, and it is only necessary to refer to the official records of the criminal courts to ascertain the havoc in this direction alone.

Look at this as you will, it is nevertheless obvious there would not be any incentive for so much corruption did not the privileges thus afforded meet popular demand.

Richard Washburn Child, in his articles on crime, which have appeared in the Saturday Evening Post, has this to say on prohibition. This statement appeared on October 10 last:

> My investigation has not aimed toward any conclusions as to the ultimate enforcement of laws against alcoholic beverages. Nevertheless, no matter where one stands on the so-called prohibition question, it is folly where one is confronted with facts bearing on the crime tide to suppress them merely because they are bad news to partisan opinion. The facts are that prohibition has confronted our police forces with a tremendous new problem. One police commissioner, who is above the suspicions sometimes directed at a mere political officeholder, said to me: "You and I both stand for the enforcement of law. Certainly I have no right to say at this stage that I will not enforce the laws against alcoholic drink. But I would have to be a fool and the police of America would have to be blind if we could not see costs of prohibition. The innocent may think it is being enforced. All the agencies of enforcement send up such smoke screens. We hear of blockades and clean-ups, but the prices of liquor have not changed. The police may have to say the law is being enforced, but the real truth is that it has produced a new crime ring unequaled in any past experience of a civilized country. It is organizing more and more. It is rich and powerful. The breeding of a new criminal population enjoying a fairyland of profit is going on like wildfire. The ignorant and vicious are becoming capitalists."

Is it then any wonder bootleggers oppose and discredit legalized beer? It interferes with their trade.

The bootlegger and paid prohibition agitators unwittingly are partners against all forms of modification.

Edward H. Smith in Business, published in Detroit, which article was partially reproduced in the Literary Digest of July 5, 1924, says in part:

> The total annual levy which crime places on the country is probably not less than $10,000,000,000.

This is three times the amount of our national Budget. It is three times the total of the internal revenue and customs receipts, and twelve times the cost of the Army and Navy combined.

According to Mr. Smith, this stupendous cost does not in any way take account of the hundreds of millions spent by the Federal, State, and municipal authorities in an unsuccessful effort to suppress and punish crime.

OTHER VOLSTEAD ACT INCONSISTENCIES

At this time I do not propose to discuss in detail the gratuitious insult to the great medical profession of the country through Congress assuming the responsibility of writing and controlling prescriptions designed to relieve the ill and afflicted.

Two Federal judges have already declared that section of the Volstead Act unconstitutional, and it is well on its way to a legal interment, and I trust that there may be favorable action upon it, even though this is a so-called moral issue.

At the last session of the American Medical Association, resolutions were unanimously passed praying that "existing prohibition as to the practice of medicine be removed." I have introduced a bill to bring this about.

Neither will I discuss the confusion caused by our insistence we control the personal habits of citizens of other countries when in our waters, in their own ships, under their own flags, and when in no way menacing the peace of our citizens. A surrender of our rights and a veto of the decisions of the Supreme Court through the process of treaties has temporarily stilled that protest and at the same time placed our own merchant marine at a great and acknowledged disadvantage.

I propose to review this situation with facts which, in my judgment, will demand that Congress recognize its responsibility and no longer deliberately evade the issue because of the fear to face a so-called moral question. I propose to discuss this situation not alone as a consistent critic of the Volstead Act, not as one who six years ago as a Member of this body voted against it because of its impracticability and its lack of justification under the clear terms of the Constitution, but I propose to discuss the question with a sincere hope that the relief I suggest may impress the Senate not as wets and drys but as representatives of constituencies who, while, of course, indorsing enforcement of all law, are not blind to facts.

It will be recalled when this act passed in 1919 President Wilson vetoed it and 20 Senators, representing almost equally both political parties, voted to uphold his veto. I was one of the 20. I challenge the inference that we were nullificationists of the Constitution because we disagreed with the provisions of the Volstead Act.

After six years of utterly unsuccessful effort to administer the law, I challenge the assertion that we are encouraging further violation of the law or Constitution when we seek a remedy.

Is it treasonable to ask ourselves if all the fault is with the people? Is it not possible there may be something wrong with the law?

Again, as I have repeatedly stated, the power of Congress is necessarily confined within the terms of the Constitution—the eighteenth amendment. If we go too far, the Supreme Court would undo our work. On the other hand, are we fair in denying the people the full liberty of the Constitution? With the present crisis, is not that the question for Congress to seriously consider?

WET AND DRY ADHERENTS

No matter to what group a Senator may claim membership, be the title wet, dry, modificationist, or holding extreme views either way, he can not be satisfied with existing conditions. I thoroughly appreciate defenders of different brands of belief will have just as many reasons to advance for the almost universal violation of the law and the failure to enforce the same.

However, it is manifestly unfair when one criticizes the law to assume he is encouraging, aiding, or abetting violation. Such assertions are ridiculous, but from extreme circles have been so vindictive there is no question many who privately criticize the law hesitate and generally lack the courage to publicly express their honest convictions.

It is entirely unreasonable and unjustified to separate law-abiding people into two classes—wet and dry. Just as many, if not more, really sincere citizens who deplore the present state of law violation are, however, classified as wet because they recognize conditions and favor amendments to existing enforcement laws. The unfairness of this must be patent. Some of us are convinced after six years' experience that present laws are failures and always will be failures, are in themselves unjustified by the clear terms of the Constitution, and should be changed. The man who recognizes an evil and attempts to propose a remedy is more patriotic than one who closes his eye to conditions.

Sincere citizens in all walks of life should abandon the growing evil of hypocrisy and come forward with their honest views. It is indefensible to condone the present conditions, and no real friend of temperance will do so.

The main occupation of some of those outside of this body and who are retained professionally to insist that the Volstead Act is a sacred instrument is to conduct a campaign of personalities and accusations. All who disagree with them are rum hounds, brewers' agents, or worse. Recently, however, some of these paid representatives of so-called "nonpolitical" dry organizations have been kept rather busy defending their own activities and have presented rather pathetic figures when it has been demonstrated to a shocked world that all the virtue is not theirs.

Excessively repressive laws, unless based upon common sense and common consent, have never been successful. We are a law-abiding Nation, or were until the Volstead Act unjustly abridged our liberties. A democratic nation can not endure when a majority oppress a minority. It is a well-known fact that the fundamental design of the Constitution is not to govern but rather to limit the power of majorities. Destruction of personal liberty beyond a certain point necessarily nourishes the spirit of rebellion.

The efforts of the extreme drys to deliberately deceive the public by the claim that nothing can be accomplished excepting through a further amendment to the Constitution is not only pure "bunk" but an insult to intelligence. If this were true, then because of the impossibility to enforce the present law all opportunities for relief would be removed for years, if not forever. It required many years of agitation and legislative action to adopt and ratify the eighteenth amendment to the Constitution, and further changes must undergo the same process.

Real, sincere advocates of temperance understand the situation and are dissatisfied with such evasions and demand immediate action, not obstruction and delay.

Therefore, it being generally admitted the present act can not be enforced; that it is ridiculous to employ half the population to police the other half and then fail; that a constitutional amendment, even if possible, requires too much time to furnish the necessary immediate relief, it is high time to move for improvements through amendments and modification of

OLD EXCUSES WILL NOT SUFFICE

The usual answer, that if those who should obey the law or should set an example of law observance did so, there would be no difficulty of enforcement will not suffice. The fact remains a large proportion of citizens of every class violate the law without the slightest compunction. It is, indeed, unusual when a number of men, and frequently women, gather together that inquiry is not at once made as to who has a supply. Conventions and conferences develop improvised bar rooms. Clubs and societies all over the country have their special rendezvous and in no way confined to any class.

To shut our eyes to these facts is simply to dodge or evade the truth.

The occasional closing of restaurants or public places defying the law is simply a gesture bringing but little, if any, lasting results. If one is closed two are usually opened. The legitimate restaurant or café obeying the law is compelled to shut down, as it can not meet the illegal competition.

Bootlegging has become the most profitable of businesses, while rum running, halted temporarily in one section, is transferred and the supply apparently flows in without noticeable abatement.

Price lists of alleged choice liquors are obtainable almost as readily as theater programs. And yet some defenders of the present act report, following the expenditure of hundreds of millions of dollars, that enforcement is well in hand.

Frankly, I have not a solution for all this, as Congress's jurisdiction is limited, as I have stated; but I am convinced the situation can be measureably improved through legal modification of the Volstead Act. Certainly it can not be made worse.

In this connection I was interested and, I might say, impressed with a frank admission as to conditions made by at least one Anti-Saloon League official as late as November last.

According to a special news item in the Washington Post of November 2, Arthur J. Davis, State superintendent of the Anti-Saloon League of New York, is represented in a public speech as making the following statement:

> The United States will be really dry when—
>
> New York State, center of wet activities, enacts a prohibition law of its own to back up the Federal Government.
>
> When society people and politicians cease patronizing bootleggers.
>
> When the Prohibition Unit is taken out of politics.
>
> When political leaders of both parties "realize that Uncle Sam is on the water wagon and means to remain there."

Mr. Davis might have added "when human nature changes." I, however, heartily agree with him in the plain doubt he infers as to the possibility of these reforms.

Then along comes the so-called Anti-Dry League, which organization recently issued a placard on which, under the heading "Simple, very simple," appears the terse, self-explanatory expression, "No liquor would be sold in dry towns if the people in the dry towns did not order it."

Is it not conclusive that Congress must face facts, such as admitted by these two opposing organizations, and no longer through silence or timidity defend existing law?

DO NOT OPPOSE REGULATORY LEGISLATION

I did not vote against the Volstead Act because I opposed regulatory legislation. I voted against it because, as already indicated, it contains provisions which, in my judgment, could not be enforced and which were not justified by the clear terms of the Constitution. Six years' experience of efforts to enforce the Volstead Act have not weakened this conclusion. On the contrary, it has been greatly strengthened.

We must recognize, whether we like it or not, that a large proportion of the country demands alcoholic beverages in some form or other. We must recognize that if this desire becomes a menace—and it has in the past—it is a matter for governmental regulation. We have failed with the theory of "thou shalt not" and we are remiss in our duty of meeting our responsibilities if we continue to fail to wrestle with the problem from the standpoint of existing conditions. I repeat that I recognize under the terms of the eighteenth amendment our latitude is limited, but an opportunity for relief is not entirely closed.

HOME PRODUCTION

Demonstrating the popularity of home production in lieu of legal methods to secure alcoholic beverages, it is admitted by the Prohibition Department that 45,000 permits were issued to November 1 in the State of California alone. Each permit permitted the holder to manufacture 200 gallons of wine without tax to the Government.

Further, according to the bulletins from the Prohibition Department, this custom was prevalent throughout the United States, but I have been unable to ascertain, as the records are in the individual internal revenue collectors' offices, how many more thousand permits had been issued in other sections of the country.

True, on November 24 last, the issuing of these permits was revoked. However, with this notice, it was clearly stipulated that such revocation in no way "impaired or placed any limitations upon the rights conferred by section 29 of the Volstead Act as to nonintoxicating cider and fruit juices in the home." In other words, the revoking of the permit merely withdraws the saving of the revenue tax on 200 gallons of fruit juices or wine produced in the home.

As I understand the resultant situation, there is absolutely no restriction on any family raising or buying the necessary fruit and manufacturing from it all the wine desired, excepting that if it develops alcohol, which, of course, it must, there is no tax exemption. Under the Volstead Act it is unlawful in one section to manufacture certain beverages intoxicating in fact and in another to possess beverages containing one-half of 1 per cent alcohol or more. How inconsistent! What silly nonsense! Nine million gallons of wine were authorized tax free in California alone. No one can tell how many additional gallons were authorized in other sections of the country or were manufactured subject to tax. Even with the tax exemption discontinued there is nothing in the law or the regulations to prohibit the making of as many million gallons as desired excepting it is taxable.

Would any sane man contend that after this wine had become a trifle aged it would not be in violation of the Volstead Act?

Understand, the law or the permits previously issued did not allow the sale or disposition of these wines. They were supposedly for home consumption alone. While the permits have been discontinued, still, as I have endeavored to explain, whether they are issued or not issued, wine up to the point of being proven intoxicating can legally be produced in the homes. It is interesting to speculate as to why these permits ever were issued. They, of course, furnished no immunity to the householder to manufacture intoxicating beverages. That would be clearly illegal. Householders are not compelled to secure a permit to brew tea. Then why to make nonintoxicating wine? To allow him a 200-gallon tax exemption is the only reason assigned.

As a matter of practical operation it is highly questionable whether the permit exempting revenue tax meant very much one way or the other. Without having made any particular inquiry, it is my judgment that very few, if any, internal-revenue collectors in the country have paid much attention to the possible income which might be collectible through family wine making. The main purpose the light on this situation has served has been to establish the wide demand for alcoholic beverages, despite the contention in some quarters that the desire is abating. Then, again, the wholesale demand for these so-called wine permits has accentuated the rank discrimination and injustice against those who prefer malt beverages and who are limited in their malt home brewing to under one-half of 1 per cent.

This special wine privilege in no way helps the army of citizens who are clamoring for a nonintoxicating malt beverage of over one-half of 1 per cent. They become criminals at once, whether their home-brew is proven intoxicating or otherwise if it contains one-half of 1 per cent. In fact, convictions have been secured for the violation of this regulation.

How can those who prate about the sacredness of the Volstead Act defend such ridiculous inconsistencies and discriminations?

SALOONS MUST NEVER BE LEGALIZED

Abolition of saloons, which, however, has not been the result of the present law, is most desirable. We owe it to the country to give calm consideration of what would be the result if we permitted distribution of alcoholic beverages to the maximum of constitutional limits, under Government control, patterned somewhat after existing systems in other countries, and then redoubling our efforts to eliminate illegal dispensaries. It is only fair to ask ourselves the question, Would not the reason for illegal dispensaries or saloons be reduced if legal dispen-

saries properly curtailed were in existence? The trouble now is that dives remain while decent places that observe the law have closed.

A majority of States were legally dry before prohibition went into effect. Now, none are dry because a new industry has developed—the bootlegger and the dive fills all demands.

According to the recent report of the Moderation League, drunkenness has increased in so-called dry States in greater proportion than in others.

In this connection, I generally agree with a paper recently published over the signature of Green Clay, of Richmond, Ky., in which he says, in part:

> Where formerly there was 1 boy under 21 years of age who used intoxicants to excess, we now have 10. Where formerly we found one girl under age who drank intoxicants, we now find a hundred. This is a development of the prohibition law that calls for yet more drastic measures. We have not kept the saloon from the young man, and we have brought it to the young girl.
>
> We have not saved the workingman's wages for the poor wife and starving children; we have delivered it over to the bootlegger. We have not improved the morals of the masses; we have created millions of new law violators who were formerly sedate and law-abiding citizens. We are punishing the temperate user by denying him his stimulant in order to cure the intemperate user. We have not scotched "demon rum"; we have spread him all over the country. We have not freed the people from an alleged master crime; we have expanded this one and, because of the contempt for it, have created many new crimes.

COMPROMISE SOLVES MANY PROBLEMS

This is a world of compromise and regulation. Most every abuse which has developed in the course of time has been minimized or subdued through compromise, through separating the actually harmful from that which, under proper supervision could be permitted. Sharp practices in business have been regulated without discouraging enterprise. Moderation in the use of beverages could be encouraged if the effort were properly made, without attempting to do what has proven impossible. For instance, we have, unfortunately, criminals in all classes of society. Men sometimes issue worthless checks. If they are apprehended, they are properly punished, but because of the occasional crime, we do not prohibit the use of checks. We do not prohibit the use of coins or paper money because an occasional counterfeiter is discovered. Why not give a little more thought to the practicability of allowing the use, under very careful restriction, of alcoholic beverages and punishing the abuse of the same. Naturally any citizen who becomes a menace to society is properly subject to proper punishment.

As I have said, the main trouble is that such strenuous efforts have been made to make of this a great moral issue that men hesitate to offer suggestions for relief because they are at once the targets of paid agitators. They are proclaimed as opposed to all law and held up before their fellow citizens as encouraging law violation. Why can not this great problem—and it is a great problem—be discussed without misrepresentation and accusation? If it could be, a common-sense solution might be discovered. It is a well-known fact that a majority of the Members of Congress recognize enforcement of existing laws is impossible and that the problem will never be solved unless we frankly face the truth.

DRYS ADMIT ONE-HALF PER CENT NONINTOXICATING

The proponents of the Volstead Act did not themselves contend one-half of 1 per cent alcohol intoxicating. Time after time throughout the public hearings when the act was under consideration six years ago appears the statement:

> We are asking for a limit of one-half of 1 per cent in order to accomplish the end in view.

Doctor Shields, former superintendent of the Anti-Saloon League of New Jersey, recently stated:

> Congress never said one-half of 1 per cent was intoxicating when it established it as the standard for the enforcement of the eighteenth amendment. It was and is a good point from which to start to enforce the amendment.

They had their way in legalizing an untruth and we are now reaping the result.

In view of the universal disregard of an unfair and unjust stipulation together with the havoc wrought, why do they not acknowledge their error and the failure of the policy they then advised?

CLASS DISTINCTION

The Volstead Act not only deliberately violates the expressed language and spirit of the eighteenth amendment, but it breeds class prejudice. It denies to a large proportion of our citizens a harmless popular beverage, while, as is well known, those with sufficient means can, with the greatest ease, secure intoxicating liquors which the eighteenth amendment fundamentally intended to and does prohibit.

Almost uncontrolled this has developed the most serious of all menaces, class distinction, under which the rich are provided with illegal intoxicants and others denied anything but injurious home-brew, originating and encouraging domestic barrooms, providing concoctions that have broken down the public health and caused unspeakable suffering and fatalities. This condition furnishes just another argument to encourage anarchy and communism, with its attendant challenge to Government control.

No law should remain unchanged upon the statute books of the Nation that does not breathe truth from every provision and every line.

You can not enforce or encourage respect for a law that does not itself respect the truth. Enforce the eighteenth amendment—absolutely, yes—but do not violate the canons of truth or the intent—and spirit of the Constitution itself—in attempting to do so.

I am convinced by passing and maintaining the Volstead Act in such a repressive, arbitrary, and untruthful form we have helped destroy such good and efficient results as might have resulted when temperance was adopted as a national policy. In refusing legislative relief to place the act in harmony with the plain terms of the eighteenth amendment itself we have, as the public has more and more realized the unjustness of it all, encouraged the widespread and determined resistance and challenge which is now so apparent.

SUPREME COURT POSITION

It does not suffice for the defenders of the Volstead Act to fall back on the decision of the Supreme Court sustaining the act. Of course, they did, because Congress undoubtedly has the power to attempt to interpret the Constitution when passing regulatory measures.

The Supreme Court, however, have in no way indicated that a higher percentage would not stand.

If Congress had not passed a regulatory act and made its arbitrary decision that one-half of 1 per cent alcohol was intoxicating—and, of course, it was not incumbent upon Congress to pass any act, as many other provisions of the Constitution have no regulatory measures—then the Supreme Court could undoubtedly have been called upon to decide what was intoxicating. Congress, however, has taken the initiative. Is there any possible precedent or authority to justify an opinion that the Supreme Court would not have held a 2.75 per cent beverage within the meaning of the eighteenth amendment?

It is not always a question alone of the power of Congress. When one has unlimited power it becomes all the more necessary to exercise that power wisely and justly.

2.75 PER CENT NOT INTOXICATING

I contend, backed by many authorities and investigation, and many tests, that alcoholic contents can be greatly increased and still be absolutely within the limitations of the words "intoxicating liquors," as used in the Constitution.

At the Senate committee hearings, when the Volstead Act was under consideration, the results of many exhaustive tests were presented. These tests consisted mainly of careful observations of the effect upon many subjects, after drinking beer with a percentage of 2.75 alcohol by weight, over 3 per cent by volume. These tests were conducted by some of the best-known medical and scientific authorities in the country, including Professor Hare, who for 28 years has been the professor of therapeutics in the Jefferson Medical College, of Philadelphia; by John Marshall, professor of chemistry and toxicology in the University of Pennsylvania for over 20 years, and dean of the faculty of medicine there for 10 years. Tests were also made by various others whose professional standing can not be successfully assailed. These men all testified that after numerous tests upon all classes of human subjects, they were convinced it was impossible to become intoxicated by a consumption of beer with this percentage of alcohol.

It is asserted by medical men that there is as much alcohol generated in the system from a day's ordinary diet as is contained in 3 pints of 3 per cent beer. As is well known, the capacity of an average stomach is less than 3 pints. How, then, as a matter of common sense, leaving science and medical tests aside, can it really be intoxicating?

On February 17, 1925, Hon. W. F. Nickle, attorney general of the Province of Ontario, Canada, in a notable address before the house on the subject of the Ontario temperance act, quoted many authorities to uphold the government's definition of intoxicating beverages.

While Ontario by a greatly reduced majority had voted for prohibition, it was the government's function to determine the alcoholic contents to be permitted. Their decision defined 2½ per cent by volume as the dividing line.

We make a man a criminal if he indulges in one-half of 1 per cent.

It is of interest to note in the attorney general's speech the following statement which, in my judgment, applies with equal force in the United States:

If I had the power, some God-given gift by which through the initiation of an act of Parliament I could sweep away all the pernicious effects of intemperance, even by a declaration of prohibition, I would do so; but I realize, as I said on previous occasions in this house, that the public man must be a practical idealist. He does not live in a world of romance. He is dealing with human beings and the conditions that surround him, and after giving careful consideration to the development of temperance sentiment in this Province, to conditions that faced the honorable ex-attorney general, and that face me, and will face those who may succeed me, if conditions remain as they are to-day, I can reach no other conclusion than that if some redress, some easing, is not given with reference to the Ontario temperance act, the act, much to my regret, would be doomed to extinction, because I believe the people of this Province are being driven to become whisky drinkers and drinkers of illicit liquor, because they are not able to get a beverage that is palatable, refreshing, and at the same time nonintoxicating.

I am a temperance man with strong convictions. The task I set myself to discover what, if anything, could be done to discover this refreshing beverage that would not be intoxicating. The task was mine to learn if, in the words of the poet, there was the cup that cheers but not inebriates. The experiments of scientists demonstrate it is possible, and I was greatly impressed by the petition presented by labor to the Government a few weeks ago. They emphasized the fact that those favored by the medical men could obtain a prescription; that those who had the money could buy native wine of 25 to 28 per cent in dozen bottles or 5-gallon cases. They said, "Why can not we, the workingmen of those countries, who ask nothing but a glass of beer which, while it may cheer or refresh, is not intoxicating, get it? Why should we be denied a privilege that is granted tenfold over to those who occupy a more favorable position financially than we?"

Mr. President, I can not use language which would more clearly present our situation as I see it.

And in dry Ontario, as stated by the honorable attorney general, citizens are permitted to purchase native wine as strong as 28 per cent alcohol. In the United States, as the tremendous sale of grapes testifies, thousands of homes have been turned into illegal wine-producing centers, and yet we are told the use of alcoholic liquors is declining.

It was not legalized beer that brought about our present unenforceable laws, but rather the existence of dives and saloons that wrought the evil. Under properly regulated governmental supervision such never could nor should again be permitted.

In fixing a maximum Congress should be guided by honesty and normalcy. All admit one-half of 1 per cent a lie. Some people would become nauseated if they walked through a perfumery factory. It is the average citizen we should consider, neither the abnormal nor the subnormal. Surely this great Nation will not continue to defend legislation only applying to a few and manifestly unfair to an overwhelming majority. If we can not accept the testimony of representative professional men as to what is intoxicating, then who is to be our authority?

Here is what scientists and others say on the subject of the percentage of alcohol necessary to bring about intoxication. Much of it I have taken from the address of Attorney General Nickle heretofore referred to:

Doctor Hollingsworth, associate professor of psychology at Columbia University, gives his results as follows:

He experimented with beer containing 2.75 per cent by weight of alcohol, and for purposes of control used beer containing no alcohol. His tests were most elaborate. The six subjects used ranged from total abstainers through occasional and moderate users to a fairly regular but not excessive user of alcoholic beverages. They ranged in age from just over 21 years to nearly 30 years, and several of them had seen Army and Navy service. The doses of beer ranged from three 12½-ounce bottles—the capacity of the average adult stomach—to the maximum amount which the heaviest of the six drinkers could consume in a period of two and one-half hours. The processes tested and measured ranged from simple tests of motor speed and reflex involved in the heartbeat, through processes involving steadiness of arm and hand, coordination of eye and hand, control of speech processes, forming of simple associative bonds in learning, up to the higher mental processes involved in reacting to logical relations and in mental calculation. Professor Hollingsworth has summarized the results of his investigations as follows:

The effects are most marked in steadiness and in mental calculation. They are next most conspicuous in tapping, in learning, and in naming opposites, and least of all in coordination and in color naming. The maximum influence on the score, that shown in the steadiness test, is only half as great as the influence on this same function of the amount of caffeine contained in two ordinary cups of coffee, and the unsteadiness produced by three or four bottles of beer is approximately equal to that produced by a hearty meal. The striking effect on the pulse rate is considerably less than the similar acceleration that ensues after eating a hearty meal. The influence of the beer on the remaining processes is entirely comparable in amount—although in some cases different in direction—to the effect produced on the same processes by the amount of caffeine contained in two ordinary cups of coffee. There were none of the symptoms commonly associated with alcoholic intoxication—no falling down, no staggering, no obscenity, no personal untidiness, no fighting, and three of the subjects showed no signs to expert observers of having taken liquor at all.

In an affidavit made by John Marshall, professor of chemistry and toxicology in the medical school of the University of Pennsylvania, in relation to certain experiments as to the intoxicating qualities of 2.75 per cent alcohol by weight beverages, proof is given that with forced drinking of such beer the alcoholic content of the blood is far below the amount required to produce intoxication.

Prof. W. J. Gies, professor of biological chemistry in the school of medicine of Columbia University, states as follows:

It is obvious that the smaller the proportion of alcohol in the beer the greater must be the volume of the beverage taken in order to present a quantity of alcohol that would yield in the blood this minimum proportion. But the greater the volume of beer taken into the stomach the sooner the sense of satiety is attained and the weaker becomes the inclination to take a quantity of this beverage sufficient to yield this minimum proportion of alcohol to the blood.

For a person to become intoxicated from the drinking of alcoholic beverage it would be necessary for him to ingest sufficient (absolute) alcohol in such beverage to occasion the loss or ordinary control of his mental faculties or bodily functions to a substantial extent.

During the month of May, 1919, I conducted two series of experiments with two men and three women as subjects to determine if beer with an alcoholic content of 2.75 per cent by weight was intoxicating. Each of the male subjects drank six full 12-ounce bottles of such beer. Each of the female subjects drank from five to nine full 12-ounce bottles of such beer, and none of the subjects became intoxicated.

For the purpose of testing the amount of alcoholic liquids in dilute solutions which it is possible for a man to imbibe within a period of several hours and for noting whether or not the effect is cumulative under conditions of forced drinking, Dr. Edward M. Pemberton, of the University of Arkansas Medical Department, conducted a series of experiments upon men, most of whom were students and total abstainers. The fluid used was a watery solution of alcohol 2.75 per cent by weight. Doctor Pemberton made 11 experiments. The ages of the subjects were between 20 and 30 years; one was 36 and one 54 years of age. The time was about five hours, and the quantities consumed ranged from 2 quarts to over 7 quarts. Doctor Pemberton arrived at the following conclusions:

At the conclusion of the experiments each of the subjects expressed confidence that he could not hold enough of the 2.75 per cent alcoholic fluid to become intoxicated. This was likewise the observation of the experimenter. Symptoms which appeared during the course or at the conclusion of the experiments were due either to the pressure of the fluid in the stomach or to the reflex stimulation of the alcohol; that is, due to the local effect of the alcohol upon the mucous membrane of the throat and stomach before absorption, and consequently before it enters the blood and is taken up by the tissues. This reflex is not systemic and not cumulative, and tends to become less and less. In no instance were the reflexes, conversation, or locomotion of the individual other than normal at the conclusion of the experiment.

In an interesting paper read by Professor Mellanby, of the University of London, before the Society for the Study of Inebriety in 1920, it is stated:

You can see, therefore—

Referring to his experiments—

how difficult it would be to produce real intoxication with a 3 per cent ale, when only a limited amount of time is allowed for drinking, whereas it is possible for a man to get intoxicated almost to a

moribund condition if allowed five minutes with a whisky bottle. The ordinary man could not approach this state if he were allowed complete freedom of action for four hours, surrounded by unlimited 3 per cent ale.

Dr. Charles A. Rosewater, of Newark, N. J., a delegate from New Jersey to the Fifteenth National Congress Against Alcoholism, in an article read before the Medical Society of New Jersey, his subject being "What is an intoxicating beverage," concludes by saying:

To determine whether or not an ordinary man can drink enough beer with an alcoholic content of 2.75 per cent by weight to render him intoxicated practical tests were conducted by the writer. The subjects were tested in two groups. The first group consisted of 13 men and comprised mechanics and brain workers between the ages of 23 and 66 years, representing various types of drinkers. They were furnished with highly seasoned food to stimulate thirst and were encouraged to drink as much beer as they could during the test. The second group comprised men engaged in mental work. They were between the ages of 33 and 45 years, were all extremely moderate users of alcohol, and took beer only rarely. They were furnished a regular dinner without soup and were urged to drink as much beer as they could during the four hours of the test. The quantity of beer consumed by the individuals in the tests ranged from 36 ounces to 187 ounces per individual.

Summarizing the results of the test the experiments lead to the following conclusions:

1. The drinking was forced. Every man drank more than he would have drank ordinarily had he not been participating in a test.
2. The beverage tested does not compel repetition.
3. Satiety was complete and rapid. The subjects stated that they felt bloated and that further drinking would add to their discomfort.
4. Several of the subjects had been drunk on previous occasions from strong alcoholic preparations, thus showing that they were not immune to drunkenness.
5. Not one of the subjects manifested the slightest signs of intoxication.

Professor Rosewater concludes:

It would therefore appear that, disregarding all fanciful theories and hair-splitting definitions, and considering all the facts, the seeker after truth, viewing the matter in the broad light of common sense, can safely state with all reasonable degree of certainty that a beverage containing as little as 2.75 per cent by weight of alcohol—practically 3.50 per cent by volume—is not an intoxicating beverage.

There have been many other tests—no doubt some for the purpose of disputing these findings—but, unless we are prepared to refuse to consider scientific research and conclusions, surely those I have quoted furnish sufficient evidence to warrant liberalization of the Volstead Act.

Then, when we give citizens all the liberty the Constitution permits, can we not reasonably hope for that cooperation so lacking under present unjustified restrictions?

Ontario is not the only Province that has established the dividing line between intoxicants and nonintoxicants away above our ridiculous one-half of 1 per cent formula. In fact, most of the Canadian Provinces, after voting for prohibition, returned to a modified wet basis.

It is interesting to note the Swedish law permits beverages containing not more than 2½ per cent of alcohol by weight, which is over 3 per cent of alcohol by volume, to be sold anywhere without licenses or without tax. Heavier beers and all wines are, on the other hand, taxed according to alcoholic contents and their sale is licensed. In other words, Swedish authorities have made about 3 per cent as their dividing point, on the assumption that beverages below that figure are nonintoxicating.

Will the most earnest advocate of prohibition deny that less harm would result if a 2.75 per cent beverage was legalized than is now the result of the villainous home brew and increased consumption of ardent spirits in every form?

If the public can not buy beer they do and will buy or produce poisonous alcoholic substitutes.

Norway is another country trying out the experiment of partial prohibition.

I quote from an article by Bjoern Bunkholdt in December World's Work:

Prohibition in Norway generally seems to have had a very bad effect on the sobriety of the population. Thanks to the agitation for temperance, the consumption of alcohol had gradually sunk from more than 4 liters in 1856 to 2.5 liters before the war, thus placing Norway in the class of one of the most sober nations in the world. During these years the birth rate rose and the general features of a nation in progress both materially and culturally were conspicuous.

Last year local authorities all over the country were asked to report officially on the effect of prohibition in their districts. Reading these reports one comes most frequently on these words:

Increased drunkeness—criminality increasing—lies and false declarations before the court grow common—people feeling no scruples in breaking the law—intoxication of the worst sort conceivable—conditions to-day worse than could be foreseen—before prohibition was introduced intoxicated persons were seldom met, but to-day!—prohibition is lunacy—spirits to be found in every second house.

Sounds just like our own daily reviews.

Again in the same article Abraham Berge, former Prime Minister of Norway, in introducing a bill for the abolition of prohibition, made the following observation:

I do not hesitate to say that the introduction of prohibition has inflicted great damages on the Nation. Prohibition was intended to be a blessed reform, but it has turned out a damnation reform. We must get rid of prohibition as quickly as possible. This state of things offers opportunities for the most shameless elusions of the law. Those wanting to improve the sobriety of the Nation must choose other tactics. Young people consider it a piece of bravery to get hold of spirits and are committing the most daring smuggling attempts. The police are not enjoying the necessary support in the public opinion. Instead of permitting these horrors the Nation must be courageous, concede the error made, and start work for sobriety on other lines. Things can still be brought right, but the prohibition law has caused much damage.

Does not the same picture apply to the United States?

Reports from Finland and Iceland, whose citizens have also been trying out prohibition, are much the same.

The price of intoxicants to-day is several times greater than it was in 1920. But anybody who has the price, and cares to risk insanity or death, can get all the liquor he wants.

The radical prohibition organizations, together with the bootleggers, are making us a Nation of poisonous hard-liquor drinkers; poisonous because there is no control over the vile stuff that is being disseminated; hard-liquor drinkers because a nonintoxicating beer is under the terms of the Volstead Act prohibited.

Temperance was fast gaining a foothold and crime was decreasing when this act was thrust upon us. It has often been truly said that reform usually comes when least needed.

HAVE IGNORED STATISTICS

I have refrained from arguing by the use of statistics. I could quote columns to demonstrate increased alcoholic hospital cases, increased arrests for drunkenness, alcoholic insanity, and the like.

On the other hand, I do not doubt those defending the operation of the Volstead Act could present an array of figures which they will claim to give encouragement the other way. In fact, you can not beat statistics. I am not greatly influenced by statistics furnished by either side. Personal contact with your neighbor and common-sense observation speaks for itself.

Among statistical arguments frequently advanced as evidence of the helpful effects of attempted prohibition are tables of balances in savings banks and other financial institutions. It would be interesting to know how much of this represents the profits of the new and thriving industry of bootlegging. Of course, balances in banks have had a habit of increasing and improving from period to period ever since America became a Republic. Do not deceive yourself by thinking you are saving the workingman. He pays now for a deadly concoction many times as much as he formerly paid for pure beer. As a matter of record, before prohibition went into effect there had been a steady decline in the use of ardent sprits and the substitution therefor of beer. Consumption of whisky reached its lowest point just before the Volstead Act went into effect and while the 2.75 per cent beer was allowed.

The army of workers in the United States are not spirit drinkers, or at least were not before the advent of the Volstead Act.

ORIGINAL DRY ADMITS VALUE OF BEER

It is generally admitted the citizen who, more than any other, inaugurated the original prohibition movement was Dr. Benjamin Rush, the distinguished American physician who resided in Philadelphia during and before the American Revolution and was one of the signers of the Declaration of Independence. At least August H. Fehlandt, in his well-known book, A Century of Drink Reform in the United States, unreservedly gives Doctor Rush this credit.

I was much interested and impressed with Doctor Rush's book, Inquiry into the Effects of Ardent Spirits upon the Human Body and Mind. It was published, I believe, in 1785. It is generally accredited as the starting point in temperance

activities. Doctor Rush opens his narrative with this statement:

By ardent spirits I mean those liquors only which are obtained by distillation from fermented substances of any kind. To their effects upon the bodies and minds of men the following inquiry shall be exclusively confined. Fermented liquors contain so little spirit, and that so intimately combined with other matters, that they can seldom be drunken in sufficient quantities to produce intoxication and its subsequent effects without exciting a disrelish to their taste or pain from their distending the stomach. They are, moreover, when taken in a moderate quantity generally innocent and often have a friendly influence upon health and life.

Later in his book this outstanding and original advocate of real temperance suggests substitutes which he recommends to take the place of ardent spirits. While he includes wines and cider, I will simply repeat, in part, what he has to say on the subject of malt liquors:

The grain from which these liquors are obtained is not liable, like the apple, to be affected by frost, and therefore they can be procured at all times and at a moderate price. They contain a good deal of nourishment; hence we find many of the poor people in Great Britain endure hard labor with no other food than a quart or 3 pints of beer, with a few pounds of bread, in a day.

Doctor Rush is emphatic and protests without qualification against the use of ardent spirits, but he just as frankly recommends the consumption of beer and light wines as an aid to health and nothing has occurred during the centuries to successfully disprove this well-established conviction.

I appreciate emphatic protests from strong and able men on all sides can be quoted dealing with all phases of this question. I could quote from Thomas Jefferson, Henry Ward Beecher, Jefferson Davis, Herbert Spencer, Abraham Lincoln, and, of course, many distinguished and illustrious men of our present generation all opposing compulsory prohibition. I, of course, realize equally prominent men hold opposite views. However few, if any, will express satisfaction over prevailing conditions.

ECONOMIC FACTS

There is a universal and entirely justified demand that taxes be lowered. Continued national prospertiy which necessitates extensive development requires the burden be lightened. Many millions will be required this year in a further futile effort to enforce this unjust law. This does not take into account enormous prosecuting and court expenses.

With all the admitted failure, we have overworked the Federal courts until to-day over 75 per cent of the business of these courts consists of efforts to punish a few offenders, but in the meantime, as stated, violations have steadily increased. It is safe to say $100,000,000 is now being expended annually. While we are to a great extent wasting this huge sum policing our citizens, there is a practical and legal way to increase our revenue and in no way invite intemperance but provide a method for a still further and larger tax reduction than yet suggested.

While I appreciate this question should not be greatly influenced by an economic argument, at the same time it is interesting to present some facts in this connection.

According to the Statesman's Year Book for 1925, published by Macmillan Co., of London, Great Britain has received an excise tax for the year 1923–24 on beer and spirits amounting to 143,251,949 pounds sterling. Of this amount over half, or to be exact, 76,110,638 pounds was received as a tax upon beer alone. Converted into American currency, this totals the tidy sum of *about* $369,000,000 as a beer tax.

This is about the sum Congress is now endeavoring to save the taxpayers through a revised revenue act. However, if we are discussing the economic side, we would be justified in anticipating in America a very much larger income if we legalized a 2.75 per cent beer and charged a similar excise tax upon it. It must be recalled that the United States has more than double the population of Great Britain, so that it is reasonable to assume from this fact alone the $369,000,000 could be readily estimated to reach almost $750,000,000.

There is still a further element which must be considered. Great Britain, as is well known, is the home of Scotch and Irish whiskies, and a tax of over 45,000,000 pounds or about $220,000,000 is received by the British Government as a tax on legalized spirits. In the United States, intoxicating liquors being prohibited by the eighteenth amendment, it is reasonable to assume legalized 2.75 per cent beer being available, illegal bootleggers' concoctions would lose customers. In other words, our citizens prefer being law abiding if given some justifiable consideration. Therefore, I contend that even the $750,000,000 excise-tax income would be substantially increased.

I am convinced the public would cheerfully pay such a tax on a 2.75 per cent beer rather than practice the evasion and subterfuges now indulged in.

At the same time in Great Britain there has been a decrease of 500 per cent in deaths from drunkenness and alcohol. How many lives could we save, now being sacrificed by alcoholic poisons, by thus practically doing away with home brew and, equally important, stay the present startling national decay in America in private morals. Reestablish the supremacy of law by the Government adhering to constitutional law. It is not alone the millions we could collect as a tax on legal beer, but as well the industrial development that would be inspired by the great reduction in present onerous taxes thus made possible. However, I contend that this action is justified whether America collected one penny as a result thereof.

Great Britain has likewise since the war greatly modified her liquor privileges. Public places are open only certain hours of the day. The alcoholic contents of hard liquor has been greatly reduced, and as a result of these reforms the situation is as stated.

In this connection, and after this national experience, it was interesting to note that a year or so ago the British House of Commons voted 236 to 14, almost 17 to 1, against national prohibition. The main feature of the debate was the utter and complete failure of the American prohibition laws.

Great Britain has been able to revise entirely her taxation system and has now a large balance in the Treasury.

Don't attempt to meet this argument by any inferences or suggestions that Great Britain has lowered the standard or character of her citizenship because of this common sense regulation.

She has not paid that price for this big income. Decayed manhood and womanhood or mob violence against law and order has not resulted. Quite the contrary. I am sorry to be compelled to admit it, but there has been more unpunished crimes, more mob violence, more absolute defiance of law and order in our own country during recent years than the most minute examination of the records of Great Britain can possibly disclose. It was not always so.

What a travesty on our national ideals; what a sorry outcome of our century and a half of existence as an independent nation, proclaiming to the world the discovery of the best possible method of providing for liberty under law, that we should now be pointed to as setting the pace for the civilized world in law violation.

GIVE STATES LATITUDE

The remedy I have suggested is, in effect, that the eighteenth amendment be written into the Volstead Act rather than have the Volstead Act remain a clear, deliberate violation of the plain language of the amendment.

In other words, return to the people the right to have the beverages to which they have been accustomed over the centuries and for which they have been offered no satisfactory substitute. Limit the alcoholic content of such beverages to that which is not in fact intoxicating, but because one State may wish to prohibit all alcoholic beverages do not deny the right to others to permit and enjoy such a privilege. You will then have brought the law of Congress into harmony with the Constitution, restored truth to its pages, and removed in great measure the challenge of all classes of our best and otherwise law-respecting and law-abiding citizens. They believe, and rightly, that the terms of the Volstead Act are unfair and unjust; are an abridgement and denial of their personal liberty, and that it was passed in violation of the mandate given by the citizens of the United States when they adopted the eighteenth amendment alone prohibiting intoxicating beverages.

Because the States could, and certain of them have, prohibited the sale and use of beverages that contain one-half of 1 per cent of alcohol and certain others beverages that contain no alcohol at all in no possible manner justified Congress in framing a Federal statute to overstep the intent of the amendment and deliberately prohibit "nonintoxicating liquors for beverage purposes."

A modification of the Volstead Act so as to permit of the use of beverages containing more than one-half of 1 per cent of alcohol but not in fact intoxicating would not in anywise interfere with the right or power of any State so desiring to prohibit beverages containing as much as one-half of 1 per cent alcohol; nor would such change in the Volstead Act interfere with any of the prohibitory and enforcement legislation which the States now have on their statute books. Each State would still be as free to deal with prohibition and its enforcement as it is to-day. If it wished to raise the alcoholic content of nonintoxicating beverages to a point not beyond the limitation of a revised Volstead Act, properly interpreting the eighteenth amendment, it could do so. It could refrain from doing so. It could make its prohibitory legislation still more

stringent if the desires of its people so required, but it could not force its will upon others.

There has been much confusion as to what concurrent power to enforce, as it appears in the eighteenth amendment, really means.

To my mind and in accordance with the orderly processes of both State and Federal Government this should mean that congressional enforcement should be applied through traditional Federal channels and concurrent State enforcement through traditional State channels.

Congress should define intoxicating liquors, setting an honest maximum, and not interfere with State determination within that limitation.

The power to attend to the local problems would then be left with the States for appropriate action. Enforceable solutions for local evils could and should be adapted to the differing needs and desires of the 48 States. Respect for law would be reintroduced; American traditions of local self-government, democracy, and liberty would be again exalted, with a consequent new birth of patriotism and contentment.

I had the honor of being Governor of New Jersey following a period of constant agitation for the enactment of a local option law. Many of those who have since been active in securing the adoption of the eighteenth amendment were then equally as active arguing for home rule or local option. The legislature passed a local option bill and as governor I approved the act, and thus gave New Jersey home rule on the liquor question. I am positive that a system of home rule to-day within constitutional limitations would do much toward solving the problems we are facing.

President Coolidge has pointed out the appropriateness and necessity for State responsibility and State enforcement. It is said, and I believe, truly, that the Federal Government can not alone accomplish the enforcement of a local police measure. If it is intended by the Federal Government—as President Coolidge says—to supplement, not supplant, State enforcement, the Federal Government should permit the States to define their enforcement activities. Instead of doing so, the Federal Government has unfairly dictated what shall be unlawful, has invaded the States with an inadequate police force, has failed, and has then advised the States that the local phases of the problem are primarily within the province of State activity and should receive State attention. The advice is proper, but the dictated Federal definition is unpopular and impossible; the States must inspire patriotic affection and respect for themselves, and they can not properly act until they are restored power unwisely taken from them.

The objection to the suggestion of modification and independent local enforcement by States will be: "How can we tell that every State will make and maintain decent, or even any, provisions for enforcement of the amendment or a revised Volstead Act?"

The answer is, there would always remain the maximum fixed by Federal law together with the Federal power of enforcement, which is all we have to-day. And at any rate, if disgrace we must suffer, it is certainly wise to localize it pending its removal.

It is the traditional policy of the Government not to invade the sovereignty of the States in order to enforce the Constitution. No one ever claimed the Government has really tried to enforce the fifteenth amendment; but, at an expense of many millions annually, we maintain a Federal police force, endeavoring to enforce the eighteenth amendment, and, failing, the Government passes the buck to the States. If the Volstead Act defined a fair maximum of 2.75 per cent, then the States could legislate within that maximum and more willingly assume the responsibility for enforcement. Anyhow the situation could not well be worse.

At the same time, put all the power of the Government back of real efforts to stop the importation of hard liquors. We shall never get prohibition by hunting flasks. I approve heartily of the efforts to go after the smugglers, the rum runners, and the Canadian specials. A more contented citizenship will help contribute to such a result. You can not deny them reasonable liberty and at the same time enlist them enthusiastically under the banner of law observance.

As I have repeatedly said, such action of Congress will not restore the old-time saloon. No one indorses that. The several States as well as Congress have and possess the amplest powers to provide how such nonintoxicating beverages may be sold, distributed, and where used.

Local acts could very properly provide that such nonintoxicating beverages could only be delivered from manufacturer to consumer or through governmental supervision. There are, of course, saloons now, and saloons galore, so far as that is concerned, in most of the cities of the country. From all we hear they are dispensing all kinds of beverages, many illegally, of course, and because of their illegality are usually dives of the worst sort. To make an argument that the legalizing of nonintoxicating beer would bring back saloons is a complete, absolute evasion of the present conditions and a contention without merit.

AS TO LIGHT WINES

While convinced the American people can be trusted not to abuse modification in any parallel degree to existing violation of the unfair Volstead Act, it will nevertheless be seen I have refrained from suggesting the legalizing of so-termed "light wines." I would favor such an amendment did I believe it could stand the test. I can not conceive a wine that would not necessarily contain considerable more alcohol than 3 per cent, and I fear would be determined by the court a violation of the eighteenth amendment. Just as I am convinced the present home wine production is mostly a violation and anyway an indefensible subterfuge, glaringly discriminatory and condoned for the sole purpose of subduing or minimizing opposition.

Therefore, as much as it is to be desired, combining "light wines and beer" is, in my judgment, an uncertain proceeding. Two and seventy-five one-hundredths per cent beer, as I have endeavored to demonstrate, can clearly be permitted by statute. At least, no one can assert with knowledge it would be unconstitutional. The legality of wine is at the best questionable.

In my argument I have endeavored to keep strictly within the law so that any counterview should deal with the advisability and not the legality. I am content to have the courts decide as to the latter. I have likewise made every possible effort to relieve the situation without justifying charges of constitutional evasion.

If the plan I suggest will improve conditions, and it will, why not try it out? They could hardly be worse than now. The Supreme Court decision, reviewing the Volstead Act, in no way denied this opportunity. In fact, the court clearly indicated that what constituted an intoxicating beverage was within reason entirely a matter for Congress to decide. Let them pass upon an increased percentage. We can not secure a decision otherwise. But let us stop stubbornly being satisfied with a law when we know it is a dead letter and to a great extent deservedly so.

Of course, we all appreciate the intent of the eighteenth amendment with the subsequent passage of the Volstead Act was to overcome the recognized harmful effect of intoxication. The object was a laudable one, and beneficial results might have been obtained if the Constitution had been interpreted in a fair and equitable manner. However, because of this unjust regulatory measure, entirely contrary to the constitutional mandate, and the consequent subterfuges employed to evade the law, the present situation has developed a more harmful effect than existed in the old days. Worse, because it is combining with intoxication, alcohol poisoning in its worst form, and encouraging a general contempt for all law that is threatening the very foundations of Government.

Relief can not be obtained through railing at or berating the Constitution. How to make it effective is our problem. To blindly insist on impossibilities is not only poor statesmanship but stubborn inconsistency.

How can we continue to deceive ourselves and contend the American people can be coerced or forced into an attitude of acquiescence or conciliation when they almost universally insist their liberties are being taken from them and that the Constitution is denied?

If, upon further study and investigation, any better or more practical method to secure relief than I have suggested presents itself, I stand pledged to lend every aid to help bring about such an accomplishment.

BEER CONSUMPTION NOT CRIMINAL

I quote from just one of the many public papers I have read on the subject. Dr. Steven Leacock, professor of economics, of McGill University, in a recent address, particularly attracted my attention because he selected as his title "Based upon a lie and can not endure." That has been my text in this speech. Doctor Leacock said, among many other truisms:

> But the plain truth is that beer is just an ordinary beverage. You can not make it criminal if you try. The attempt is silly. Common sense revolts at it. Some people like beer and some don't. Some people find that it agrees with them and others do not. * * * The attempt to make the consumption of beer criminal is folly and futile. * * *
>
> I lay stress upon this word "criminal" because I think it needs to be stressed. I doubt whether the people realize that the Volstead Act and such like statutes are criminal laws. What it proposes is virtually to send all people to jail who dare to drink beer, and to send

them again and again for each new offense; to break them into compliance as people were once broken upon the wheel.

The thing is monstrous. It is the most brutal invasion of the province of liberty attempted within a century. It can not succeed. It must fail as all tyranny has failed. But it is sad to think of the deplorable havoc it is destined to make in its course; of the way in which it undermines the respect for the law; the way in which it breeds in every class of society a deep and bitter sense of injustice; of the way in which it breaks from the splendid traditions of freedom upon which, till this thing came, we had built up the Commonwealth. * * *

There is a spirit that you can not break by the simple vote of a majority. The individual man, when he stands upon his plain right, will not down. His house is his castle and his life is his own. What service and obedience he owes to those in authority he renders as he should. But when authority passes into tyranny and law into oppression then his obedience ends. He stands, if need be, alone and single-handed against the law, but behind him as his inspiration he has a thousand years of the tradition of individual liberty. There is a spirit in him that kings have never conquered, that parliaments have never compelled, that the scourge has never beaten out, and that fire has never consumed.

RECAPITULATION

In conclusion, I contend:

That the Republic exists only by the consent of the people. They created and maintained the Constitution. Congress is their servant. Without their respect and obedience to the laws—which their Congress has enacted—there can be no democratic government.

That lawlessness and disrespect for law are rampant throughout the Nation; that it is the patriotic duty of all good citizens and especially of those in high public office to seek the fundamental reasons for this deplorable condition; to alleviate the cause or causes and to recommend and apply a remedy.

That the Volstead Act is flagrantly and openly violated by large numbers of our citizens of all classes who, in their daily lives, are good men, typical Americans, otherwise loyal to the principles of our institutions. That they are not generally indifferent to the prosperity, happiness, and security of our country is admitted. Therefore, all the wrong can not be with such citizens. Personally, I believe that one of the prime causes of this unrest is in certain highly controversial provisions of the Volstead Act.

That the only subject matter prohibited by the eighteenth amendment is intoxicating liquors for beverage purposes; that the Volstead Act in framing a definition of what shall constitute an intoxicating beverage and thus limiting alcoholic content to under one-half of 1 per cent deliberately violates the spirit and the plainly expressed language of the eighteenth amendment and states as a fact that which is admittedly false.

That if the framers of the amendment had meant to prohibit alcoholic beverages they would have said so and not used the term intoxicating beverages; that no law can command respect or properly be enforced so long as it violates, upon its face, the canons of fact and truth.

That prior to the enactment of the Volstead Act no law of Congress, no ruling of any Federal department, and no finding of any Federal official ever determined that one-half of 1 per cent of alcohol in a beverage constituted an intoxicating liquor. The use of the Federal standard of one-half of 1 per cent of alcohol to fermented liquors was applied only and exclusively for the purpose of taxation.

That when the citizens of the United States ratified the eighteenth amendment they said that the prohibition therein contained should alone be against "intoxicating liquors," not *alcoholic liquors*. This is plain and simple language which every citizen fully understood.

That in an effort to force obedience rank discrimination has been practiced as between different classes of citizens.

And, finally, that because some States prefer restrictions admittedly below the point of intoxication other States should not be denied the privileges the Constitution permits.

Therefore, the failure to enforce the present law being beyond controversy, the increase in violations being beyond successful contradiction, the influence of existing conditions an admitted menace to the peace and prosperity of the Nation, let us try the simple experiment of writing the Constitution into the Volstead Act. Let us no longer adjudge as criminals that large proportion of our population whose protest and challenge are so completely justified. Let us cease adhering to the exploded theory that a false construction of a constitutional mandate was necessary to provide obedience to the law.

In other words, let us have the courage of our convictions and be fair.

To summarize:

Granting the legalizing of a 2.75 per cent beverage would not solve the entire problem, it would accomplish much.

It would help make the Volstead Act honest by having it conform to the verdict of the country, as alone expressed by the terms of the eighteenth amendment.

It would greatly curtail the bootleggers' illegal monopoly.

It would decrease the demand for poisonous substitutes.

It would minimize the domestic brewing and amateur wine-making industry, which has transformed many homes into breweries and distilleries.

It would discourage the growing demand for strong liquor.

It would produce a billion dollars annually and at the same time, by cutting down deceit, improve the morals of the country.

It would contribute to contentment and thus greatly reduce the growing national scandal of law defiance.

It would, after all is said and done, be giving the public only what they are anyway entitled to.

It would not open saloons, but, on the contrary, automatically close many illegal dives, now practically unrestrained.

It would salvage many a human derelict by providing a healthful legal beverage as a substitute for the present poison.

It would discourage the class distinction present conditions foment.

On the other hand, what would be the detrimental result of such an amendment? None, beyond the chagrin of a few agitators who, notwithstanding present intolerable conditions, will never admit their original stupidity.

This is not a question calling for invective. It is a problem for cool and enlightened consideration. Those who believe in a readjustment are not nullificationists. Those who voted against the Volstead Act six years ago, and later to uphold President Wilson's veto, were not treasonable.

Heretofore anyone who has dared to question the wisdom of prohibition has at once been a target for abuse and deliberate misrepresentations. Those who have done their best as officials to enforce the law have been criticized and censured. This is too serious an issue to be approached or debated by an exchange of personalities. I have carefully refrained from their use. A situation which has placed our country in the unenviable position of leading the world in law defiance demands deliberation, not efforts to impugn motives.

Indeed, no more serious question has faced the country since the war. It must be solved. Let us approach it dispassionately and with that conviction and that determination.

REGULATION OF AIRCRAFT IN COMMERCE

Mr. BINGHAM, Mr. WILLIS, and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER (Mr. FERRIS in the chair). The Chair recognizes the Senator from Connecticut.

Mr. BINGHAM. I move that the Senate proceed to the consideration of the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes. If that motion is carried, I shall agree that the measure may be temporarily laid aside for the day.

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

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and will be temporarily laid aside.

PROPOSED MODIFICATION OF VOLSTEAD ACT

Mr. WILLIS. Mr. President, I have no purpose at this time to reply at length to the voluminous argument which has been made by the Senator from New Jersey [Mr. EDGE], but I did not think it proper that the collection of arguments that the Senator has presented—I use that phrase in no offensive sense at all, but in the sense that he has considered the subject from the viewpoint of all the different groups, so far as I can judge, of those who wish to repeal or to amend the eighteenth amendment or to repeal or amend the enforcement act—I did not desire that this congeries of arguments should be allowed to go by without some Senator expressing dissent therefrom.

To me very many of the Senator's conclusions are most amazing. I shall content myself by entering simply a general denial to his pleadings. One or two, however, of the arguments I do wish particularly to notice.

I understood the Senator to say that there was almost a universal demand for a change in the enforcement act or for the repeal or amendment of the eighteenth amendment. I deny that utterly and absolutely, Mr. President. I do not think there is any universal demand for anything of that sort, and if the Senator thinks there is such a demand in this Chamber I should welcome any effort he might make to bring to a vote at the earliest possible date the several propositions which he has advocated.

I may say in passing that every time this matter has been submitted to a vote of the people they have expressed exactly the contrary of what the Senator indicates. Of course, I do not have access to all of the company with which the Senator from New Jersey seems to be familiar, because, as I understood him, he said that it is almost impossible to go into company without some one inquiring as to "who has the supply?" Well, I have not had that experience, I regret to say, or do say without regret [laughter]; and if the Senator has had that experience and has been in such company he has had an experience which has not come to me. Of course, I assume that he said that in levity, because, without doubt, the Senator, as everybody else, attends very many companies where no such suggestion as that is made.

One of the serious propositions that the Senator suggests, as I understood him, is that there ought to be home rule in the enforcement of law. To me, as I understand the Senator, it is an astounding suggestion that because in a given State this particular law is not popular we ought to give permission to that State to ease up on it and make it as they would like it, while somewhere else if they want to enforce it, all well and good.

Mr. EDGE. Mr. President, will the Senator permit me to correct his statement?

Mr. WILLIS. Oh, certainly.

Mr. EDGE. I do not wonder that the Senator could not follow everything because my address was rather lengthy, but I think that I made it very clear—I attempted to do so at least—that such latitude within a State should be absolutely within the maximum granted by Congress, that it should be within the law as it would finally be declared constitutional by the Supreme Court or otherwise; in other words, the latitude should be below the maximum finally made legal, and not beyond that.

Mr. WILLIS. Mr. President, that does not change the issue at all. Here we have a national law and the Senator is advocating the proposition that we shall have local option, so to speak, in the enforcement of Federal law. Suppose it shall develop that in some State or Territory or possession of this Union the law, for example, against counterfeiting is unpopular; there is a great hue and cry against it, and the people do not like it; shall we say, therefore, that we shall arrange matters so that in that particular State where they are not in favor of the law against counterfeiting there shall be some laxity in the enforcement of that law? The Senator shakes his head; of course, he would not be in favor of that, but inevitably if we once establish the principle that there is to be what he is pleased to call home rule in law enforcement, we will get to that conclusion.

Mr. BLEASE. Mr. President——

Mr. WILLIS. I yield to the Senator from South Carolina.

Mr. BLEASE. I should like to ask the Senator if it is a fact that in certain foreign embassies or in the homes of ministers and ambassadors from foreign countries wine and whisky and beers are served on their tables and it is overlooked, while if the same thing were done by a citizen of this Nation he would be considered a criminal?

Mr. WILLIS. I can not advise the Senator as to what the fact is with reference to the serving of liquors in embassies; I do not know.

Mr. BLEASE. The law should apply to them. Does not the Senator think the State should have the right to make the same rule apply to all?

Mr. WILLIS. I do not think that there ought to be in the matter of a specific provision of the Constitution of the United States any such thing as local option anywhere. I will say to the Senator from New Jersey that I recognize his right to make the appeal which he has made with great ability for a repeal of the law. Those who do not believe in the law or in the eighteenth amendment have a perfect right, of course, to do that; but, so long as we have the eighteenth amendment in the Constitution—and it will be there for a long time, I want to say to the Senator—I deny utterly the proposition that there ought to be such a thing as home rule in the recognition of the provisions and binding effect of the Constitution of the United States.

Mr. EDGE. Mr. President——

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

Mr. WILLIS. I do.

Mr. EDGE. Does the Senator mean to contend that there should not be any latitude within the legal definition? We always had such latitude before any thought of the eighteenth amendment or the Volstead Act. One State may have provided under its prohibition laws for one-half of 1 per cent of alcohol, or no alcohol at all. Another one still, under prohibition, may have provided for 2 per cent, or 1.75 per cent. My contention is—I beg the Senator's indulgence a moment, so that it can not be misunderstood—that the definition of the eighteenth amendment should be made as honest and as liberal as possible, and then there is absolutely no contention that it would not be entirely proper to permit the States to go under that in any degree they wished, as they always have done.

Mr. WILLIS. Oh, I understand the Senator's position perfectly. Of course, I disagree with it utterly, because, as I view it, if the legislation which he proposes should be enacted into law, it would result in an absolute defeat of the purpose of the eighteenth amendment. So, Mr. President, I do not recognize at all the reasonableness or desirability of admitting any such idea of law enforcement as is advocated by the Senator.

The Senator, in his able argument, has demonstrated two or three things, about one of which we had no doubt at all, and that is that he is opposed to the eighteenth amendment and to the enforcement of the law that was passed thereunder. He made that very clear. Another thing he has demonstrated beyond question is that he is not acquainted at all with the report of the Federal Council of the Churches of Christ in America. I understand that he summoned that organization as a witness, and, after examining the witness somewhat, excused that witness. I want, again, to put that witness on the stand. Now, I have read this volume through and through. I hold a copy right here in my hand, and I have here an additional statement from the Federal Council Bulletin in the November–December number of this year, from which I read as follows:

> First of all, the committee would emphasize its unequivocal support of national prohibition, as expressed in many public utterances and reaffirmed by the quadrennial session of the whole council in Atlanta last December. We declare our strong conviction that the policy of prohibition is the deliberately and permanently established policy of this Nation, that this policy has not failed, but, on the contrary, has already yielded results which fully justify its adoption, that the liquor traffic and the saloon must not come back again, and that the churches must set themselves with new purpose to see that prohibition is enforced by law and sustained by the national conscience.

Mr. EDGE. Mr. President, will the Senator permit a question?

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

Mr. WILLIS. I yield.

Mr. EDGE. Will the Senator enlighten us, then, as to what has caused so much opposition or protest against this report in circles supposedly identified with the movement?

Mr. WILLIS. I think I can explain that, Mr. President, and I want to do it without being in any respect offensive to my friend. I think that the criticism came from people just like the Senator, who had not read the report, and did not know what was in it. That is how the criticism came about. If they had read the report they would have taken an entirely different view of it.

Now, I read still further. Just let us see what they do actually say:

> The report makes clear the remarkable social gains which followed upon the adoption of prohibition.

Now, here is what they say about it. I am reading this because the Senator has summoned this organization as a witness. Here are the results:

> A lowering of the death rate from alcoholic disease, a remarkable lessening of dependency due to alcoholism, a great reduction in drunkenness—

I understood the Senator to say that this report indicated that there had been a great increase in drunkenness. Here is their conclusion that the result of the act is a great reduction in drunkenness—

> and other results of a socially desirable sort. It also calls attention to the part undoubtedly played by prohibition in improving business and economic conditions and, above all, points out the indisputable advantage gained by the abolition of the saloon. At the same time, the report reminds us that national prohibition has not yet been given a fair opportunity to vindicate its full value to the physical, economic, social, and moral life of the Nation, and calls attention to serious dangers to which it is at present exposed.

I do not care to read all of the statements contained in this bulletin. I ask permission to place it in the RECORD as a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

[From the Federal Council Bulletin of November-December, 1925]

COUNCIL ISSUES STRONG STATEMENT ON PROHIBITION

The administrative committee of the Federal Council of the Churches, after considering its policy on prohibition, in the light of the recent report of its research department, issued on October 31 a full statement of its position. This declaration was made because of misinterpretations of the spirit and point of view of the research report in certain quarters. The statement declares that there is nothing in the report of the research department to justify any modification whatever of the position of staunch support of prohibition previously taken by the council. The administrative committee also urges all Christian people to regard the report as a trumpet call to a more vigorous program in behalf of prohibition.

The statement, somewhat abbreviated, is as follows:

"First of all, the committee would emphasize its unequivocal support of national prohibition, as expressed in many public utterances and reaffirmed by the quadrennial session of the whole council in Atlanta last December. We declare our strong conviction that the policy of prohibition is the deliberately and permanently established policy of this Nation; that this policy has not failed, but on the contrary has already yielded results which fully justify its adoption; that the liquor traffic and the saloon must not come back again, and that the churches must set themselves with new purpose to see that prohibition is enforced by law and sustained by the national conscience.

"The administrative committee of the federal council has seen nothing in the report of the research department to justify any modification whatever of the position thus taken by the council on the prohibition issue. The policy of national prohibition, as the report shows, was adopted by the American people by the overwhelming votes of their elected legislative assemblies. This policy has been reaffirmed by increasing majorities wherever it has been challenged.

REASONS FOR PROHIBITION

"We would remind those otherwise good citizens, who by their personal example and public utterances are lending countenance to those who violate their country's laws, of the reasons which led to the adoption of the eighteenth amendment. It rests upon three fundamental considerations: First, the belief that in dealing with gigantic social evils like disease or crime individual liberty must be surrendered in the interest of effective social control; second, the belief that the liquor traffic is such an evil—a conviction which is gaining strength all over the world and which has recently found official expression in the report of the special commission on drink of the Universal Christian Conference on Life and Work at Stockholm; third, the experience gained by a generation of experiment with substitutes, which has led the advocates of temperance to conclude that only drastic Federal action could bring about the eradication of the evils they were fighting. Prohibition was not a policy adopted hastily or without due consideration, and it is not to be set aside merely because great difficulty or even temporary reverses are encountered in carrying it out.

"The report makes clear the remarkable social gains which followed upon the adoption of prohibition: A lowering of the death rate from alcoholic disease, a remarkable lessening of dependency due to alcoholism, a great reduction in drunkenness, and other results of a socially desirable sort. It also calls attention to the part undoubtedly played by prohibition in improving business and economic conditions, and, above all, points out the indisputable advantage gained by the abolition of the saloon. At the same time, the report reminds us that national prohibition has not yet been given a fair opportunity to vindicate its full value to the physical, economic, social, and moral life of the Nation, and calls attention to serious dangers to which it is at present exposed.

"The federal council gratefully recognizes the splendid service which has been rendered by the agencies especially authorized by the churches which for many decades have labored persistently and effectively to secure the adoption and the maintenance of prohibition. The council pledges its active cooperation with all agencies which are ready to make a sustained and constructive effort to uphold the prohibition régime in order that there may be a conclusive demonstration of its merit as a national policy. It urges the friends of prohibition in other countries not to be deceived by the attempts which have been made by opponents of prohibition to interpret the report as a confession of failure or even of discouragement on the part of the federal council or its constituent church bodies.

"The federal council calls upon the churches to undertake a renewed moral crusade to strengthen the hands of those who are responsible for prohibition enforcement and in particular to give a greater measure of moral support to the newly reorganized activities of the Federal Government.

NEED FOR EDUCATION

"Especially does the council urge upon the churches the necessity for a more adequate program of education on the moral issues involved in the liquor traffic. We strongly emphasize the need for a far greater attention to this problem in the church's program of religious education. In the last analysis, law depends for its support upon the public opinion which sustains it and the conscience of those who live under it.

"There can be no greater mistake than to suppose that legislation can relieve us of the necessity of training our youth in habits of temperate living, self-control, and the practice of Christian citizenship. To foster such habits and to cultivate such practice is the special and peculiar responsibility of the church, to be ignored only at the peril of the Nation.

"It is our hope and confidence that the report of the research department on the prohibition situation, calling attention as it does to the real dangers with which we are confronted, will stir the churches to a renewed sense of their responsibility, not only for the enforcement of the prohibition law, but also for rallying the conscience of the Nation to its support."

SIGNIFICANCE OF RESEARCH REPORT

The demand for the report of the research department, which was a booklet of 80 pages, has been so great that the first printing has been exhausted and a second is now in press. The report has attracted particular attention because it has illustrated effectively the possibility of a church organization's carrying on a thoroughly impartial program of research. The fact that the Federal Council of the Churches, while itself staunchly committed to the policy of prohibition, was able and willing to print a statement of the present situation, which included the unfavorable as well as the favorable data, has been commented upon in many quarters as a most significant and hopeful thing.

The outstanding emphasis of the research department was on the need for a better program of education as to the moral and religious significance of temperance and prohibition. The following paragraph from the report merits special attention:

"The situation presents an unprecedented challenge to the schools and the churches. Thus far the delinquency of the churches is perhaps even greater than that of the Federal Government. In former years temperance education was stressed as a part of the religious educational program. It was often of a decidedly inferior type, to be sure, but the importance of temperate living and self-control was kept continually before our youth. With the passing of the prohibition laws the task of moral education with reference to temperate living has been all but ignored. As a part of the study here reported a careful analysis was made of the materials of religious education now in use with respect to the training of children and youth in temperance and in the responsibilities of citizenship entailed by the prohibition laws. The results, which have been published elsewhere, were chiefly negative. Even the rude awakening that the outbreak of lawlessness has brought seems to have registered more in mere protest, on the one hand, and in discouragement and dissatisfaction with prohibition on the other, than in the perfectly obvious alternative of setting about the performance of an educational task for which no amount of social legislation can ever be a satisfactory substitute."

Mr. EDGE. Mr. President——

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

Mr. WILLIS. I yield to the Senator.

Mr. EDGE. I do not want to interrupt the Senator, and I promise that this will be my last interruption. Is it not a fact—I can not recall the names—that upon the publication of that report there was quite a clearly defined protest from ministers and others who were unquestionably identified with the prohibition movement in various lines? Was there not such a protest appearing in the papers of the country?

Mr. WILLIS. Mr. President, I thought I had answered that question when the Senator asked it before. Certainly there was protest from people who had failed to read the report. They had taken out certain portions of it and had obtained a garbled idea of what the report contained. When they read the report they entirely revised their opinion, and if the Senator would read it he would revise his opinion. The trouble is, however, as I judge—I do not allege this to be a fact—that the Senator has simply taken the garbled propaganda conclusions that have been drawn by some gentlemen. If he will just get a copy of the report and the full conclusions and read them I am sure he will reach quite a different conclusion.

Mr. EDGE. I will advise the Senator that I have one.

Mr. WILLIS. It does not do any good to have it unless the Senator will read it. That is the thing that would help very much.

Mr. EDGE. I am quite familiar with it.

Mr. WILLIS. Well, Mr. President, I understand that in the last analysis, after altogether misunderstanding the present situation in the country, after paying a high compliment to the Assistant Secretary of the Treasury who has this work in charge, the Senator goes on and damns him by faint praise by saying that the condition is not only bad but is continually getting worse, that drunkenness is increasing, and all that sort of thing, it seems to me that that is a very doubtful kind of a compliment, but I utterly disagree with the conclusions which the Senator reaches relative to the conditions that now obtain in the country.

You can hear it said: "Well, there is more liquor consumed in the country now than ever before." I want to call the attention of the Senators to some interesting figures in that connection, if I can turn to them in a moment.

Under the old régime there were in the country 236 distilleries, 1,276 breweries, and 180,000 saloons, joined in a most highly organized trade in this country which sold over 2,000,000,000 gallons of intoxicants annually, over 20 gallons per capita. Now, in view of the fact, with which everybody must be acquainted, as to the manufacture and sale of intoxicating liquor in this country before the amendment went into effect, it is perfectly idle and silly for anybody to say anywhere that the consumption of liquor in the country has increased. We hear more about it, perhaps. Senators will remember when there were saloons upon every hand. They remember them only because they have been told about them, of course; but they remember that there were times when there were saloons all about, men standing up at the bar two or three deep, I have been told. Now those places are closed up. Where are those people? Are they all or a greater number drinking now? If so, where and how do they get it? The Senator, as I understand, proposes not to reopen the saloon. These gentlemen who are opposed to the eighteenth amendment and to the enforcement of the act all hasten to say that they are not in favor of the saloon.

Mr. TRAMMELL. Mr. President——

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

Mr. WILLIS. I yield to the Senator.

Mr. TRAMMELL. In addition to the legalized traffic in the districts stated by the Senator, did they not also have in the dry territory under local option at that particular time the illicit sale of liquor?

Mr. WILLIS. Undoubtedly.

Mr. TRAMMELL. By illicit stills, and by what was commonly known in those days as the "blind tiger" instead of the bootlegger?

Mr. WILLIS. Undoubtedly so.

Mr. TRAMMELL. We had that additional amount of liquor dispensed in addition to that which was sold through the regular licensed channels.

Mr. WILLIS. Why, certainly; the Senator is correct in that, and those who are candid about the matter reach only one conclusion. For example, I have here a clipping from the New York Times. No one would accuse that great journal of being an advocate of the eighteenth amendment, and yet here is what that clipping says:

> Take in the Canadian border, the West Indies, and every other illegal importation; take in the domestic moonshining and the man who works miracles with industrial alcohol, and is it believable that they surpass, or even approach, the 500,000,000 quarts of hard liquor consumed before prohibition?

Of course not. There is not any doubt about it. The consumption of liquor has been very, very much decreased.

And another editorial in the same great newspaper, which has never supported prohibition, recently fairly expressed the present attitude of the American people:

> Of one thing we can be sure, there is no intention in the United States to abandon prohibition. The bootlegger does flourish as yet, and probably always will to some extent, as do the violators of other laws.

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

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

Mr. WILLIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator recalls that he and I were in the House in the old days when liquor was sold in Washington. I want to ask the Senator if he does not recall, when the saloons ran in the city of Washington——

Mr. WILLIS. It was reported to me that they were running; yes.

Mr. McKELLAR (continuing). That we saw at least 100 drunken men where we now see 1, even in the city of Washington, where the law is violated, as we are told?

Mr. WILLIS. Why, of course the Senator is correct about that.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. WILLIS. Let me answer the Senator from Tennessee, and I will yield to the Senator from Maryland in a moment.

Senators travel upon trains, as other citizens do. I submit to any Senator who has been traveling in the past 25 years whether there is any change in the situation. Drunkenness used to be common upon the trains. A score of times I have been spoken to by conductors upon the railroad trains in the State of Ohio, before prohibition went into effect, begging me to do what I could then, as a member of the general assembly and subsequently as a private citizen, to exterminate this traffic, because they were annoyed by the drunkenness upon their trains. You do not find it now; I do not.

Now I yield to the Senator from Maryland.

Mr. BRUCE. My old friend, Mr. John K. Cowen, of Baltimore, used to say that in discussion there was nothing like the potency of a specific fact. The city of Washington has been brought forward, happily for our contention, by the Senator from Tennessee [Mr. McKELLAR] in a contrast instituted by him between the supposed drunken conditions that formerly existed in the city of Washington and the sober conditions that are supposed to exist in this city to-day. Let us turn to the exact facts on that subject.

I have before me a table showing arrests for drunkenness in all the leading cities of this Union, which I obtained from the chiefs of police in those cities. What are the facts with regard to the city of Washington? In 1920 the arrests for drunkenness in Washington were 5,415, in 1921 they were 6,375, in 1922 they were 8,368, in 1923 they were 8,128, in 1924 they were 10,254, and it is an actual fact, as was stated in the press at the time, that in last March arrests in the city of Washington for drunkenness exceeded the preprohibition number of arrests for any month.

Mr. WILLIS. Mr. President, if that be the case, that reflects in most commendable fashion upon the activities of the enforcement officers of this city. Does the mere fact that more men are arrested prove to the Senator necessarily that there is more drunkenness? Does it not rather indicate that there is greater activity to prohibit that sort of disgusting exhibition?

The Senator remembers when a man could not walk from here to the White House without being elbowed off the street by a lot of drunks, and that was within 15 years. Those conditions do not obtain now, and yet the Senator seeks to draw from some figures the conclusion that there is more drinking in Washington now than there was formerly.

Mr. BRUCE. I do. In the first place, the Senator should recollect that drinking was formerly done in saloons, and most of the arrests were made in the streets, when the hapless drinker was on his way from the saloon to his home. Now drinking is done mainly in the home itself, and consequently, of course, not so closely under the inspection of the police. If there is any evidence to show that any higher degree of police activity is exercised by the police of Washington in arresting drunks than before the adoption of prohibition, why does not the Senator bring it forward?

Mr. McKELLAR. Mr. President——

Mr. WILLIS. Mr. President, I just pointed out to the Senator from Maryland that it is a matter of common observation, which does not require detailed mathematical analysis, as anyone who lives in this country and travels knows, that there is less drunkenness now than there was 15 years ago. I now yield to the Senator from Tennessee.

Mr. BRUCE. I deny the fact.

Mr. WILLIS. I know the Senator denies facts. He generally does; but that does not make any difference.

Mr. BRUCE. If the Senator will yield to me for a moment——

Mr. WILLIS. I yield to the Senator from Tennessee.

Mr. BRUCE. I will endeavor to show him, when I come to reply, that not only in the city of Washington, but that in every city in the Union—in Portland, Me., Portland, Oreg., San Antonio, the city of Baltimore, the city of Buffalo, the city of New York, the city of Philadelphia—there has been a steady increase in the number of arrests for drunkenness ever since the passage of the Volstead Act.

Mr. WILLIS. The Senator is directing his fire in the wrong direction. I am not now questioning that. I am saying that there is less drunkenness in this country, and I understand the Senator to be insisting that there is more. I submit

the matter to the common intelligence of anybody who travels in this country, as to whether that is the case.

Mr. BRUCE. I say there is far more drunkenness in this country to-day than there was for a year or so after the passage of the Volstead Act. I am not saying that there is more intoxicating liquor drank in the country to-day than there was before the adoption of the eighteenth amendment——

Mr. WILLIS. Does the Senator think there is more drunkenness?

Mr. BRUCE. But I do say that in some cities of the country—Reading, Pa., for instance, the city of Richmond, for instance; the city of New Orleans, for instance; and numbers of other cities that I might name—arrests for drunkenness to-day are in excess of what they were during the pre-prohibition period.

Mr. WILLIS. Will the Senator state whether in his judgment there is more or less drunkenness in this country now than there was before the eighteenth amendment went into effect? I am not asking about Reading, Pa., or Podunk, or some other place; I am asking about the United States.

Mr. BRUCE. How can I answer that question——

Mr. WILLIS. I do not think the Senator can.

Mr. BRUCE. Except by quoting statistics of arrests for drunkenness? Certainly nothing is clearer than the fact that when men are arrested for drunkenness, in all human probability it is because they are drunk.

Mr. WILLIS. But there may have been a great many men theretofore drunk who were not arrested. I now yield to the Senator from Tennessee.

Mr. McKELLAR. I think I can clear up this matter, to some extent, at any rate. The figures of the Senator from Maryland are misleading, to some extent, at least, for the reason that in many of the cities about which he speaks, drunkenness was not a crime before the national prohibition act went into effect. In many States and many cities it was not even a crime to be drunk. I am not so sure that it was not a crime to be drunk in Washington, and it is only since prohibition has gone into effect, when it has been an offense to be drunk, that figures worthy of the name are obtainable at all.

Mr. BRUCE. When I observe the amount of liquor drunk in this town, I am able to believe that drinking is not a crime now.

Mr. McKELLAR. In the old days men were arrested when they were drunk and disorderly or committed some sort of offense on the street.

Mr. BRUCE. That is often said, but there is nothing in it.

The PRESIDING OFFICER. To whom does the Senator from Ohio yield?

Mr. WILLIS. I yield once more to the Senator from Maryland.

Mr. BRUCE. There is nothing in that argument. I live in a city where the popular sentiment is overwhelmingly against prohibition. I do not express myself too strongly when I say that the people of Baltimore City absolutely loath, abhor, and abominate prohibition. So now there is no reason to suspect that since the adoption of the eighteenth amendment our police—and, mind you, we have no State enforcement law in Maryland—are any more zealous about arresting people for drunkenness than they were before the adoption of the eighteenth amendment. Yet the fact is that in Baltimore, as everywhere else in the land, since the adoption of the Volstead Act there has been a steady increase in the number of arrests for drunkenness from year to year.

Mr. WILLIS. Mr. President, of course, I do not agree to that.

Mr. KING. Mr. President——

Mr. WILLIS. Just a moment. The Senator from Maryland can probably speak with authority about Baltimore, but he can not speak with authority as to the whole country. I contend that since the Volstead Act and the eighteenth amendment went into effect not only has the quantity of liquor consumed in this country been decimated but that drunkenness has decreased; and that belief is shared by everybody who has investigated the question. The Senator can not take conditions which exist in his city of Baltimore—when, by his own admission, his State has refused to uphold the Constitution of the United States and to pass a law to enforce an amendment to the Constitution—and spread those conditions all over the United States. Most of the United States is law-abiding and believes in the Constitution.

Mr. BRUCE. Let me ask the Senator, on what does he base his conclusions? Does he base them on the number of convictions for violations of the Volstead Act? The Senator can not base them on that, because the number of convictions have been steadily rising from year to year, ever since the passage of the Volstead Act. Take, for instance, the year nineteen——

Mr. WILLIS. I decline to yield to the Senator to read statistics. Whenever the Senator is ready to say to the country that, in his opinion, drunkenness has increased in the country since the enactment of the Volstead Act and the eighteenth amendment, I will be willing to yield to him.

Mr. BRUCE. I say so without the slightest hesitation, and I say so because the facts show that there has been a steady increase from year to year, since the passage of the Volstead Act, in the number of arrests made for violations of the Volstead Act, and there has been a steady increase in the number of convictions for violation of the Volstead Act, and those convictions have continued down to this very year, as shown by the report of Mrs. Willebrandt to the Department of Justice a few days ago. Then I base it further upon the fact, as I started to say, that these tables before me demonstrate that in every city of the land—north, south, east, west—there has been a steady increase in the number of arrests for drunkenness. Those are the grounds on which I base my conclusion. I ask the Senator on what grounds he bases his?

Mr. WILLIS. Mr. President, I have finally dragged out of the Senator the statement that, in his opinion, drunkenness has increased in the United States as a whole since the Volstead Act and the eighteenth amendment were adopted. I leave the matter right there, and yield to the Senator from Utah.

Mr. KING. Mr. President——

Mr. BRUCE. I say that if convictions have increased——

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

Mr. BRUCE. Just a moment longer.

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

Mr. BRUCE. I say arrests for drunkenness have increased in number——

Mr. WILLIS. I do not yield to the Senator for an argument. I yield to the Senator from Utah for a question.

Mr. BRUCE. I thought the time was coming when the Senator would cease to yield.

Mr. KING. I hope the Senator from Maryland will not think I am taking him from the floor when I accept the courtesy of the Senator from Ohio.

I do not want to project myself into the controversy between the two Senators; but, with the Senator's permission, I think that in the interest of accuracy one of the statements made by the Senator from Tennessee [Mr. McKELLAR] should not be passed. If I understood his statement, it was to this effect, that since the passage of the eighteenth amendment there were ordinances or statutes making drunkenness a crime, or that the constitutional amendment or the Volstead Act made drunkenness a crime, whereas anterior to that time drunkenness was not a crime, at least in many of the jurisdictions of the United States. The inference to be drawn——

Mr. McKELLAR. Mr. President, if the Senator will yield to me just a moment——

Mr. WILLIS. I yield briefly.

Mr. McKELLAR. The Senator from Utah misunderstood what I said. I said that up to the time of the passage of the nation-wide prohibition law, in many cities of the country drunkenness was not an offense, and frequently in many cities men under the influence of liquor were arrested only when they were disorderly in some way, or otherwise violated the law while drunk. It was not a crime to be drunk. Those who were drunk were taken home by the police, frequently. They were put to one side, and cared for as best they could be, and no fine was imposed, and there was no conviction of being drunk. At the present day we know that is not the fact. We know men are fined for drunkenness.

Mr. KING. Mr. President, I think the Senator is in error. There are no ordinances or State statutes or Federal statutes now which define drunkenness, or make it more of a crime than it was anterior to the passage of the eighteenth amendment. In nearly every municipality of the United States there was an ordinance in regard to drunkenness, making it a misdemeanor, and I think the Senator will find, if he examines the statutes of most of the States, that there was a statute in each of the States defining drunkenness as a crime. In some jurisdictions the States punished, under State law, and municipalities punished under city ordinances, so that there was oftentimes a double conviction for the same offense. In my judgment, since the adoption of the eighteenth amendment, there has not been a single ordinance passed making drunkenness a crime, nor has there been a single statute passed by any State dealing with this question since then, unless perhaps in the State of Indiana, where they have passed so many freak laws, since a certain party has come into power, which I shall not mention.

The Federal statute, as I interpret it, does not make drunkenness a crime. It forbids the manufacture, sale, and transportation of intoxicating liquors for beverage purposes, but it does not attempt to punish for drunkenness. So that the Senator is in error. The same ordinances and the same statutes are now in force that were in force prior to the adoption of the eighteenth amendment, and they were in force then. So that if drunkenness was not punished then—and the Senator seems to think it was not—it was not because there was a failure of municipal ordinance or State legislation.

Mr. WILLIS. Does the Senator think drunkenness has increased or decreased since the eighteenth amendment and the Volstead Act went into effect?

Mr. KING. The only statistics which I have seen—and I have searched quite diligently—are those which corroborate the statement made by the Senator from Maryland. I know, because I am a member of the Committee on the District of Columbia, that in Washington, from all of the accounts that come to me, and from the statistics brought to my attention, there is more drunkenness now than there was anterior to the passage of the eighteenth amendment; and I do not agree with the statement made by the Senator from Ohio, if he will pardon me, that before the passage of the eighteenth amendment you could scarcely go down the street without elbowing drunken men off the street. I have been in Washington a great deal of the time for 20 years. I seldom saw a drunken man upon the streets of Washington before the passage of the eighteenth amendment, and I seldom see a drunken man now. I think the people of Washington 20 years and 15 years ago, prior to the adoption of the eighteenth amendment, were sober, and that drunkenness was not as common as the able Senator from Ohio would have us believe it was. I want to vindicate the people of Washington for their temperance and sobriety against what I conceive to be an undeserved indictment by the able Senator from Ohio.

Mr. WILLIS. Mr. President, I greatly enjoy the eloquence of the Senator from Utah, but I am not indicting anybody. I am simply making a comparison suggested by the able Senator from Maryland. My contention is that drunkenness has very much decreased, and that the consumption of liquor has been decimated practically since the Volstead Act and the eighteenth amendment went into effect; and I understand now the gentlemen on the other side contend that, in their judgment, drunkenness has increased in the country.

Mr. EDGE. Mr. President——

Mr. WILLIS. Is that the opinion of the Senator from New Jersey? I would like to have the consensus of opinion upon this matter.

Mr. EDGE. I understand the Senator wants the facts, as far as it is possible to obtain them. He laid emphasis on the report of the Council of Churches, which, I may inform him, I have read. According to the report of the Moderation League——

Mr. WILLIS. The Senator has read rapidly, then, since I called the report of the Council of Churches to his attention. He had not read it before.

Mr. EDGE. I thought the Senator would like to have the actual facts. I read from the report of the Moderation League:

> Figures from 457 places, between 1920 and 1924, show an increase in such arrests—
>
> From drunkenness—
>
> from 258,974 in 1920, to 565,026 in 1924.

Then these figures show that the increased percentages in various cities of the country go all the way from 300 per cent to over 900 per cent.

Mr. WILLIS. I was quite familiar with those figures which the Senator has just now discovered. I read them some time ago when the report was made. But I may say in passing that so far as this matter is concerned a few figures or statistics of arrests for drunkenness in this town or that—and I want to be perfectly frank and say a few figures as to the increase or decrease in bank deposits or the increase or decrease of employment figures—to my mind do not prove very much on the one side or the other of this great question. It is a matter to be submitted to the common intelligence of the people. If there is anyone in the country who knows what is going on, he certainly must be aware that drunkenness has very much decreased.

But I want to conclude. I desire to direct attention very briefly to the remedy proposed by the Senator from New Jersey, and I regret to observe that he is not for the moment in his seat. When the Senator began his address I thought he was about to propose some new remedy, but the remedy he proposes is a most interesting and ancient one, either to do that to which I have already referred, namely, make it a matter of local option in the States or else change the Volstead Act so as to permit the manufacture of beer with an alcoholic content of 2.75 per cent. Well, Mr. President, all I have to say about that for the present, at least, is that, of course, if that is done then immediately there will come the question that I notice the Senator very carefully glided over, without touching upon it very much, but said merely for the Government to provide for a method of distribution. If 2.75 per cent beer or 4 per cent beer, like they manufacture over in Canada, is to be made, there will have to be a place where it is sold. Of course, since he advocated the idea of Government control, he would have the Government sell it probably in the post-office buildings, so when a man sent his little girl down to get his mail she would have to work her way in through the crowd there waiting for their supply of 2.75 per cent beer in a Government building.

If the Senator is so obtuse and so unaware of public sentiment in this country as to suppose that that thing will ever be done, then I must say it seems to me his judgment upon this whole question is at least very much warped. If we are to have beer of 2.75 or 3.75 per cent manufactured and sold, there will have to be a place where it will be sold, and the place where it is sold will be the old-fashioned saloon, with all the festering iniquities that hid behind it. The American people decided once and for all that that is not going to be. The fact of the matter is there is no practical way in which the Senator's remedy can be applied.

Then I might say in passing that I am considerably interested in another phase of this question about which very little is said. Not long since I heard an address by Admiral Billard, who has charge of the Coast Guard, that is making an effort to enforce the law of the country. I may say in passing that I am a mighty sight more interested in getting behind men of that type who are seeking to uphold the law and the Constitution than I am in devising means to break down the Constitution. That admiral said in effect, in a public address, so I can without impropriety quote it, that the people of the country did not understand the difficulties with which his forces were confronted in attempting to enforce the laws of the country out there 8 or 10 miles at sea in their little destroyers that are attempting to break up the rum-running fleet. Time and again it has occurred that these lawbreakers have come to ram these little ships and have drowned men.

No matter how black the night, no matter how the tempest howled, no matter how rough the sea, yet these representatives of this illicit traffic were ready to sink American ships and drown American sailors; and yet we hear a defense, not for that directly, but for the appetites of people that are held to be perfectly natural and which must be satisfied. I am more interested in upholding the Constitution of my country than I am in finding excuses for people who want to break the law and tear down the Constitution.

I warn Senators, if this amendment shall be repealed at the behest of those who say the law can not be enforced, that it will not be long until somebody else who is not satisfied with a law will be demanding that it be repealed because they do not like it. Here is a clause in the Constitution that says the right of private property shall be protected, and here is a provision in the Constitution that says that the manufacture and sale of liquor shall be prohibited. If the lawbreakers can frighten the Congress and the people into a repeal of the one, there will come a crowd tomorrow that will say, "One class of people was able to make Congress and the people back away from one provision of the Constitution, so we will now make an attack upon another which undertakes to protect the right of private property or of life itself."

It is not a question of wet or dry. It is a question of whether the country is going to stand by the Constitution. I, of course, make no reference to any Senator when I make the remark which I am about to make, but it is time that somebody said it. The fact is that the forces of the underworld boldly and openly challenge law and order in this country and the question is, Where shall the American Congress stand? Shall it knuckle down, back away and say, "Yes, we will repeal the law because you do not like it," or will it say in the interest of stable Government and the maintenance of our institutions, "We will stand by the law and the Constitution and see that they are obeyed?"

Mr. SHEPPARD. Mr. President, prohibition is one of the most powerful forces for the promotion of the principles that have given our country world leadership from the beginning of its history. That leadership was grounded in the dedication of America to the defense of individual rights, to the

theory that every individual is entitled to an adequate opportunity for the expression of his best capacity for human service. Across the pathway of American opportunity fell the shadow of the legalized liquor traffic, disabling the infant yet unborn, imperiling the promise and the hope of youth, bringing shame and failure to so many lives that almost every household felt the tragic toll, and the entire Nation shared the economic and the moral loss. Clearly there was no place in a Republic devoted to the preservation of opportunity for the trade in beverage alcohol, which meant the destruction of opportunity on so large a scale. Neither was there room in a Nation pledged to the freedom of the individual for a traffic in a drug that imposed a servitude on its victims as damnable and blighting as ever fell on human beings. The reaction of the liquor traffic on innocent parties and the economic waste it involved were added reasons to strip it of any right to exist. It has been contended that prohibition is in conflict with the historic doctrine of American individualism—an unwarranted interference on the part of government with individual liberty. The answer is that no more vicious and more terrible menace to individual initiative, freedom, and opportunity ever existed than that which comes from the liquor habit and the liquor traffic—a menace beyond the strength of vast numbers to resist—beyond the power of the predoomed posterity of the drinker to counteract—a menace requiring the collective action of society, the operation of government and law to remove it from the pathway of human development. No drunkard could ever make effective use of initiative and opportunity while his children and the children of moderate drinkers are seriously and often fatally handicapped by the alcoholic taint with its predisposition to inefficiency, disease, and crime. It is another vital American teaching that governments are instituted among men to secure human rights. We hear much in criticism of the activities of government.

Undoubtedly government should be restricted to its proper functions; but the people's rule is a farce if the people are to be prevented from devising agencies to combat public menaces and to keep the channels of opportunity and enterprise open on equal and adequate terms to all. It is true that whatever the individual may best do for himself should never be entrusted to government or to another—that the individual is the basic unit of society and the highest development of the individual an imperative essential of human progress. It is also true that no individual is strong enough to secure his own rights or to overcome such a threat to society and to individual development as is represented by the liquor traffic.

The adoption of the eighteenth amendment to the Federal Constitution marked the rise of this Republic to a higher plane of existence. It struck down 177,790 saloons at a single blow, turning into useful channels most of the two and one-half billion dollars that were being expended annually for a liquid poison that rotted the brain, consumed the substance, and damned the souls of millions. The eighteenth amendment was the first instance in all history where a leading Nation of the earth, by provision of organic law, banished the trade in beverage alcohol from the list of permissible occupations. It was one of the results of the movement against the liquor traffic which began when the Republic began. With varying fortunes the movement grew until a majority of the American people, occupying three-fourths of American territory, were living under State and local prohibition when the eighteenth amendment was submitted. At first the movement took the shape of pleas for temperance, then of efforts to secure local and State antiliquor laws, and then, as the alcoholic-drink trade continued to defy every enactment for its regulation, to invade the localities and States where it had been legally prohibited, to reach out for the corruption and control of government itself, of an endeavor to enlist the Nation against an evil which had transcended the boundaries of States and had become national in scope.

Nothing could be further from the truth, therefore, than the contention that national prohibition was adopted without due deliberation when public interest was absorbed in war. National prohibition was, as I have indicated, the result of a struggle that had continued against the liquor trade for more than a century. In that struggle Abraham Lincoln was a shining figure on the side of prohibition. He visualized the true nature of the conflict when he likened the liquor traffic to a cancer which should be cut from the body of society without a root left behind, and said that attempts to regulate would but aggravate the evil. There is no better answer to the advocates of light wines and beers than this pronouncement by one of the best friends humanity ever had. The American people made the liquor traffic an outlaw on every foot of American soil through the processes laid down by the Federal Constitution itself for its own amendment because they came at last to understand the innate lawlessness and criminality of that traffic, because they realized that a Christian nation could not consistently recognize it anywhere within the Nation's borders, because they finally came to see that as long as it had a legal status in any State or locality it would overrun the sections that had forbidden it by law. They tell us that national prohibition violates the rights of the States. They forget that under the Constitution itself, as adopted by the States, three-fourths of the States have the right to say what subjects shall be placed under Federal jurisdiction and that the eighteenth amendment provides for its enforcement by the concurrent power of State and Nation. In making effective the eighteenth amendment we are carrying out the mandates of the States as determined and expressed under the Constitution itself. A distinctive American principle is the rule of the majority. When the requisite, constitutional majority of the States ratified the eighteenth amendment all the States and all their inhabitants were placed under a sacred obligation to obey it.

Mr. EDGE. Mr. President, would the Senator object to an interruption?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from New Jersey?

Mr. SHEPPARD. Certainly, I yield to the Senator.

Mr. EDGE. Does the Senator contend in the statement he has just made that Congress in accepting a mandate from the States of the Union ratifying the eighteenth amendment was warranted in establishing a maximum away below the interpretation and meaning of the amendment itself, which only prohibited intoxicating liquors?

Mr. SHEPPARD. I shall come to that in a moment.

Men and women who disregard the eighteenth amendment, or who encourage and patronize those who disregard it and the laws duly enacted for its enforcement, are aiding lawbreakers and criminals and abetting crime.

In passing the eighteenth amendment the American people stormed and took the most formidable position the liquor traffic ever held—that of legal recognition by the Government of the United States. Henceforth it must operate, if it operates at all, as do the counterfeiters, smugglers, thieves, the bandits, murderers, and other antagonists of order, right, and law. In passing this amendment we obtained the best vantage ground we have yet had from which to continue the fight against this colossal evil. It was never intended that the fight against the liquor traffic should cease with the adoption of this amendment and the various acts for its enforcement, including the Federal enforcement act known as the Volstead law. In fact, everything that was said against the traffic has been more than justified by its continued, persistent, cynical, and reckless attempts to defy the law. It violates the American Constitution when opportunity offers with the same contemptuous spirit that marked its disregard of the local ordinances that were first leveled against it. It knows no constitution, no law, no honor, no morality, no God. Here lies the challenge of the present hour to free and true America. Our enforcement officials, with rare exceptions, are bravely meeting that challenge and will continue to be supported by every American worthy of the name.

In this connection it can not be emphasized too much in the interest of law-loving and law-abiding America that no constitution, no law, is able to enforce itself. It is with law as it is with prayer. Laws and prayers without immediate and earnest steps to make them a reality rarely get beyond the pages on which they are written or the lips from which they spring. We have driven the liquor traffic from the open. We must follow it to its secret lairs and destroy it for the sake of the manhood and womanhood of America. If we mean to preserve what is best in our civilization and to make further progress; if we desire effectively to promote the cause of prohibition, to vindicate the sanctity of the Constitution, the majesty of law, we must ever keep in mind the fact that the forces of evil never rest. The victories of civilization must constantly be repeated.

The case for prohibition and every other righteous cause must perpetually be restated. The true citizen can never lay his armor down. Life is a battle for the right from the cradle to the grave. New generations must be given as a rightful heritage and as a necessary step in progress the lessons and experiences of the old. They must be taught that true liberty is liberty under law—indeed, that the supreme meaning of America is liberty under law—and that continued civilization is made possible by the restraints and safeguards which the people find essential. They must be taught that love of all

humanity and the spirit of brotherhood are the deeper sources of the prohibition crusade. And let us all keep ever before us the fact that laws require more than to be inscribed on parchment or engraved in stone. Love must write them in the human heart. Not only must we have officers who will enforce prohibition in precinct, county, State, and Nation; not only must we maintain a vigilant observation in this regard; but we must emphasize and reemphasize in church, school, college, home, and forum the danger of beverage alcohol. Prohibition in Federal and State Constitutions and in enforcement statutes has destroyed the open saloon, with its corrupting influence on government, its alliances with crime and shame, marked a forward and an upward step such as perhaps has been never before accomplished by human legislation. Such, however, is the seductive and insidious power of alcohol as a beverage, such the profit from its private and secret manufacture, that it will remain a menace to society unless diligently and unceasingly combated. Reiterating what I have said on a former occasion, we must teach and teach again that alcohol is a liquid poison which attacks and impairs the functions of the body, especially the delicate tissues of the brain, undermining conduct, judgment, memory, perception, coordination, and initiative. We must teach and teach again that it produces a forced and abnormal activity, a temporary sense of warmth and vigor and vitality, larger and larger quantities being required to produce the false sensations; that what is at first a mere craving breeds in the end a clamor so resistless that the victim will sacrifice anything—honor, ambition, self-respect, position, wife, children—for its satisfaction. We must teach and teach again that taken even in small amounts by moderate drinkers it shortens life; that even the moderate drinker transmits the alcoholic taint to his offspring, polluting the helpless babe, profaning motherhood; that it destroys self-control; that it lowers vitality, enfeebles resistance to disease, making the drinker a breeder and a carrier of contagion; that it is a foremost cause of poverty, and all in all one of the most destructive enemies of society. We must teach and teach again that as it tears down the body and the soul, so it tries to tear down law even when the law permits it to exist.

The Senator from New Jersey would find the change which he contemplates, even if he could secure its enactment—and there is absolutely no chance for its enactment—resisted and violated by the liquor traffic in the same manner in which it resists and violates existing law.

We must never tire of relating the material as well as the moral gains of prohibition. The eighteenth amendment, the Federal enforcement act, generally known as the Volstead Act, and the State constitutional and enforcement measures mark a turning point in the economic as well as the moral history of the world—the suppression so far as the United States is concerned of alcohol as a beverage intoxicant and its promotion as an industrial substance of almost universal importance. The industrial uses of alcohol in its native, undrinkable state are numbered by thousands. Prohibition has not only turned alcohol itself into constructive channels but also the funds expended for it and the plants which housed it when it was a legalized intoxicant. About two and one-half billions of dollars were being expended annually in this country for intoxicating liquors when national prohibition became effective, an amount which in 20 years would have approximately equaled our total expenditure for the World War. The application of most of this liquor money to higher and better ends since the advent of national prohibition has been accompanied by the largest savings deposits and the largest general deposits in American banks in all our history, in the construction of the greatest number of homes, although the number of individually owned homes is not yet sufficient, in the most extensive output of automobiles, in the greatest increase of life insurance, in a marked decline in the national death rate.

Prohibition goes steadily forward. The fact that millions of pay checks are going every Saturday night to mother and children instead of the saloon receives little or no notice in the public prints, while the arrest of a bootlegger, the capture of a drinking party, or the seizure of illicit liquor is blazoned in the headlines, creating an erroneous idea of the true situation. Saloons have been supplanted by banks, office buildings, department stores, drug stores, furniture and clothing and general dry-goods stores, restaurants, movies, art shops, flower shops, soft-drink shops, candy and coffee shops. Distilleries have been converted into warehouses for legitimate commerce. With all this has come an astounding rise in realty values. Filling stations now supply gasoline for automobiles instead of alcohol for human beings. Outdoor sports and places of innocent recreation have multiplied and prospered at an increasing rate since the saloon disappeared. In an age of machinery, of intensified population and transit problems the need of the clear head, the quick eye, and the steady nerve make the elimination of the liquor traffic necessary from the viewpoint of the public safety and of the efficient operation of the instruments of civilization. In addition, the disappearance to so large an extent of the evils surrounding the saloon has so impressed the opponents of prohibition that they have endeavored to construct a program of repeal which eliminates the saloon—an impossible objective, of course, but one which illustrates a distinct advance for prohibition. Our opponents with virtual unanimity say that the saloon must never return, and in saying this they state an impregnable case for prohibition. Any compromise restoring intoxicants in any guise will mean the ultimate return of the saloon or its equivalent. There will be no compromise; indeed, it may be well to say here that we will never compromise nor surrender nor retreat, but press ever forward against that embodiment of evil, beverage alcohol.

A determined and vigorous assault is under way against prohibition, but it will fail. An association with branches in many States has been formed for the purpose of securing the repeal of the eighteenth amendment; but that purpose will never be accomplished. There is also on foot an effort to amend the Volstead Act so as to permit the sale of so-called light wines and beer. This is in reality another and more subtle attack on the eighteenth amendment, an endeavor to bring back intoxicating liquors under the guise of enforcing the Constitution which forbids them, a movement involving a violation by every Representative or Senator who supports it of the oath they took to support and maintain the Constitution. If light wines and beer mean anything, they mean the return of intoxicants in some form. Consequently a light wine and beer act violates the Constitution as long as the eighteenth amendment remains in it.

Mr. President, the Volstead Act imposes the half per cent limit for purposes of enforcement, because it facilitates enforcement, and not in any endeavor to ordain that a half per cent alcoholic liquid is necessarily intoxicating.

Mr. EDGE. Mr. President, will the Senator yield there?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from New Jersey?

Mr. SHEPPARD. I do.

Mr. EDGE. Does the Senator think that decision has assisted enforcement?

Mr. SHEPPARD. I do. It had assisted enforcement in many States in the Union that had State prohibition. It was found advisable in the interest of enforcement to put a requirement of that kind in State prohibition laws; and, Mr. President, the Supreme Court of the United States has held that a nonintoxicant may be prohibited in order to enforce more effectively a law against intoxicants.

Mr. EDGE. Then, Mr. President——

The VICE PRESIDENT. Does the Senator from Texas further yield to the Senator from New Jersey?

Mr. SHEPPARD. I do.

Mr. EDGE. Do I understand the Senator to take the position that, notwithstanding the clear mandate of the people of the country to which he has referred, and which no one questions, the Congress of the United States was justified in denying the clear decision they made and in denying them what is well known as a nonintoxicating beverage?

Mr. SHEPPARD. I do not admit the implication of the Senator's question. When the American people gave us a mandate to abolish intoxicating liquor, they gave us a mandate to take every step necessary to secure that abolishment; and one of the steps necessary to secure it was the imposition of this one-half per cent limit in the Volstead Act.

Mr. EDGE. Why not make the imposition no per cent at all, under the Senator's reasoning?

Mr. SHEPPARD. Because the half per cent limit was found most practicable by State officials who had tried it in prohibition States. That is why; it was a matter of experience.

Mr. EDGE. Then, in other words, the Senator is entirely satisfied with the situation that unquestionably we must depend on the clear terms of the Constitution?

Mr. SHEPPARD. Exactly; we have complied with those terms; and I want to make the enforcement act stronger, to make the penalties stronger. That is one instance in which I agree with the Senator from New Jersey. I think he suggested that some of the penalties be made stronger.

Prohibitionists will meet all these onslaughts with an unbroken and aggressive front. With the determination to maintain our prohibition laws, to sustain and strengthen and en-

courage our officials in the enforcement of these laws, to keep in mind and to promulgate the significance of prohibition and its wonderful accomplishments for humanity; to be ever watchful of the sinister and subtle power of the drug called alcohol—to preach against it, to teach against it, to sing against it, and to pray against it—we will not only make impossible its return to a legalized status but compel it to maintain the hunted, the precarious, the desperate, and the despised existence of the outlaw and the criminal—lashing it finally into the oblivion where every emanation from hell belongs.

Mr. BRUCE. Mr. President, it is not my intention to make anything in the nature of a set speech upon this subject at this time, though I trust that an opportunity to do so will arise during the later hours of the session. Some observations, however, have fallen from the Senator from Ohio [Mr. WILLIS] and the Senator from Texas [Mr. SHEPPARD] to which I should like to refer for a few moments.

I am not going to waste any attention on preprohibition platitudes—that is to say, on the effect of strong drink on the human physiology and the abominable nature of the old saloon and the like. That belongs to the past. When anyone undertakes now to discuss the prohibition question, he should take it up not as of the period before the adoption of the eighteenth amendment, not even as of the date of the eighteenth amendment, but as of the date of the passage of the Volstead Act.

I do not pretend to say that the volume of strong drink used throughout the United States to-day is as great as it was before the adoption of the eighteenth amendment and the enactment of the Volstead Act, though I do say that statistics relating to arrests for drunkenness show that in many cities of the Union—such, for instance, as New Orleans, Richmond, and Reading—the number of arrests for drunkenness at this hour exceeds the number of arrests for drunkenness before the adoption of the eighteenth amendment.

But just think to what desperate straits the upholders of the eighteenth amendment and the Volstead Act are driven when they point with pride, as they suppose they have a right to do, to the fact that the volume of drink consumed in the United States to-day is not, or probably is not, as great as it was before the adoption of the eighteenth amendment.

Has it come to that, that they have organized this vast horde of prohibition agents, snoopers, and spies, have made additions involving a cost of some $12,000,000 to the Coast Guard fleet, have enlisted an army for the suppression of the liquor traffic amounting to 10,000 souls, and have spent as much as $30,000,000 a year in a vain effort to prohibit, and yet do not dare to take any ground more advanced than that there is not as much drunkenness in the United States to-day as there was before the tremendous machinery of the eighteenth amendment and the Volstead Act was set in motion?

As I have said, take up the present discussion as of the date of the Volstead Act. Immediately after the passage of that act there was a great drop in the number of arrests for drunkenness in this country. A vast organization, cis-Atlantic and trans-Atlantic, had to be organized for the illicit importation of liquor. Men and women, thousands and thousands of them, had to learn how to home-brew. Some little time necessarily had to elapse—a year, or even two years—before an organization could be formed sufficiently widespread and effective to take the place of the old licensed liquor traffic. But it was formed. Liquor soon made its way into the United States from abroad. Householders soon found that the simplest of all industrial arts are the arts of fermentation and distillation.

I recollect that when I was a boy a convict was discovered drunk in a cell in the penitentiary at Richmond, and there was the greatest amount of speculation as to how he could possibly have become drunk. It was ascertained that he was employed as a potato parer in the penitentiary kitchen, had succeeded in secreting a considerable number of potato peelings in his pockets, had then rigged up, out of the simplest materials, a little still in his cell, and was making whisky "to beat the band." The only reason why the making of home-brew to-day is not practically universal and does not extend from one end of the land to the other to a greater degree than it does is because it is not worth the while of anyone to undergo the drudgery of home-brewing. He can get his liquor from the bootlegger too easily; but if the Government absolutely suppressed the bootlegger its troubles would just begin. The only effect would be to give a tremendous stimulus to the domestic manufacture of drink throughout the land. You would have a still, or a beer vat, in a large proportion of all the homes of the country.

After the lapse of a year or so the illicit organization for making and distributing drink of which I have spoken was perfected; and what is the result? Let me answer the question by turning to what I was endeavoring to pin the Senator from Ohio down to.

A year or two after the enactment of the Volstead Act the number of arrests for drunkenness began to mount up in every city in the United States—north, south, east, and west—Boston; New York City; Philadelphia; Buffalo; Wilmington, Del.; Baltimore; Richmond; Wilmington, N. C.; New Orleans; Galveston. Why did the Senator from Texas [Mr. SHEPPARD] not deny the statement that was made by the correspondent of the New York Times a day or so ago that it is as easy to get a drink of whisky in the city of Austin, the capital city of Texas, as it is to get an ice-cream soda?

Mr. SHEPPARD. I do deny it.

Mr. BRUCE. Well, the film of deep-seated prejudice has rested so long upon the eyes of the Senator from Texas that I am afraid he is not as good a witness as the untutored impulses of his sound conscience might otherwise make him.

I have before me a table of statistics bearing out what I say. Take the city of Wilmington, Del., the city of Baltimore, the city of Washington, the city of Richmond, the city of Wilmington, N. C., the city of Charleston, the city of Atlanta, the city of Birmingham, the city of Vicksburg, the city of New Orleans, the city of Galveston, the city of Little Rock, the city of St. Louis, the city of Louisville, the city of Knoxville—all southern or border cities—and in every one of them the mercury of drunkenness, so to speak, has been steadily ascending, and along with it the number of arrests for drunkenness; and, mind you, that is the "dry South." It really takes a great deal of dry humor to refer to it as the "dry South."

When you turn to the leading cities in the other parts of the country, exactly the same state of things is disclosed. In the city of Boston, the city of Providence, the city of New York, the city of Buffalo, the city of Newark, the city of Philadelphia, the city of Pittsburgh, the city of Cleveland, the city of Cincinnati, the city of Chicago, the city of Detroit, the city of Minneapolis, the city of Milwaukee, the city of Omaha, the city of Des Moines, the city of Seattle, the city of Portland, the city of Los Angeles, the city of San Francisco, the city of Salt Lake City—in every one of those cities the number of arrests for drunkenness is found to have steadily increased since the enactment of the Volstead Act. The thing is nation-wide. It is universal. What better evidence than that could we possibly desire of the utter lack of foundation for the claim that the consumption of liquor in this country has undergone any decline whatsoever since the enactment of the Volstead Act?

And nowhere has this increase in the number of arrests for drunkenness been more marked than in the city of Washington, the city where the White House is, in which the President resides, the city where the Justices of the Supreme Court sit, the city where the Members of Congress convene, the city that is supposed to be the very heart of this great Nation. In Washington, as I have already said, the number of arrests for drunkenness has risen from 5,415 in 1920 to 10,354 in 1924.

The table of statistics on which I am relying, and which was furnished to me by the chiefs of police of the cities mentioned, does not bring down the number of arrests for drunkenness since the enactment of the Volstead Act later than the year 1924, but recent communications to the press show that the same steady rise in the number of arrests for intoxication is going on in 1925 that went on in 1924, and when you turn to the reports of the Department of Justice the same social conditions are revealed.

In 1921 the arrests for violation of the national prohibition act were 34,175. Since that time they have steadily increased from year to year until in 1924 they were 68,161. The same thing is true of the number of convictions under the act, 17,962 in 1921 and 37,181 in 1924.

Only a day or so ago Mrs. Willebrandt, of the Department of Justice, rendered her report, and what did she say, pray, in dealing with the fiscal year ending June 30, 1925?

Despite their utmost endeavors—

That is to say, the endeavors of the courts and United States attorneys, officers, and so on.

the number of pending prohibition cases increased from 22,380 at the end of the previous fiscal year—

That is to say, the year ending June 30, 1924.

to 25,334 at the close of business June 30, 1925.

And listen to this, too:

The number of cases terminated was 48,734, showing a considerable increase over the previous year, but the number of cases filed increased from 46,431 to 54,688.

In other words, during the year ending June 30, 1925, there was an increase of 5,257 cases handled by the Department of Justice. Yet the Senator from Ohio says the volume of liquor consumed in this country is diminishing, and the Senator from Texas is so confident as to contend that prohibition is going steadily ahead.

Take just the community in which I happen to live. In 1922, 409 persons were convicted of violation of the Volstead Act in the State of Maryland. During the fiscal year ending June 30, 1924, the convictions numbered 1,065.

We hear a great deal about Philadelphia. General Butler was detached from the Marine Corps to take charge of the enforcement of the prohibition law in that city. Over he went, with waving plumes and a tremendous fanfare of trumpets, strutting and vaunting, and saying what he was going to do to the bootlegger and everybody in the city of Philadelphia who had no good blood for the prohibition law. What did he accomplish? A short time ago, just before he realized that he was to leave the city of Philadelphia, he stated that he did not believe that of its population of 2,000,000 there was more than one human being in it who regretted his going, and that was its mayor; I doubt very much whether even he regretted it, but, of course, he had to keep himself in official countenance. How barren were the results of General Butler's administration is shown by the table of police statistics which I have been using.

Number of arrests for drunkenness in Philadelphia since 1920, inclusive

1920	14,313
1921	21,850
1922	36,299
1923	45,226

In 1924—and General Butler was there during the year—the number of arrests for drunkenness was 55,756. Mind you, in the effort to suppress the liquor traffic in Philadelphia the Government had tried the extreme medicine of the law, had heeded the appeals that had been made to it so often by the prohibition fanatics, and had even endeavored to see what might be accomplished by putting a soldier in charge in Philadelphia, but such was the result of General Butler's crusade, and such will be the result of everyone else's attempt to enforce this absolutely unenforceable thing.

So far as I am concerned, it is idle for the Senator from Texas, for whom, however, I entertain the very highest respect, to indulge in any abstractions about the duty of the citizen to obey any and every law and any and every constitutional provision. Law is like an individual. To be respected, I must be respectable. To be respected, a law must be respectable; and that is just as true of a constitutional provision as it is of an ordinary statutory law. A constitutional provision may be a mere brutum fulmen, just as much as a statute.

There was a time in the history of this country when the South relied upon the guaranties of slavery contained in the Federal Constitution. Over and over again it attempted to hold up the mirror of that Constitution to the face of the land, and, in a technical sense, its position was absolutely impregnable. If all laws and constitutions were on paper, nothing could have been more unassailable than the contentions of the South; but the great tide of moral feeling throughout the world was flowing with the North, and all those constitutional guaranties of slavery proved mere paper trumpets. The agitation against slavery went on and on, extremists like Garrison even declaring that the Federal Constitution was a covenant with hell. Finally the fugitive slave law of 1850 was passed, and that, like prohibition, proved to be utterly unenforceable. It was met with personal liberty laws, enacted by many if not by most of the free States for the purpose of counteracting it. An underground railroad system was established for the purpose of helping slaves to Canada and to other points outside of the country. Jurors refused to convict violators of the fugitive slave law, and even judges could scarcely conceal their lack of sympathy with it. The law became a dead letter, because the most virtuous and intelligent people in the free States were opposed to it and recked not of law or Constitution when they came into conflict with their profoundest moral instincts.

The Civil War came, and then there was an ill-advised, fanatical, misguided effort, as I am sure every man now admits, to place the negro at the South upon a footing of equality with the white man; that is to say, the negro whose shackles had been but a short time before stricken from his wrists.

This time the most virtuous and intelligent elements of the Southern population defied the constitutional provisions by which the effort to create that equality was guaranteed. I am old enough to remember that day myself and to recollect how some of the purest and best men that I have ever known did not hesitate to resort to all sorts of means, which under ordinary conditions they would have abhorred, to avert the ruin that would have been worked by unrestricted negro suffrage, and I say this in all kindness, because since that era the negro has made real economic, moral, and intellectual progress, marked progress, and is still making it, I am glad to say.

Again the utter futility of even constitutional provisions that are at war with nature and make no lasting appeal to the human intellect and heart was illustrated. The provisions of the fourteenth amendment relating to the negro and the provisions of the fifteenth amendment relating to the negro are as much a dead letter to-day as the eighteenth amendment will be should the people of the United States decide to allow it to drop into what Mr. Cleveland used to call "innocuous desuetude" rather than to repeal it.

So far from the prohibitionists presenting any unbroken front at the present time, as the Senator from Texas [Mr. SHEPPARD] seems to think they do, their front is ragged and staggering in consequence of blows which they have very recently received. First of all, the Federal Council of Churches has come out admitting that the prohibition law had not been enforced despite all efforts to enforce it, and then came along Mr. Howard, of Rochester, N. Y., reporting on behalf of the committee for prohibition enforcement, consisting of some 20 prohibition organizations, that the workings of prohibition have developed a national scandal.

Then followed our old friend from Georgia, the Rev. Samuel Small, who has been a prohibitionist all his life, and, in a wonderfully clear and interesting letter, which was published from one end of the country to the other, he declared that there was nothing for any true, sincere prohibitionist to do but to advocate such a modification of the Volstead Act as the Senator from New Jersey [Mr. EDGE] has proposed and has supported in his luminous and able speech of this day. No; the ranks of the prohibitionists are breaking. A contest against nature, against reason, against common sense, can end in but one way; and I say in all sincerity to my friends the prohibitionists that there is nothing for them to do, if they really care more for their cause than they do for the Anti-Saloon League or themselves, except to strike hands with us, who abhor vice and love virtue as much as they do, and to bring about a change in the disgraceful sequels of national prohibition which prevail throughout the United States to-day.

Just think of my friend the Senator from Texas [Mr. SHEPPARD] making the appeal that he did on the score of women and children in connection with abuses of the liquor traffic. Why, only two years ago in this very city, at the thirtieth annual session of the Anti-Saloon League, Bishop Thomas Nicholson, the president of the league, declared that whatever else might be said about prohibition, everyone was bound to admit that women were drinking far more than they had ever drunk before. One of the worst results of prohibition, of course, is the practice of home-brewing, which brings the still and the fermenting vat under the very eyes of young children in the home. I saw only a day or two ago that a boy was arrested in the city of Boston because for some time he had been pursuing the practice of supplying bootleg liquor to the young people at the school of which he was a member.

The saloon was bad. The Senator from Texas is perfectly right in supposing that we are all opposed to its return. But I doubt very much whether the saloon, bad as it was, was as bad as the pocket flask, because there is more moral degredation and ruin in a spoonful of unlicensed liquor than in a barrel of licensed liquor.

One of the saddest features about prohibition and the illicit use of liquor that it has spread abroad is the strong appeal that it makes to the love of adventure which lurks in the breast of every normal boy or girl and in many of its manifestations is one of the most beautiful and ingratiating of all the characteristics of youth.

The mistake that the Senator from Texas makes is in supposing that present violations of the prohibition law are all referable to the influence of the old saloon and the old rum seller that he has pictured in such lurid colors so often that now it is impossible for him to shut them out from the retina of his eye. The worst result of prohibition is the close alliance that it has brought about between the most disreputable and the most reputable members of the community. Never before in the history of the United States did any such liaison, any such coalition, exist between these two elements of the American people.

The Senator from Ohio [Mr. WILLIS] seems to think that many people who drank formerly no longer drink. Now, let me say for his edification that I do not know in the whole circle of my friends and acquaintances one single, solitary

human being who offered a cocktail or mint julep to his guests before dinner before the enactment of the Volstead Act who does not do so now, or one who had wine upon his table before that time who does not have it upon his table now. So feeble are the moral sanctions back of that act!

Some days ago, it will be recollected, some speaker in the "crisis" convention, as it was happily and seasonably called, of the prohibition forces at Chicago, said that Maryland and New York should be expelled from the Union. If consistent, our prohibition friends would certainly have to expel the States of New Jersey and Delaware along with them.

If the States of Maryland and New York were expelled with such good company, I do not know but that we could together set up quite a respectable union of our own. [Laughter.] It would at least be a union such as our present general one once was—that is, a Union dedicated to liberty and to human rights. My only fear, however, I might say to the Senator from New Jersey, is that if we had a union made up only of those four States the eager inrush from the surrounding States would be so great that the density of our population would prove not a little oppressive. [Laughter.]

Mr. President, I have already taken up far more time than I intended to do, but permit me to call attention to just another single feature of the practical operation of prohibition, and that is the fearful corruption that it has worked in the public service. For instance, I have been all my life a stern, uncompromising advocate of the merit system of appointment, but never could I be induced to apply that system of appointment to any employees connected with the Prohibition Unit, for I feel sure that a certain amount of official corruption would inevitably follow such application.

I saw a few days ago that in Cincinnati some 71 police and prohibition officers had been arrested for violations of the Volstead Act and had admitted their guilt. Then about the same time we read that two patrol boats down on the coast of Florida had gone over bodily to the rum runners. They were boats that had been built and had been paid for by money appropriated by Congress.

Of course, that was simply a repetition on a larger scale of what had already happened on the coast of New Jersey. It would really be a curious inquiry to ask how many millions and millions of bootleg money have found their way into the pockets of prohibition agents.

Sooner or later, of course, this contamination will extend to the whole public service if it is not arrested; and what is the explanation of its existence? It is to be found in the fact that the great mass of well-balanced people in this country, including individuals charged with prohibition enforcement, can not be made to realize that there is anything criminal in taking a drink; and there is not. My philosophy on that subject, of course, differs entirely from the philosophy of the Senator from Texas [Mr. SHEPPARD]. My philosophy is that so long as I do not injure myself nor injure anyone else there is no more reason why I should not gratify my sensual instincts than why I should not gratify my moral or intellectual instincts.

Prohibition will never be successfully enforced, because the idea that there is anything essentially criminal in the moderate use of drink is an idea that finds no true response in the Ten Commandments or in any of our fundamental intuitions and beliefs, moral or religious, or in the dictates of the human conscience.

No; there is nothing criminal in the mere use of drink, and there is nothing criminal in mere prohibition, but it can be safely affirmed that to-day prohibition is the most productive incubator of crime in the United States. It has not only bred popular disrespect for itself, but for all law.

I remember that years ago, when I first began life, it was commonly said in Maryland, "Oh, well, the State may not be able to enforce its laws, the city of Baltimore may not be able to enforce its laws, but Uncle Sam always enforces his laws." And it was true. The Federal Government had no difficulty in enforcing its mandates until it entered on the insane experiment of prohibition. To-day the ability of the United States to enforce the Volstead Act is a thing to be mocked at.

Last year 68,161 individuals in the United States were arrested for violations of the Volstead Act and 37,181 convicted. Let me ask you, Mr. President, therefore, this question: What is going to be the effect on law and order in this country if some 38,000 persons are convicted every year for violations of the Volstead Act and a large proportion of these persons are sent to jail or to the penitentiary and afterwards released?

Shakespeare says in his vivid way of some men that they are not friends of the world or the world's law; some of these men are born outlaws; some are not born outlaws, but under the play of special influences wander off into evil courses and sooner or later become outlaws, and the worst outlaws of all are likely to be the individuals who have stood in the prisoner's dock and been shut in by the walls of a prison.

That is the element which above every other element fosters crime in a community. Can it possibly be denied that the letting loose every year of thousands and thousands of men who have been in prison under the Volstead Act and sending them back to the communities from which they came, or to other communities, will have a disastrous effect in promoting the widespread criminality in our country which is already the source of such solicitude to us all and has recently led to the formation of a crime commission in the city of New York?

I am not sure that the proposition of the Senator from New Jersey goes as far as it should, but it meets with my approval, and I shall be glad to vote for it. I sometimes think that if I had my way—and I say this because before long we must cease the work of criticism and begin the work of construction—I should not stop with the attempt to repeal or modify the Volstead Act or endeavor to repeal the eighteenth amendment, but I should amend that amendment so as to confer on Congress the exclusive power of such enforcement as the States might be willing to give it and it to accept to regulate, but not to prohibit, the reasonable use of alcoholic beverages, including the power in its discretion to take under its exclusive management and oversight the manufacture, sale, and distribution of such beverages, subject, however, to the obligation to recognize the right of any local community in the United States, properly defined, absolutely to prohibit by a majority vote of all its voters the use within that community of such beverages. I have never heard this suggestion thrown out by anyone but myself, and I present it in a purely tentative way. I am not convinced that it would meet the requirements of the present situation; but I make it for what it is worth. This, Mr. President, concludes all that I have to say at this time on the issue raised by the Senator from New Jersey [Mr. EDGE].

Mr. McKELLAR. Mr. President, I do not rise for the purpose of discussing the prohibition question. If the Senator from New Jersey [Mr. EDGE] ever brings up his bill, I shall find the opportunity of saying something about it at that time. My recollection, however, is that when the last test was taken in this body on prohibition the vote was about 65 to 20 in its favor, and I imagine that there has been very little change in the sentiment since that time. Certainly there has not been enough to give the Senator from New Jersey any hope of changing either the Volstead law or the eighteenth amendment.

However, inasmuch as Tennessee has been referred to as a part of the southern section of the country where there is more drunkenness and more liquor drinking than there was before the Volstead Act was passed, while I can not speak with accuracy on the subject, in my judgment, based on a very careful observation—although, I regret to say, the law is not well enforced in my State, as it is not well enforced anywhere, as we all know—at the lowest calculation there is not as much as one-tenth as much drunkenness in my State——

Mr. BRUCE. Mr. President——

Mr. McKELLAR. Just a moment. The Senator from Maryland has talked to the Senate for quite a while, and I hope he will let me say what I have in my mind. Then I shall let him have the floor.

Mr. BRUCE. I only wish to ask the Senator from Tennessee a question; that is all.

Mr. McKELLAR. I do not think there is one-tenth as much drunkenness in my State as there was before the adoption of the eighteenth amendment and the passage of the Volstead law; indeed, I doubt if there is one-fiftieth as much drunkenness in my State as there was previous to that time. From a careful observation here in the city of Washington—and I recall with distinctness what the conditions were before the passage of the Volstead law in the Capital City—I doubt if there is one-tenth as much liquor drunk or if there is one-tenth as much drunkenness in this city, which has been so often referred to by the Senator from Maryland, as there was before the adoption of the eighteenth amendment and the passage of the Volstead Act. With that statement I have nothing further to say about the prohibition question.

Mr. BRUCE. Mr. President, may I ask the Senator a question at that point?

Mr. McKELLAR. If the Senator will just excuse me a moment, I shall then yield to him.

Mr. BRUCE. Very well.

POWER DEVELOPMENT ON THE TENNESSEE RIVER AND TRIBUTARIES

Mr. McKELLAR. Mr. President, I wish at this time to refer to a survey which at my instance Congress authorized some years ago to be made of the power possibilities of the Ten-

nessee River and its tributaries. My recollection is that there were about $500,000 authorized to be expended for that good purpose. It appears that a tremendous amount of electrical energy can be developed from water power on the Tennessee River and its tributaries; common report is that the amount is over 4,000,000 horsepower, making one of the greatest aggregations of horsepower that can be found in the country, perhaps, next to Niagara Falls. The War Department was required under that authorization to report to Congress. This morning I telephoned the department to know if a report of the survey had been filed, and I was informed that it had not been. I inquired if it had been printed, and was informed that it had not been. I asked if any information was to be obtained, and the reply was only at Chattanooga, where a hearing was being held.

Mr. President, the facts about that situation are these: Under direction of the Congress of the United States, representing the American people, $500,000 have been expended for the purpose of ascertaining the nature and extent of the water power on the Tennessee River and its tributaries, and before a report is made to Congress the War Department gives out to the newspapers of the country and to those interested in securing from the Government licenses for water power the facts which it is supposed will be in the report when it shall have been made. The War Department does not give out the facts to the Congress that authorized the survey or to the people that are paying for it, but it is giving the information out to the licensees.

Mr. President, I want to protest with all of the earnestness and vigor of which I am capable against this course upon the part of the engineering department of the Government.

I call attention to a newspaper article, and at this point I ask that it may be printed in full as a part of and at the conclusion of my remarks.

The VICE PRESIDENT. If there is no objection, it is so ordered.

[The article appears as an appendix to Mr. McKELLAR's remarks.]

Mr. McKELLAR. In the New York Times of Sunday, December 13, 1925, appeared an article from which I wish to read a small portion. In large headlines appear the words:

Big power project for the Tennessee exceeds Niagara.

Army survey chief discloses plan for 100 dams to develop 4,000,000 horsepower.

Four concerns seek rights.

Applications for first 24 dams to generate 1,441,000 horsepower to be heard Tuesday.

Muscle Shoals to benefit.

Greater hydroelectric resources will be stored; river and lake navigation made possible.

The article is dated:

WILSON DAM, FLORENCE, ALA., *December 12.*

And begins—

A projected development of at least 4,000,000 horsepower above Muscle Shoals by the building of 100 dams on the Tennessee River and its tributaries, conserving the high annual rainfall in the Southern Appalachian Mountains, was announced to-day by Maj. Harold C. Fiske, of the Engineer Corps, chief of the Tennessee Valley power survey.

The Tennessee Valley development will be much greater than is possible on the American side of Niagara.

At a hearing to be held in Major Fiske's office at Chattanooga on Tuesday the application of four companies to build the dams will be considered.

Col. Hugh L. Cooper, chief engineer of the Wilson Dam at Muscle Shoals, said this morning that 20 per cent of the potential hydroelectrical power of the United States was contained in the Tennessee Valley.

Major Fiske—

Whose duty it was to report to Congress—

giving an analysis of his survey, exhibited hundreds of maps and statistical tables of the stream flow covering 40 per cent of the area of the Tennessee Valley now completed. This is the largest, most intensive, and most accurate survey of hydroelectric resources ever conducted in this country. The War Department has expended over $500,000 on this survey during the past five years. Many Army fliers have been engaged in making thousands of pictures, which take the place of old-fashioned maps.

Then the article goes on to describe the great industrial advantages to be had from the power development of the Tennessee.

What I want to call the attention of the Senate to is the fact that the engineering department of our Government, under the direction of Congress to expend the money for the benefit of the people and to report to Congress, has, prior to its being submitted to Congress, given out the report to those who want to obtain licenses from the Government, and unless something is done the first step toward disposing of this great power will be made by the engineering department of the Government and definite rights will be had. No such rights and no licenses ought to be granted until a report of that survey shall have been made to the Senate and to the House of Representatives, so that action may be taken.

Mr. JONES of Washington. Mr. President——

Mr. McKELLAR. I yield to the Senator from Washington.

Mr. JONES of Washington. If the Senator will permit me, I merely wish to suggest to him that I think there must be an incorrect statement in that article, because the engineers would have no right to grant any water-power permits. Those permits would have to come through the Water Power Commission.

Mr. McKELLAR. The way that is done is this: The Water Power Commission acts upon evidence taken at hearings by the Engineering Department. Major Fiske has given notice of a hearing at Chattanooga to-day, and I want to say that in addition to the publication of the article in one of the ablest and most reliable newspapers in the country, when I read it I telephoned to the War Department and had a conversation with the Assistant Chief of Engineers, who, as I understood him, said that the facts were substantially correctly stated in the article. If that is so, then, in my judgment, the Engineering Department is violating the proprieties of the case, to say the least, if not the law, in reporting to those who want to obtain power before they report to Congress, which authorized the survey. I am sure the Senator from Washington, noted for his fairness, will agree to that statement.

Mr. JONES of Washington. I want to say to the Senator that I agree with his statement with reference to the fairness of the newspaper to which he has referred, but I have noted many times that misstatements get into newspapers that I know intend to be fair.

Mr. McKELLAR. I called the article to the attention of one of the officers in charge of the department this morning—General Taylor, I will say, is away—and I am now going to ask, if the Senator will permit me——

Mr. JONES of Washington. I merely wish to make one statement, if the Senator will allow me.

Mr. McKELLAR. Certainly.

Mr. JONES of Washington. I merely wish to say that, in my judgment, if the War Department officers are doing what that articles states they are acting without any authority of law.

Mr. McKELLAR. I was sure that would be the Senator's position.

Mr. JONES of Washington. They have no authority to do that unless they are requested to do so and authorized to do so by the Water Power Commission as a commission, and they are not authorized to do that under that survey which we ordered.

Mr. McKELLAR. I call the Senator's attention and the Senate's attention again to the words of Major Fiske quoted here:

Major Fiske, giving an analysis of his survey, exhibited hundreds of maps and statistical tables of the stream flow, covering 40 per cent of the area of the Tennessee Valley, now completed.

Under those circumstances I learned that some such hearing was going to be held some time ago, when I was at Memphis, and I immediately sent a telegram protesting against that hearing in advance of the report on this survey; and to-day I sent a telegram which I ask unanimous consent to have read at the desk, and with that I shall conclude.

The VICE PRESIDENT. In the absence of objection, the telegram will be read.

The legislative clerk read as follows:

Gen. HARRY TAYLOR,

Chief of Engineers, War Department, Sheffield, Ala.

As I recall, at my instance, the Congress authorized the expenditure of $500,000 for a survey of the Tennessee River. Upon application at your office here I find that there has been no report of said survey filed, and, of course, none printed. However, New York Times of last Sunday gives facts and figures alleged to be taken from your survey and further states that power companies are asking for permits for a tremendous amount of power disclosed by such survey, and that Major Fiske is to hold hearings to-day in Chattanooga, constituting the first steps in the granting of these permits. It is inconceivable to me that these hearings will be held in advance of a report to the Congress on said survey. It is also incomprehensible to me that your office would disclose the facts constituting your report in part, before making it to the body which ordered it. If half of the facts stated by the Times to be in the report that has

not been furnished either you or the Congress are true, then manifestly no hearings should be held and no other steps taken for the granting of such permits, until the report is furnished the Congress, which ordered it.

Six weeks ago I protested against these hearings, and I again reiterate that protest. If they have already been begun to-day, they should be postponed at once. No action should be taken until a report of such survey is furnished the Congress that ordered it. Vested rights should not be given or authorized. I am sure that on reflection that you will agree with me, and that you will order the hearings postponed until the coming in of said report. If reports of what your survey contains are true, then one of the greatest pieces of property owned by the Government may be disposed of without the officers of the Government who ordered the survey knowing what the survey contains. My purpose in having this survey made was to give the representatives of the people accurate information as to the extent and value of their property in water power in the Tennessee Valley in my State, and yet these hearings constitute the first step necessary to be taken in the disposition of this very property before the representatives of the people have any report as to its value or extent. I am greatly embarrassed by this situation, not knowing what your survey contains, while those interested in obtaining permits seem to know what your survey will contain. The giving out of this advance information puts the Congress at a tremendous disadvantage.

KENNETH MCKELLAR.

APPENDIX

[From the New York Times of December 13, 1925]

BIG POWER PROJECT FOR THE TENNESSEE EXCEEDS NIAGARA—ARMY SURVEY CHIEF DISCLOSES PLAN FOR 100 DAMS TO DEVELOP 4,000,000 HORSEPOWER—FOUR CONCERNS SEEK RIGHTS—APPLICATIONS FOR FIRST 24 DAMS TO GENERATE 1,441,000 HORSEPOWER TO BE HEARD TUESDAY—MUSCLE SHOALS TO BENEFIT—GREATER HYDROELECTRIC RESOURCES WILL BE STORED, RIVER AND LAKE NAVIGATION MADE POSSIBLE

(By Frank Bohn. Special to the New York Times)

WILSON DAM, FLORENCE, ALA., December 12.—A projected development of at least 4,000,000 horsepower above Muscle Shoals by the building of 100 dams on the Tennessee River and its tributaries, conserving the high annual rainfall in the Southern Appalachian Mountains, was announced to-day by Maj. Harold C. Fiske, of the Engineer Corps, chief of the Tennessee Valley power survey.

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Major Fiske, giving an analysis of his survey, exhibited hundreds of maps and statistical tables of the stream flow, covering 40 per cent of the area of the Tennessee Valley, now completed. This is the largest, most intensive, and most accurate survey of hydroelectric resources ever conducted in this country. The War Department has expended over $500,000 on this survey during the past five years. Many Army fliers have been engaged in making thousands of pictures, which take the place of old-fashioned maps.

GREAT INDUSTRIAL REGION PREDICTED

It is predicted that the Tennessee Valley will develop into one of the Nation's primary industrial regions. The area possesses vast quantities of raw materials. These are in great variety, including coal, iron ore, limestone, phosphate, copper, zinc, marble, and hardwood timber. It is surrounded by cotton and corn fields and the timber resources of the entire South.

Power dams on the main stream of the Tennessee River above Muscle Shoals will furnish 9-foot draft for navigation from Knoxville to the Ohio River and thence to Pittsburgh, St. Louis, and New Orleans. The upper reaches of the Tennessee, it is believed, will be the future American Ruhr. Ultimately a ship canal connecting the river below Muscle Shoals with the Tombigbee River in Alabama will make Mobile its seaport.

Great cities should speedily develop here. On every hand one sees signs of the change from a primitive agricultural life to modern industrialism.

The four companies applying for permits to build dams are the Tennessee Hydroelectric Co., for 5 dam sites, totaling an installation of 340,000 horsepower; the Tennessee Electric Power Co., 3 dam sites, 177,000 horsepower; the Knoxville Power & Light Co., 6 dam sites, 321,500 horsepower; and the East Tennessee Development Co., 11 dam sites, 592,500 horsepower. The 24 dams will develop 1,441,000 horsepower.

NOTICE OF HEARING ON DAM PERMITS

The notice of the public hearing contains the following statement:

"Should a permit later be issued by the Federal Power Commission to one or more of the present applicants, it will mean that to such a permittee is given a certain time, to be fixed by the commission, in which to perfect his plans for the construction of his project.

"When these plans are perfected the permittee must again appear before the Federal Power Commission, or its representative, as an applicant for a license to construct. At this second hearing applications for the same project from other interests will not be considered. If the plans of the permittee are satisfactory to the commission, a license will be issued, and then, and not before, actual construction may be begun."

The applications of these four companies are to be reviewed later by the Chief of the Army Engineer Corps at Washington, then by the Federal Power Commission, composed of the Secretaries of War, the Interior, and Agriculture.

GREAT LAKES TO BE FORMED

Muscle Shoals power is the corner stone of this vast regional development. Every dam built in the Tennessee Valley will increase the regularity of power at Wilson Dam. Cove Creek Dam alone is the primary power of Muscle Shoals. When the power of the valley is half developed the reserves of water will permit a Muscle Shoals installation of 612,000 horsepower to function every day in the year.

Lakes formed by the dams will take the place for this region of the Great Lakes above Niagara. Scores of beautiful lakes will be created. Cove Creek Lake, 83 miles in area, will have bays which extend like fingers among the mountains of east Tennessee.

Meanwhile, a national park of 450,000 acres, to be the largest national park east of the Mississippi, is being created on the heights of the Great Smoky Mountains. These include several peaks of over 6,000 feet elevation. The greatest single development to come to America in this generation is now beginning in the Tennessee Valley.

The Wilson Dam and power plant are now 95 per cent completed. They stand as the most magnificent single creation of American constructive genius. Fifty-eight great gates regulate the stream flow of surplus water to a nicety. The two navigation locks, measuring 300 feet in length by 60 feet in breadth, are fitted with most modern control mechanisms.

Eight generators are now being installed. The power house has room for 10 more to be added when storage dams in the upper course of the river furnish larger primary power. The generator already operating runs like a watch and produces 30,000 horsepower which is being sold for the present to the Alabama Power Co.

The installation power of Wilson Dam is equivalent annually to a train of coal cars carrying 50 tons each, extending the 1,700 miles by rail from New York to Galveston, Tex. This power, thrown upon the wires by the hand of a single operator in the switchboard room, will save the industries of the South $45,000,000 in the annual cost of steam power. Capitalized at 8 per cent, this will be equivalent to $562,500,000 new capital for investment in the Southland.

WILSON DAM AN EXAMPLE FOR VALLEY

The cost of electric power in the Tennessee Valley will compare favorably with the cost at Niagara. The Wilson Dam and power house have set an inspiring example for the development of the entire valley.

Time has been taken at Wilson Dam to execute the job with the largest degree of efficiency. Only the very best materials were used in every part. The staff has included a variety of the highest technical ability. When complete, the job will have cost the Nation $55,000,000, but there will be no work for the repairman for a long time to come.

Statistics indicating the size of Wilson Dam have been often published. It is the world's largest piece of concrete, and, more than this, it is a rare thing of beauty. Again and again one finds one's self surrendering to the temptation to wander over the enormous pile and observe its particular features and general outlines.

Far below there is the roar of the flood through the open gates. Far up the main switchboard control room of the power house one looks 15 miles over the wide blue expanse of Wilson Lake and finds it hard to imagine that it is an artificial creation. Its forest-covered headlands and jutting bays remind one of a lake in the Adirondacks.

One can not help reflecting that the mighty task of harnessing the Tennessee River and its tributaries for 400 miles is as great a work as nature accomplished in creating the noble stream in the first instance. We see here the cosmic force returning in the form of the human mind and the human hand to continue the process of the geologic evolution of the world.

PROBLEMS OF PUBLIC POLICY TO SOLVE

Here indeed, one observes hydroelectrical engineering become a cosmic creation in itself. Considered in economic and social aspects, the development of the Valley of the Tennessee is a prophecy. It will mark a transition stage in the evolution of the American people

out of the age of steam into the age of electricity. The change will profoundly affect every aspect of our social life.

How had these vast resources best be developed?

How shall they be operated and controlled in the public interest?

During the present session of Congress not only the President and Congress but a large, thoughful public must take time to seek the solution of this problem.

The building of the great Wilson Dam and power plant has required and secured the highest type of American engineering skill. The solution of the crucial hydroelectric problem which is now presented to the Nation will require even more. It will demand the leadership of a totally new sort of engineering statesmanship.

The public must see that petty politics and sectional jealousy are for this once wholly abjured. In the last analysis probably the President will be called upon to make the larger decisions.

The Tennessee Valley can not be considered by itself alone. Here the Nation faces a problem which will appear again and again in other sections of the country. To fail here is to postpone success elsewhere. To succeed here is to make success in other sections comparatively easy. The power development of the St. Lawrence River, which the American Government will presently undertake in conjunction with the Canadian Government and which is of such vast importance to New York and New England, of the Columbia and Snake Rivers in the Northwest, of the Colorado River in the Southwest—these and similar developments elsewhere all demand the declaration of a consistent national hydroelectric policy.

The President, Congress, and the public have been greatly perplexed during the past six years as to what to do with Muscle Shoals. In reality the hearing at Chattanooga on Tuesday will begin a larger public debate over Muscle Shoals.

PROPOSED MODIFICATION OF VOLSTEAD ACT

Mr. BRUCE. Mr. President, I want to ask the Senator from Tennessee whether his statement that drinking in Tennessee is declining very much includes the city of Knoxville, Tenn.?

Mr. McKELLAR. Yes; I am quite sure that it includes every county in the State. I have had the privilege of visiting, especially in my various campaigns, every county in my State. I am quite sure, regardless of any figures of police courts or elsewhere that the Senator from Maryland may have, that drunkenness has diminished tremendously since the enactment of the nation-wide amendment and of the Volstead Act.

Mr. BRUCE. The Senator from Tennessee evidently agrees with the English statesman, Canning, that nothing is so fallacious as facts except figures.

Mr. McKELLAR. I think the Senator's figures are very fallacious.

Mr. BRUCE. My figures? Then I beg leave to say that the Senator is impeaching his own chief of police. He is not impeaching me; he is impeaching his own chief of police. I wrote to the chief of police of Knoxville and asked him to give me some figures with regard to arrests for drunkenness in Knoxville, and he wrote me back that in the year 1922 there were 2,753 arrests for drunkenness in Knoxville, and in the year 1924 there were 4,456.

Mr. McKELLAR. All that shows is that there is better enforcement of the liquor laws now; and I am happy to know that they are being better enforced in all parts of my State.

THE FARM SITUATION

Mr. HOWELL. Mr. President, the optimistic notes that have been sounded recently respecting the farm situation do not seem to be justified. Certainly there can be no question that the present otherwise general prosperity is not reaching the farm operator in the Middle West.

Consider the situation as of the forepart of November of this year. In Nebraska the farmer was receiving $1.50 for wheat, as compared with $1.40 in 1924, but the wheat crop was 45 per cent less. Three per cent more of corn was raised, but the price of $1 in 1924 had fallen to 60 cents. In the case of oats there was a decrease in production of 6 per cent and in price from 50 to 30 cents.

Based upon these data, the decreased value of the three crops to the Nebraska farmer this year totals about $127,000,000. Corresponding data indicates similar decreases in values to the amounts as indicated for the following States:

South Dakota	$65,500,000
Iowa (corn and oats only)	87,200,000
Kansas	204,900,000

Add to these decreases the figures for Nebraska, and we have a total decreased value for these crops in the four States of $484,600,000. Of course, these are approximate results, but they are very close to the truth.

In view of the situation Congress would be justified in indulging in a little experimentation to the end of economic justice for agriculture. We might well try out a plan for an export corporation, similar to the War Finance Corporation, whose function shall be to go into the market and maintain United States prices for agricultural products, with a provision for assessing the expense and any losses that may be sustained by the Government back upon the producing farmer by means of a sales tax on the particular products affected. Certainly the plan is worth trying, even though it might cost the Government something If, as proposed, we can be so generous with Italy as to cancel her $2,150,000,000 debt in consideration of the mere payment of a small rate of interest for a few years, why should we not cast a few crumbs to the agricultural industry?

Certainly the farmer will demand something more than cooperative marketing. He wants some relief now—not a hopeful picture of a "blessed hereafter" for agriculture.

REGULATION OF AIRCRAFT IN COMMERCE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 16, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 15, 1925

SECOND ASSISTANT POSTMASTER GENERAL

Warren Irving Glover, of New Jersey, to be Second Assistant Postmaster General, vice Paul Henderson, resigned.

THIRD ASSISTANT POSTMASTER GENERAL

Robert S. Regar, of Pennsylvania, to be Third Assistant Postmaster General, vice Warren Irving Glover, appointed Second Assistant Postmaster General.

Mr. Glover and Mr. Regar are now serving under recess commissions issued to them on July 22, 1925.

MEMBER OF THE INTERSTATE COMMERCE COMMISSION

E. I. Lewis, of Indiana, to be a member of the Interstate Commerce Commission for the term of seven years from January 1, 1926 (reappointment).

FOREIGN SERVICE

SECRETARY IN THE DIPLOMATIC SERVICE

Rudolf E. Schoenfeld, of the District of Columbia, now a Foreign Service officer of class 8 and a consular officer with the rank of consul, to be also a secretary in the Diplomatic Service of the United States of America.

CONSULAR OFFICERS

The following-named Foreign Service officers, now consular officers with the rank of vice consul of career, to be consular officers of the United States of America with the rank of consul:

Albert M. Doyle, of Michigan.
Loy W. Henderson, of Colorado.
Thomas S. Horn, of Missouri.
Alfred T. Nester, of New York.

The following-named persons for promotion in the Foreign Service of the United States as follows:

From Foreign Service officer of class 2 to Foreign Service officer of class 1

Edwin S. Cunningham, of Connecticut.
Leo J. Keena, of Michigan.
Alexander W. Weddell, of Virginia.

From Foreign Service officer of class 3 to Foreign Service officer of class 2

Arthur Garrels, of Missouri.
Douglas Jenkins, of South Carolina.
Ransford S. Miller, of New York.
John Campbell White, of Maryland.

From Foreign Service officer of class 4 to Foreign Service officer of class 3

Calvin M. Hitch, of Georgia.
John F. Jewell, of Illinois.
Benjamin Thaw, jr., of Pennsylvania.
North Winship, of Georgia.

From Foreign Service officer of class 5 to Foreign Service officer of class 4

Joseph W. Ballantine, of Massachusetts.
Pierre de L. Boal, of Pennsylvania.
Joseph E. Haven, of Illinois.
William L. Jenkins, of Pennsylvania.
Hugh H. Watson, of Vermont.

From Foreign Service officer of class 6 to Foreign Service officer of class 5

Henry C. A. Damm, of Tennessee.
John D. Johnson, of Vermont.
Dayle C. McDonough, of Missouri.
Edward I. Nathan, of Pennsylvania.
Elbridge D. Rand, of California.

From Foreign Service officer of class 7 to Foreign Service officer of class 6

Charles E. Allen, of Kentucky.
Harry F. Hawley, of New York.
Richard L. Sprague, of Massachusetts.
Dana C. Sycks, of Ohio.

From Foreign Service officer of class 8 to Foreign Service officer of class 7

William W. Heard, of Maryland.
John J. Meily, of Pennsylvania.
James J. Murphy, jr., of Pennsylvania.
Rudolf E. Schoenfeld, of the District of Columbia.

From Foreign Service officer, unclassified, at $3,000, to Foreign Service officer of class 8

Albert M. Doyle, of Michigan.
Loy W. Henderson, of Colorado.
Thomas S. Horn, of Missouri.
Alfred T. Nestor, of New York.

UNITED STATES ATTORNEYS

Roscoe C. Patterson, of Missouri, to be United States attorney, western district of Missouri, vice Charles C. Madison, whose term has expired.

Irvin B. Tucker, of North Carolina, to be United States attorney, eastern district of North Carolina. A reappointment, his term having expired.

George C. Taylor, of Tennessee, to be United States attorney, eastern district of Tennessee. A reappointment, his term having expired.

Henry Zweifel, of Texas, to be United States attorney, northern district of Texas. A reappointment, his term having expired.

UNITED STATES MARSHALS

Fred R. Fitzpatrick, of Kansas, to be United States marshal, district of Kansas. A reappointment, his term having expired.

Inslee C. King, of Tennessee, to be United States marshal, eastern district of Tennessee. A reappointment, his term having expired.

Phil E. Baer, of Texas, to be United States marshal, eastern district of Texas. A reappointment, his term having expired.

PUBLIC HEALTH SERVICE

Asst. Surg. Milton V. Veldee to be passed assistant surgeon in the Public Health Service, to rank as such from October 10, 1925. This officer is now serving under temporary commission issued during the recess of the Senate.

PROMOTIONS IN THE NAVY

Capt. Edward H. Campbell to be Judge Advocate General of the Navy, with the rank of rear admiral, for a term of four years.

Capt. John Halligan, jr., to be engineer in chief and Chief of the Bureau of Engineering in the Department of the Navy, with the rank of rear admiral, for a term of four years.

Pay Director Charles Morris to be Paymaster General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear admiral, for a term of four years.

MARINE CORPS

Lieut. Col. Harry R. Lay to be a colonel in the Marine Corps from the 24th day of June, 1924, No. 2.

Lieut. Col. Charles B. Taylor to be a colonel in the Marine Corps from the 15th day of July, 1925.

Lieut. Col. Rush R. Wallace to be a colonel in the Marine Corps from the 18th day of July, 1925.

Lieut. Col. William C. Harllee to be a colonel in the Marine Corps from the 25th day of July, 1925.

Lieut. Col. Richard S. Hooker to be a colonel in the Marine Corps from the 28th day of July, 1925.

Lieut. Col. Percy F. Archer, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of lieutenant colonel from the 11th day of February, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. Seth Williams, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of lieutenant colonel from the 4th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. Elias R. Beadle to be a lieutenant colonel in the Marine Corps from the 17th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. Robert O. Underwood to be a lieutenant colonel in the Marine Corps from the 2d day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. Gerard M. Kincade to be a lieutenant colonel in the Marine Corps from the 10th day of December, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. Jesse F. Dyer to be a lieutenant colonel in the Marine Corps from the 8th day of February, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. James J. Meade to be a lieutenant colonel in the Marine Corps from the 3d day of June, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Maj. Richard B. Creecy to be a lieutenant colonel in the Marine Corps from the 24th day of June, 1924.

Maj. Harry O. Smith to be a lieutenant colonel in the Marine Corps from the 20th day of August, 1924.

Maj. Fred D. Kilgore to be a lieutenant colonel in the Marine Corps from the 11th day of April, 1925.

Maj. William P. Upshur to be a lieutenant colonel in the Marine Corps from the 15th day of July, 1925.

Maj. Edward W. Banker, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of lieutenant colonel from the 18th day of July, 1925.

Maj. William M. Small to be a lieutenant colonel in the Marine Corps from the 25th day of July, 1925.

Maj. Robert B. Farquharson to be a lieutenant colonel in the Marine Corps from the 28th day of July, 1925.

First Lieut. Robert H. Pepper to be a captain in the Marine Corps from the 20th day of August, 1924.

First Lieut. John B. Wilson to be a captain in the Marine Corps from the 9th day of January, 1925.

First Lieut. James D. Colomy to be a captain in the Marine Corps from the 16th day of January, 1925.

First Lieut. Galen M. Sturgis to be a captain in the Marine Corps from the 26th day of March, 1925.

First Lieut. Joseph W. Knighton to be a captain in the Marine Corps from the 11th day of April, 1925.

First Lieut. James A. Mixson to be a captain in the Marine Corps from the 23d day of May, 1925.

First Lieut. Lades R. Warriner to be a captain in the Marine Corps from the 26th day of June, 1925.

First Lieut. Gus L. Gloeckner to be a captain in the Marine Corps from the 15th day of July, 1925.

First Lieut. Leo. F. S. Horan to be a captain in the Marine Corps from the 18th day of July, 1925.

Second Lieut. Thomas M. Ryan to be a first lieutenant in the Marine Corps from the 8th day of February, 1924.

Second Lieut. Horace D. Palmer to be a first lieutenant in the Marine Corps from the 7th day of March, 1924.

Second Lieut. Stuart W. King to be a first lieutenant in the Marine Corps from the 17th day of July, 1924.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 4th day of June, 1925:

Edward J. Trumble.
Harold D. Harris.
Martin S. Rahiser.
Frank J. Uhlig.
Adolph Zuber.
Robert E. Hogaboom.

Francis H. Brink.
James Snedeker.
John D. Blanchard.
John N. Hart.
Lionel C. Coudeau.
Alfred R. Pefley.
Sidney R. Williamson.
Waldo A. Page.
John H. Stillman.
Hawley C. Waterman.

The following-named citizens to be second lieutenants in the Marine Corps (probationary for two years) from the 1st day of July, 1925:

Francis J. Cunningham, a citizen of Arizona.
Ion M. Bethel, a citizen of Texas.
James O. Brauer, a citizen of North Dakota.
Joel I. Mosley, a citizen of Mississippi.
Edward L. Pugh, a citizen of Maryland.
Joseph C. Burger, a citizen of Virginia.
Arthur E. Mead, a citizen of South Dakota.
John F. Hough, a citizen of Maryland.
Frank K. Clements, jr., a citizen of Virginia.
Calvin R. Freeman, a citizen of Texas.
Leslie F. Narum, a citizen of North Dakota.
Glenn M. Britt, a citizen of Oregon.
William M. O'Brien, a citizen of Vermont.
Andrew J. Mathiesen, a citizen of California.
Archie V. Gerard, a citizen of North Dakota.
Verne J. McCaul, a citizen of North Dakota.
Richard N. Johnson, a citizen of Nebraska.
Thomas C. Green, a citizen of North Carolina.
Robert L. Griffin, jr., a citizen of South Carolina.
David L. Cloud, jr., a citizen of Georgia.

POSTMASTERS

ARKANSAS

Jonnie Hood to be postmaster at Emmet, Ark., in place of L. N. White, removed.

Walter S. Edsall to be postmaster at Louann, Ark., in place of T. H. Perry, deceased.

Clarence M. Fink to be postmaster at Newark, Ark., in place of G. L. Fink, deceased.

Carl Brady to be postmaster at Peach Orchard, Ark., in place of W. G. Baker, removed.

Claude M. Williams to be postmaster at Rogers, Ark., in place of G. B. Cady, resigned.

Charles A. Kelley to be postmaster at Searcy, Ark., in place of S. L. Gustafson, removed.

Andrew I. Roland to be postmaster at Malvern, Ark., in place of A. I. Roland. Incumbent's commission expired November 17, 1925.

Thomas D. Peck to be postmaster at Mammoth Springs, Ark., in place of T. D. Peck. Incumbent's commission expired August 24, 1925.

Addison M. Hall to be postmaster at Marmaduke, Ark., in place of A. M. Hall. Incumbent's commission expired November 17, 1925.

Jesse H. Shaw to be postmaster at Midland, Ark., in place of J. H. Shaw. Incumbent's commission expired August 24, 1925.

Dell W. Lee to be postmaster at Mineral Springs, Ark., in place of D. W. Lee. Incumbent's commission expired November 17, 1925.

John W. Webb to be postmaster at Mountain View, Ark., in place of J. W. Webb. Incumbent's commission expired November 17, 1925.

Belle Armour to be postmaster at Newport, Ark., in place of Belle Armour. Incumbent's commission expired July 14, 1925.

Willard L. Brennan to be postmaster at Parkin, Ark., in place of W. L. Brennan. Incumbent's commission expired November 17, 1925.

Wiley C. King to be postmaster at Salem, Ark., in place of W. C. King. Incumbent's commission expired November 9, 1925.

Oscar L. West to be postmaster at Shirley, Ark., in place of O. L. West. Incumbent's commission expired November 22, 1925.

Therese N. Scott to be postmaster at South Fort Smith, Ark., in place of T. N. Scott. Incumbent's commission expired November 17, 1925.

William R. Blakely to be postmaster at Sparkman, Ark., in place of W. R. Blakely. Incumbent's commission expired November 17, 1925.

Selvin T. Butler to be postmaster at Warren, Ark., in place of S. T. Butler. Incumbent's commission expired October 6, 1925.

William T. McKinnon to be postmaster at Wesson, Ark., in place of W. T. McKinnon. Incumbent's commission expired November 17, 1925.

Ed C. Sample to be postmaster at West Fork, Ark., in place of E. C. Sample. Incumbent's commission expired November 17, 1925.

Florence F. McKinzie to be postmaster at Wilson, Ark., in place of F. F. McKinzie. Incumbent's commission expired November 17, 1925.

Howell A. Burnes to be postmaster at Yellville, Ark., in place of H. A. Burnes. Incumbent's commission expired November 17, 1925.

Eston G. Berry to be postmaster at Magazine, Ark., in place of E. G. Berry. Incumbent's commission expired October 4, 1925.

Charles A. Roberts to be postmaster at McNeil, Ark., in place of C. A. Roberts. Incumbent's commission expired August 24, 1925.

Frederick W. Youmans to be postmaster at Lewisville, Ark., in place of F. W. Youmans. Incumbent's commission expired November 17, 1925.

Samuel D. Thomasson to be postmaster at Leachville, Ark., in place of S. D. Thomasson. Incumbent's commission expired November 17, 1925.

Grant B. Sparks to be postmaster at Lamar, Ark., in place of G. B. Sparks. Incumbent's commission expired November 17, 1925.

Della E. Penick to be postmaster at Lake City, Ark., in place of D. E. Penick. Incumbent's commission expired October 6, 1925.

Flavel G. Briggs to be postmaster at Judsonia, Ark., in place of F. G. Briggs. Incumbent's commission expired November 17, 1925.

John L. Collett to be postmaster at Huttig, Ark., in place of J. L. Collett. Incumbent's commission expired November 17, 1925.

William J. Martin to be postmaster at Humphrey, Ark., in place of W. J. Martin. Incumbent's commission expired August 24, 1925.

Charles R. French to be postmaster at Harrisburg, Ark., in place of C. R. French. Incumbent's commission expired August 24, 1925.

John W. Bell to be postmaster at Greenwood, Ark., in place of J. W. Bell. Incumbent's commission expired November 17, 1925.

George H. Joslyn, jr., to be postmaster at Gould, Ark., in place of Max Cook. Incumbent's commission expired August 24, 1925.

James G. Place to be postmaster at Gillett, Ark., in place of R. W. Walker. Incumbent's commission expired November 17, 1925.

George H. Mills to be postmaster at Garfield, Ark., in place of G. H. Mills. Incumbent's commission expired November 17, 1925.

Thomas W. Goodson to be postmaster at Fouke, Ark., in place of T. W. Goodson. Incumbent's commission expired November 17, 1925.

Jesse F. Booth to be postmaster at Elaine, Ark., in place of J. F. Booth. Incumbent's commission expired August 24, 1925.

Reese D. Henry to be postmaster at Dierks, Ark., in place of R. D. Henry. Incumbent's commission expired November 17, 1925.

Floyd M. Carter to be postmaster at De Queen, Ark., in place of F. M. Carter. Incumbent's commission expired November 17, 1925.

Harriet M. Shrigley to be postmaster at Coal Hill, Ark., in place of H. M. Shrigley. Incumbent's commission expired November 17, 1925.

Milton T. Knight to be postmaster at Chidester, Ark., in place of M. T. Knight. Incumbent's commission expired November 17, 1925.

Marie O. Pitts to be postmaster at Cherry Valley, Ark., in place of M. O. Pitts. Incumbent's commission expired November 17, 1925.

Horace C. Hiatt to be postmaster at Charleston, Ark., in place of H. C. Hiatt. Incumbent's commission expired November 17, 1925.

Fairy K. Reynolds to be postmaster at Bradley, Ark., in place of F. K. Reynolds. Incumbent's commission expired August 24, 1925.

Wendell W. Watkins to be postmaster at Belleville, Ark., in place of W. W. Watkins. Incumbent's commission expired November 17, 1925.

Adine Dimmig to be postmaster at Bauxite, Ark., in place of Adine Dimmig. Incumbent's commission expired November 17, 1925.

Willie C. Allen to be postmaster at Amity, Ark., in place of W. C. Allen. Incumbent's commission expired November 17, 1925.

Edwin E. Blackmon to be postmaster at Augusta, Ark., in place of E. E. Blackmon. Incumbent's commission expired November 17, 1925.

Louella Boswell to be postmaster at Almyra, Ark., in place of Louella Boswell. Incumbent's commission expired November 17, 1925.

Robert W. Barton, jr., to be postmaster at Turrell, Ark. Office became presidential July 1, 1925.

Robert Dail to be postmaster at Ravenden, Ark. Office became presidential July 1, 1925.

Joseph S. Ottinger to be postmaster at Pea Ridge, Ark. Office became presidential July 1, 1925

Frederick B. Leach to be postmaster at Jerome, Ark. Office became presidential July 1, 1925.

GEORGIA

Laura A. Hooks to be postmaster at Forsyth, Ga., in place of M. A. Rudisill. Incumbent's commission expired June 4, 1924.

INDIANA

Edward W. Krause to be postmaster at Crothersville, Ind., in place of E. W. Krause. Incumbent's commission expired October 20, 1925.

LOUISIANA

Leo A. Turregano to be postmaster at Alexandria, La., in place of R. M. Lisso, removed.

Florence L. Harris to be postmaster at Bonami, La., in place of Enola Meier, resigned.

John B. Smith to be postmaster at Cheneyville, La., in place of H. S. Barstow, deceased.

Henry Johnson to be postmaster at Cravens, La., in place of L. M. Hill, resigned.

James O. Adams to be postmaster at Good Pine, La., in place of O. N. Jones, resigned.

Mrs. Edwin L. Lafargue to be postmaster at Marksville, La., in place of L. L. Bordelon, resigned.

Sylvester J. Folse to be postmaster at Patterson, La., in place of E. E. Roussel, resigned.

Ada Allums to be postmaster at Plain Dealing, La., in place of J. H. Allen, resigned.

Delsa G. Hudgens to be postmaster at Slagle, La., in place of C. W. Hudgens, resigned.

Lee O. Taylor to be postmaster at Bogalusa, La., in place of L. O. Taylor. Incumbent's commission expired October 8, 1925.

Charles C. Subra to be postmaster at Convent, La., in place of C. C. Subra. Incumbent's commission expired November 8, 1925.

Ernest B. Miller to be postmaster at Denham Springs, La., in place of E. B. Miller. Incumbent's commission expired October 8, 1925.

John S. Pickett to be postmaster at Fisher, La., in place of J. S. Pickett. Incumbent's commission expired November 23, 1925.

Elias F. Kelly to be postmaster at Gilbert, La., in place of E. F. Kelly. Incumbent's commission expired October 8, 1925.

Marian E. Thomas to be postmaster at Grand Cane, La., in place of M. E. Thomas. Incumbent's commission expired November 8, 1925.

Mamie S. Kiblinger to be postmaster at Jackson, La., in place of M. S. Kiblinger. Incumbent's commission expired October 8, 1925.

James H. Leech to be postmaster at Mer Rouge, La., in place of J. H. Leech. Incumbent's commission expired November 23, 1925.

Sallie D. Pitts to be postmaster at Oberlin, La., in place of S. D. Pitts. Incumbent's commission expired November 8, 1925.

Helen W. Allen to be postmaster at Peason, La., in place of H. W. Allen. Incumbent's commission expired October 8, 1925.

John A. Burleigh to be postmaster at Port Barre, La., in place of J. A. Burleigh. Incumbent's commission expired October 26, 1925.

Ida H. Boatner to be postmaster at Rochelle, La., in place of I. H. Boatner. Incumbent's commission expired October 8, 1925.

William S. Montgomery to be postmaster at Saline, La. Office became presidential July 1, 1925.

Monroe Erskins to be postmaster at Sikes, La. Office became presidential July 1, 1925.

MINNESOTA

Charles J. Moos to be postmaster at St. Paul, Minn., in place of C. J. Moos. Incumbent's commission expired August 20, 1925.

MISSOURI

Alva B. Cloud to be postmaster at Fayette, Mo., in place of J. W. Lochridge, deceased.

NEW HAMPSHIRE

John W. Buttrick to be postmaster at Greenville, N. H., in place of M. M. Marsh, resigned.

George E. Danforth to be postmaster at Nashua, N. H., in place of G. E. Danforth. Incumbent's commission expired June 27, 1925.

Harriette H. Hinman to be postmaster at North Stratford, N. H., in place of H. H. Hinman. Incumbent's commission expired August 24, 1925.

Frank J. Aldrich to be postmaster at Pike, N. H., in place of F. J. Aldrich. Incumbent's commission expired October 25, 1925.

Edna C. Mason to be postmaster at Tamworth, N. H., in place of E. C. Mason. Incumbent's commission expired August 24, 1925.

Alfred S. Cloues to be postmaster at Warner, N. H., in place of A. S. Cloues. Incumbent's commission expired November 23, 1925.

Chester B. Averill to be postmaster at Warren, N. H., in place of C. B. Averill. Incumbent's commission expired August 24, 1925.

Harry E. Messenger to be postmaster at West Lebanon, N. H., in place of H. E. Messenger. Incumbent's commission expired October 11, 1925.

Harry B. Burtt to be postmaster at Amherst, N. H., in place of H. B. Burtt. Incumbent's commission expired August 24, 1925.

Sarah J. Moore to be postmaster at Alstead, N. H., in place of S. J. Moore. Incumbent's commission expired November 19, 1925.

Waldo C. Varney to be postmaster at Alton, N. H., in place of W. C. Varney. Incumbent's commission expired October 20, 1925.

Thomas J. Donovan to be postmaster at Ashuelot, N. H., in place of T. J. Donovan. Incumbent's commission expired November 19, 1925.

Warren W. McGregor to be postmaster at Bethlehem, N. H., in place of W. W. McGregor. Incumbent's commission expired October 11, 1925.

Reuben S. Moore to be postmaster at Bradford, N. H., in place of R. S. Moore. Incumbent's commission expired October 11, 1925.

Ambrose P. McLaughlin to be postmaster at Bretton Woods, N. H., in place of A. P. McLaughlin. Incumbent's commission expired November 19, 1925.

Fred A. Hall to be postmaster at Brookline, N. H., in place of F. A. Hall. Incumbent's commission expired August 24, 1925.

Albert A. Bennett to be postmaster at Center Harbor, N. H., in place of A. A. Bennett. Incumbent's commission expired October 25, 1925.

Arthur H. Wilcomb to be postmaster at Chester, N. H., in place of A. H. Wilcomb. Incumbent's commission expired November 19, 1925.

Ernest L. Abbott to be postmaster at Derry, N. H., in place of E. L. Abbott. Incumbent's commission expired November 19, 1925.

Reginald C. Stevenson to be postmaster at Exeter, N. H., in place of R. C. Stevenson. Incumbent's commission expired October 20, 1925.

Arthur W. Sawyer to be postmaster at Franconia, N. H., in place of A. W. Sawyer. Incumbent's commission expired October 20, 1925.

Arthur G. Robie to be postmaster at Hooksett, N. H., in place of A. G. Robie. Incumbent's commission expired August 24, 1925.

Anna B. Clyde to be postmaster at Hudson, N. H., in place of A. B. Clyde. Incumbent's commission expired October 20, 1925.

Ben O. Aldrich to be postmaster at Keene, N. H., in place of B. O. Aldrich. Incumbent's commission expired October 6, 1925.

Edward E. Cossette to be postmaster at Gonic, N. H. Office became presidential July 1, 1925.

Daniel A. Abbott to be postmaster at Salem, N. H. Office became presidential July 1, 1925.

NEW JERSEY

Myles Weaver to be postmaster at Clementon, N. J., in place of G. W. Schloendorn, resigned.

Charles H. K. Riley to be postmaster at Hillsdale, N. J., in place of J. P. Quin, removed.

Charles D. McCracken to be postmaster at Lambertville, N. J., in place of B. F. Barkley, deceased.

Anna K. Brubaker to be postmaster at Mountain View, N. J., in place of A. L. Hammond, resigned.

Richard M. Crawford to be postmaster at Westville, N. J., in place of W. E. Flagg, resigned.

Thomas L. Martin to be postmaster at Yardville, N. J., in place of G. A. Yewell, declined.

Delaware D. Marvell to be postmaster at Woodbury Heights, N. J., in place of D. D. Marvell. Incumbent's commission expired October 19, 1925.

Herbert K. Ball to be postmaster at Barrington, N. J., in place of H. K. Ball. Incumbent's commission expired November 15, 1925.

Arthur Taylor to be postmaster at Boonton, N. J., in place of Arthur Taylor. Incumbent's commission expired August 24, 1925.

Charles B. Ogden to be postmaster at Butler, N. J., in place of C. B. Ogden. Incumbent's commission expired August 24, 1925.

Arthur J. Bell to be postmaster at Caldwell, N. J., in place of J. A. Brady. Incumbent's commission expired June 5, 1924.

Grace E. Cowell to be postmaster at Convent Station, N. J., in place of G. E. Cowell. Incumbent's commission expired August 24, 1925.

Herbert E. Poulson to be postmaster at Far Hills, N. J., in place of H. C. Poulson. Incumbent's commission expired May 12, 1925.

George Whetham to be postmaster at Haskell, N. J., in place of George Whetham. Incumbent's commission expired November 22, 1925.

John R. Fetter to be postmaster at Hopewell, N. J., in place of J. R. Fetter. Office became presidential August 5, 1925.

Alice A. Ayres to be postmaster at Island Heights, N. J., in place of A. A. Ayres. Incumbent's commission expired November 23, 1925.

Annie L. Quint to be postmaster at Metuchen, N. J., in place of A. L. Quint. Incumbent's commission expired November 23, 1925.

George C. Kessler to be postmaster at Millburn, N. J., in place of G. C. Kessler. Incumbent's commission expired November 21, 1925.

Herman Kuhn to be postmaster at Montrale, N. J., in place of Herman Kuhn. Incumbent's commission expired November 15, 1925.

Ira L. Longcar to be postmaster at Morris Plains, N. J., in place of I. L. Longcar. Incumbent's commission expired August 24, 1925.

Walter E. Harbourt to be postmaster at Netcong, N. J., in place of W. E. Harbourt. Incumbent's commission expired November 15, 1925.

Frank J. Bock to be postmaster at Newark, N. J., in place of F. J. Bock. Incumbent's commission expired May 12, 1925.

James A. Morrison to be postmaster at New Brunswick, N. J., in place of J. A. Morrison. Incumbent's commission expired November 23, 1925.

Frank C. Dalrymple to be postmaster at Pittstown, N. J., in place of F. C. Dalrymple. Incumbent's commission expired September 24, 1925.

Laurelda Sooy to be postmaster at Somers Point, N. J., in place of Laurelda Sooy. Incumbent's commission expired October 22, 1925.

Louis A. Thieron to be postmaster at Stirling, N. J., in place of L. A. Thieron. Incumbent's commission expired October 19, 1925.

Oliver F. Ferree to be postmaster at Stoneharbor, N. J., in place of O. F. Ferree. Incumbent's commission expired November 15, 1925.

William C. Swackhamer to be postmaster at White House Station, N. J., in place of W. C. Swackhamer. Incumbent's commission expired August 5, 1925.

Louis W. Collier to be postmaster at Alloway, N. J. Office became presidential July 1, 1925.

Mamie T. Cavileer to be postmaster at Linwood, N. J. Office became presidential July 1, 1925.

Stephanie J. Piechowicz to be postmaster at Vauxhall, N. J. Office became presidential July 1, 1925.

Clifford B. Gauntt to be postmaster at Whitesbog, N. J. Office became presidential July 1, 1925.

Howard A. Depuy to be postmaster at Wortendyke, N. J. Office became presidential July 1, 1925.

NEW MEXICO

Berthold Spitz to be postmaster at Albuquerque, N. Mex., in place of Berthold Spitz. Incumbent's commission expired October 20, 1925.

Perry E. Coon to be postmaster at Gallup, N. Mex., in place of P. E. Coon. Incumbent's commission expired October 20, 1925.

William W. Dedman to be postmaster at Hurley, N. Mex., in place of W. W. Dedman. Incumbent's commission expired November 23, 1925.

Fred D. Huning to be postmaster at Los Lunas, N. Mex., in place of F. D. Huning. Incumbent's commission expired November 18, 1925.

Philip N. Sanchez to be postmaster at Mora, N. Mex., in place of P. N. Sanchez. Incumbent's commission expired November 18, 1925.

NEW YORK

Lester N. Hiller to be postmaster at Sharon Springs, N. Y., in place of M. Z. Hyney, resigned.

Harry L. Philips to be postmaster at Webster, N. Y., in place of F. D. Jenkins, resigned.

Harrington Mills to be postmaster at Upper Saranac, N. Y., in place of Harrington Mills. Incumbent's commission expired September 30, 1925.

William M. Philleo to be postmaster at Utica, N. Y., in place of W. M. Philleo. Incumbent's commission expired May 18, 1925.

James E. McKee to be postmaster at Waddington, N. Y., in place of J. E. McKee. Incumbent's commission expired October 5, 1925.

Robert Murray to be postmaster at Warrensburg, N. Y., in place of Robert Murray. Incumbent's commission expired November 2, 1925.

Harry Northrup to be postmaster at Wurtsboro, N. Y., in place of Harry Northrup. Incumbent's commission expired November 17, 1925.

Wilbur C. Eaton to be postmaster at Youngstown, N. Y., in place of W. C. Eaton. Incumbent's commission expired November 23, 1925.

Harry H. Kasch to be postmaster at Buchanan, N. Y., in place of W. F. Hawkes, resigned.

Gladys W. North to be postmaster at Chazy, N. Y., in place of S. A. North, removed.

Earl F. Gaylord to be postmaster at Cranberry Lake, N. Y., in place of V. B. Christian, resigned.

Robert R. Wood to be postmaster at Elizabethtown, N. Y., in place of L. C. Palmer, removed.

Franklin Hess to be postmaster at Gilboa, N. Y., in place of A. C. Davis, resigned.

Roswell P. Blauvelt to be postmaster at New City, N. Y., in place of E. A. Gross, deceased.

Edward J. Norris to be postmaster at North White Lake, N. Y., in place of H. M. Smith, resigned.

Frank A. Buck to be postmaster at Richville, N. Y., in place of F. D. Allen, jr., resigned.

George W. Paige to be postmaster at St. James, N. Y., in place of M. A. Fryer, not commissioned.

James Kilby to be postmaster at Nyack, N. Y., in place of James Kilby. Incumbent's commission expired November 2, 1925.

John Bentley to be postmaster at Ogdensburg, N. Y., in place of John Bentley. Incumbent's commission expired November 17, 1925.

George W. Aikin to be postmaster at Olcott, N. Y., in place of G. W. Aikin. Incumbent's commission expired August 24, 1925.

Jay Farrier to be postmaster at Oneida, N. Y., in place of Jay Farrier. Incumbent's commission expired July 29, 1925.

Ray A. Fisher to be postmaster at Ontario, N. Y., in place of R. A. Fisher. Incumbent's commission expired August 17, 1925.

Matthew McManus, jr., to be postmaster at Orangeburg, N. Y., in place of Matthew McManus, jr. Incumbent's commission expired November 9, 1925.

William H. Mead to be postmaster at Palmer, N. Y., in place of W. H. Mead. Incumbent's commission expired October 5, 1925.

Ralph D. Sessions to be postmaster at Palmyra, N. Y., in place of R. D. Sessions. Incumbent's commission expired November 17, 1925.

William T. Hinman to be postmaster at Potsdam, N. Y., in place of W. T. Hinman. Incumbent's commission expired November 17, 1925.

Elmer J. Conklin to be postmaster at Poughkeepsie, N. Y., in place of E. J. Conklin. Incumbent's commission expired November 17, 1925.

Rosswell R. Steacy to be postmaster at Redwood, N. Y., in place of R. R. Steacy. Incumbent's commission expired November 9, 1925.

Owen J. Griffith to be postmaster at Remsen, N. Y., in place of O. J. Griffith. Incumbent's commission expired November 23, 1925.

Jessie S. McBride to be postmaster at Rensselaer Falls, N. Y., in place of J. S. McBride. Incumbent's commission expired November 17, 1925.

William P. Lister to be postmaster at Rockville Center, N. Y., in place of W. P. Lister. Incumbent's commission expired August 24, 1925.

John W. Fiero, jr., to be postmaster at Round Top, N. Y., in place of J. W. Fiero, jr. Incumbent's commission expired November 9, 1925.

George F. Rivers to be postmaster at Rouses Point, N. Y., in place of G. F. Rivers. Incumbent's commission expired July 29, 1925.

Walter F. Billington to be postmaster at Rye, N. Y., in place of W. F. Billington. Incumbent's commission expired July 29, 1925.

Frank S. Harris to be postmaster at Sacandaga, N. Y., in place of F. S. Harris. Incumbent's commission expired September 24, 1925.

Sheldon G. Stratton to be postmaster at Sackets Harbor, N. Y., in place of S. G. Stratton. Incumbent's commission expired November 23, 1925.

James A. Latour to be postmaster at Saranac Lake, N. Y., in place of J. A. Latour. Incumbent's commission expired October 26, 1925.

Edwin G. Conde to be postmaster at Schenectady, N. Y., in place of E. G. Conde. Incumbent's commission expired November 17, 1925.

Elmer C. Wolfe to be postmaster at Sherrill, N. Y., in place of E. C. Wolfe. Incumbent's commission expired November 17, 1925.

William H. Boyce to be postmaster at South New Berlin, N. Y., in place of W. H. Boyce. Incumbent's commission expired November 9, 1925.

Jacob C. Kopperger to be postmaster at Stottville, N. Y., in place of J. C. Kopperger. Incumbent's commission expired August 24, 1925.

Mabel S. De Baun to be postmaster at Suffern, N. Y., in place of M. S. De Baun. Incumbent's commission expired August 24, 1925.

William C. Wright to be postmaster at Tarrytown, N. Y., in place of W. C. Wright. Incumbent's commission expired July 29, 1925.

May A. Cupernall to be postmaster at Thousand Island Park, N. Y., in place of M. A. Cupernall. Incumbent's commission expired August 17, 1925.

Walter B. Gunning to be postmaster at Ticonderoga, N. Y., in place of W. B. Gunning. Incumbent's commission expired November 17, 1925.

A. T. Smith to be postmaster at Tully, N. Y., in place of A. T. Smith. Incumbent's commission expired May 18, 1925.

Mark J. Balmat to be postmaster at Hermon, N. Y., in place of M. J. Balmat. Incumbent's commission expired November 17, 1925.

Hanna H. Pugsley to be postmaster at Highland Mills, N. Y., in place of H. H. Pugsley. Incumbent's commission expired August 24, 1925.

Fred N. Parquet to be postmaster at Inlet, N. Y., in place of F. N. Parquet. Incumbent's commission expired November 9, 1925.

Joseph P. Fallan to be postmaster at Irvington, N. Y., in place of J. P. Fallon. Incumbent's commission expired August 17, 1925.

Katheryn M. Oley to be postmaster at Jamesville, N. Y., in place of K. M. Oley. Incumbent's commission expired July 29, 1925.

Harvey W. Boisseau to be postmaster at Keeseville, N. Y., in place of H. W. Boisseau. Incumbent's commission expired November 17, 1925.

James R. Doyle to be postmaster at Kerhonkson, N. Y., in place of J. R. Doyle. Incumbent's commission expired November 23, 1925.

Albert D. Bailey to be postmaster at Kiamesha, N. Y., in place of A. D. Bailey. Incumbent's commission expired October 26, 1925.

Frank C. Proctor to be postmaster at Kings Park, N. Y., in place of F. C. Proctor. Incumbent's commission expired November 22, 1925.

Herbert S. Luther to be postmaster at La Fargeville, N. Y., in place of H. S. Luther. Incumbent's commission expired November 17, 1925.

Harry B. McLaughlin to be postmaster at Liberty, N. Y., in place of H. B. McLaughlin. Incumbent's commission expired August 5, 1925.

Frederick W. Ashenhurst to be postmaster at Little Falls, N. Y., in place of F. W. Ashenhurst. Incumbent's commission expired November 2, 1925.

Frank M. Bredell to be postmaster at Lockport, N. Y., in place of F. M. Bredell. Incumbent's commission expired November 9, 1925.

Edward J. McSweeney to be postmaster at Long Lake, N. Y., in place of E. J. McSweeney. Incumbent's commission expired August 17, 1925.

Guy L. Stone to be postmaster at Luzerne, N. Y., in place of G. L. Stone. Incumbent's commission expired July 20, 1925.

Warren H. Curtis to be postmaster at Marion, N. Y., in place of W. H. Curtis. Incumbent's commission expired August 17, 1925.

George H. Fischer to be postmaster at Mayville, N. Y., in place of G. H. Fischer. Incumbent's commission expired November 18, 1925.

Frank E. Dickens to be postmaster at Middleville, N. Y., in place of F. E. Dickens. Incumbent's commission expired November 2, 1925.

William V. Horne to be postmaster at Mohegan Lake, N. Y., in place of W. V. Horne. Incumbent's commission expired August 24, 1925.

Harvey D. Jock to be postmaster at Moira, N. Y., in place of H. D. Jock. Incumbent's commission expired July 29, 1925.

Frank D. Hurd to be postmaster at Napanoch, N. Y., in place of F. D. Hurd. Incumbent's commission expired August 17, 1925.

Ivan L. Connor to be postmaster at Natural Bridge, N. Y., in place of I. L. Connor. Incumbent's commission expired November 23, 1925.

Arthur N. Christy to be postmaster at Newark, N. Y., in place of A. N. Christy. Incumbent's commission expired October 6, 1925.

Sarah E. Harris to be postmaster at New Hamburg, N. Y., in place of S. E. Harris. Incumbent's commission expired August 17, 1925.

Frank Rosenberg to be postmaster at New Hyde Park, N. Y., in place of Frank Rosenberg. Incumbent's commission expired August 24, 1925.

Frederick G. Newell to be postmaster at Niagara Falls, N. Y., in place of F. G. Newell. Incumbent's commission expired November 18, 1925.

Darwin E. Hibbard to be postmaster at North Collins, N. Y., in place of D. E. Hibbard. Incumbent's commission expired November 23, 1925.

Jefferson C. Davison to be postmaster at North Creek, N. Y., in place of J. C. Davison. Incumbent's commission expired November 8, 1925.

Charles A. Beeman to be postmaster at Depew, N. Y., in place of C. A. Beeman. Incumbent's commission expired July 29, 1925.

Harry B. Lyon to be postmaster at Dunkirk, N. Y., in place of H. B. Lyon. Incumbent's commission expired July 29, 1925.

Edward C. Johnson to be postmaster at East Chatham, N. Y., in place of E. C. Johnson. Incumbent's commission expired August 24, 1925.

Edward J. Sweeney to be postmaster at East Islip, N. Y., in place of E. J. Sweeney. Incumbent's commission expired February 18, 1924.

Carrie De Revere to be postmaster at Eastview, N. Y., in place of Carrie De Revere. Incumbent's commission expired October 5, 1925.

Alvin J. White to be postmaster at Eaton, N. Y., in place of A. J. White. Incumbent's commission expired November 9, 1925.

George M. McKinney to be postmaster at Ellenburg Depot, N. Y., in place of G. M. McKinney. Incumbent's commission expired October 19, 1925.

George M. Diven to be postmaster at Elmira, N. Y., in place of G. M. Diven. Incumbent's commission expired August 17, 1925.

Charles E. Van Orman to be postmaster at Essex, N. Y., in place of C. E. Van Orman. Incumbent's commission expired October 26, 1925.

Leslie N. Mendel to be postmaster at Fair Haven, N. Y., in place of L. N. Mendel. Incumbent's commission expired August 24, 1925.

George F. Vreeland to be postmaster at Far Rockaway, N. Y., in place of G. F. Vreeland. Incumbent's commission expired November 9, 1925.

Nellie MacMorran to be postmaster at Firthcliffe, N. Y., in place of Nellie MacMorran. Incumbent's commission expired August 24, 1925.

Charles L. Dix to be postmaster at Forestville, N. Y., in place of C. L. Dix. Incumbent's commission expired November 9, 1925.

Ray J. Fuller to be postmaster at Frankfort, N. Y., in place of R. J. Fuller. Incumbent's commission expired November 9, 1925.

Frank E. Wolcott to be postmaster at Franklin, N. Y., in place of F. E. Wolcott. Incumbent's commission expired November 23, 1925.

Verona M. Simons to be postmaster at Freeville, N. Y., in place of V. M. Simons. Incumbent's commission expired November 23, 1925.

Raymond H. Ferrand to be postmaster at Gardenville, N. Y., in place of R. H. Ferrand. Incumbent's commission expired November 17, 1925.

George H. Burres to be postmaster at Garnerville, N. Y., in place of G. H. Burres. Incumbent's commission expired October 5, 1925.

Milford E. Teator to be postmaster at Ghent, N. Y., in place of M. E. Teator. Incumbent's commission expired August 24, 1925.

Howard McClellan to be postmaster at Greenwich, N. Y., in place of Howard McClellan. Incumbent's commission expired November 22, 1925.

William B. Phillips to be postmaster at Greenwood Lake, N. Y., in place of W. B. Phillips. Incumbent's commission expired August 24, 1925.

Bertha M. Burt to be postmaster at Hague, N. Y., in place of B. M. Burt. Incumbent's commission expired October 6, 1925.

William R. Churchill to be postmaster at Hancock, N. Y., in place of W. R. Churchill. Incumbent's commission expired August 17, 1925.

Bernie R. Bothwell to be postmaster at Hannibal, N. Y., in place of B. R. Bothwell. Incumbent's commission expired July 29, 1925.

Grace M. Harpur to be postmaster at Harpursville, N. Y., in place of G. M. Harpur. Incumbent's commission expired August 24, 1925.

Elmor E. Thompson to be postmaster at Harriman, N. Y., in place of Elizabeth Hollenbeck. Incumbent's commission expired January 24, 1922.

Alfred Cox to be postmaster at Hawthorne, N. Y., in place of Alfred Cox. Incumbent's commission expired October 26, 1925.

Daniel F. Griggs to be postmaster at Adams, N. Y., in place of D. F. Griggs. Incumbent's commission expired November 9, 1925.

Fenner J. Rich to be postmaster at Altmar, N. Y., in place of F. J. Rich. Incumbent's commission expired August 17, 1925.

Josephine G. Loomis to be postmaster at Ashville, N. Y., in place of J. G. Loomis. Incumbent's commission expired October 26, 1925.

Mary J. O'Brien to be postmaster at Bedford, N. Y., in place of M. J. O'Brien. Incumbent's commission expired May 18, 1925.

George A. Phillips to be postmaster at Bemus Point, N. Y., in place of G. A. Phillips. Incumbent's commission expired July 29, 1925.

Ferdinand S. Hull to be postmaster at Berlin, N. Y., in place of F. S. Hull. Incumbent's commission expired November 8, 1925.

Edna L. Sinclair to be postmaster at Bible School Park, N. Y., in place of E. L. Sinclair. Incumbent's commission expired August 24, 1925.

Edna Glezen to be postmaster at Blasdell, N. Y., in place of Edna Glezen. Incumbent's commission expired August 5, 1925.

Robert M. Maxon to be postmaster at Bloomville, N. Y., in place of R. M. Maxon. Incumbent's commission expired August 24, 1925.

Ray S. Barlow to be postmaster at Bombay, N. Y., in place of R. S. Barlow. Incumbent's commission expired October 26, 1925.

Robert W. Gallagher to be postmaster at Buffalo, N. Y., in place of R. W. Gallagher. Incumbent's commission expired November 18, 1925.

Frank G. Seeber to be postmaster at Brownville, N. Y., in place of F. G. Seeber. Incumbent's commission expired November 17, 1925.

Walter L. Moe to be postmaster at Burke, N. Y., in place of W. L. Moe. Incumbent's commission expired August 24, 1925.

J. Fred Hammond to be postmaster at Canton, N. Y., in place of J. F. Hammond. Incumbent's commission expired August 24, 1925.

Ira B. Cooper to be postmaster at Cato, N. Y., in place of I. B. Cooper. Incumbent's commission expired November 9, 1925.

Murvin L. Becker to be postmaster at Claverack, N. Y., in place of M. L. Becker. Incumbent's commission expired August 24, 1925.

William Holmes to be postmaster at Clifton Springs, N. Y., in place of William Holmes. Incumbent's commission expired August 17, 1925.

Gilbert J. Ton to be postmaster at Clymer, N. Y., in place of G. J. Ton. Incumbent's commission expired August 17, 1925.

Elsie J. Moss to be postmaster at Collins, N. Y., in place of E. J. Moss. Incumbent's commission expired November 17, 1925.

Herbert L. Smith to be postmaster at Cortland, N. Y., in place of H. L. Smith. Incumbent's commission expired November 8, 1925.

Edward J. Monroe to be postmaster at Croghan, N. Y., in place of E. J. Monroe. Incumbent's commission expired November 9, 1925.

William F. Bruno to be postmaster at Crown Point, N. Y., in place of W. F. Bruno. Incumbent's commission expired November 17, 1925.

Valentine Hessinger to be postmaster at Callicoon Center, N. Y. Office became presidential July 1, 1925.

Elmer J. Skinner to be postmaster at East Worcester, N. Y. Office became presidential July 1, 1925.

Joseph Alese to be postmaster at Franklin Square, N. Y. Office became presidential July 1, 1925.

George W. Millicker to be postmaster at Mahopac Falls, N. Y. Office became presidential July 1, 1925.

Orisa Mertz to be postmaster at Middlesex, N. Y. Office became presidential July 1, 1925.

John K. Lathrop to be postmaster at Minnewaska, N. Y. Office became presidential July 1, 1925.

Peter Critchley to be postmaster at Pocantico Hills, N. Y. Office became presidential July 1, 1925.

Michael H. Mangini to be postmaster at Selkirk, N. Y. Office became presidential July 1, 1925.

Benjamin B. Doyle to be postmaster at Stuyvesant, N. Y. Office became presidential July 1, 1925.

NORTH CAROLINA

Charles C. Hammer to be postmaster at Gibsonville, N. C., in place of M. L. Fogleman, resigned.

Edith V. Moose to be postmaster at Mount Pleasant, N. C., in place of Fred Herrin, resigned.

William L. Peace to be postmaster at Oxford, N. C., in place of J. S. Rogers, deceased.

Raymond B. Wheatly to be postmaster at Beaufort, N. C., in place of R. B. Wheatly. Incumbent's commission expired October 4, 1925.

Justus E. Armstrong to be postmaster at Belmont, N. C., in place of J. E. Armstrong. Incumbent's commission expired October 25, 1925.

Baxter Biggerstaff to be postmaster at Bostic, N. C., in place of Baxter Biggerstaff. Incumbent's commission expired August 24, 1925.

James B. Houser to be postmaster at Cherryville, N. C., in place of J. B. Houser. Incumbent's commission expired November 15, 1925.

Noah J. Grimes to be postmaster at Cooleemee, N. C., in place of N. J. Grimes. Incumbent's commission expired November 23, 1925.

Roscoe C. Tucker to be postmaster at Fairbluff, N. C., in place of R. C. Tucker. Incumbent's commission expired September 24, 1925.

Edward A. Simkins to be postmaster at Goldsboro, N. C., in place of E. A. Simkins. Incumbent's commission expired November 17, 1925.

Edgar E. Lady to be postmaster at Kannapolis, N. C., in place of E. E. Lady. Incumbent's commission expired October 7, 1925.

Laura M. Gavin to be postmaster at Kenansville, N. C., in place of L. M. Gavin. Incumbent's commission expired November 17, 1925.

Robert B. Dunn to be postmaster at Kinston, N. C., in place of R. B. Dunn. Incumbent's commission expired July 19, 1925.

John M. Pully to be postmaster at La Grange, N. C., in place of J. M. Pully. Incumbent's commission expired September 30, 1925.

Carl McLean to be postmaster at Laurinburg, N. C., in place of Carl McLean. Incumbent's commission expired September 30, 1925.

William M. Liles to be postmaster at Lilesville, N. C., in place of W. M. Liles. Incumbent's commission expired August 17, 1925.

Henry T. Atkins to be postmaster at Lillington, N. C., in place of H. T. Atkins. Incumbent's commission expired November 9, 1925.

William J. Flowers to be postmaster at Mount Olive, N. C., in place of W. J. Flowers. Incumbent's commission expired October 4, 1925.

Raphael M. Rice to be postmaster at Oteen, N. C., in place of S. L. Whitson. Incumbent's commission expired June 4, 1924.

Chester A. Hinton to be postmaster at Pomona, N. C., in place of C. A. Hinton. Incumbent's commission expired November 23, 1925.

William R. Anderson to be postmaster at Reidsville, N. C., in place of W. R. Anderson. Incumbent's commission expired May 4, 1925.

Clarence L. Fisher to be postmaster at Roseboro, N. C., in place of C. L. Fisher. Incumbent's commission expired November 9, 1925.

Hester L. Dorsett to be postmaster at Spencer, N. C., in place of H. L. Dorsett. Incumbent's commission expired September 24, 1925.

Asa C. Parsons to be postmaster at Star, N. C., in place of A. C. Parsons. Incumbent's commission expired September 24, 1925.

Jesse T. Price to be postmaster at Williamston, N. C., in place of J. T. Price. Incumbent's commission expired November 9, 1925.

James L. Talbert to be postmaster at Advance, N. C. Office became presidential January 1, 1925.

John H. Hobson to be postmaster at Cleveland, N. C. Office became presidential July 1, 1925.

Norman V. Johnson to be postmaster at Denton, N. C. Office became presidential July 1, 1925.

Charles B. Moore to be postmaster at King, N. C. Office became presidential July 1, 1925.

Millard Pritchard to be postmaster at Pineola, N. C. Office became presidential July 1, 1925.

Samuel F. Davidson to be postmaster at Swannanoa, N. C. Office became presidential January 1, 1925.

Albert P. Clayton to be postmaster at Roxboro, N. C., in place of H. J. Whitt, deceased.

NORTH DAKOTA

Harold R. McKechnie to be postmaster at Calvin, N. Dak., in place of G. D. Arnold, resigned.

Daisy Thompson to be postmaster at Carpio, N. Dak., in place of D. B. Stromstad, resigned.

Rose M. Morrison to be postmaster at Granville, N. Dak., in place of A. M. Potter, removed.

Harry Solberg to be postmaster at Portland, N. Dak., in place of C. E. Knutson, removed.

Elizabeth M. Gillmer to be postmaster at Towner, N. Dak., in place of T. W. Kinsey, resigned.

Elmer H. Myhra to be postmaster at Wahpeton, N. Dak., in place of E. H. Myhra. Incumbent's commission expired October 25, 1925.

Will H. Wright to be postmaster at Woodworth, N. Dak., in place of W. H. Wright. Incumbent's commission expired August 24, 1925.

Henry Walz to be postmaster at Zeeland, N. Dak., in place of Henry Walz. Incumbent's commission expired October 7, 1925.

Hattie E. M. Dyson to be postmaster at Haynes, N. Dak., in place of H. E. M. Dyson. Incumbent's commission expired August 24, 1925.

Ewind L. Semling to be postmaster at Hazelton, N. Dak., in place of W. B. Andrus. Incumbent's commission expired August 24, 1925.

Tom S. Farr to be postmaster at Hillsboro, N. Dak., in place of T. S. Farr. Incumbent's commission expired October 3, 1925.

Norton T. Hendrickson to be postmaster at Hoople, N. Dak., in place of N. T. Hendrickson. Incumbent's commission expired November 22, 1925.

Elizabeth I. Connelly to be postmaster at Hurdsfield, N. Dak., in place of E. I. Connelly. Incumbent's commission expired August 24, 1925.

Samuel N. Rinde to be postmaster at Lankin, N. Dak., in place of S. N. Rinde. Incumbent's commission expired November 18, 1925.

Ruth L. Gibbons to be postmaster at Lawton, N. Dak., in place of R. L. Gibbons. Incumbent's commission expired October 7, 1925.

Mathew Lynch to be postmaster at Lidgerwood, N. Dak., in place of Mathew Lynch. Incumbent's commission expired November 8, 1925.

James F. Dunn to be postmaster at McClusky, N. Dak., in place of J. F. Dunn. Incumbent's commission expired August 24, 1925.

Carl Quanbeck to be postmaster at McVille, N. Dak., in place of L. S. Jacobson. Incumbent's commission expired July 28, 1925.

Dorothea L. Haugen to be postmaster at Maddock, N. Dak., in place of D. L. Haugen. Incumbent's commission expired November 22, 1925.

Anton M. Jacobson to be postmaster at Makoti, N. Dak., in place of A. M. Jacobson. Incumbent's commission expired August 4, 1925.

Lorena S. McDonald to be postmaster at Medora, N. Dak., in place of L. S. McDonald. Incumbent's commission expired November 8, 1925.

Charles P. Thomson to be postmaster at Minto, N. Dak., in place of C. P. Thomson. Incumbent's commission expired May 4, 1925.

James A. Elliott to be postmaster at New England, N. Dak., in place of J. A. Elliott. Incumbent's commission expired August 24, 1925.

John A. Halberg to be postmaster at Park River, N. Dak., in place of J. A. Halberg. Incumbent's commission expired November 17, 1925.

Bennie M. Burreson to be postmaster at Pekin, N. Dak., in place of B. M. Burreson. Incumbent's commission expired October 7, 1925.

John J. Mullett to be postmaster at Perth, N. Dak., in place of J. J. Mullett. Incumbent's commission expired October 7, 1925.

John H. Gambs to be postmaster at Pettibone, N. Dak., in place of J. H. Gambs. Incumbent's commission expired October 7, 1925.

Ernest C. Lebacken to be postmaster at Reynolds, N. Dak., in place of E. C. Lebacken. Incumbent's commission expired May 4, 1925.

Edmund C. Sargent to be postmaster at Ruso, N. Dak., in place of E. C. Sargent. Incumbent's commission expired August 24, 1925.

Donald G. McIntosh to be postmaster at St. Thomas, N. Dak., in place of D. G. McIntosh. Incumbent's commission expired November 22, 1925.

Mons K. Ohnstad to be postmaster at Sharon, N. Dak., in place of M. K. Ohnstad. Incumbent's commission expired August 24, 1925.

Wanzo M. Shaw to be postmaster at Sheldon, N. Dak., in place of W. M. Shaw. Incumbent's commission expired August 24, 1925.

Jennie E. Smith to be postmaster at Steele, N. Dak., in place of J. E. Smith. Incumbent's commission expired July 29, 1925.

Cornelius Rowerdink to be postmaster at Strasburg, N. Dak., in place of Cornelius Rowerdink. Incumbent's commission expired October 7, 1925.

Lydia R. Schultz to be postmaster at Tappen, N. Dak., in place of L. R. Schultz. Incumbent's commission expired October 7, 1925.

Mary E. Freeman to be postmaster at Verona, N. Dak., in place of M. E. Freeman. Incumbent's commission expired October 19, 1925.

Clifford E. Kelsven to be postmaster at Almont, N. Dak., in place of C. E. Kelsven. Incumbent's commission expired October 3, 1925.

John Brusven to be postmaster at Barton, N. Dak., in place of John Brusven. Incumbent's commission expired November 18, 1925.

Niels E. Sorteberg to be postmaster at Bowdon, N. Dak., in place of N. E. Sorteberg. Incumbent's commission expired August 24, 1925.

Clara J. Leet to be postmaster at Brocket, N. Dak., in place of C. J. Leet. Incumbent's commission expired October 7, 1925.

Laura A. Kline to be postmaster at Crystal, N. Dak., in place of L. A. Kline. Incumbent's commission expired July 28, 1925.

Belle Elton to be postmaster at Deering, N. Dak., in place of Belle Elton. Incumbent's commission expired August 24, 1925.

Otto S. Wing to be postmaster at Edmore, N. Dak., in place of O. S. Wing. Incumbent's commission expired November 23, 1925.

Albert E. Thacker to be postmaster at Hamilton, N. Dak., in place of A. E. Thacker. Incumbent's commission expired August 24, 1925.

William C. Forman, jr., to be postmaster at Hankinson, N. Dak., in place of W. C. Forman, jr. Incumbent's commission expired November 8, 1925.

Chester A. Revell to be postmaster at Harvey, N. Dak., in place of C. A. Revell. Incumbent's commission expired August 24, 1925.

Olaf N. Hegge to be postmaster at Hatton, N. Dak., in place of O. N. Hegge. Incumbent's commission expired November 18, 1925.

Goldia J. Smith to be postmaster at Zahl, N. Dak. Office became presidential July 1, 1925.

William H. Byhoffer to be postmaster at Selfridge, N. Dak. Office became presidential October 1, 1924.

Bernard E. Rierson to be postmaster at Regan, N. Dak. Office became presidential July 1, 1925.

Elizabeth L. Stahl to be postmaster at McGregor, N. Dak. Office became presidential October 1, 1924.

Edith M. Will to be postmaster at Leith, N. Dak. Office became presidential July 1, 1925.

Jacob Krier to be postmaster at Gladstone, N. Dak. Office became presidential April 1, 1923.

Jacob Omdahl to be postmaster at Galesburg, N. Dak. Office became presidential July 1, 1925.

Meeda McMullen to be postmaster at Forest River, N. Dak., Office became presidential July 1, 1925.

Michael J. Wipf to be postmaster at Alsen, N. Dak. Office became presidential July 1, 1925.

Elizabeth Multz to be postmaster at Alice, N. Dak. Office became presidential January 1, 1925.

OHIO

William E. Bowers to be postmaster at Amanda, Ohio, in place of S. L. Myers, resigned.

Marvin P. Devore to be postmaster at East Columbus, Ohio, in place of Lora Bloomfield, resigned.

Oscar G. Cross to be postmaster at Hamden, Ohio, in place of Clarence McKinniss, resigned.

George A. Vincent to be postmaster at Hiram, Ohio, in place of O. E. Reed, deceased.

Emma Fenstermaker to be postmaster at McClure, Ohio, in place of M. J. Fiser, removed.

Charles E. Kimmel to be postmaster at Struthers, Ohio, in place of W. C. Shafer, deceased.

Howard Arnsbarger to be postmaster at Swanton, Ohio, in place of A. R. Trumbull, resigned.

John D. Kramer to be postmaster at West Alexandria, Ohio, in place of J. M. Sweney, removed.

Frank J. Reinheimer to be postmaster at Kelleys Island, Ohio, in place of F. J. Reinheimer. Incumbent's commission expired November 9, 1925.

George H. Meek to be postmaster at Lakeside, Ohio, in place of G. H. Meek. Incumbent's commission expired October 25, 1925.

Guy E. Matthews to be postmaster at Liberty Center, Ohio, in place of G. E. Matthews. Incumbent's commission expired May 4, 1925.

Stella M. Brogan to be postmaster at Lodi, Ohio, in place of S. M. Brogan. Incumbent's commission expired November 23, 1925.

Carl W. Appel to be postmaster at Lucasville, Ohio, in place of C. W. Appel. Incumbent's commission expired November 2, 1925.

Godfrey Gesen to be postmaster at Massillon, Ohio, in place of Godfrey Gesen. Incumbent's commission expired November 2, 1925.

Samuel F. Davis to be postmaster at Mendon, Ohio, in place of S. F. Davis. Incumbent's commission expired November 2, 1925.

Elvey E. Ely to be postmaster at Mount Orab, Ohio, in place of E. E. Ely. Incumbent's commission expired October 25, 1925.

Frank R. Jackson to be postmaster at Nelsonville, Ohio, in place of F. R. Jackson. Incumbent's commission expired October 20, 1925.

John S. De Jean to be postmaster at Nevada, Ohio, in place of J. S. De Jean. Incumbent's commission expired October 4, 1925.

Elizabeth L. D. Tritt to be postmaster at North Lewisburg, Ohio, in place of E. L. D. Tritt. Incumbent's commission expired October 8, 1925.

John P. Lauer to be postmaster at Ottoville, Ohio, in place of J. P. Lauer. Incumbent's commission expired October 20, 1925.

William A. Cooper to be postmaster at Piketon, Ohio, in place of W. A. Cooper. Incumbent's commission expired November 18, 1925.

Lucina Byers to be postmaster at Poland, Ohio, in place of Lucina Byers. Incumbent's commission expired November 15, 1925.

Nelson P. Swank to be postmaster at Quincy, Ohio, in place of N. P. Swank. Incumbent's commission expired August 24, 1925.

Crayton E. Womer to be postmaster at Republic, Ohio, in place of C. E. Womer. Incumbent's commission expired August 5, 1925.

Owen Livingston to be postmaster at Richwood, Ohio, in place of Owen Livingston. Incumbent's commission expired November 9, 1925.

Henry F. Longenecker to be postmaster at Rittman, Ohio, in place of H. F. Longenecker. Incumbent's commission expired November 2, 1925.

Harry B. Miller to be postmaster at Rockford, Ohio, in place of H. B. Miller. Incumbent's commission expired November 9, 1925.

Lida R. Williamson to be postmaster at Seaman, Ohio, in place of L. R. Williamson. Incumbent's commission expired November 21, 1925.

Howard H. Collins to be postmaster at South Zanesville, Ohio, in place of H. H. Collins. Incumbent's commission expired August 16, 1925.

Mary C. Lauer to be postmaster at Tiltonsville, Ohio, in place of M. C. Lauer. Incumbent's commission expired August 24, 1925.

Hugh C. Bell to be postmaster at Utica, Ohio, in place of H. C. Bell. Incumbent's commission expired November 18, 1925.

Frank A. Gamble to be postmaster at Van Wert, Ohio, in place of F. A. Gamble. Incumbent's commission expired October 22, 1925.

Charles B. Saxby to be postmaster at Weston, Ohio, in place of C. B. Saxby. Incumbent's commission expired July 28, 1925.

Frank B. James to be postmaster at Willard, Ohio, in place of F. B. James. Incumbent's commission expired November 15, 1925.

Edson C. Nichols to be postmaster at Willoughby, Ohio, in place of E. C. Nichols. Incumbent's commission expired November 15, 1925.

Cyrus S. Daulton to be postmaster at Winchester, Ohio, in place of C. S. Daulton. Incumbent's commission expired October 8, 1925.

Charles N. Sparks to be postmaster at Akron, Ohio, in place of C. N. Sparks. Incumbent's commission expired October 20, 1925.

Everett W. White to be postmaster at Albany, Ohio, in place of E. W. White. Incumbent's commission expired November 22, 1925.

Harry E. Kearns to be postmaster at Amelia, Ohio, in place of H. E. Kearns. Incumbent's commission expired July 27, 1925.

Lessa B. Masters to be postmaster at Antwerp, Ohio, in place of L. B. Masters. Incumbent's commission expired November 9, 1925.

Varnum C. Collins to be postmaster at Barnesville, Ohio, in place of V. C. Collins. Incumbent's commission expired August 24, 1925.

Emma E. Thorne to be postmaster at Berea, Ohio, in place of E. E. Thorne. Incumbent's commission expired August 4, 1925.

Lowell E. Blakeley to be postmaster at Botkins, Ohio, in place of L. E. Blakeley. Incumbent's commission expired August 16, 1925.

James P. Evans to be postmaster at Bradner, Ohio, in place of J. P. Evans. Incumbent's commission expired November 23, 1925.

Ora A. Ridiker to be postmaster at Brunswick, Ohio, in place of O. A. Ridiker. Incumbent's commission expired November 18, 1925.

Horace B. Ramey to be postmaster at Centerburg, Ohio, in place of H. B. Ramey. Incumbent's commission expired November 15, 1925.

Stuart N. Austin to be postmaster at Chardon, Ohio, in place of S. N. Austin. Incumbent's commission expired November 15, 1925.

Robert H. Brown to be postmaster at Clyde, Ohio, in place of R. H. Brown. Incumbent's commission expired October 4, 1925.

John W. Shisler to be postmaster at Dalton, Ohio, in place of J. W. Shisler. Incumbent's commission expired November 9, 1925.

Edward E. Truesdale to be postmaster at Delphos, Ohio, in place of E. E. Truesdale. Incumbent's commission expired October 11, 1925.

James O. Miller to be postmaster at Dexter City, Ohio, in place of J. O. Miller. Incumbent's commission expired August 16, 1925.

James A. Barr to be postmaster at Dover, Ohio, in place of J. A. Barr. Incumbent's commission expired October 20, 1925.

Lee Heckman to be postmaster at Edon, Ohio, in place of Lee Heckman. Incumbent's commission expired November 9, 1925.

Charles A. Saunders to be postmaster at Findlay, Ohio, in place of C. A. Saunders. Incumbent's commission expired August 20, 1925.

Ellen M. Cumming to be postmaster at Fort Jennings, Ohio, in place of E. M. Cumming. Incumbent's commission expired July 27, 1925.

Myron C. Cox to be postmaster at Fremont, Ohio, in place of M. C. Cox. Incumbent's commission expired November 18, 1925.

Orin Breckenridge to be postmaster at Grove City, Ohio, in place of Orin Breckenridge. Incumbent's commission expired November 17, 1925.

Orville R. Wiley to be postmaster at Hartville, Ohio, in place of O. R. Wiley. Incumbent's commission expired November 23, 1925.

Charles W. Evans to be postmaster at Huntsville, Ohio, in place of C. W. Evans. Incumbent's commission expired August 24, 1925.

Robert S. Nichols to be postmaster at Jackson Center, Ohio, in place of R. S. Nichols. Incumbent's commission expired November 21, 1925.

Olive B. Reed to be postmaster at Jacksonville, Ohio, in place of O. B. Reed. Incumbent's commission expired August 16, 1925.

Peter Mallendick to be postmaster at Whitehouse, Ohio. Office became presidential July 1, 1925.

Mary B. Craig to be postmaster at Russells Point, Ohio. Office became presidential October 1, 1924.

Sylvie E. Sovacool to be postmaster at Peninsula, Ohio, Office became presidential July 1, 1925.

Hattie S. Sell to be postmaster at North Lima, Ohio. Office became presidential July 1, 1925.

Sanford E. Goodell to be postmaster at Luckey, Ohio. Office became presidential July 1, 1925.

Nelle Snediker to be postmaster at Fairfield, Ohio. Office became presidential October 1, 1924.

Marie Thompson to be postmaster at East Fultonham, Ohio. Office became presidential July 1, 1925.

William H. Neiberg to be postmaster at Buckeye Lake, Ohio. Office became presidential October 1, 1924.

OKLAHOMA

Jack E. Courtney to be postmaster at Southard, Okla. Office became presidential October 1, 1925.

Perry E. Harp to be postmaster at Wakita, Okla., in place of C. W. Straughan, deceased.

Earl W. Drake to be postmaster at Binger, Okla., in place of E. W. Drake. Incumbent's commission expired August 24, 1925.

Albert H. Lyons to be postmaster at Bristow, Okla., in place of A. H. Lyons. Incumbent's commission expired September 27, 1925.

Sara A. Loveland to be postmaster at Castle, Okla., in place of S. A. Loveland. Incumbent's commission expired August 24, 1925.

Benjamin G. Baker to be postmaster at Chattanooga, Okla., in place of B. G. Baker. Incumbent's commission expired November 23, 1925.

Walter S. Miller to be postmaster at Copan, Okla., in place of W. S. Miller. Incumbent's commission expired November 22, 1925.

James L. Shinaberger to be postmaster at McAlester, Okla., in place of J. L. Shinaberger. Incumbent's commission expired September 27, 1925.

George H. Belcher to be postmaster at Medford, Okla., in place of J. W. Chism. Incumbent's commission expired July 23, 1921.

Homer M. Canan to be postmaster at Pocasset, Okla., in place of H. M. Canan. Incumbent's commission expired August 24, 1925.

Chloe V. Ellis to be postmaster at Porter, Okla., in place of R. F. Gaunt. Incumbent's commission expired June 6, 1922.

Fred T. Kirby to be postmaster at Ponca City, Okla., in place of F. T. Kirby. Incumbent's commission expired September 27, 1925.

Frank S. Roodhouse to be postmaster at Shawnee, Okla., in place of F. S. Roodhouse. Incumbent's commission expired November 18, 1925.

Harrison H. McMahan to be postmaster at Tecumseh, Okla., in place of H. H. McMahan. Incumbent's commission expired August 24, 1925.

Edmond J. Gardner to be postmaster at Valliant, Okla., in place of E. J. Gardner. Incumbent's commission expired August 24, 1925.

Ira B. Johnson to be postmaster at Vian, Okla., in place of I. B. Johnson. Incumbent's commission expired August 11, 1925.

Joseph Hunt, jr., to be postmaster at Vinita, Okla., in place of Joseph Hunt, jr. Incumbent's commission expired October 8, 1925.

John W. Gregory to be postmaster at Weleetka, Okla., in place of J. W. Gregory. Incumbent's commission expired November 9, 1925.

Horace Bradley to be postmaster at Wewoka, Okla., in place of Horace Bradley. Incumbent's commission expired August 4, 1925.

Archie V. Roberts to be postmaster at Buffalo, Okla., in place of B. A. Porter, removed.

George W. Sewell to be postmaster at Erick, Okla., in place of M. D. Self, resigned.

Harry S. Magill to be postmaster at Garber, Okla., in place of M. G. Harrington, resigned.

Claud H. Hager to be postmaster at Hammon, Okla., in place of Ruby Hiatt, removed.

Georgia B. Eubanks to be postmaster at Kellyville, Okla., in place of J. W. Fiscus, deceased.

Minnie L. Allen to be postmaster at Lehigh, Okla., in place of Douglas Allen, resigned.

John C. Molder to be postmaster at Meeker, Okla., in place of O. W. King, removed.

Harry Million to be postmaster at Quinlan, Okla., in place of P. J. Fournier, resigned.

Anna E. Smithers to be postmaster at Owasso, Okla. Office became presidential October 1, 1924.

Winnie A. Ayers to be postmaster at Langston, Okla. Office became presidential January 1, 1925.

Lincoln C. Mahanna to be postmaster at Headrick, Okla. Office became presidential July 1, 1925.

James R. Hutson to be postmaster at Graham, Okla. Office became presidential January 1, 1925.

Jesse M. Kimball to be postmaster at Davenport, Okla. Office became presidential October 1, 1925.

George M. Massingale to be postmaster at Cooper, Okla. Office became presidential April 1, 1924.

OREGON

William E. Reed to be postmaster at Mitchell, Oreg. Office became presidential July 1, 1925.

Nellie P. Satchwell to be postmaster at Shedd, Oreg. Office became presidential July 1, 1925.

Franklin Lee Carlson to be postmaster at Chiloquin, Oreg., in place of C. C. Heidrick, resigned.

Emma O. Schneider to be postmaster at Myrtle Point, Oreg., in place of E. J. Schneider, resigned.

Emma B. Sloper to be postmaster at Stayton, Oreg., in place of E. B. Watters, removed.

Edwin F. Muncey to be postmaster at Halfway, Oreg., in place of E. F. Muncey. Incumbent's commission expired November 23, 1925.

Victor B. Greenslade to be postmaster at Huntington, Oreg., in place of V. B. Greenslade. Incumbent's commission expired November 21, 1925.

John B. Schaefer to be postmaster at Linnton, Oreg., in place of J. B. Schaefer. Incumbent's commission expired August 5, 1925.

William J. Warner to be postmaster at Medford, Oreg., in place of W. J. Warner. Incumbent's commission expired May 13, 1925.

Lenora Hunter to be postmaster at Mosier, Oreg., in place of Lenora Hunter. Incumbent's commission expired August 24, 1925.

Volney E. Lee to be postmaster at North Powder, Oreg., in place of V. E. Lee. Incumbent's commission expired November 23, 1925.

Elizabeth Thompson to be postmaster at Nyssa, Oreg., in place of Elizabeth Thompson. Incumbent's commission expired November 23, 1925.

David R. Starkweather to be postmaster at Stanfield, Oreg., in place of R. F. Evans. Incumbent's commission expired August 29, 1923.

PENNSYLVANIA

James Barron to be postmaster at Anita, Pa. Office became presidential July 1, 1925.

Frank E. Sharpless to be postmaster at Boothwyn, Pa. Office became presidential July 1, 1925.

Margaret L. McKee to be postmaster at Clintonville, Pa. Office became presidential July 1, 1925.

Margaret W. Troxell to be postmaster at Egypt, Pa. Office became presidential January 1, 1925.

Bernhard Ostrolenk to be postmaster at Farm School, Pa. Office became presidential July 1, 1925.

Julius H. Roehner to be postmaster at Flourtown, Pa. Office became presidential July 1, 1925.

Esther K. Schofield to be postmaster at Glenfield, Pa. Office became presidential July 1, 1925.

Riddile S. Rankin to be postmaster at Hickory, Pa. Office became presidential July 1, 1925.

Stanley C. Croop to be postmaster at Hunlock Creek, Pa. Office became presidential July 1, 1925.

Marie Patterson to be postmaster at Landisburg, Pa. Office became presidential July 1, 1924.

Tillie Bradley to be postmaster at Loretto, Pa. Office became presidential July 1, 1925.

Lottie Tueche to be postmaster at New Eagle, Pa. Office became presidential July 1, 1925.

Nellie L. Hixson to be postmaster at Ruffs Dale, Pa. Office became presidential July 1, 1925.

John E. Muder to be postmaster at Saxonburg, Pa. Office became presidential July 1, 1925.

Robert S. Medary to be postmaster at Upper Darby, Pa. Office became presidential January 1, 1925.

Mary M. Wells to be postmaster at Wellsville, Pa. Office became presidential July 1, 1925.

R. Oscar Smeal to be postmaster at West Decatur, Pa. Office became presidential January 1, 1925.

Clara S. Lewis to be postmaster at Wysox, Pa. Office became presidential July 1, 1925.

Anna C. Grotth to be postmaster at Allison Park, Pa., in place of H. O. Sutter, resigned.

Frank O. Hood to be postmaster at Cambridge Springs, Pa., in place of E. L. Moses, deceased.

George H. Beadling to be postmaster at Castle Shannon, Pa., in place of T. P. Delaney, resigned.

Walter A. McElhany to be postmaster at Conway, Pa., in place of R. H. Scott, resigned.

Howard E. Harvey to be postmaster at Downingtown, Pa., in place of W. S. Henderson, removed.

Paul Jones to be postmaster at Elmora, Pa., in place of A. W. Boslet, resigned.

William H. Weston to be postmaster at Gallitzin, Pa., in place of R. B. McCaa, removed.

Robert D. Mitchell to be postmaster at Herminie, Pa., in place of William Critchfield, resigned.

James J. Donnelly to be postmaster at Johnsonburg, Pa., in place of W. N. Jones, deceased.

Otto A. Speakman to be postmaster at Meadville, Pa., in place of W. C. Hunter, resigned.

Rebecca Campbell to be postmaster at Midway, Pa., in place of T. U. McLaughlin, resigned.

Charles A. Swanson to be postmaster at Morris Run, Pa., in place of A. M. Whalen, deceased.

Augustus J. Cornely to be postmaster at Nanty Glo, Pa., in place of E. C. Davis, removed.

Emily M. Shinton to be postmaster at Paoli, Pa., in place of J. R. McGill, resigned.

Floyd R. Paris to be postmaster at Ralston, Pa., in place of L. B. Fillinger, removed.

Mary B. Daugherty to be postmaster at Rossiter, Pa., in place of C. H. McFarland, removed.

Jean McPherson to be postmaster at St. Benedict, Pa., in place of J. R. Jack, resigned.

Charles F. Abel to be postmaster at Springdale, Pa., in place of A. W. Porter, removed.

Amos F. Fry to be postmaster at Thompsontown, Pa., in place of Horace W. Wickersham, removed.

John A. Bissell to be postmaster at St. Petersburg, Pa., in place of J. A. Bissell. Incumbent's commission expired August 24, 1925.

Samuel L. Miller to be postmaster at Schwenkville, Pa., in place of S. L. Miller. Incumbent's commission expired November 18, 1925.

Millard F. McCollough to be postmaster at Seward, Pa., in place of M. F. McCollough. Incumbent's commission expired August 24, 1925.

Michael Wolsky to be postmaster at Shenandoah, Pa., in place of E. F. Moyer. Incumbent's commission expired October 17, 1925.

James J. Neil to be postmaster at Sligo, Pa., in place of J. J. Neil. Incumbent's commission expired November 15, 1925.

William A. Sickel to be postmaster at Snow Shoe, Pa., in place of W. A. Sickel. Incumbent's commission expired November 18, 1925.

James S. Hook to be postmaster at Somerfield, Pa., in place of J. S. Hook. Incumbent's commission expired August 24, 1925.

John E. Anstine to be postmaster at Stewartstown, Pa., in place of J. E. Anstine. Incumbent's commission expired August 17, 1925.

Samuel B. Long to be postmaster at Sykesville, Pa., in place of S. B. Long. Incumbent's commission expired November 23, 1925.

Ernest D. Mallinee to be postmaster at Townville, Pa., in place of E. D. Mallinee. Incumbent's commission expired October 8, 1925.

Joseph Straka to be postmaster at Universal, Pa., in place of Joseph Straka. Incumbent's commission expired September 24, 1925.

Della Elder to be postmaster at Vestaburg, Pa., in place of Della Elder. Incumbent's commission expired August 24, 1925.

Thomas J. Langfitt to be postmaster at Washington, Pa., in place of T. J. Langfitt. Incumbent's commission expired October 25, 1925.

Charles A. McDannell to be postmaster at Wattsburg, Pa., in place of C. A. McDannell. Incumbent's commission expired August 24, 1925.

Alvin L. Wenzel to be postmaster at Webster, Pa., in place of A. L. Wenzel. Incumbent's commission expired November 15, 1925.

Jeane C. Lewis to be postmaster at Weedville, Pa., in place of J. C. Lewis. Incumbent's commission expired August 24, 1925.

William E. Mannear to be postmaster at Wilkes-Barre, Pa., in place of W. E. Mannear. Incumbent's commission expired August 24, 1925.

Karl Mette to be postmaster at Woolrich, Pa., in place of Karl Mette. Incumbent's commission expired November 23, 1925.

Charles W. Newman to be postmaster at Wyalusing, Pa., in place of C. W. Newman. Incumbent's commission expired November 22, 1925.

Mary A. Jefferis to be postmaster at Wynnewood, Pa., in place of M. A. Jefferis. Incumbent's commission expired November 18, 1925.

Mina Connell to be postmaster at Yatesboro, Pa., in place of Mina Connell. Incumbent's commission expired November 23, 1925.

William G. Childs to be postmaster at Grand Valley, Pa., in place of W. G. Childs. Incumbent's commission expired August 24, 1925.

Harvey D. Klingensmith to be postmaster at Grapeville, Pa., in place of H. D. Klingensmith. Incumbent's commission expired October 26, 1925.

Zeta S. Truax to be postmaster at Jerome, Pa., in place of Z. S. Truax. Incumbent's commission expired August 20, 1925.

Caroline E. Boyer to be postmaster at Kersey, Pa., in place of C. E. Boyer. Incumbent's commission expired August 24, 1925.

Mae Van Buskirk to be postmaster at Kinzua, Pa., in place of M. V. Buskirk. Incumbent's commission expired August 24, 1925.

Louise S. Cortright to be postmaster at Lackawaxen, Pa., in place of L. S. Cortright. Incumbent's commission expired October 26, 1925.

John H. May to be postmaster at Lapark, Pa., in place of J. D. May. Incumbent's commission expired June 5, 1924.

Joseph A. Conrad to be postmaster at Latrobe, Pa., in place of J. A. Conrad. Incumbent's commission expired August 20, 1925.

Fred D. Heilman to be postmaster at Lebanon, Pa., in place of F. D. Heilman. Incumbent's commission expired November 17, 1925.

Earl W. Hopkins to be postmaster at Leetsdale, Pa., in place of E. W. Hopkins. Incumbent's commission expired November 23, 1925.

Edward F. Brent to be postmaster at Lewistown, Pa., in place of W. F. Eckbert, jr. Incumbent's commission expired October 4, 1925.

Walter R. Miller to be postmaster at Liberty, Pa., in place of W. R. Miller. Incumbent's commission expired August 17, 1925.

John J. Herbst to be postmaster at McKees Rocks, Pa., in place of J. J. Herbst. Incumbent's commission expired September 24, 1925.

James H. Beamer to be postmaster at Manor, Pa., in place of J. H. Beamer. Incumbent's commission expired November 18, 1925.

Willis G. Dell to be postmaster at Mapleton Depot, Pa., in place of W. G. Dell. Incumbent's commission expired November 23, 1925.

Demas L. Post to be postmaster at Marianna, Pa., in place of D. L. Post. Incumbent's commission expired November 23, 1925.

Dunham Barton to be postmaster at Mercer, Pa., in place of Dunham Barton. Incumbent's commission expired August 17, 1925.

William E. Brown to be postmaster at Milroy, Pa., in place of T. W. Lauver. Incumbent's commission expired June 5, 1924.

Edwin F. Miller to be postmaster at Mohnton, Pa., in place of E. F. Miller. Incumbent's commission expired October 25, 1925.

Jacob R. Snyder to be postmaster at Mount Holly Springs, Pa., in place of J. R. Snyder. Incumbent's commission expired November 23, 1925.

James G. Cook to be postmaster at New Alexandria, Pa., in place of J. G. Cook. Incumbent's commission expired August 17, 1925.

Isaac H. Snader to be postmaster at New Holland, Pa., in place of I. H. Snader. Incumbent's commission expired September 24, 1925.

Esther F. Rivers to be postmaster at Ogontz School, Pa., in place of E. F. Rivers. Incumbent's commission expired November 18, 1925.

George W. Gosser to be postmaster at Pittsburgh, Pa., in place of G. W. Gosser. Incumbent's commission expired August 24, 1925.

Edwin A. Hoopes to be postmaster at Pocono Manor, Pa., in place of E. A. Hoopes. Incumbent's commission expired September 24, 1925.

Gordon S. Studholme to be postmaster at Port Allegany, Pa., in place of G. S. Studholme. Incumbent's commission expired August 24, 1925.

Alfred B. Bowe to be postmaster at Port Carbon, Pa., in place of A. B. Bowe. Incumbent's commission expired May 18, 1925.

Fred W. Allison to be postmaster at Roscoe, Pa., in place of F. W. Allison. Incumbent's commission expired August 24, 1925.

John A. Van Orsdale to be postmaster at Russell, Pa., in place of J. A. Van Orsdale. Incumbent's commission expired August 24, 1925.

Arthur R. Brown to be postmaster at Athens, Pa., in place of F. H. Smith. Incumbent's commission expired June 5, 1924.

Harry E. Harsh to be postmaster at Bareville, Pa., in place of H. E. Harsh. Incumbent's commission expired September 24, 1925.

Ralph S. Hood to be postmaster at Beaver Falls, Pa., in place of R. S. Hood. Office became presidential November 23, 1925.

Harry F. Fearon to be postmaster at Beech Creek, Pa., in place of H. H. Fearon. Incumbent's commission expired August 24, 1925.

John L. Knisely to be postmaster at Bellefonte, Pa., in place of J. L. Knisely. Incumbent's commission expired August 24, 1925.

James F. Wills to be postmaster at Belleville, Pa., in place of J. F. Wills. Incumbent's commission expired November 18, 1925.

Harry W. Thatcher to be postmaster at Bethlehem, Pa., in place of H. W. Thatcher. Incumbent's commission expired November 21, 1925.

Harry U. Walter to be postmaster at Biglerville, Pa., in place of H. U. Walter. Incumbent's commission expired October 4, 1925.

William L. Hendricks to be postmaster at Bolivar, Pa., in place of W. L. Hendricks. Incumbent's commission expired November 23, 1925.

Comfrey Ickes to be postmaster at Boswell, Pa., in place of Comfrey Ickes. Incumbent's commission expired November 17, 1925.

Mary W. Ritner to be postmaster at Bruin, Pa., in place of M. W. Ritner. Incumbent's commission expired November 15, 1925.

Harry H. Potter to be postmaster at Bushkill, Pa., in place of H. H. Potter. Incumbent's commission expired October 17, 1925.

Jeremiah S. Troxell to be postmaster at Cementon, Pa., in place of J. S. Troxell. Incumbent's commission expired August 24, 1925.

Robert M. Smith to be postmaster at Center Hall, Pa., in place of R. M. Smith. Incumbent's commission expired November 23, 1925.

Ella C. Brannon to be postmaster at Centerville, Pa., in place of E. C. Brannon. Incumbent's commission expired October 4, 1925.

Frank C. Fisher to be postmaster at Cheltenham, Pa., in place of F. C. Fisher. Incumbent's commission expired October 6, 1925.

Elmer L. Russell to be postmaster at Cokeburg, Pa., in place of E. L. Russell. Incumbent's commission expired August 17, 1925.

Ralph Simons to be postmaster at Cornwells Heights, Pa., in place of Ralph Simons. Incumbent's commission expired November 18, 1925.

Howard S. Crownover to be postmaster at Curwensville, Pa., in place of H. S. Crownover. Incumbent's commission expired October 11, 1925.

George D. Kinkaid to be postmaster at Ebensburg, Pa., in place of G. D. Kinkaid. Incumbent's commission expired August 17, 1925.

Camilla W. Bennett to be postmaster at East McKeesport, Pa., in place of C. W. Bennett. Incumbent's commission expired August 24, 1925.

Ruby F. Austin to be postmaster at Edinboro, Pa., in place of R. F. Austin. Incumbent's commission expired November 17, 1925.

Thomas C. Wood to be postmaster at Elkland, Pa., in place of T. C. Wood. Incumbent's commission expired November 23, 1925.

Wilberforce H. Stiles to be postmaster at Endeavor, Pa., in place of W. H. Stiles. Incumbent's commission expired August 24, 1925.

Henry C. Boyd to be postmaster at Finleyville, Pa., in place of H. C. Boyd. Incumbent's commission expired November 19, 1925.

Caspar A. Miller to be postmaster at Foxburg, Pa., in place of C. A. Miller. Incumbent's commission expired November 15, 1925.

Marshall M. Smith to be postmaster at Gaines, Pa., in place of M. M. Smith. Incumbent's commission expired September 24, 1925.

Fred Goodman to be postmaster at Galeton, Pa., in place of Fred Goodman. Incumbent's commission expired October 11, 1925.

Lewis A. Brown to be postmaster at Adah, Pa., in place of L. A. Brown. Incumbent's commission expired August 24, 1925.

Charles H. Truby to be postmaster at Apollo, Pa., in place of C. H. Truby. Incumbent's commission expired August 20, 1925.

John H. Baldwin to be postmaster at Atglen, Pa., in place of J. H. Baldwin. Incumbent's commission expired August 24, 1925.

PORTO RICO

Angel F. Colon to be postmaster at Juana Diaz, P. R., in place of A. F. Colon. Incumbent's commission expired November 2, 1925.

Hortensia R. O'Neill to be postmaster at San German, P. R., in place of H. R. O'Neill. Incumbent's commission expired July 25, 1925.

Francisco Valldejuli to be postmaster at Yabucoa, P. R., in place of Francisco Valldejuli. Incumbent's commission expired November 2, 1925.

Simon Semidei to be postmaster at Yauco, P. R., in place of Simon Semidei. Incumbent's commission expired July 25, 1925.

Francisco Arrufat to be postmaster at Arroyo, P. R., in place of Florencio Salinas, deceased.

Angel de Jesus Matos to be postmaster at Coamo, P. R., in place of J. F. Rivera, removed.

Luis Clos to be postmaster at Naguabo, P. R., in place of L. R. G. Casanova, resigned.

Augusto M. Garcia to be postmaster at Sabana Grande, P. R., in place of C. B. Carrera, resigned.

Rafael del Valle to be postmaster at San Juan, P. R., in place of Fernando Montilla, resigned.

Juan Aparicio Rivera to be postmaster at Adjuntas, P. R., in place of J. A. Rivera. Incumbent's commission expired November 2, 1925.

Concepcion Torrens de Arrillaga to be postmaster at Anasco, P. R., in place of C. T. de Arrillaga. Incumbent's commission expired November 2, 1925.

Alfredo Giminez y Moreno to be postmaster at Bayamon, P. R., in place of A. G. y Moreno. Incumbent's commission expired July 25, 1925.

Alfredo Font Irizarry to be postmaster at Cabo Rojo, P. R., in place of A. F. Irizarry. Incumbent's commission expired November 2, 1925.

Ramona Quinones to be postmaster at Catano, P. R., in place of Ramona Quinones. Incumbent's commission expired November 2, 1925.

Julio Ramos to be postmaster at Cayey, P. R., in place of Julio Ramos. Incumbent's commission expired November 2, 1925.

Eduvigis de la Rosa to be postmaster at Isabela, P. R., in place of Eduvigis de la Rosa. Incumbent's commission expired November 2, 1925.

RHODE ISLAND

Lyra S. A. Cook to be postmaster at West Barrington, R. I., in place of Reuben A. Gibbs, deceased.

Ralph Chapman to be postmaster at Esmond, R. I., in place of Ralph Chapman. Incumbent's commission expired August 9, 1925.

John C. Sheldon to be postmaster at Hillsgrove, R. I., in place of J. C. Sheldon. Incumbent's commission expired October 4, 1925.

Beatrice M. Kelly to be postmaster at Little Compton, R. I., in place of B. M. Kelly. Incumbent's commission expired August 24, 1925.

Walter A. Kilton to be postmaster at Providence, R. I., in place of W. A. Kilton. Incumbent's commission expired August 5, 1925.

SAMOA

David J. McMullin to be postmaster at Pago Pago, Samoa, in place of Robert M. Walker, resigned.

SOUTH CAROLINA

Jesse B. Bird to be postmaster at Inman, S. C., in place of Thomas F. Bird, resigned.

Lewis J. Goodman to be postmaster at Clemson College, S. C., in place of Ida A. Calhoun, resigned.

Irene Stuckey to be postmaster at Bishopville, S. C., in place of Warley L. Parrott, resigned.

William B. Blakeley to be postmaster at Andrews, S. C., in place of W. B. Blakeley. Incumbent's commission expired November 14, 1925.

William R. Rozier to be postmaster at Bethune, S. C., in place of W. R. Rozier. Incumbent's commission expired November 22, 1925.

Tully A. Sawyer to be postmaster at Chesnee, S. C., in place of T. A. Sawyer. Incumbent's commission expired September 30, 1925.

Lida E. Setsler to be postmaster at Cowpens, S. C., in place of L. E. Setsler. Incumbent's commission expired September 24, 1925.

Paul M. Davis to be postmaster at Donalds, S. C., in place of P. M. Davis. Incumbent's commission expired October 3, 1925.

John B. O'Neal to be postmaster at Fairfax, S. C., in place of J. B. O'Neal. Incumbent's commission expired October 4, 1925.

Lemuel Reid to be postmaster at Iva, S. C., in place of Lemuel Reid. Incumbent's commission expired October 3, 1925.

Susie J. Miller to be postmaster at Jefferson, S. C., in place of S. J. Miller. Incumbent's commission expired October 3, 1925.

Ernest L. Isenhower to be postmaster at Lake City, S. C., in place of A. C. Turbeville. Incumbent's commission expired June 4, 1924.

Joseph G. Brabham to be postmaster at Olar, S. C., in place of J. G. Brabham. Incumbent's commission expired August 24, 1925.

John W. Quick to be postmaster at Pageland, S. C., in place of J. W. Quick. Incumbent's commission expired October 3, 1925.

Robert L. Plexico to be postmaster at Sharon, S. C., in place of R. L. Plexico. Incumbent's commission expired October 3, 1925.

William C. Stepp to be postmaster at Taylors, S. C., in place of W. C. Stepp. Incumbent's commission expired August 11, 1925.

Hattie J. Peeples to be postmaster at Varnville, S. C., in place of H. J. Peeples. Incumbent's commission expired November 2, 1925.

SOUTH DAKOTA

Horace G. Wilson to be postmaster at Wagner, S. Dak., in place of Frank L. Gorman, removed.

William J. Morrow to be postmaster at St. Lawrence, S. Dak., in place of Frank C. Clegg, resigned.

Esther V. Schmaidt to be postmaster at Menno, S. Dak., in place of Metha A. Sanders, resigned.

Millard T. Thompson to be postmaster at Buffalo Gap, S. Dak., in place of Sadie E. Gustafson, resigned.

Aglae Bosse to be postmaster at Jefferson, S. Dak., in place of Aglae Bosse. Incumbent's commission expired August 24, 1925.

Alfred J. Soukup to be postmaster at Lesterville, S. Dak., in place of A. J. Soukup. Incumbent's commission expired August 24, 1925.

Lloyd E. Reckamp to be postmaster at McIntosh, S. Dak., in place of W. R. Spurlock. Incumbent's commission expired August 24, 1925.

Florence F. Cheatham to be postmaster at Mellette, S. Dak., in place of F. F. Cheatham. Incumbent's commission expired August 16, 1925.

Clarence S. Johnson to be postmaster at Milbank, S. Dak., in place of C. S. Johnson. Incumbent's commission expired August 4, 1925.

Oscar N. Hunt to be postmaster at Quinn, S. Dak., in place of O. N. Hunt. Incumbent's commission expired November 22, 1925.

Elmer J. O'Connell to be postmaster at Ramona, S. Dak., in place of E. J. O'Connell. Incumbent's commission expired November 22, 1925.

Jefferson C. Seals to be postmaster at Sioux Falls, S. Dak., in place of J. C. Seals. Incumbent's commission expired October 3, 1925.

John F. Kostel to be postmaster at Tabor, S. Dak., in place of J. F. Kostel. Incumbent's commission expired November 23, 1925.

Mary S. Reed to be postmaster at Wasta, S. Dak., in place of M. S. Reed. Incumbent's commission expired November 17, 1925.

John C. Southwick to be postmaster at Watertown, S. Dak., in place of J. W. Martin. Incumbent's commission expired June 4, 1924.

Ida V. Uhlig to be postmaster at Whitewood, S. Dak., in place of I. V. Uhlig. Incumbent's commission expired November 18, 1925.

Sander P. Questad to be postmaster at Baltic, S. Dak. Office became presidential July 1, 1925.

Benjamin A. Williams to be postmaster at Aberdeen, S. Dak., in place of B. A. Williams. Incumbent's commission expired November 8, 1925.

Fayette A. Nutter to be postmaster at Alcester, S. Dak., in place of F. A. Nutter. Incumbent's commission expired July 28, 1925.

Chester T. Chester to be postmaster at Arlington, S. Dak., in place of C. T. Chester. Incumbent's commission expired November 18, 1925.

Ollie V. Loughlin to be postmaster at Colman, S. Dak., in place of O. V. Loughlin. Incumbent's commission expired November 22, 1925.

Henry C. Grinde to be postmaster at Colton, S. Dak., in place of H. C. Grinde. Incumbent's commission expired August 4, 1925.

Guy R. Neher to be postmaster at Dell Rapids, S. Dak., in place of G. R. Neher. Incumbent's commission expired November 18, 1925.

TENNESSEE

John L. Goin to be postmaster at Tazewell, Tenn., in place of S. R. Robinson, resigned.

Otis E. Jones to be postmaster at Prospect Station, Tenn., in place of Thomas E. Jones, deceased.

William S. Gentry to be postmaster at McEwen, Tenn., in place of Henry M. May, declined.

James E. Miller to be postmaster at Kingsport, Tenn., in place of Jacob L. Shoun, resigned.

Thomas D. Walker to be postmaster at Kerrville, Tenn., in place of Hubert B. McCalla, removed.

Frank B. King to be postmaster at Alcoa, Tenn., in place of Bernard S. McMahan, resigned.

Willard J. Springfield to be postmaster at Chattanooga, Tenn., in place of W. J. Springfield. Incumbent's commission expired November 19, 1925.

Carus S. Hicks to be postmaster at Clinton, Tenn., in place of C. S. Hicks. Incumbent's commission expired November 19, 1925.

Roscoe T. Carroll to be postmaster at Estill Springs, Tenn., in place of R. T. Carroll. Incumbent's commission expired October 4, 1925.

Lula L. Shearer to be postmaster at Farner, Tenn., in place of L. L. Shearer. Incumbent's commission expired August 24, 1925.

Peyton B. Anderson to be postmaster at Greenback, Tenn., in place of P. B. Anderson. Incumbent's commission expired November 19, 1925.

Arthur Taylor to be postmaster at Lenoir City, Tenn., in place of Arthur Taylor. Incumbent's commission expired November 22, 1925.

John D. M. Marshall to be postmaster at Lookout Mountain, Tenn., in place of J. D. M. Marshall. Incumbent's commission expired November 22, 1925.

Thomas W. Thompson to be postmaster at Mount Juliet, Tenn., in place of L. C. Bashaw. Incumbent's commission expired October 4, 1925.

William S. Stanley to be postmaster at Oneida, Tenn., in place of W. S. Stanley. Incumbent's commission expired October 4, 1925.

Evan D. Phillips to be postmaster at Oliver Springs, Tenn., in place of E. D. Phillips. Incumbent's commission expired November 19, 1925.

John W. Wiggs to be postmaster at Paris, Tenn., in place of J. W. Wiggs. Incumbent's commission expired November 22, 1925.

James C. Key to be postmaster at Riceville, Tenn., in place of J. C. Key. Incumbent's commission expired November 22, 1925.

Clifford B. Perkins to be postmaster at Roan Mountain, Tenn., in place of C. B. Perkins. Incumbent's commission expired August 24, 1925.

Mettie M. Collins to be postmaster at Rutledge, Tenn., in place of M. M. Collins. Incumbent's commission expired November 22, 1925.

William R. Hurst to be postmaster at Savannah, Tenn., in place of W. O. Mangum. Incumbent's commission expired August 10, 1925.

James H. Christian to be postmaster at Smithville, Tenn., in place of J. H. Christian. Incumbent's commission expired November 22, 1925.

Ben Sloan to be postmaster at Vonore, Tenn., in place of Ben Sloan. Incumbent's commission expired October 4, 1925.

James M. Yokley to be postmaster at Baileyton, Tenn. Office became presidential July 1, 1925.

Thomas M. Boyd to be postmaster at Bruceton, Tenn. Office became presidential October 1, 1924.

Glenn A. Fortner to be postmaster at Cumberland Gap, Tenn. Office became presidential July 1, 1925.

David H. Hughes to be postmaster at Eagleville, Tenn. Office became presidential July 1, 1925.

William A. Reed to be postmaster at Pocahontas, Tenn. Office became presidential July 1, 1925.

TEXAS

Nancy Saunders to be postmaster at Boerne, Tex., in place of E. L. Willke, deceased.

Robert H. Stone to be postmaster at Canadian, Tex., in place of W. C. Teague, resigned.

Herbert L. Barker to be postmaster at Cumby, Tex., in place of R. K. Cross, resigned.

Walter T. McCarty to be postmaster at Enloe, Tex., in place of H. W. Bridges, removed.

Keziah Shields to be postmaster at Glen Rose, Tex., in place of John Shields, deceased.

Eva H. McCown to be postmaster at Grandview, Tex., in place of O. L. McCown, removed.

William M. Huddleston to be postmaster at Hubbard, Tex., in place of A. M. Huddleston, resigned.

Arthur Treadway to be postmaster at Lindale, Tex., in place of T. J. Oden, deceased.

John E. McAllister to be postmaster at Mirando City, Tex., in place of M. G. Hedrick, resigned.

Arthur C. Wahl to be postmaster at Odem, Tex., in place of R. E. Butler, resigned.

Maude A. Price to be postmaster at Petrolia, Tex., in place of T. A. Matlock, resigned.

Edward E. Alexander to be postmaster at Pioneer, Tex., in place of C. A. Minton, resigned.

Denison P. Greenwade to be postmaster at Rochester, Tex., in place of Lena Greenwade, resigned.

James S. Bates to be postmaster at Slaton, Tex., in place of C. J. Russell, resigned.

Oscar C. Lowry to be postmaster at South Bend, Tex., in place of J. W. Travers, resigned.

Albert W. Henderson to be postmaster at Terrell, Tex., in place of F. L. Irwin, resigned.

George W. Vaughn to be postmaster at Texline, Tex., in place of A. L. Powell, resigned.

Jeff Potter to be postmaster at Tulia, Tex., in place of J. A. Emmitt, resigned.

Arthur E. Foster to be postmaster at Venus, Tex., in place of R. E. Howle, declined.

Ruby E. Ambler to be postmaster at Ysleta, Tex., in place of W. T. McPherson, deceased.

Janie M. McAlpin to be postmaster at Port Neches, Tex., in place of D. A. Bibb. Incumbent's commission expired July 28, 1923.

Wilson P. Hardwick to be postmaster at Pottsboro, Tex., in place of W. P. Hardwick. Incumbent's commission expired August 24, 1925.

John H. Wilson to be postmaster at Quanah, Tex., in place of J. B. Goodlett. Incumbent's commission expired September 5, 1922.

James A. Carter to be postmaster at Richland Springs, Tex., in place of J. J. Carter. Incumbent's commission expired January 21, 1924.

Theodore Miller to be postmaster at Rusk, Tex., in place of Theodore Miller. Incumbent's commission expired August 24, 1925.

Edmund R. Gallagher to be postmaster at San Diego, Tex., in place of E. R. Gallagher. Incumbent's commission expired August 24, 1925.

George H. Draeger to be postmaster at Seguin, Tex., in place of G. H. Draeger. Incumbent's commission expired September 27, 1925.

William P. Harris to be postmaster at Sulphur Springs, Tex., in place of W. P. Harris. Incumbent's commission expired October 17, 1925.

Morus B. Howard to be postmaster at Sweetwater, Tex., in place of M. B. Howard. Incumbent's commission expired September 27, 1925.

Joseph W. Davis to be postmaster at Teague, Tex., in place of J. W. Davis. Incumbent's commission expired October 26, 1925.

Thomas J. Darling to be postmaster at Temple, Tex., in place of T. J. Darling. Incumbent's commission expired November 18, 1925.

Robert L. Parker to be postmaster at Toyah, Tex., in place of R. L. Parker. Incumbent's commission expired August 20, 1925.

Landon M. Hatcher to be postmaster at Troy, Tex., in place of L. M. Hatcher. Incumbent's commission expired August 20, 1925.

Kit C. Stinebaugh to be postmaster at Walnut Springs, Tex., in place of K. C. Stinebaugh. Incumbent's commission expired November 18, 1925.

Marion C. Lucky to be postmaster at Balmorhea, Tex. Office became presidential July 1, 1925.

William H. Seidel to be postmaster at Baytown, Tex. Office became presidential October 1, 1925.

Leslie L. Cates to be postmaster at Ben Wheeler, Tex. Office became presidential January 1, 1925.

Joseph W. Taylor to be postmaster at Best, Tex. Office became presidential July 1, 1925.

Alois J. Skards to be postmaster at Bloomington, Tex. Office became presidential April 1, 1925.

John C. Gee to be postmaster at Call, Tex. Office became presidential July 1, 1925.

James T. Gray to be postmaster at Camp Wood, Tex. Office became presidential July 1, 1925.

Walter W. Broadhurst to be postmaster at Canutillo, Tex. Office became presidential October 1, 1924.

Sidney A. James to be postmaster at Encinal, Tex. Office became presidential July 1, 1925.

John A. Guyer to be postmaster at Friona, Tex. Office became presidential January 1, 1925.

Clemons E. Littlefield to be postmaster at Harwood, Tex. Office became presidential July 1, 1925.

Fay F. Spragins to be postmaster at Martindale, Tex. Office became presidential October 1, 1924.

Mary F. Wakefield to be postmaster at Midway, Tex. Office became presidential October 1, 1924.

Lola Marsh to be postmaster at Navarro, Tex. Office became presidential July 1, 1924.

Marjorie C. Ware to be postmaster at Seagraves, Tex. Office became presidential July 1, 1923.

Margaret E. Hodges to be postmaster at Westbrook, Tex. Office became presidential July 1, 1925.

UTAH

Leland Powell to be postmaster at Lehi, Utah, in place of R. H. Gardner, resigned.

Agnes Harrison to be postmaster at Standardville, Utah, in place of C. A. Pons, resigned.

Roland A. Madsen to be postmaster at Brigham, Utah, in place of R. A. Madsen. Incumbent's commission expired November 8, 1925.

Anthony W. Thomson to be postmaster at Ephraim, Utah, in place of A. W. Thomson. Incumbent's commission expired August 19, 1925.

John W. Guild to be postmaster at Kamas, Utah, in place of J. W. Guild. Incumbent's commission expired August 24, 1925.

Etta Moffitt to be postmaster at Kenilworth, Utah, in place of Etta Moffitt. Incumbent's commission expired August 24, 1925.

Charles E. Walton, jr., to be postmaster at Monticello, Utah, in place of C. E. Walton, jr. Incumbent's commission expired August 24, 1925.

Rufus A. Garner to be postmaster at Odgen, Utah, in place of R. A. Garner. Incumbent's commission expired October 11, 1925.

John A. Hatch to be postmaster at Woods Cross, Utah, in place of J. A. Hatch. Incumbent's commission expired August 24, 1925.

VERMONT

Harold M. Brown to be postmaster at Castleton, Vt., in place of Henry Jones, resigned.

Lucius A. Carpenter to be postmaster at Chester, Vt., in place of L. C. Rhodes, removed.

Rudolph M. Cutting to be postmaster at Plainfield, Vt., in place of R. M. Cutting. Incumbent's commission expired May 6, 1925.

Florence H. Hayward to be postmaster at Randolph, Vt., in place of F. H. Hayward. Incumbent's commission expired July 19, 1925.

Martha G. Kibby to be postmaster at Randolph Center, Vt., in place of M. G. Kibby. Incumbent's commission expired June 5, 1924.

Charles H. West to be postmaster at Rutland, Vt., in place of C. H. West. Incumbent's commission expired August 24, 1925.

Corydon W. Cheney to be postmaster at Sharon, Vt., in place of C. W. Cheney. Incumbent's commission expired October 19, 1925.

Catherine Neary to be postmaster at Shelburne, Vt., in place of Catherine Neary. Incumbent's commission expired August 24, 1925.

Robert H. Allen to be postmaster at South Hero, Vt., in place of R. H. Allen. Incumbent's commission expired August 24, 1925.

Ernest F. Illingsworth to be postmaster at Springfield, Vt., in place of E. F. Illingsworth. Incumbent's commission expired October 19, 1925.

Archie W. Burdick to be postmaster at West Pawlet, Vt., in place of A. W. Burdick. Incumbent's commission expired November 23, 1925.

Carl W. Cameron to be postmaster at White River Junction, Vt., in place of C. W. Cameron. Incumbent's commission expired November 2, 1925.

Charles H. Stone to be postmaster at Windsor, Vt., in place of C. H. Stone. Incumbent's commission expired October 19, 1925.

Marion T. Flynn to be postmaster at Alburg, Vt., in place of M. T. Flynn. Incumbent's commission expired August 24, 1925.

Glennie C. McIntyre to be postmaster at Danby, Vt., in place of G. C. McIntyre. Incumbent's commission expired August 24, 1925.

Gary S. Heath to be postmaster at Derby Line, Vt., in place of G. S. Heath. Incumbent's commission expired August 20, 1923.

Charles W. Powell to be postmaster at Franklin, Vt., in place of P. H. Gates. Incumbent's commission expired August 24, 1925.

George H. Hutchinson to be postmaster at Jericho, Vt., in place of F. P. Percival. Incumbent's commission expired August 24, 1925.

Francis A. Gray to be postmaster at Middletown Springs, Vt., in place of F. A. Gray. Incumbent's commission expired August 24, 1925.

Blanche A. Belanger to be postmaster at Orwell, Vt., in place of B. A. Belanger. Incumbent's commission expired August 24, 1925.

Frank C. Dyer to be postmaster at Salisbury, Vt. Office became presidential July 1, 1925.

VIRGIN ISLANDS

R. H. Amphlett Leader to be postmaster at Frederiksted, Virgin Islands, in place of R. H. A. Leader. Incumbent's commission expired November 17, 1925.

VIRGINIA

Richard M. Epes to be postmaster at South Hill, Va., in place of N. G. Smith, resigned.

Hughes L. Gilbert to be postmaster at Stuart, Va., in place of A. H. Staples, deceased.

Hersey Woodward, jr., to be postmaster at Suffolk, Va., in place of E. M. C. Quimby, resigned.

Maude B. Hockman to be postmaster at Toms Brook, Va., in place of O. J. Borden, resigned.

Cecil G. Wood to be postmaster at Ashland, Va., in place of T. P. Scott, deceased.

Lewis B. Connelly to be postmaster at Lawrenceville, Va., in place of G. E. Harrison, removed.

Mary B. Wickes to be postmaster at New Market, Va., in place of C. W. Wickes, removed.

Fillie C. Hammock to be postmaster at Riverton, Va., in place of O. S. Wakeman, removed.

Creighton Angell to be postmaster at Boone Mill, Va., in place of Creighton Angell. Incumbent's commission expired October 20, 1925.

Willard B. Alfred to be postmaster at Clarksville, Va., in place of W. B. Alfred. Incumbent's commission expired October 20, 1925.

Daniel V. Richmond to be postmaster at Ewing, Va., in place of D. V. Richmond. Incumbent's commission expired November 23, 1925.

Bernard R. Powell to be postmaster at Franklin City, Va., in place of B. R. Powell. Incumbent's commission expired November 23, 1925.

Leonard G. Perkins to be postmaster at Mineral, Va., in place of L. G. Perkins. Incumbent's commission expired November 23, 1925.

Harry M. Giles to be postmaster at Roseland, Va., in place of H. M. Giles. Incumbent's commission expired October 20, 1925.

Mamie A. Young to be postmaster at Shawsville, Va., in place of M. A. Young. Incumbent's commission expired October 20, 1925.

Rosa S. Newman to be postmaster at Sterling, Va., in place of R. S. Newman. Incumbent's commission expired October 20, 1925.

James R. Tompkins to be postmaster at Toms Creek, Va., in place of M. B. Sage. Incumbent's commission expired August 15, 1923.

Otye E. Hancock to be postmaster at Trevilians, Va., in place of O. E. Hancock. Incumbent's commission expired October 20, 1925.

Cuthbert Bristow to be postmaster at Urbanna, Va., in place of Cuthbert Bristow. Incumbent's commission expired October 20, 1925.

Leslie M. Gary to be postmaster at Victoria, Va., in place of L. M. Gary. Incumbent's commission expired November 23, 1925.

George C. Brothers to be postmaster at Whaleyville, Va. Office became presidential July 1, 1925.

John P. Jenkins to be postmaster at Sperryville, Va. Office became presidential January 1, 1925.

William E. Hudson to be postmaster at Monroe, Va. Office became presidential July 1, 1925.

Nancy E. Berry to be postmaster at Dahlgren, Va. Office became presidential January 1, 1925.

Samuel T. Ranson to be postmaster at Bremo Bluff, Va. Office became presidential October 1, 1924.

WASHINGTON

Arnold Mohn to be postmaster at Bothell, Wash., in place of M. D. Keeney, resigned.

Joseph W. Chatfield to be postmaster at Chelan, Wash., in place of B. A. Sines, resigned.

Horace S. Thompson to be postmaster at Cle Elum, Wash., in place of J. J. Kashevnikov, removed.

Frank A. McGovern to be postmaster at Concrete, Wash., in place of L. E. Wolfe, deceased.

Sylvia Kirklin to be postmaster at Dalkena, Wash., in place of J. S. Fea, resigned.

Addie McClellan to be postmaster at North Bend, Wash., in place of Andrew McCann, resigned.

George W. Boone to be postmaster at Toledo, Wash., in place of Lettie Shultz, resigned.

Oscar A. Kramer to be postmaster at Asotin, Wash., in place of O. A. Kramer. Incumbent's commission expired November 8, 1925.

Regina E. Blackwood to be postmaster at Bellevue, Wash., in place of R. E. Blackwood. Incumbent's commission expired October 25, 1925.

Ira A. Moore to be postmaster at Greenacres, Wash., in place of I. A. Moore. Incumbent's commission expired November 18, 1925.

Leonard McCleary to be postmaster at McCleary, Wash., in place of Leonard McCleary. Incumbent's commission expired May 13, 1925.

Ray Freeland to be postmaster at White Swan, Wash. Office became presidential January 1, 1925.

Daniel L. Jackson to be postmaster at Port Gamble, Wash. Office became presidential July 1, 1925.

Etta R. Harkins to be postmaster at Manette, Wash. Office became presidential July 1, 1925.

George D. McCormick to be postmaster at McCormick, Wash. Office became presidential July 1, 1925.

Lester S. Overholt to be postmaster at Omak, Wash., in place of L. S. Overholt. Incumbent's commission expired November 23, 1925.

Kathryn Reichert to be postmaster at Orting, Wash., in place of Kathryn Reichert. Incumbent's commission expired August 24, 1925.

I. Wells Littlejohn to be postmaster at Pateros, Wash., in place of I. W. Littlejohn. Incumbent's commission expired November 23, 1925.

Benjamin G. Brown to be postmaster at Ridgefield, Wash., in place of B. G. Brown. Incumbent's commission expired July 28, 1925.

James S. Edwards to be postmaster at Ritzville, Wash., in place of J. S. Edwards. Incumbent's commission expired November 23, 1925.

Serena D. Vinson to be postmaster at Skamokawa, Wash., in place of S. D. Vinson. Incumbent's commission expired August 24, 1925.

John A. White to be postmaster at Toppenish, Wash., in place of J. A. White. Incumbent's commission expired October 25, 1925.

Cyrus F. Morrow to be postmaster at Walla Walla, Wash., in place of C. F. Morrow. Incumbent's commission expired November 18, 1925.

Dow R. Hughes to be postmaster at Yelm, Wash., in place of D. R. Hughes. Incumbent's commission expired August 24, 1925.

WEST VIRGINIA

Calvin Shockey to be postmaster at McComas, W. Va., in place of Calvin Shockey. Incumbent's commission expired October 6, 1925.

William M. Chambers to be postmaster at Maben, W. Va., in place of W. M. Chambers. Incumbent's commission expired November 2, 1925.

James P. Peck to be postmaster at Mabscott, W. Va., in place of J. P. Peck. Incumbent's commission expired November 23, 1925.

Frederick E. Bletner to be postmaster at Mason, W. Va., in place of F. E. Bletner. Incumbent's commission expired November 9, 1925.

Mary White to be postmaster at Matewan, W. Va., in place of Mary White. Incumbent's commission expired November 17, 1925.

Kenna W. Snedegar to be postmaster at Renick, W. Va., in place of K. W. Snedegar. Incumbent's commission expired November 18, 1925.

Ira W. Folden to be postmaster at Ronceverte, W. Va., in place of I. W. Folden. Incumbent's commission expired November 17, 1925.

Ulysses S. Jarrett to be postmaster at St. Albans, W. Va., in place of U. S. Jarrett. Incumbent's commission expired November 23, 1925.

William C. Bishop to be postmaster at Scarbro, W. Va., in place of W. C. Bishop. Incumbent's commission expired October 17, 1925.

Homer H. Roberts to be postmaster at Smithfield, W. Va., in place of C. G. Price. Incumbent's commission expired June 4, 1924.

Harry R. Tribou to be postmaster at Tams, W. Va., in place of H. R. Tribou. Incumbent's commission expired August 24, 1925.

William H. Young to be postmaster at Union, W. Va., in place of W. H. Young. Incumbent's commission expired November 9, 1925.

Jesse D. Day to be postmaster at Ashland, W. Va., in place of J. D. Day. Incumbent's commission expired November 9, 1925.

Freda W. Mason to be postmaster at Bayard, W. Va., in place of F. W. Mason. Incumbent's commission expired November 23, 1925.

Oma E. Kimes to be postmaster at Belleville, W. Va., in place of O. E. Kimes. Incumbent's commission expired August 19, 1925.

Samuel L. Clark to be postmaster at Cass, W. Va., in place of S. L. Clark. Incumbent's commission expired August 19, 1925.

John J. Denham to be postmaster at Clarksburg, W. Va., in place of J. J. Denham. Incumbent's commission expired July 13, 1925.

Leander A. Lynch to be postmaster at Cowen, W. Va., in place of L. A. Lynch. Incumbent's commission expired November 17, 1925.

Eulalia B. Wheeler to be postmaster at Elkhorn, W. Va., in place of W. L. Morris. Incumbent's commission expired February 11, 1924.

Walter B. Beale to be postmaster at Fireco, W. Va., in place of W. B. Beale. Incumbent's commission expired August 24, 1925.

George W. Sites to be postmaster at Freeman, W. Va., in place of G. W. Sites. Incumbent's commission expired August 24, 1925.

John E. Pierson to be postmaster at Gassaway, W. Va., in place of C. L. Perkins. Incumbent's commission expired June 5, 1924.

Laura Y. Conner to be postmaster at Harpers Ferry, W. Va., in place of L. Y. Conner. Incumbent's commission expired November 9, 1925.

Robert K. Pearrell to be postmaster at Hedgesville, W. Va., in place of R. K. Pearrell. Incumbent's commission expired August 19, 1925.

George L. Carlisle to be postmaster at Hillsboro, W. Va., in place of G. L. Carlisle. Incumbent's commission expired October 17, 1925.

Roy E. Curtis to be postmaster at Hundred, W. Va., in place of R. E. Curtis. Incumbent's commission expired August 19, 1925.

Lida Steinke to be postmaster at Iaeger, W. Va., in place of Lida Steinke. Incumbent's commission expired August 19, 1925.

Columbus A. Murphy to be postmaster at Jenkinjones, W. Va., in place of C. A. Murphy. Incumbent's commission expired October 6, 1925.

Juniata Amos to be postmaster at Leon, W. Va., in place of Juniata Amos. Incumbent's commission expired October 6, 1925.

William P. Jett to be postmaster at Lost Creek, W. Va., in place of W. P. Jett. Incumbent's commission expired August 19, 1925.

Walter B. Crickmer to be postmaster at McAlpin, W. Va., in place of W. B. Crickmer. Incumbent's commission expired August 19, 1925.

Florence Musick to be postmaster at Delbarton, W. Va. Office became presidential July 1, 1925.

Rufus B. Scott to be postmaster at Hemphill, W. Va. Office became presidential July 1, 1925.

Chester L. Blevins to be postmaster at Herndon, W. Va. Office became presidential October 1, 1924.

Elmer E. Snellenberger to be postmaster at Panther, W. Va. Office became presidential July 1, 1925.

Mary I. Casey to be postmaster at Ranson, W. Va. Office became presidential July 1, 1925.

Beverley N. Burruss to be postmaster at Spring Hill, W. Va. Office became presidential July 1, 1925.

Russell B. Gibson to be postmaster at Albright, W. Va., in place of M. M. Brown, resigned.

Charles L. Baker to be postmaster at Amherstdale, W. Va., in place of H. H. Smith, resigned.

James H. McComas to be postmaster at Barboursville, W. Va., in place of R. A. Browning, removed.

Homer C. Tennant to be postmaster at Fairview, W. Va., in place of M. E. Barto, resigned.

John A. Ferguson to be postmaster at Hollidays Cove, W. Va., in place of W. H. Cheeks, resigned.

Ila Lawson to be postmaster at Jane Lew, W. Va., in place of Scott Straley, deceased.

Roscoe Wilcox to be postmaster at McDowell, W. Va., in place of Alma Hawks, removed.

Marshall C. Archer to be postmaster at Ripley, W. Va., in place of I. C. Staats, resigned.

Ralph C. Morton to be postmaster at Sharples, W. Va., in place of J. S. Walker, removed.

Joseph C. Turley to be postmaster at Switchback, W. Va., in place of P. R. Payne, resigned.

WISCONSIN

Louis W. Kuhaupt to be postmaster at Allenton, Wis. Office became presidential July 1, 1925.

Lewis L. Nelson, jr., to be postmaster at Amherst Junction, Wis. Office became presidential April 1, 1924.

Edward N. Rounds to be postmaster at Arkansaw, Wis. Office became presidential July 1, 1923.

Frank E. Kennedy to be postmaster at Barronett, Wis. Office became presidential July 1, 1924.

Thomas Latimer, jr., to be postmaster at Genoa, Wis. Office became presidential July 1, 1925.

Victor F. Platta to be postmaster at Hatley, Wis. Office became presidential October 1, 1923.

Marie L. Schilleman to be postmaster at Lac du Flambeau, Wis. Office became presidential January 1, 1925.

William H. Ware to be postmaster at Loganville, Wis. Office became presidential October 1, 1924.

Herman W. Johannes to be postmaster at Lugerville, Wis. Office became presidential July 1, 1925.

William Rathbun to be postmaster at Mendota, Wis. Office became presidential July 1, 1925.

Grace A. Brownrigg to be postmaster at Merrimack, Wis. Office became presidential July 1, 1923.

George Henry to be postmaster at Mount Calvary, Wis. Office became presidential July 1, 1925.

Claire A. Lynn to be postmaster at Mount Hope, Wis. Office became presidential July 1, 1925.

Howard B. Hoyt to be postmaster at Plum City, Wis. Office became presidential October 1, 1923.

Orlando M. Eastman to be postmaster at Saukville, Wis. Office became presidential October 1, 1923.

Merton J. Dickinson to be postmaster at Tipler, Wis. Office became presidential April 1, 1924.

Harold W. Klann to be postmaster at White Fish Bay, Wis. Office became presidential July 1, 1925.

Desire J. Baudhuin to be postmaster at Abrams, Wis., in place of D. J. Baudhuin. Incumbent's commission expired November 8, 1925.

Andrew C. Redeman to be postmaster at Amberg, Wis., in place of A. C. Redeman. Incumbent's commission expired October 3, 1925.

Robert A. Elder to be postmaster at Argonne, Wis., in place of R. A. Elder. Incumbent's commission expired November 8, 1925.

George J. Chesak to be postmaster at Athens, Wis., in place of G. J. Chesak. Incumbent's commission expired November 23, 1925.

Carl F. Swerman to be postmaster at Bangor, Wis., in place of C. F. Swerman. Incumbent's commission expired November 18, 1925.

Margaret L. Staley to be postmaster at Birnamwood, Wis., in place of M. L. Staley. Incumbent's commission expired November 18, 1925.

Harold E. Webster to be postmaster at Brule, Wis., in place of H. E. Webster. Incumbent's commission expired August 24, 1925.

Leonard D. Perry to be postmaster at Cable, Wis., in place of L. D. Perry. Incumbent's commission expired August 24, 1925.

Walter W. Peterson to be postmaster at Centuria, Wis., in place of W. W. Peterson. Incumbent's commission expired August 5, 1925.

Asa B. Cronk to be postmaster at Clear Lake, Wis., in place of A. B. Cronk. Incumbent's commission expired November 23, 1925.

Frank J. Duquaine to be postmaster at Crivitz, Wis., in place of F. J. Duquaine. Incumbent's commission expired November 19, 1925.

Michael J. Heffron to be postmaster at Cudahy, Wis., in place of M. J. Heffron. Incumbent's commission expired March 22, 1924.

Edward G. Carter to be postmaster at Drummond, Wis., in place of E. G. Carter. Incumbent's commission expired August 24, 1925.

David M. Enz, to be postmaster at Denmark, Wis., in place of F. H. Kellner. Incumbent's commission expired August 29, 1923.

Lila O. Burton to be postmaster at Eagle, Wis., in place of L. O. Burton. Incumbent's commission expired November 18, 1925.

Arthur M. Howe to be postmaster at Elk Mound, Wis., in place of A. M. Howe. Incumbent's commission expired November 18, 1925.

John E. Huff to be postmaster at Florence, Wis., in place of J. E. Huff. Incumbent's commission expired November 23, 1925.

Edward M. Perry to be postmaster at Forestville, Wis., in place of E. M. Perry, Incumbent's commission expired August 24, 1925.

Paul L. Fugina to be postmaster at Fountain City, Wis., in place of P. L. Fugina. Incumbent's commission expired November 18, 1925.

George F. Sherburne to be postmaster at Fremont, Wis., in place of G. F. Sherburne. Incumbent's commission expired November 18, 1925.

Charles P. Peterson to be postmaster at Glenwood City, Wis., in place of H. H. Gleason. Incumbent's commission expired June 5, 1924.

Marion L. Kutchin to be postmaster at Green Lake, Wis., in place of M. L. Kutchin. Incumbent's commission expired November 18, 1925.

Roy L. Thompson to be postmaster at Hancock, Wis., in place of R. L. Thompson. Incumbent's commission expired November 19, 1925.

Helen B. Dehler to be postmaster at Hayward, Wis., in place of William Alexander. Incumbent's commission expired August 29, 1923.

Fred L. Sheldon to be postmaster at Hixton, Wis., in place of F. L. Sheldon. Incumbent's commission expired October 25, 1925.

Douglas Hodgins to be postmaster at Hortonville, Wis., in place of L. P. Miller. Incumbent's commission expired May 28, 1924.

Charles L. Holderness to be postmaster at Kenosha, Wis., in place of James Gorman. Incumbent's commission expired March 22, 1924.

Ervin D. Koch to be postmaster at Kewaskum, Wis., in place of E. D. Koch. Incumbent's commission expired August 5, 1925.

Albert L. Treick to be postmaster at Kohler, Wis., in place of H. R. Schumann. Incumbent's commission expired June 5, 1924.

Charles C. Looney to be postmaster at La Crosse, Wis., in place of O. R. Skaar. Incumbent's commission expired June 5, 1924.

Joseph A. Chisholm to be postmaster at Lake Nebagamon, Wis., in place of J. A. Chisholm. Incumbent's commission expired August 24, 1925.

Harry E. Eustice to be postmaster at Livingston, Wis., in place of H. E. Eustice. Incumbent's commission expired November 23, 1925.

Paul J. Zeidler to be postmaster at Lomira, Wis., in place of P. J. Zeidler. Incumbent's commission expired October 3, 1925.

George A. Slaikeu to be postmaster at Luck, Wis., in place of G. A. Slaikeu. Incumbent's commission expired November 18, 1925.

Fred B. Rhyner to be postmaster at Marshfield, Wis., in place of F. B. Rhyner. Incumbent's commission expired November 9, 1925.

Charles I. Larson to be postmaster at Mason, Wis., in place of C. I. Larson. Incumbent's commission expired August 24, 1925.

Freeman E. Boyer to be postmaster at Mattoon, Wis., in place of F. E. Boyer. Incumbent's commission expired August 24, 1925.

Lewis A. Gehr to be postmaster at Mercer, Wis., in place of L. A. Gehr. Incumbent's commission expired November 8, 1925.

Herman A. Krueger to be postmaster at Merrill, Wis., in place of H. A. Krueger. Incumbent's commission expired August 5, 1925.

Mary G. Helke to be postmaster at Nekoosa, Wis., in place of M. G. Helke. Incumbent's commission expired November 23, 1925.

Giles H. Putnam to be postmaster at New London, Wis., in place of Henry Knapstein. Incumbent's commission expired June 5, 1924.

Hannah Goodyear to be postmaster at Niagara, Wis., in place of Hannah Goodyear. Incumbent's commission expired November 18, 1925.

Emil H. Klamp to be postmaster at North Milwaukee, Wis., in place of Peter Sievers. Incumbent's commission expired August 29, 1923.

Rollyn Saunders to be postmaster at Oconto Falls, Wis., in place of Levi Lane. Incumbent's commission expired August 29, 1923.

James L. Ring to be postmaster at Osseo, Wis., in place of J. L. Ring. Incumbent's commission expired October 4, 1925.

Clyde D. Sullivan to be postmaster at Phillips, Wis., in place of C. D. Sullivan. Incumbent's commission expired August 5, 1925.

Emil G. Werner to be postmaster at Pittsville, Wis., in place of T. J. Crowley. Incumbent's commission expired March 22, 1924.

Julia D. Knappmiller to be postmaster at Pound, Wis., in place of J. D. Knappmiller. Incumbent's commission expired November 19, 1925.

Edward E. Pytlak to be postmaster at Pulaski, Wis., in place of Joseph La Fevre. Incumbent's commission expired June 5, 1924.

Clara H. Schmitz to be postmaster at St. Cloud, Wis., in place of E. H. Schmitz. Incumbent's commission expired November 8, 1925.

Guy M. Boughton to be postmaster at St. Croix Falls, Wis., in place of G. M. Boughton. Incumbent's commission expired November 23, 1925.

Nicholas Lucius, jr., to be postmaster at Solon Springs, Wis., in place of Nicholas Lucius, jr. Incumbent's commission expired October 3, 1925.

Martin J. Jischke to be postmaster at Sister Bay, Wis., in place of M. J. Jischke. Incumbent's commission expired August 24, 1925.

Walter C. Crocker to be postmaster at Spooner, Wis., in place of W. C. Crocker. Incumbent's commission expired August 5, 1925.

Roy D. Larrieu to be postmaster at Spring Valley, Wis., in place of R. D. Larrieu. Incumbent's commission expired May 28, 1924.

Alfred E. Redfield to be postmaster at Stevens Point, Wis., in place of A. E. Redfield. Incumbent's commission expired November 18, 1925.

William J. Winters to be postmaster at Tripoli, Wis., in place of W. J. Winters. Incumbent's commission expired November 18, 1925.

John H. Bunker to be postmaster at Turtle Lake, Wis., in place of J. H. Bunker. Incumbent's commission expired November 19, 1925.

William H. Petersen to be postmaster at Waldo, Wis., in place of W. H. Petersen. Incumbent's commission expired October 3, 1925.

Charles W. Eagan to be postmaster at Wautoma, Wis., in place of C. W. Eagan. Incumbent's commission expired November 18, 1925.

Bernice M. Gregersen to be postmaster at Wauzeka, Wis., in place of B. M. Gregersen. Incumbent's commission expired October 25, 1925.

Elizabeth A. Forsyth to be postmaster at Westboro, Wis., in place of E. A. Forsyth. Incumbent's commission expired November 8, 1925.

Marcus Hopkins to be postmaster at Dale, Wis., in place of Vivian Bottrell, declined.

Leland Z. Clark to be postmaster at Greenleaf, Wis., in place of H. F. Prust, deceased.

Eulalia M. Dolan to be postmaster at Highland, Wis., in place of N. G. Egan, removed.

Robert L. Zimmerman to be postmaster at Holcombe, Wis., in place of A. J. Edminster, resigned.

James C. Austin to be postmaster at Rosholt, Wis., in place of E. M. Gilbert, resigned.

Guilford K. Berge to be postmaster at Valders, Wis., in place of O. G. Berge, removed.

Gladys Johnson to be postmaster at Woodruff, Wis., in place of A. K. Hoye, removed.

WYOMING

Frances P. Youngberg to be postmaster at Lyman, Wyo. Office became presidential July 1, 1925.

Ardery Leo McFarland to be postmaster at Salt Creek, Wyo. Office became presidential July 1, 1925.

James J. McDermott to be postmaster at Arvada, Wyo., in place of J. J. McDermott. Incumbent's commission expired August 17, 1925.

Oscar W. Stringer to be postmaster at Dubois, Wyo., in place of O. W. Stringer. Incumbent's commission expired October 20, 1925.

Minnie C. Corum to be postmaster at Encampment, Wyo., in place of M. C. Corum. Incumbent's commission expired August 17, 1925.

James E. Patterson to be postmaster at Gebo, Wyo., in place of J. E. Patterson. Incumbent's commission expired August 17, 1925.

George R. Bringhurst to be postmaster at Lovell, Wyo., in place of G. R. Bringhurst. Incumbent's commission expired November 17, 1925.

Lizzie R. Moore to be postmaster at South Superior, Wyo., in place of L. R. Moore. Incumbent's commission expired August 17, 1925.

Catherine McCabe to be postmaster at Van Tassell, Wyo., in place of Catherine McCabe. Incumbent's commission expired August 17, 1925.

William E. Lloyd to be postmaster at Jackson, Wyo., in place of H. H. Francis, resigned.

Annetta V. Welsh to be postmaster at Midwest, Wyo., in place of F. J. Estes, removed.

Peter B. Petrie to be postmaster at Opal, Wyo., in place of J. F. Petrie, deceased.

Clara Wilcox to be postmaster at Saratoga, Wyo., in place of Lee Wilcox, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 15, 1925

SECRETARY OF WAR

Dwight F. Davis to be Secretary of War.

ASSISTANT SECRETARY OF WAR

Hanford MacNider to be Assistant Secretary of War.

COMMISSIONER OF PENSIONS

Winfield Scott to be Commissioner of Pensions.

DEPUTY COMMISSIONER OF PENSIONS

Edward W. Morgan to be Deputy Commissioner of Pensions.

SUPERINTENDENT OF THE MINT SERVICE

Niles R. Becker to be superintendent of the United States assay office at New York.

ASSAYER OF THE MINT

Clarence C. Malmstrom to be assayer in the mint of the United States at Denver, Colo.

COLLECTORS OF INTERNAL REVENUE

Thomas W. White, district of Massachusetts.

Louis J. Becker, first district of Missouri.

Lee Brock, district of Tennessee.

Edwin A. Brast, district of West Virginia.

COMPTROLLERS OF CUSTOMS

Dwight Hall, customs collection district No. 4, with headquarters at Boston, Mass.

Arthur F. Foran, customs collection district No. 10, with headquarters at New York, N. Y.

Collins B. Allen, customs collections district No. 11, with headquarters at Philadelphia, Pa.

COLLECTORS OF CUSTOMS

Marion O. Dunning, customs collection district No. 17, with headquarters at Savannah, Ga.

Nellie Gregg Tomlinson, customs collections district No. 44, with headquarters at Des Moines, Iowa.

Willfred W. Lufkin, customs collection district No. 4, with headquarters at Boston, Mass.

Charles L. Sheridan, customs collection district No. 33, with headquarters at Great Falls, Mont.

Eddie McCall Priest, customs collection district No. 43, with headquarters at Memphis, Tenn.

APPRAISER OF MERCHANDISE

Ivil O. Price, customs collection district No. 18, with headquarters at Tampa, Fla.

UNITED STATES DISTRICT JUDGE

Edward J. Henning to be district judge, southern district of California.

ATTORNEY GENERAL OF PORTO RICO

George Charles Butte to be attorney general of Porto Rico.

UNITED STATES DISTRICT ATTORNEYS

Roy St. Lewis, western district of Oklahoma.
Albert D. Walton, district of Wyoming.
Guy P. Linville, northern district of Iowa.
James C. Kinsler, district of Nebraska.
Frank A. Linney, western district of North Carolina.
Frank Lee, eastern district of Oklahoma.
John D. Hartman, western district of Texas.
Charles M. Morris, district of Utah.
William H. Dougherty, western district of Wisconsin.

UNITED STATES MARSHALS

Frank M. Breshears, district of Idaho.
Victor Loisel, eastern district of Louisiana.
Stillman E. Woodman, district of Maine.
Dennis H. Cronin, district of Nebraska.
William C. Hecht, southern district of New York.
Brownlow Jackson, western district of North Carolina.

ASSISTANT CLERK OF COURT FOR CHINA

Louis T. Kenake to be assistant clerk of the United States Court for China.

PUBLIC HEALTH SERVICE

To be assistant surgeons

Raymond A. Vonderlehr.
Paul W. Bailey.

To be passed assistant surgeons

Ralph D. Lillie.
LeGrand B. Byington.
Kenneth F. Maxcy.

To be surgeons

Harry E. Trimble.
Mark V. Ziegler.
James E. Faris.

To be assistant surgeons

Derrick A. Hoxie.
Jack H. Ayers.
Everett B. Archer.
Fletcher C. Stewart.
John F. Gates.

To be senior surgeon

Claude H. Lavinder.

To be assistant surgeon

James B. Ryon.

COAST AND GEODETIC SURVEY

To be junior hydrographic and geodetic engineers

John Carlos Bose.
Glendon Edwin Boothe.
Lansing Grow Simmons.
Earl Mowbray Buckingham.
Roger Cushing Rowse.
Leonard Sargent Hubbard.
Earle Andrew Deily.
Walter Herbert Bainbridge.
Victor Addison Bishop.

To be hydrographic and geodetic engineers

William Thomas Combs.
Paul Albert Smith.
David Hearn Askew.
Carl Fred Ehlers.
William Murel Gibson.
William Francis Malnate
Frank Gerard Johnson.
Ralph Leslie Pfau.
Alvin Cecil Thorson.
Joe Charles Partington.
Newmann Breeden Smith.

COAST GUARD

Eugene T. Osborn to be district superintendent, with the rank of ensign.

John S. Cole to be district superintendent, with the rank of lieutenant commander.

Simon R. Sands to be district superintendent, with the rank of lieutenant.

To be lieutenant commanders

William K. Scammell.
Russell L. Lucas.

Ephraim Zoole to be lieutenant.

John Trebes, jr., to be temporarily a lieutenant commander.

To be temporary ensigns

Harry T. Gower.
Gordon A. Littlefield.
Kenneth A. Coler.
Llewellyn Roberts.
George C. Whittlesey.
Beverly E. Moodey.
Richard L. Horne.
John A. Fletcher.
William K. Chandler.
Richard P. Hodsdon.

To be temporary ensigns (engineering)

Fred Tomkiel.
Walter S. Anderson.
William C. Dryden.
Michael B. Singer.
Philip E. Shaw.

To be ensigns

Leonard E. Parker.
Henry J. Betzmer.
Paul E. Purdy.
George N. Bernier.
Charles C. Plummer.

Howard Wilcox to be district superintendent, with the rank of lieutenant (junior grade).

Lyndon Spencer to be temporary lieutenant commander.

Charles Anderson to be temporary chief machinist.

Charles L. Duke to be temporary ensign.

Paul K. Perry to be lieutenant.

To be lieutenants (junior grade)

Albert M. Martinson.
Edward H. Fritzsche.
Raymond J. Mauerman.
Robert C. Jewell.
Lee H. Baker.

To be temporary lieutenants

Merlin O'Neill.
Norman H. Leslie.
Carleton T. Smith.
Norman R. Stiles.
Carl H. Hilton.
Lloyd O. Hammarstrom.
Joseph S. Rosenthal.
Frank M. Meals.
Roy F. Gilley.
Frank D. Higbee.
John McCann.
Wellington S. Morse.
Charles Etzweiler.
William W. Storey.
Philip A. Short.
John F. Kinnaly.
William L. Foley.

To be temporary lieutenants (junior grade)

Donald G. McNeil.
Harley E. Grogan.
William S. Shannon.
Walter S. Fish.
Robert H. Furey.
Norman M. Nelson.
Chester McP. Anderson.
Robert E. Hunter.
Ernest B. Johnson.
Ray W. Dierlam.
Glenn E. Trester.
Paul B. Cronk.
Clarence C. Paden.
LeRoy M. McCluskey.
Niels S. Haugen.
Frank E. B. Stuart.
Vincent J. Charte.
Harold B. Adams.
Harold L. Connor.
James F. Brady.
Arthur W. Davis.
Horace D. Glover.
Chester C. Childs.
Frank H. Nelson.
Jerome J. Buskin.
Angus S. MacIntyre.
Stewart P. Mehlman.
Kenneth L. Young.
Ralph R. Hayes.
Arthur G. Morrill.
Carl E. Guisness.
Chester B. Kirkpatrick.

To be temporary lieutenants (engineering)

John W. Kelliher.
Emette B. Smith.
Ozro H. Hunt.
Ben C. Wilcox.

To be temporary lieutenants (junior grade) (engineering)

Charles W. Harwood.
Frederick R. Baily.
John P. Murray, jr.
Severt A. Olsen.
Robert C. Sarratt.
Edward S. Moale.
Jarvis B. Wellman.
Eugene S. Endom.
Donald G. Jacobs.

To be commander

William J. Wheeler.

To be temporary captains

Francis S. Van Boskerck.
George C. Carmine.

To be temporary commander

Thomas M. Molloy.

To be lieutenant (junior grade) (engineering)

Herman H. Curry.

PROMOTIONS IN THE ARMY

RESERVE CORPS

To be major generals

Albert Hazen Blanding.
Creed Cheshire Hammond.
John Francis O'Ryan.

To be brigadier generals

Perry Harrison.
Wilbur Moses Lee.
Frank Thomas Hines.

GENERAL OFFICERS

To be major generals

William Sidney Graves.
Johnson Hagood.
William Durward Connor.
Benjamin Andrew Poore.
Fox Conner.
Preston Brown.

To be brigadier generals

Henry Carpenter Smither.
Paul Alexander Wolf.
Charles Dudley Rhodes.
William Mackey Cruikshank.
Michael Joseph Lenihan.
Lucius Roy Holbrook.
March Bradt Stewart.

INSPECTOR GENERAL'S DEPARTMENT

Eli Alva Helmick to be Inspector General with the rank of major general.

AIR SERVICE

Mason Mathews Patrick to be Chief of the Air Service with the rank of major general.

CORPS OF ENGINEERS

To be second lieutenants

Charles Henry Barth.
Standish Weston.
Charles Eskridge Saltzman.
Raymond Burkholder Oxrieder.
Gerald Edward Galloway.
Charles Hare Mason.
Louis Charles Scherer, jr.
George Kenyon Withers.
Arleigh Todd Bell.
Edgar William Garbisch.
Leland Berrel Kuhre.
Colby Maxwell Myers.
Amos Tappan Akerman.
Everett Sprague Emerson.
Olive Cass Torbett.
Albert Harvey Burton.
Bruce Cooper Clarke.
Carl William Meyer.
David Henry Tulley.
Miles Merrill Dawson.
Timothy Lawrence Mulligan.
Finis Ewing Dunaway, jr.
Charles Woodruff Scovel, jr.
Benjamin Cobb Fowlkes, jr.
Stanley James Horn.
Frank Andrew Pettit.
Ralph Augustus Lincoln.

SIGNAL CORPS

To be second lieutenants

Harrod George Miller.
Oscar Carl Maier.
Paul Maurice Seleen.
John Halliday McCormick.
Milton Taylor Hankins.
David Evans Bradford.
James Keller De Armond.

CAVALRY

To be second lieutenants

John William Bowman.
Thomas Leonard Harrold.
Robert Lee Howze, jr.
Ralph Tibbs Garver.
Allen Annesley Cavenaugh.
Rogers Alan Gardner.
Frank Gilbert Fraser.
William Henry Nutter.
Ronald Montgomery Shaw.
Conrad Stanton Babcock, jr.
John Ignatius Brosnan.
William Francis McLaughlin.
Roland Ainslee Browne.
Milo Howard Matteson.
Henry Randolph Westphalinger.
Gustavus Wilcox West.
George Peter Berilla, jr.
William Albert Fuller.

FIELD ARTILLERY

To be second lieutenants

Kenneth William Treacy.
William Ludlow Ritchie.
James Albert Channon.
Richard Thomas Clark.
Charles Parsons Nicholas.
Ernest Victor Holmes.
Harold Shaffer Gould.
Willard Lamborn Wright.
John Loomis Chamberlain, jr.
Frank John Hierholzer.
Charles Pearre Cabell.
James Joseph Deery.
Archer Frank Freund.
Alfred Boyce Devereaux.
Wilmer George Bennett.
Hubert Merrill Cole.
George Joseph Deutermann.
George Arthur Grayeb.
Hayden Young Grubbs.
Norman Holmes Smith.
Robert Milchrist Cannon.
Arthur Anton Ruppert.
Charles Cavelli, jr.
Thomas Byrd Whitted, jr.
George Henry McManus, jr.
John Murphy Willems.
John Franklin Bird.
Claude Franklin Burback.
John Frederic Powell.
William Nelson Gillmore.
Raymond Kimball Quekemeyer.
Littleton Adams Roberts.
Harry Clifton Larter, jr.
Harry Jean Harper.
Robert Pepper Clay.
William Leon Kost.

COAST ARTILLERY CORPS

To be second lieutenants

Carl Rueben Dutton.
Kyrl Leighton-Faxford de Gravelines.
Warren Nourse Underwood.
Carl Warren Holcomb.
Armand William Walter Hopkins.
John Wilson Huyssoon.
Alvin Truett Bowers.
Harold Foster Wiley.
John Frederick Gamber.
Carl Frederick Tischbein.
Allen War De Wees.
John Stephan Henn.
William Holmes Wood.
Henry Ewell Strickland.
James Wilbur Mosteller, jr.
Donald Janser Bailey.
Emmor Graham Martin.
John William Davis.
Robert Matheny Sampson.
Paul Leroy Weitfle, jr.

INFANTRY

To be second lieutenants

William Adgate Lord, jr.
Aubrey Strode Newman.
William Henry Bigelow.
Ernest Andrew Barlow.
John Salisbury Fisher.
William John Carne.
Ralph Frederick Bartz.
James Wentworth Clinton.
Arthur Bliss.
Lucien Eugene Bolduc.
John Daniel, jr.
Daniel Hamilton Robertson, jr.
Ralph Edmund Tibbetts.
Stanely Meservey Plaister.
Edwin Lynds Johnson.
Clyde Eugene Steele.
Ernest Holmes Wilson.
John Wingo Dansby.
William Harrison Morford, jr.
Meredith Cornwell Noble.
Leo Francis Kengla, jr.
John Amos Hall.
Nicholas Joseph Robinson.
Gerard William Kelley.
Henry Beane Margeson.
Donald Elwood Mitchell.
William Lloyd Burbank.
Wallace Hallock Honnold.
Walter Scott Strange.
Graham Kirkpatrick.
Marcel Gustave Crombez.
John William Gaddis.
William Everton Pheris, jr.
Alexander Andrew Dobak.
John Howard Bennett.
Wayne Carleton Smith.
Godwin Ordway, jr.
Edward Clement Mack.
Ira Kenneth Evans.
John Widder Bryan.
Samuel Adrian Dickson.
Dwight Harvey.
William Eldred Long.
John Llewellyn Lewis.
Edwin Bascum Kearns, jr.
Rinaldo Van Brunt.
George Patrick Lynch.
John Francis Holland.
John Porter Kidwell.
Clarence Harwood Smith.
Waldemar Noya Damas.
James Durward Barnett.
Claude Aubrey Black.
Joe Oriel McMahan.
Harry Wells Crandall.
Joseph Pringle Cleland.
Enoch Joseph Skalandzunos.
Edward Daniel McLaughlin.
William Griffith Stephenson.
Thomas Quinn Ashburn, jr.
Samuel Selden Lamb.
Curtis D. Renfro.
James Edward Boudreau.
Joseph Blair Daugherty.
Haskell Hadley Cleaves.
Albert Aaron Horner.
Louis Quarles McComas.
Leif Neprud.
Theodore Lamar Dunn.
Elliott Bickley Gose.
John Irené Soulé.
Floyd Ellsworth Dunn.
Michael John Geraghty.
Donald Dunford.
Arthur Superior Peterson.
Ralph Randolph Sears.
John Miller Brabson.

AIR SERVICE

To be second lieutenants

Harry Gordon Spillinger.
Vincent Joseph Esposito.
Cadet John Henry Dulligan.
Cadet Water Grant Bryte, jr.
Cadet Russell Edward Randall.
Cadet William O'Connor Heacock.
Cadet Walter William Hodge.
Cadet William Frank Steer.
Cadet Wiley Thomas Moore.
Cadet Thomas Elton Smith.
Cadet William Gardner Plummer.
Cadet Raymond Cecil Conder.
Cadet John William Black.
Cadet Arthur Charles Boll.
Cadet Clifford Palmer Bradley.
Cadet Branner Pace Purdue.
Cadet Robert Emmett Burns.
Cadet Joseph Cyril Augustin Denniston.
Cadet Nathaniel Claiborne Hale.
Cadet Raymond Miller Barton.

Cadet Welborn Barton Griffith, jr.
Cadet Hubert Whitney Ketchum, jr.
Cadet Earl Walter Barnes.
Cadet Porter Bush Fuqua.
Cadet Thaddeus Elmer Smyth.
Cadet Russell Thomas Finn.
Cadet John Laing De Pew.
Cadet George Bateman Peploe.
Cadet Charles Henry Caldwell.
Cadet Mitchell Alonzo Giddens.
Cadet George Wellington Madison Dudley.
Theodore Anderson Baldwin, 3d.
Judson MacIvor Smith.
Edgar Turner Noyes.
Ernest Avner Suttles.

COAST ARTILLERY CORPS

To be second lieutenant

Pierre Bacot Denson.

INFANTRY

To be second lieutenants

Samuel Mason Lansing.
Harvey Lyon Boyden.
Carl William Westlund.
George Randall Helmick.
Walter Llewellyn Wheeler.
Norme D. Frost.
Linus Dodge Frederick.
Willard Lynn Harris.
Gordon Pratt.
Milton Myles Murphy.
Lee Quintus Wasser.
George Charles McGinley.
Otto Wienecke.
Howard Knowles Vail.
Benjamin Thomas Starkey.
Percy Walter Thompson.
Lawrence Daniel Solomonson.
Aaron Jackson Yauger.
Clarence McCurdy Virtue.
Ralph Finch.
Charles Howard Valentine.
Julian Henry Baumann.
Joseph Kerr Gibson.
Michael Joseph Tierney.
Frank Gilmore Irvin.
Oscar Price Nutter.
George Vernon Holloman.
George Henry Dietz.
Donald Hubbell Smith.
Richard Hodgson Bridgman.
Luther Gordon Causey.
John Meade.
William Andrew Weddell.
Bluford Faris Hayes, jr.
John Randolph Jeter.
John Mulford Evans.
Theodore Anderson Seely.
James Thomas Dawson.
Burgo Doyle Gill.
William Wheeler O'Connor.
William Lewers Cornelius.
Walter Hoyt Kennett.
George Paul Harrison.
Edward Campbell Franklin.
Franklin Leslie Lichtenfels.
William Frederick Niethamer.
Harold Victor Roberts.
Jesus Airan.

PHILIPPINE SCOUTS

Emilio Molina Bataga to be second lieutenant.

MEDICAL CORPS

To be first lieutenants

Richard Emmons Elvins.
Otis Blaine Schreuder.
Clifton Earl High.
Henry August Roust.
Douglas Sheldon Kellogg.
John Paul Russell.
John Morris Hargreaves.
William Frank DeWitt.
Berna Thomas Bowers.
Walter Steen Jensen.

DENTAL CORPS

To be first lieutenants

James Melvin Epperly.
James Harvey Pence.
Everitte Favor Arnold.
Mackey Joseph Real.

VETERINARY CORPS

To be second lieutenants

Harry Raymond Leighton.
Verne Clifford Hill.
Elmer William Young.
Lewis Ellis Schweizer.

MEDICAL ADMINISTRATIVE CORPS

Seth Overbaugh Craft to be second lieutenant.

CHAPLAINS

Edward Robert Martin to be chaplain, with the rank of first lieutenant.

Edmund Emmanuel N. Savageau to be chaplain, with the rank of first lieutenant.

PROMOTIONS BY TRANSFER

ADJUTANT GENERAL'S DEPARTMENT

William Lay Patterson to be lieutenant colonel, Infantry.

John Flowers Crutcher to be major, Cavalry.

JUDGE ADVOCATE GENERAL'S DEPARTMENT

Edmund Clarence Abbott to be lieutenant colonel, Infantry.

QUARTERMASTER CORPS

Leonard Lyon Deitrick to be lieutenant colonel, Finance Department.

Henry Roland Smalley to be major, Cavalry.

James William Howder to be captain, Infantry.

John Edward Adamson to be first lieutenant, Infantry.

CORPS OF ENGINEERS

Gilbert Edward Linkswiler to be second lieutenant, Field artillery.

ORDNANCE DEPARTMENT

Raymond Marsh to be major, Field Artillery.

Ittai Albert Luke to be captain, Field Artillery.

Leland Adrian Miller to be captain, Coast Artillery Corps.

Harry Niles Rising to be first lieutenant, Infantry (detailed in Ordnance Department).

William Clair Atwater to be first lieutenant, Corps of Engineers.

Arthur Dale Rothrock to be first lieutenant, Infantry (detailed in Ordnance Department).

SIGNAL CORPS

Clyde Leslie Eastman to be major, Field Artillery.

Harry Lee Bennett, jr., to be captain, Infantry (detailed in the Signal Corps).

John Cheney Platt, jr., to be captain, Infantry (detailed in the Signal Corps).

Richard Bartholomew Moran to be captain, Infantry.

William Oliver Reeder to be first lieutenant, Field Artillery.

Robert Alston Willard to be first lieutenant, Infantry.

Randolph Piersol Williams to be first lieutenant, Corps of Engineers.

Robert Robinson to be first lieutenant, Infantry.

John Carl Green to be first lieutenant, Infantry.

John Kennedy Buchanan to be first lieutenant, Infantry (detailed in Signal Corps).

Wiley Vinton Carter to be first lieutenant, Infantry (detailed in Signal Corps).

Arthur Pulsifer to be first lieutenant, Infantry (detailed in Signal Corps).

CAVALRY

Frederick Gilbreath to be major, Quartermaster Corps.

Clyde Massey to be second lieutenant, Air Service.

John Harold Claybrook, jr., to be second lieutenant, Air Service.

Paul Ready Greenhalgh to be second lieutenant, Air Service.

Donald Hudson Bratton to be second lieutenant, Air Service.

August William Farwick to be second lieutenant, Air Service.

Glenn Oscar Barcus to be second lieutenant, Field Artillery.

FIELD ARTILLERY

Clarence Richmond Day to be colonel, Cavalry.

William Kern Moore to be lieutenant colonel, Quartermaster Corps.

Edward Raymond Coppock to be lieutenant colonel, Cavalry.

Robert Davis to be lieutenant colonel, Signal Corps.

George Percy Hawes, jr., to be lieutenant colonel, Quartermaster Corps.

Frank Keet Ross to be major, Adjutant General's Department.

Richard Mars Wightman to be captain, Infantry.

Laurence Henry Hanley to be captain, Infantry.

Paul Ward Beck to be first lieutenant, Ordnance Department.

Ivan Downes Yeaton to be first lieutenant, Infantry.

Charles Roderick Mize to be first lieutenant, Ordnance Department.

Kenneth Lafayette Johnson to be second lieutenant, Infantry.

Eugene Barber Ely to be second lieutenant, Air Service.

Conrad Lewis Boyle to be second lieutenant, Cavalry.

COAST ARTILLERY CORPS

Coleman Ferrell Driver to be captain, Infantry.

Dean Stanley Ellerthorpe to be second lieutenant, Air Service.

Leo Douglas Vichules to be second lieutenant, Air Service.

George Almond Ford to be second lieutenant, Air Service.

Will Knox Stennis to be second lieutenant, Field Artillery.

George Avery Chester to be second lieutenant, Field Artillery.

INFANTRY

Cassius McClellan Dowell to be major, Judge Advocate General's Department.

Walter Carey Rogers to be captain, Cavalry.

George De Vere Barnes to be first lieutenant, Quartermaster Corps.

John Walker Childs to be second lieutenant, Signal Corps.

Edward Harvey Clouser to be second lieutenant, Air Service.

Joseph Aloysius Kielty to be second lieutenant, Air Service.

Washington Mackey Ives, jr., to be second lieutenant, Air Service.

Rupert Davidson Graves to be second lieutenant, Air Service.
George Edward Lightcap to be second lieutenant, Air Service.
David Marshall Ramsay to be second lieutenant, Air Service.
Frank Riley Loyd to be second lieutenant, Air Service.
Harry William Miller to be second lieutenant, Air Service.
Lewis Ackley Riggins to be second lieutenant, Air Service.
Maximilian X Ware to be second lieutenant, Coast Artillery Corps.

AIR SERVICE

Charles Janvrin Browne to be major, Field Artillery.
Jack Clemens Hodgson to be first lieutenant, Infantry (detailed in Air Service).
Charles Backes to be first lieutenant, Infantry (detailed in Air Service).
Nathan Farragut Twining to be first lieutenant (detailed in Air Service).
Arnold Hoyer Rich to be second lieutenant, Infantry (detailed in Air Service).
Harvey Kenneth Greenlaw to be second lieutenant, Cavalry (detailed in Air Service).
Homer Wilbur Ferguson to be second lieutenant, Field Artillery (detailed in Air Service).

BY PROMOTION

To be colonels

Will H. Point.
William Murray Connell.
Theodore Burnett Taylor.
Henry Ashley Ripley.
William Harrison Monroe.
William Albert Kent.
Theodore Schultz.
Alvan Cullom Gillem.
William Benton Cowin.
Richard Ten Broeck Ellis.
Frederick William Stopford.
Henry Holden Sheen.
John Wiley Gulick.
Homer Blaikie Grant.
Frank Edward Hopkins.
Fred Thaddeus Austin.
Alexander Greig, jr.
Allen Dwight Raymond.
James Robert Pourie.

To be lieutenant colonels

Myron Sidney Crissy.
Oscar Foley.
Frederick Dudley Griffith, jr.
Albert Bowdre Dockery.
Henry Edmistoune Mitchell.
Charles McHenry Eby.
William Henry Cowles.
Henry Meredith Nelly.
Frederick Frasier Black.
William Alexander McCain.
John Knowles Herr.
Joseph Fulton Taulbee.
David Henry Bower.
Hiram Marshall Cooper.
Troup Miller.
Benjamin Franklin Miller.
William Waller Edwards.
John Alexander Barry.
William Whitelaw Gordon.
Walter Osgood Boswell.
Raymond Sidney Bamberger.
Malcolm Peters Andruss.
Gulielmus Villard Heidt.
Albert Hecker Mueller.
Samuel James Sutherland.

To be majors

Reese Maughan Howell.
Henry Jervis Friese Miller.
Alfred Schrieber Balsam.
Howard Donnelly.
John Nicholas Robinson.
Victor Vaughan Taylor.
Tom Fox.
Thomas James Hanley, jr.
Jacob John Gerhardt.
Leo Andrew Walton.
Ralph Pittman Cousins.
William Putnam Cherrington.
John Franklin Stevens.
Charles Robert Finley.
Vernon Edwin Prichard.
Adlai Howard Gilkeson.
Gilbert Smith Brownell.
Richard Carlton Stickney.
Edward James Dwan.
Jesse Beeson Hunt.
John Ross Mendenhall.
Norman Randolph.
Joseph Monroe Murphy.
George Edward Stratemeyer.
Eustis Lloyd Hubbard.
Frederic William Boye.
Leroy Hugh Watson.
Henry Harold Dabney.
Arthur Arnim White.
John Keliher.
Benjamin Willis Mills.
Thomas Fenton Taylor.
Marshall Henry Quesenberry.
Richard Wilmer Cooksey.
Daniel Allman Connor.
George Mayo.
Paul Theodore Bock.
Herbert Spencer Struble.
Francis Jewett Baker.
Eugene Owen Hopkins.
Dana Woods Morey.

To be captains

Harry Ogle Tunis.
Helmer Swenholt.
Samuel Nairn Karrick.
Grosvenor Liebenau Wotkyns.
Adel Curry Harden.
Guy Hill.
George Moseley Chandler.
Irving Alvan Oppermann.
William Waite.
George Eugene Lamb.
Harold Ogier Godwin.
Robert Burdette Woolverton.
Jacob Ramser McNiel.
Henry Clyde Clark.
Jacob Herman Osterman.
John Joseph Devery, jr.
John Andrews MacLaughlin.
Samuel Houston Ware.
Edward Bernard Schlant.
Richard James Sothern.
James Briggs Haney.
Milo Cooper Pratt.
Harry Stockton Farish.
Albert Jordan Brandon.
James Laban Alverson.
Charles Edward Ehle.
John Robert Bailey.
Elmer Edward Adler.
Joseph Evan Smith.
Robert Joseph Kennedy.
Francis Camillus Beebee.
Guy Russell Hartrick.
Edward Joseph Riordan.
Voler V. Viles.
Edwin Vivian Dunstan.
Hubert Albert Stecker.
Samuel Clinton Payne.
Hugh Pigott Oram.
Arthur William Beer.
Lewis Mitchell McBride.
Thomas Bayton McGill.
Robert Stanley Beard.
Rowan Adams Greer.
Chalmers Dale.
William James Allen.
Henry Spencer Evans.
Ernest Walter Wilson.
Vaughan Morris Cannon.
Wilson Stuart Zimmerman.
Graeme Gordon Parks.
Edwin Paull Ketchum.
Frank Lee McCoy.
Cyril Clifton Chandler.
Fred Harold Norris.
James Francis Clark Hyde.
Robert James Kirk, jr.
Leo Alexander Bessette.
Kent Clayton Mead.
James Wellington Younger.
Amory Vivion Eliot.
James Clarence Reed.
Oliver Wendell Broberg.
Richard Sylvester Gessford.
Benjamin Mills Crenshaw.
Alexander Garrett Olsen.
Robert Kauch.
Arthur Riehl Wilson.
John Major Reynolds.
Basil Vernon Fields.
Bickford Edward Sawyer.
Irwin Samuel Dierking.
Donald Boyer Rogers.
Clinton Fisk Woolsey.
Joseph Bartholomew Conmy.
William Randolph Watson.
George Curtis McFarland.
Collin Stafford Myers.
John Peter Neu.
William Herschel Middleswart.
Frank Sims Mansfield.
Ralph C. G. Nemo.
Ross Franklin Cole.
John Pinnix Lake.
Heston Rarick Cole.
Russel Burton Reynolds.
Harold Douglas Dinsmore.
Paul Clarence Boylan.
Ralph Floyd Love.
William Irving Sherwood.
Charles Wilkes Christenberry.
Charles Andrew Beaucond.
Stewart Franklin Miller.
Hugh Campbell Parker.
Loyal Moyer Haynes.
Floyd Marshall.
William Carey Lee.
Cecil John Gridley.
Leonard Henderson Sims.
John Edwin Ray.
Roy Thomas Barrett.
Clyde Lloyd Hyssong.
Raymond Jay Williamson.
Vere Painter.
Walter Julius Ungethuem.

To be first lieutenants

Richard Clare Partridge.
Edward John McGaw.
Harold Thomas Miller.
Tyree Rivers Horn.
William Chamberlaine.
Joseph Leo Langevin.
William Hardy Hill.
Louis Jacob Claterbos.
Auguste Rhu Taylor.
James Kenneth Mitchell.
Frank Andrew Henning.
Ewart Gladstone Plank.
James Malcolm Lewis.
Bernard Linn Robinson.
John Robert Culleton.
James Goodrich Renno.
Charles Steinhart Whitmore.
James Hobson Stratton.
Lee Armstead Denson, jr.
Lawrence Granger Smith.
Edward Haviland Lastayo.
Alexander Romeyn MacMillan.
George DeGraaf.
Lathrop Ray Bullene.
James Alexander Samouce.
William Wallace Ford.
George Dewey Vanture.
Harry Earl Fisher.
Donald Sylvester Burns.
Donald James Leehey.
Carl Edwin Berg.
Joseph Eugene Harriman.
George Joseph Loupret.
William Squires Wood.
Thomas Arnett Roberts, jr.
Verne Donald Mudge.
John Loren Goff.
Francis Henry Morse.
Edward Macon Edmonson.
William Gordon Holder.
Halstead Clotworthy Fowler.
Lyman Louis Lemnitzer.
Leslie Burgess Downing.
William Ignatius Brady.
Eugene Martin Link.
Charles Himmler.
John States Seybold.
Cornelius Garrison.
William Harry Bartlett.
Donald Breen Herron.
Edward Clinton Gillettes, jr.
Russell Owen Smith.
Freeman Grant Cross.
Rex Van Den Corput, jr.
Homer Watson Kiefer.
James Myron McMillin.
Joseph Harris.
John George Howard.
Ford Trimble.
Robert Hugh Kreuter.
Laurence Wood Bartlett.
Donald Frank Stace.
Reynolds Johnston Burt, jr.
John Dickerson Mitchell.
Clarence Henry Schabacker.
Ewart Jackson Strickland.
Fred Lebbeus Hamilton.
John Francis Cassidy.
John Foxhall Sturman, jr.
Joseph Jacob Billo.
Wilbert Engdahl Shallene.
Clarence Clemens Clendenen.
William Carleton McFadden.
Eugene Collum Johnston.
Hugh Whitaker Winslow.
James Hess Walker.
Claude Eugene Haswell.
Lyman Lincoln Judge.
Frank Needham Roberts.
Francis Henry Lanahan, jr.
Lawrence Edward Schick.

Courtney Parker Young.
Henry Chester Hine, jr.
John Donald Robertson.
William Price Withers.
Frederick Robert Pitts.
Sherman Vitus Hasbrouck.
Arthur Kenley Hammond.
Crump Garvin.
Martin Charles Casey.
Hamilton Peyton Ellis.
Thomas Dresser White.
Frederick Mixon Harris.
Dwight Acker Rosebaum.
Kenneth Gilpin Hoge.
Donald Robert Van Sickler.
Richard Candler Singer.
John Henry Hoffecker Hall.
Aladin James Hart.
Robert Edwards.
Jefferson Denman Box.
William Richter Tomey.
Joseph Honore Rousseau, jr.
Lawrence Joseph Carr.
Maurice Wiley Daniel.
Alexander Hamilton Perwein.
Clovis Ethelbert Byers.
Oscar Raymond Johnston.
George Andrew Rehm.
Edward Carl Engelhart.
Charles Whitney West.
Park Brown Herrick.
Herbert Carl Reuter.
Helmer William Lystad.
Harold Edward Smyser.
Esher Claflin Burkart.
Thomas Eginton Whitehead.
Alexander George.
Charles Kenon Gailey, jr.
Mortimer Frederick Wakefield
Francis William Farrell.
Wilmer Briton Merritt.
Harry Clark Wisehart.
John Irvin Gregg, jr.
Charles Merton Adams, jr.
Frank Hoben Blodgett.
John Ferral McBlain.
Richard Meade Costigan.
Gustave Harold Vogel.
Basil Girard Thayer.
Edward Joseph Sullivan.
James Perrine Barney, jr.
Wilbur Sturtevant Nye.
Charles Harlan Swartz.
Leland Stuart Smith.
Carl Frederick Duffner.
Millard Pierson.
Harold Oliver Sand.
Harlan Thurston McCormick.
Ray Olander Welch.
John Lamont Davidson.
Julian Erskine Raymond.
George Honnen.
Charles Porter Amazeen.
Edward Thomas Williams.
Frank Thweatt Searcy.
George William Bailey, jr.
Henry Kirk Williams, jr.
Alan Lockhart Fulton.
Terrence John Tully.
Paul Clarence Kelly.
James Miller Rudolph.
William Earl Crist.
Claude Monroe McQuarrie.
William Lemuel Mitchell.
Escalus Emmert Elliott.
Milton Cogswell Shattuck.
Joseph Vincent de Paul Dillon.
Hayden Adriance Sears.
John Thomas Lynch.

Anastacio Quevedo Ver to be major, Philippine Scouts.
Pastor Martelino to be first lieutenant, Philippine Scouts.

MEDICAL CORPS

To be lieutenant colonels

Earl Harvey Bruns.
Herbert Charles Gibner.

To be captain

Hubert Maurice Nicholson.

VETERINARY CORPS

To be lieutenant colonels

Robert Julian Foster.
George Alexander Hanvey, jr.

To be majors

George Henry Koon.
Ralph Maurice Buffington.
Daniel Buchter Leininger.

To be captains

Herbert Kelly Moore.
Raymond Thomas Seymour.
Oscar Charles Schwalm.
Claude Francis Cox.
Harry Lawrence Watson.
James Earl Noonan.
Gardiner Bouton Jones.
Edwin Kennedy Rogers.
John Richard Ludwigs.
Nathan Menzo Neate.

MEDICAL ADMINISTRATIVE CORPS

To be captains

Pinkney Lavater Ogle.
William Hunter.
Edward Dwight Sykes.
John Werry Cleave.
Frederick Samuel Simmons.
Charles Spaulding Sly.
Lewis Llewellyn Tanney.
Harry Greeno.

To be first lieutenant

Thomas Pinkney Brittain.

To be second lieutenants

Wade Hampton Johnson.
Douglas Hall.

CHAPLAINS

To be chaplains, with the rank of captain

Frank Lewis Miller.
Ralph Conrad Deibert.
Ralph Winfred Rogers.

BY TRANSFER

To be second lieutenants

Robert Emmett Burns, Signal Corps.
George Wellington Madison Dudley, Infantry.
John O'Day Murtaugh, Infantry.

PROMOTIONS

To be first lieutenants

John Black Reybold.
John Raoul Guiteras.

MEDICAL ADMINISTRATIVE CORPS

To be first lieutenant

Wade Hampton Johnson.

POSTMASTERS

ALABAMA

Ethel Liddell, Butler.
Skipwith C. Taylor, Calvert.
Stella M. Stallworth, Chapman.
Effie Jordan, Chatom.
James A. Stallworth, Crichton.
Jesse L. McKay, Faunsdale.
Ella L. Rentz, Gilbertown.
William F. Barnard, Gordo.
Lewis A. Easterly, Hayneville.
Joseph Loranz, Jackson.
Nannie M. King, Midway.
Benjamin R. Alison, Minter.
Emma E. Yarbrough, Monroeville.
W. Vester Walker, Tuscumbia.
Ira L. Sharbutt, Vincent.

GEORGIA

Fox D. Stephens, Macon.

INDIANA

Edith B. Smith, Ambia.
Mary J. Haines, Amboy.
Ivan C. Morgan, Austin.
Ralph C. Thomas, Bluffton.
Carl McKinley, Borden.
John P. Switzer, Bryant.
Forrest Oilar, Chalmers.
Glenn Zell, Connersville.
Homer E. Wright, Crandall.
Fred Y. Wheeler, Crown Point.
Marion L. Medcalf, Dale.
Roscoe N. Shroyer, Daleville.
Mary W. Lawrence, Earlham.
Charles H. Ruple, Earl Park.
Roy M. Nading, Flat Rock.
Harold H. Brinkley, Fountain City.
Mollie P. Askren, French Lick.
Alfred S. Hess, Gary.
William A. Carson, Glenwood.
Kent A. Brewer, Greenwood.
Cyrus B. Dirrim, Hamilton.
Herbert A. Marsden, Hebron.
Homer E. Hostettler, Henryville.
Edward B. Spohr, Jamestown.
Albert Honehouse, Kouts.
Ethel J. Pinney, La Crosse.
Durward F. Bailey, Lakeville.
Nellie C. Beard, Larwill.
Lyman R. Rainforth, Leavenworth.
Mary E. Hopewell, Linden.
Homer O. Hart, Linton.
John G. Sloan, Marengo.
Jesse A. McCluer, Marshall.
Lee G. Corder, Merom.
Harold D. Johnson, Milroy.
Charles H. Callaway, Milton.
Grover H. Oliver, Monroe.
Philip E. Rowe, Mount Vernon.
Ira F. Poling, Nashville.
Fred J. Merline, Notre Dame.
Charles W. Burkett, Otterbein.
Loren N. McCloud, Royal Center.
Alfonso L. Riggs, Rushville.
Aldo M. Baker, St. Joe.
Jacob F. Ruxer, St. Meinrad.
Lowell D. Smith, Sellersburg.
Cyrus V. Norman, Sheridan.
Hollice C. Brown, Silver Lake.

James B. King, Star City.
Andrew S. Blaine, Walkerton.
Jesse F. McGehee, Washington.
Russell C. Wood, West Lebanon.
Thomas Jensen, Wheatfield.
William F. Kahler, Winamac.
Edgar Spencer, Wolcott.
Henry Chapman, Woodburn.

KENTUCKY

Fanny B. Gordon, Auburn.
Anna M. Seaton, Buechel.
Emma A. Ellis, Campbellsville.
David Johnson, Clinton.
Bennie Robinson, Corinth.
George A. Seiler, Covington.
Marvin W. Barnes, Elizabethtown.
Harlan M. Hatfield, Glendale.
Fannie M. Long, Gracey.
Leonas C. Starks, Hardin.
Nell Hooker, Hickory.
Roy J. Blankenship, Hitchins.
William Blades, Island.
Mary A. Cage, Lakeland.
Effie S. Basham, Leitchfield.
Otis C. Thomas, Liberty.
Mattie B. Mullins, Mount Vernon.
Dea Whitaker, New Castle.
Herbert C. Miller, Pembroke.
Minnie O. Tschiffely, Pewee Valley.
Eli G. Thompson, Providence.
James M. Wolfinbarger, Ravenna.
Verda Grimes, Salem.
William E. Ashby, Shepherdsville.
Mary K. Diersing, Shively.
Peter H. Butler, Smiths Grove.
John S. Jones, West Point.
Mildred A. Day, Whitesville.

MICHIGAN

Fred A. Acker, Adrian.
John H. Nowell, Amasa.
William H. Ebert, Arcadia.
Albert Hass, Bad Axe.
Frank J. Eisengruber, Bay Port.
Lillian J. Chandler, Benzonia.
Albert L. Eggers, Bravo.
Herman Buby, Brown City.
Willis Wightman, Buckley.
Morton G. Wells, Byron Center.
Ida W. Wagner, Capac.
Edward A. Webb, Casnovia.
Henry P. Hossack, Cedarville.
Carl Van Valkenburgh, Center Line.
Arthur J. Gibson, Central Lake.
Henry M. Boll, Channing.
Orrin T. Hoover, Chelsea.
Arthur H. Hawkins, Clayton.
Ellis A. Lake, Colon.
Harry G. Turner, Covert.
Joseph M. Lascelle, Crystal.
Sarah G. Howard, Custer.
Elsie R. Stephens, Davison.
Fred E. Hazle, De Witt.
Clarence E. Norton, Dimondale.
Roy A. McDonald, Douglas.
Elery H. Wright, Empire.
John A. Semer, Escanaba.
Ettie M. Meyer, Fowler.
Lawrence Tobey, Free Soil.
Allison I. Miller, Fremont.
Cyrenius P. Hunter, Gagetown.
Joseph Deloria, Garden.
Frank Wilkinson, Gaylord.
R. Deneen Brown, Hale.
George A. McNicol, Hillman.
Edgar Hilliard, Kaleva.
Ambrose B. Stinson, Kingsley.
Fred R. Allen, Leslie.
Harry J. Skinner, McMillan.
Leonard Van Regenmorter, Macatawa.
Louis W. Biegler, Marquette.
Gordon J. Murray, Michigamme.
George D. Mason, Montague.
Ellen L. King, Morley.
William C. Hacker, Mount Clemens.
John H. Fink, New Baltimore.
Eva A. Wurzburg, Northport.
Mack Herring, Osseo.
Gordon D. Dafoe, Owendale.
George M. Dewey, Owosso.
Harry Davidson, Palmer.
William H. Richards, Perrinton.
Sumner Blanchard, Perry.
Fred E. Heath, Plainwell.
Harry A. Dickinson, Port Hope.
Charles J. Schmidlin, Rockland.
Eugene C. Edgerly, Rudyard.
Grace E. Gibson, Scotts.
Minnie E. Morrison, Stevensville.
Olof Brink, Tustin.
George B. Moat, Twining.
Edwin J. Hodges, Vanderbilt
Elmon J. Loveland, Vermontville.
Levant A. Strong, Vicksburg.
Harlan W. Johnson, Wakefield.
Emerson L. Bunting, Walkerville.
Rollo G. Mosher, Wayland.
Mae O. Wolfe, Weidman.
Jay W. Ellsworth, Wheeler.
George M. Gaudy, Ypsilanti.

MISSISSIPPI

Rosa W. Burton, Alligator.
Sarah A. Tyner, Bay Springs.
Frank M. O'Shea, Charleston.
Leonard C. Gibson, Crawford.
Ottie F. Lawrence, Grenada.
Frances G. Wimberly, Jonestown.
Anselm P. Russell, Magee.
Mary A. Patterson, Pinola.
Elise Thoms, Richton.
William P. Gardner, jr., Saltillo.
John C. McGowen, Seminary.
John C. Bowen, Senatobia.
Lofton B. Fairchild, Shubuta.
Emma M. Berry, Silver Creek.
James Chamberlain, Wiggins.

HOUSE OF REPRESENTATIVES

TUESDAY, *December 15, 1925*

The House met at 12 o'clock noon.

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

The Lord be gracious and merciful unto us according to our necessities; have compassion upon our weakness and ignorance and give us great desire to be Thy children of light and truth. Deepen our thoughts, inspire our purposes, and bring us into complete harmony with the very best that is in human thought and action. Above all transient things may we still feel how supremely essential are the truths of the unseen and eternal. When we separate to-day, dismiss us with Thy blessing. Amen.

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

SWEARING IN OF MEMBERS

Mr. MOONEY and Mr. W. T. FITZGERALD appeared at the bar of the House and took the oath of office prescribed by law.

LETTER OF THANKS

The SPEAKER. The Chair lays before the House a communication, which the Clerk will read.

The Clerk read as follows:

COTTAGE GROVE, OREG.

Hon. NICHOLAS LONGWORTH,

Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Shortly after the adjournment of the Sixty-eighth Congress in March last there was received at our home in Oregon the exquisite silver tea service given as a wedding present by the House of Representatives. An earlier acknowledgment has not been possible by reason of the House not being in session.

I am therefore taking advantage of the first available opportunity to try to give expression to the almost overwhelming sense of appreciation which I feel upon being the recipient of this valuable and beautiful gift.

Coming from any source it would be prized; coming from the Members of that great legislative body of the Nation, about which cluster the earliest and many of the most delightful recollections of my life, the gift becomes a treasure of inexpressible value.

The thanks of Mr. Koehler and of myself are tendered to you, and through you to those of the membership who so thoughtfully and touchingly remembered us with this precious gift.

With the greatest respect and best wishes,

Most sincerely yours,

VIRGINIA GARRETT KOEHLER.

DECEMBER 8, 1925.

[Applause.]

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the following resolution:

H. J. Res. 67. Joint resolution authorizing the salaries of the officers and employees of Congress for December, 1925, on the 19th day of that month.

The message also announced that the Vice President had appointed Mr. STANFIELD and Mr. PITTMAN members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday (to-morrow) be dispensed with. I believe there is no business on the calendar that could come up, but I presume it is necessary to go through this formality, and I therefore ask at this time that the Calendar Wednesday business be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the business in order on to-morrow, Calendar Wednesday, be dispensed with. Is there objection?

Mr. CANNON. Mr. Speaker, may I suggest to the gentleman from Connecticut [Mr. TILSON] that it has been repeatedly held that where there is no business on the calendar it is unnecessary to make such a request. Both Speaker GILLETT and Speaker Clark have held that where there was no business on the calendar which might or could come up on Calendar Wednesday, that a request for dispensing with the business in order on that day was superfluous and was not entertained.

Mr. TILSON. Of course, Mr. Speaker, I am aware that if there were no business the calendar would be instantly called, and, no business appearing, we could then go on with the regular business, but to make it sure and as a matter of precaution I make the request now.

Mr. LUCE. Mr. Speaker, reserving the right to object, and I do not intend to object, I desire to use this opportunity to call to the attention of the House the facts about Calendar Wednesday; and I do this because in the last Congress I was the chairman of one of the committees that was not reached in the course of its deliberations.

The calendar shows 61 committees that might have been reached. In the course of the two years 23 committees were reached. There were 35 days upon which committees might have had an opportunity to be heard. Of these only 21 were used, and they were used by only 15 committees of the House. At the time of adjournment the call rested with the twenty-third committee. Thus only about one committee out of three of the House was able to avail itself of the purpose of the rule about Calendar Wednesday.

It is true that in the first third of the list are many of the important committees, but farther down were these, which are not altogether unimportant, that had no opportunity to be heard on Calendar Wednesday: Education, Labor, Patents, the Civil Service, Irrigation and Reclamation, Immigration and Naturalization, Census, Roads, World War Veterans' Legislation, and Flood Control.

Doubtless others had work which they would be glad to have had considered. My own committee is a small committee, has but five members, and its business is not of vast importance. Yet its inability to take advantage of the opportunity presented by Calendar Wednesday caused, in my judgment, the loss to the city of Washington of a monument for which $100,000 had been offered, and of a memorial which by reason of the delay in action here now adorns the campus of an educational institution in West Virginia. These are but two instances of how our work was hampered in the last Congress.

On looking through the RECORD, I am not disposed to make any criticism. I am not sure that as to any single occasion when consent was asked to dispense with Calendar Wednesday, I should want to question the judgment of the gentleman making the request; but the fact is that the purpose of Calendar Wednesday is rapidly being thwarted, and should the present rate of progress continue, Calendar Wednesday will almost wholly disappear.

I hold, sir, that Calendar Wednesday has its value. It serves the purpose of the House in handling the bills of medium importance. As the procedure goes to-day, the bills that are reasonably certain of being considered here are the very big bills or the very little bills; those on the one hand that can get special rules, and on the other that arouse the opposition of not more than three Members of the House. There are not a few bills which, if they could have but a short hearing, would commend themselves to the judgment, I am sure, of a majority of the Members; bills which might arouse the opposition of 5, 10, or 15 Members, but to which the majority would give a hearty approval.

As it is to-day, the work of three-fourths of the committees on these bills goes for naught. They are too small for special rules. The Committee on Rules ought not to be asked to bring in special rules for them, and yet they are of grave enough importance to a large number of citizens and to the country at large to warrant the chance for consideration that was contemplated in drafting this rule about Calendar Wednesday.

Laying the facts before the House, I would ask the gentleman from Connecticut [Mr. TILSON] whether in his judgment it might not be helpful to consider the status of the rule about Calendar Wednesday, and see if some change might not be made in it which would give to each of the committees of the House at least one day in court. The rule contemplated two days in court, but all I am asking for, at any rate, the little committee of which I am chairman is one day in two years.

Mr. TILSON. If the House will bear with me for a moment, it seems to me that the gentleman from Massachusetts answers his own question when he says that as far as he can recollect on no occasion when Calendar Wednesday business has been dispensed with would he take issue with the judgment of the House. It seems to me that the judgment of the House will take care of this matter when each occasion arises, and while Calendar Wednesday will have served its purpose of giving consideration to the medium class of bills, as the gentleman from Massachusetts says, more important matters can be brought up under a special rule, and smaller matters can be considered on the Unanimous Consent Calendar or on suspension days. It seems to me that Calendar Wednesday is serving its purpose very well.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BLANTON. The gentleman from Massachusetts does not need any Calendar Wednesday; he can call bills up and pass them at will. The gentleman passed a very important bill at the last session.

Mr. TILSON. I think that bills should continue to be considered in the same way as heretofore, and if the occasion arises when we can not consider a bill on Calendar Wednesday that properly should be considered, the Rules Committee can take care of it.

The SPEAKER. The Chair thinks the request of the gentleman from Connecticut is proper. While it is understood that no business will be called up, it is possible that some committee might report this afternoon; and, furthermore, the Chair might be compelled to sustain a point of order, if raised, and at least have the committees called. The gentleman from Connecticut asks unanimous consent that the business on Calendar Wednesday to-morrow be dispensed with. Is there objection?

There was no objection.

THE REVENUE BILL

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 1, of which the Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes.

The CHAIRMAN. The first order of business will be the consideration of the amendment offered and now pending by the gentlewoman from New Jersey.

Mr. RAINEY. Mr. Chairman, I offer a substitute.

Mr. RAMSEYER. Mr. Chairman, can we have the first amendment read?

The CHAIRMAN. The Clerk will report the amendment by the gentlewoman from New Jersey and the substitute by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mrs. NORTON: Page 50, line 25, after the word "of," strike out "$1,500" and insert in lieu thereof "$2,500"; and, on page 51, lines 2 and 4, strike out the figures "$3,500" and insert in lieu thereof "$5,000."

Mrs. NORTON. Mr. Chairman, this being my maiden speech, I recall an old saying that "Fools rush in where angels fear to tread." I first wish to thank the gentlemen who had similar amendments to offer, for their kindly courtesy in withdrawing in my favor, that I may have the honor of offering this important amendment. Sir Walter Raleigh could have done no more.

I offered the amendment that the exemptions proposed in the pending tax bill be raised to $5,000, instead of $3,500, for married persons, and $3,000, instead of $1,500, for single taxpayers, because I believe it to be fair and just to the one class of people who have felt the burden of taxation greater than any other, the working class, which is the backbone of the Nation.

While I fully appreciate the splendid work done by the members of the Ways and Means Committee in thus presenting this revenue bill, I still believe that the burden of Federal taxation should be lifted from the wage earners. It has been said that every citizen should pay a tax and help to bear the responsibility, great or small, of the upkeep of this great Nation. Every citizen does pay a tax, one way or another; they are taxed for every so-called "luxury" they enjoy; some have a municipal tax, others a State tax, and yes, the tariff.

Take the family man, earning an average salary of $3,500 a year, with three or more children to rear and educate. What chance has he to indulge in a few of the pleasures of life or an opportunity to give his child a good education, which is so essential in the world to-day?

What of the unmarried man or woman, with a salary of $3,000 and an invalid mother, father, or sister to support? Must they be forever denied all that life holds dear through the burden of taxation? Do they not pay a tax on their amusements, their clubs, and so forth, which are styled "luxuries," but in reality are necessary for the welfare of the human race. I represent an industrial center and have had time to consider their handicaps.

Taxation was of vital importance during the war. "Give until it hurts" was the cry, and the cry was heard from East to West and North to South, all responding cheerfully to the call, that America might win. The war has long been over, and we fervently hope forever; still, our people are crippled by heavy taxes and have at last cried out for help at home as well as abroad.

Promises have been made by the two major political parties that incomes of $5,000 or less should be freed from taxation. This is not a partisan question; it is the business of the people, and we in Congress as their representatives, should heed their call and respond with quick action.

The people's taxes are now nearly three times those of 1914. Are they not now entitled to some relief? We can give relief to our foreign debtors; why can not we extend similar relief to the people at home, the taxpayers of the greatest Nation in the world? [Applause.]

The late Senator Ralston (peace be to his ashes) in his speech in the Sixty-eighth Congress advocated this proposition: That it would be fair and right to exempt incomes up to $5,000; and I regard Senator Ralston as having been a great statesman and the champion of sound Democratic doctrine. [Applause.]

I appeal to all—Democrats, Republicans, and Progressive Republicans—to vote as a unit not as a party on this amendment which affects all constituents. In your campaign speeches you have often declared yourself as a "friend of the working people." Now is your chance to prove it.

The spirit of Christmas is upon us, a gift-giving time; let Uncle Sam lead and prove a real Santa Claus to his heavily burdened people. Then we can go home and feel that it will be "Peace on earth, good will toward men." [Applause.]

The CHAIRMAN. The Clerk will read the substitutes.

The Clerk read the following substitutes offered by Mr. RAINEY:

Page 50 and page 51, in line 2 of page 51, strike out "$3,500" and insert "$2,500" in lieu thereof.

In line 4, page 51, strike out "$3,500" and insert "$2,500" in lieu thereof.

Mr. RAINEY. Mr. Chairman, the amendment I have offered is a substitute for the amendment presented by the lady from New Jersey and does not affect the personal exemption given in this bill to a single person. It only affects the exemption given in this bill to married persons, striking out $3,500 where it occurs in both places, on page 51 of this bill, and substitutes $2,500 for it, which is the exemption given to a married person living with husband or wife under existing law. My amendment does not affect the provisions in subdivision (d) on account of dependents. Therefore if my substitute amendment is adopted the exemptions allowed to married income-tax payers will stand just as they are in the law at the present time.

The reason for this amendment is this: It is not possible in the Treasury Department to tell with any degree of accuracy, or even approximately, as I am advised, how many unmarried taxpayers there are who will be affected by the proposed increase in exemptions from $1,000 to $1,500, and therefore, having in mind the cost of sustenance and the cost of living, I am permitting by this substitute amendment of mine the unmarried exemption to remain at $1,500, as proposed in this bill. There are 2,300,000 married taxpayers in the United States who will be affected by this increase in the exemptions proposed in the bill of from $2,500 to $3,500, if it goes into effect, and who will pay no income taxes at all. This is an enormous number of taxpayers. Over half of the entire number of taxpayers on our rolls at the present time will be entirely relieved from the payment of taxes, or approximately one-half, if this amendment goes into effect. At the present time and during the last fiscal year we had on the rolls something over 4,200,000 taxpayers. To relieve 2,300,000 taxpayers from the payment of $23,000,000 in taxes is a serious matter indeed. It leads in the direction of serious economic problems which may present themselves when the next period of unemployment and depression occurs. The farmers are not affected by these exemptions. The farmers do not have incomes even under the present law upon which they can pay taxes. What they want are not further exemptions, but incomes that are subject to taxes. What they want is an opportunity to pay income taxes which they do not have at the present time. These proposed exemptions affect principally the salaried taxpayers whose burden of taxation consists principally in the excise taxes they pay and in the indirect taxes they pay in so many ways. The proposed exemptions in this bill affect not only the taxpayers of small incomes but affect everybody on the entire tax roll who pays normal taxes at all, and the effect of this exemption is to remove $42,000,000 from our tax returns and to entirely exempt 2,300,000 from the payment of approximately $10 each. It is not a proposition that will be hailed with any degree of applause or enthusiasm by the taxpayer of the small income, who, when he is handed an exemption of $10, finds that his admissions to the theaters and places of amusement and ball parks is still taxed seven years after the war, and who finds a tax on the cheap automobile that he buys, amounting to a sum of money at least twice as much as we hand him by the proposed exemptions in the bill.

I do not want to take up any more time in discussing this amendment, because I want the gentleman from Tennessee [Mr. HULL], my colleague on the Committee on Ways and Means, who has given the matter special study, to be granted 15 minutes in which to discuss it by the courtesy of the House.

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

Mr. RAINEY. Yes.

Mr. HASTINGS. What does the gentleman think about the cost of making out income-tax returns? The gentleman just stated that this would relieve a married person on an average of $10 of tax.

Mr. RAINEY. Yes.

Mr. HASTINGS. Does not the gentleman from Illinois think that it costs on the average more than $10 each to make out these income-tax returns, and does the gentleman not think the people would be very greatly relieved if they were exempted up to the amount of money proposed in the bill?

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

Mr. RAINEY. Mr. Chairman, I am sorry that I can not answer the gentleman, but I shall leave that to be answered by the gentleman from Tennessee [Mr. HULL].

Mr. HAWLEY. Mr. Chairman, I rise in opposition to both pending amendments. Taking the one that will be voted on

first, the one offered by the gentleman from Illinois [Mr. RAINEY] proposing to return to the family exemption of $2,500. Mr. McCoy, of the Treasury Department, advises us that that would restore to the Treasury about $12,000,000 in revenue. When the committee considered the proposition of increasing the exemptions for married persons or heads of families, from $2,500 to $3,500, we took into consideration the number of propositions that had been submitted to the committee, one of which was voted on in the House yesterday. I refer to the allowance for doctors' bills, nurse hire, and hospital services. We also took into consideration other propositions, one of which is to extend the exemption of $400 each for children to the age of 21 years, in order that the three years from 18 to 21 might be provided for in a way so that the family might enjoy the exemption during that period if the children were in school.

It was thought inadvisable to put in a number of specific exemptions. It was hard to determine what "going to school" might mean, or to define the word "school" so that the law could be administered fairly, or to decide what period of attendance during a year should entitle the family to the exemption. It was hard to define what "hospital expenses" and other expenses in addition to those might be rightfully claimed, so we lumped them altogether and in lieu of special additional detailed exemptions we increased the amount from $2,500 to $3,500. That will take care of the ordinary family. A family of four persons, consisting of the father, mother, and two children, would have an exemption of $4,300, and they would pay a normal tax upon any sum in addition to the exemption of $4,300 to which the salary of the head of the family receives might amount. That provides for all people who may be said to be in limited circumstances, and I hope the House will vote down the amendment of the gentleman from Illinois.

We endeavored to meet the requests that were very numerous from the country and supported by a large number of persons and some Members of this House to take care of these special items that I have enumerated by this additional increase, and now to return to the $2,500 would be to reverse the committee's attitude and to deny to the general public and of Members of the House the relief requested and which the committee believed to be warranted.

As to the proposition of the gentlewoman from New Jersey [Mrs. NORTON], the present increase in the exemption of $500 for single persons and of $1,000 for married persons or the heads of families costs the Treasury $42,336,640. That provides for an increase of 50 per cent in the exemption for single persons and 40 per cent for married persons. The gentlewoman's proposal increases the exemption on single persons 150 per cent and on married persons and heads of families 100 per cent. A man and wife with two children under this proposed amendment would pay no tax on a net income of $5,800.

We have just received an estimate from Mr. McCoy, of the Treasury Department, which shows this will cost, in addition to the $42,000,000 already chargeable against the receipts of the Treasury, under the proposal of the committee an additional sum of $40,000,000, making the total reduction on account of exemptions an amount in excess of $82,000,000. Suppose a family has a net income of $10,000 a year and two children. Under the proposal of the gentlewoman from New Jersey that family would pay on the $10,000, $49.50; or a partnership consisting of three persons having a net income of $30,000 from that business would pay altogether the sum of $148.50.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAWLEY. I ask permission to proceed for five additional minutes.

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

Mr. HAWLEY. Suppose the family net income was $15,000, that family would pay $187.50, or a partnership of three persons having a net income between them of $45,000 would pay $562.50 altogether in taxes. Suppose the family net income was $20,000. That family would pay $503.75, and a partnership of three persons having a net income of $60,000 would pay to the Government of the United States $1,511.25 on the $60,000 net income. It seems to me that is going too far. These people with $10,000, $15,000, and $20,000 income can not be called poor people. They are not in the laboring class. They have passed out of that class and into a class of people who are in enjoyment of good salaries.

Mr. BOYLAN. Will the gentleman yield for a question?

Mr. HAWLEY. I will.

Mr. BOYLAN. Is it not a fact that taking the figures supplied by the gentleman that the total exemption would be $82,000,000 extending over perhaps 3,000,000 people, and most of the exemption or reduction of $98,000,000 will be in the surtax on 87 individuals, or $16,000,000 less?

Mr. HAWLEY. I do not think I understand the gentleman's proposal.

Mr. BOYLAN. The gentleman stated under the proposition advocated by the lady from New Jersey that the total exemption would amount to practically $82,000,000?

Mr. HAWLEY. Yes.

Mr. BOYLAN. Well, is not that $16,000,000 less than the $98,000,000 allowed to the 87 people who are reduced by the cut in the surtax?

Mr. HAWLEY. This is a question of whether we are going to retain on the tax rolls people with very substantial salaries. The number of persons affected by a reduction of surtaxes is over 21,000.

Mr. EDWARDS. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. EDWARDS. What does it cost the Government now, if the gentleman can tell, to take the returns of these 2,300,000 people paying only $23,000,000 into the Treasury?

Mr. HAWLEY. I have not that computation. The taxpayer this year may pay a small amount. He may be one who pays a small sum and apparently ought to go off the roll because the sum is small. Next year his business may be better, and he may pay several hundreds or thousands of dollars in taxes. He may have an unprofitable year this year and the amount of tax paid be small, and next year it might be large. These people in the lower brackets are a continuing, changing body. They are not one continuous body of persons, and if you attempt at the time to eliminate those who pay a small tax in one year you probably eliminate a large number who would pay a large tax next year.

Mr. EDWARDS. If the gentleman will yield further?

Mr. HAWLEY. Yes.

Mr. EDWARDS. Why require a person who has a gross income of $5,000, whose net income is not $3,500, to make a return—a married person?

Mr. HAWLEY. For instance, such person may be a member of a partnership in a business which may not have had a good year and their earnings may be comparatively small. His return keeps the Treasury advised, and next year he may make $25,000 or $30,000. It is for simplification and orderly conduct of business.

Mr. WEFALD. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. WEFALD. I understood the gentleman to say that the committee had come to the conclusion that it would be very difficult to determine what would be a reasonable allowance for doctors' bills, and so forth. Does the gentleman seriously contend that would be the case?

Mr. HAWLEY. In the first place, it would be necessary to define who is a doctor. The laws of the several States make diverse provisions. This is only one of many difficulties in administration.

Mr. WEFALD. Let me ask this question. Does the gentleman contend that it would be any more difficult——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEFALD. I ask that the gentleman have another minute, in order that I may ask a question.

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

Mr. WEFALD. I would like to know if it would be more difficult to determine a reasonable allowance for doctors' bills and such than to determine, as the bill reads on page 83, "a reasonable allowance for the exhaustion, wear, and tear of property used in the trade or business, including a reasonable allowance for obsolescence"?

Mr. HAWLEY. It might not be more difficult; but why not solve the problem by increasing the exemptions from $2,500 to $3,500 and include in one sum all worthy items and so avoid administrative difficulties? I think we have gone as far in tax reduction as it is safe to go, and if further reductions are to be made, then there are other people and businesses in this country who are far more deserving of consideration.

Mr. ABERNETHY rose.

The CHAIRMAN. For what purpose does the gentleman from North Carolina rise?

Mr. ABERNETHY. To address the committee.

The CHAIRMAN. The gentleman from North Carolina is recognized for five minutes.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I do not bother this House much in the way of speechmaking, and I did not intend to say anything on this

matter except that I pledged my constituents to vote for an amendment making the exemption $5,000 to married men and $2,500 to single men. I ordinarily follow the committee, especially when it is led on my side by such leaders as my friend from Texas [Mr. GARNER]. I heard him make a speech here that gave me hope that if he had not been tied up by some sort of an agreement that he had with the gentleman from New York [Mr. MILLS] he would have been fighting just as hard for this amendment for an exemption of $5,000 as he did at the last session of Congress, when we were led to a successful conclusion, when instead of writing the Mellon plan we wrote the Garner plan.

Yesterday I called the attention of this side of the House to the fact that I was one of the few on my side of the aisle that stood up for a 20 per cent reduction. I was told that if I would stand for an increase of 25 per cent it would give us a better opportunity to get a reduction for the little fellow. But now I find that the 25 per cent advocates want us to cut down the little fellow's reduction to $2,500 instead of $5,000. I say, Mr. Chairman, that I can not see how that is scientific tax making. We have gone to the limit; the House by a majority has gone the limit for the big fellow and has reduced him every cent he has asked for on the surtax.

You say that is going to give us business. I am going to try you out on that. I am going to vote for all the proper reductions that may be proposed. I am not going to vote for an increase of taxes in this country, no matter who asks me to do it, in peace times. I do think the lady from New Jersey [Mrs. NORTON] has sounded the sentiment of the country when she brings forward an amendment to help the wage earner, the householder, and the average fellow who makes an average wage or an average salary.

Now, why can not you folks who have given Mr. Mellon and these other big taxpayers all they have asked—why can you not come along and increase the reduction on the little fellow and make it $5,000? You know the gentleman from Texas [Mr. GARNER] in his argument here the other day said there were only about $38,000,000 involved in this matter. Thirty-eight million dollars is all that is involved, and the cost of administration in collecting the tax from those in the lower brackets is quite expensive.

The election next November is an election for all of us, and how can we go back home and explain to the folks why we took off the taxes on the fellow making $100,000 and did not take it off the man who makes $5,000 or $10,000? At all events, I am going to vote as my own judgment dictates on these various brackets and let you gentlemen do what you please. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I ask unanimous consent that my colleague on the committee [Mr. HULL] may have 15 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Tennessee may have 15 minutes. Is there objection?

There was no objection.

Mr. HULL of Tennessee. Mr. Chairman, speaking to the pending amendment, I may say, in the first place, that I am in entire agreement as to the purpose of those who are seeking to lighten the tax burdens of small-income taxpayers by raising the exemption—that is to say, to adjust the total tax burden, Federal, State, county, and municipal, resting upon those and similar groups of persons with relatively small incomes—so that they will bear only their reasonable share of the total, according to the rule of ability to pay. The only difference between some of my colleagues and myself is as to how this can best be done. Will the smaller income-tax payers secure greater tax relief generally by raising the exemption for married persons to $3,500 than to remain on the tax roll subject to purely nominal rates while other more burdensome taxes are removed from them? This latter view appeals to me with far more force.

Income taxes are reduced by the pending bill not only by lowering the normal rate but by increasing the exemption and also extending the provisions relating to earned income. The result is that they are but nominal on incomes below $5,000 and but little better than nominal on incomes below $10,000. There are three outstanding reasons in support of the view that the exemptions should not be raised at present. One is that by retaining the exemptions in the present law and stopping the maximum surtax at 25 per cent and the maximum estate tax at 25 per cent it would be possible to repeal the passenger automobile and admission taxes, whereas the program opposed to this plan would do neither, with the result that while the raising of the exemptions to $3,500 would afford less than $10 each to 2,300,000 individuals, the retention of auto and other war taxes made necessary in part by raising the exemption will amount to from $15 to $25 annual tax on 4,000,000 individuals, three-fourths of whom are persons with small incomes. This statement has not been contradicted by any person. The second reason in support of my individual view is that if the Federal Government is to assume leadership in formulating and developing sound and equitable taxation—Federal, State, and local—it is vitally important that married persons without dependents and having net incomes of $2,500 should remain on the Federal income-tax roll, subject, as stated, to nominal rates. I say this upon the theory outlined in my remarks last week, to the effect that the States have demonstrated their inability to grapple with the small income situation when they have sought to inaugurate and develop systems of State income taxation. Federal leadership and cooperation is absolutely necessary if the States are to succeed in substituting income taxation for a substantial portion of our unspeakable personal intangible and general property tax systems. To illustrate how completely the States follow precedents set by the Federal Government, I call attention to the course of the State of New York in enacting the Federal income tax law almost verbatim and in fixing the exemptions originally at $1,000 and $2,000, as provided by the Federal statute. And again in 1921, when the Federal law increased the exemption of married persons to $2,500 in all cases where their income did not exceed $5,000, but left it at $2,000 where such incomes exceeded $5,000, the State of York immediately followed suit in every detail.

In 1924, when the Federal revenue act provided a flat 25 per cent reduction on incomes for 1923, the State of New York promptly pursued the same precise course. The real necessity for State income taxation, as stated, is to substitute an equitable tax for the grinding and vicious intangible and general property taxes which are so crushing upon the owner of visible tangible property, especially the smaller owners. It is clear that if the public is taught that income-tax exemptions should be $3,500 for married persons without dependents, which is a 6 per cent return on near $60,000 of capital, it will become utterly unfeasible to give relief by such State laws to all the owners of farms, real estate, and houses of values below $60,000, whereas these are primarily the persons for whom relief is most needed from present State and local property tax systems.

The third reason in support of retaining these exemptions at $2,500 for the present is that taught by all tax experts and textbook writers who are the disinterested friends and supporters of progressive or graduated income taxation, to the effect that the tax should be applied to incomes above and near the minimum of subsistence, but with extremely light or nominal rates, which would gradually increase with each successive category of increasing income. This sort of income-tax structure has been taught and recognized by all sound authorities on income taxation as logical and scientific. If we narrow the base of this structure by raising exemptions, say, to $5,000, there would only be left 690,000 individuals to support the individual side of the great income-tax system, which is designed to yield $1,800,000,000 per annum. This, in my judgment, is not feasible, and would soon result in the practical wiping out of income taxation and the substitution of a general sales or some similar tax method equally unsound and inequitable. To add the constant criticisms in the future of the textbook writers and other disinterested experts to the known opposition to progressive income taxation, which is always striving to destroy it, would render it well-nigh impossible to maintain the integrity of the graduated tax method. But some shortsighted person suggests that the purpose of the income tax is to reach wealth, which is precisely the case as has been shown from the effects of the income tax law during recent years.

Any law that yields more than one-half of our Federal tax revenues and only requires those with incomes of less than $5,000 to pay 5½ per cent of the tax could scarcely partake more strongly of a tax on wealth. If, however, those with smaller incomes, such as I have described, assume an attitude of running away from income taxation and creating the impression before the country that it is a bad tax as compared with most other tax methods which in equity should not be mentioned in the same connection, it will only become a question of time when income taxation is discredited and destroyed in this country.

To construct and maintain a Federal income-tax system logically and scientifically, as I have attempted to describe, our Government would have the benefit of the most flexible and elastic revenue system to be found in any country. The general public would then acquiesce in the exemptions, the

rates, and classifications of income so that in the future Congress would have nothing to do except during each December to raise or lower the normal rate in order to meet the varying demands of the Treasury. The increase of the normal rate by 1 per cent would add $150,000,000 to the revenue for the fiscal year ending seven months later, or a reduction in like amount would correspondingly reduce the revenue. We would no longer have constant demands and controversies relating to reductions or increases or exemptions or earned and unearned income rates. We have not taken all these steps in framing the pending bill, and hence my criticisms and suggestions. We could easily have placed the income-tax system on very near a permanent basis, but instead we leave in the law the chronic complaint about the inequality of the income for the purpose of the tax of the individual, the partner, and the corporation stockholder, as we also leave undisturbed the unequal burden upon the small corporations, not to mention more than $100,000,000 of unrepealed war taxes.

It is wholly misleading to point to prior income-tax exemptions as precedents. The law of 1894, for example, provided a flat 2 per cent tax and an exemption of $4,000. Gentlemen, say, why not return to that $4,000 exemption? The answer is that the Government only sought to raise $30,000,000 by the entire income tax act of 1894. But again they say, why not return to the exemptions of $3,000 and $4,000 provided in the income tax law of 1913? The same answer, in principle, applies, which is that it was not sought to raise more than $70,000,000 from this entire act; and if reference is made to the 1916 law, the same reply can be made, that only $175,000,000 was sought from the individual side of the law. Members should understand that we were gradually developing this tax system and hence were not seeking to raise a large amount of revenue from it.

I profoundly believe that if Congress would resolutely assume leadership in the development and maintenance of sound and comprehensive progressive income taxation, which would include taxpayers with net incomes of $2,500 and over as to married persons, these same persons would save many dollars extorted from them under the general property systems of the States where they would pay $1 of income tax. Then why this great rush to jump them off the Federal system with its nominal rates and to drive and force them headlong into the meshes of the infamous general property systems in the States? Unless the Federal Government is willing to take the lead and set precedents and furnish cooperation imperatively demanded by the States, how can we expect general tax reform in America and a readjustment of tax burdens according to the doctrine of ability to pay? I repeat, the States alone are unable to grapple with the great difficulties in inaugurating an income tax system embracing those with the smaller incomes. You are well aware that they struggled in vain with this undertaking before our Federal system was adopted, and that thereafter they awakened, and almost entirely through Federal precedent and Federal cooperation some 10 States now have splendid workable income tax systems, yielding from $60,000,000 to $75,000,000. We must make our Federal system dovetail into the State situations. This is the only way on earth we will ever make headway in the abolition of the intangible and general property tax systems.

You heard the gentleman from New York [Mr. MILLS] on yesterday declaim against these frightful tax conditions in the State of New York and point out the fact that $29,000,000,000 of intangible personalty was only paying tax of $8,000,000 under the general property tax law, whereas this amount was increased many fold under the new State income tax system. The question again recurs, how is the Federal Government to set precedents, create sentiment, and aid in expanding income taxation among the States if we are to devote our chief time in Congress to merely to whittling off at the top and at the bottom——

Mr. GILBERT. Will the gentleman yield right there?

Mr. HULL of Tennessee. Yes.

Mr. GILBERT. Is it not just as inconsistent to the spirit of the graduated income tax that we should grant concessions at one end and impose penalties at the other?

Mr. HULL of Tennessee. Yes. The point I want to make is that in this situation should we be obliged to increase Federal income taxes in case of depression or other cause, how are we going to do it after having greatly narrowed out tax structure and our roll of taxpayers? We will be obliged to raise the rates on this limited number left on the tax roll, and do Members not know that with our tax structure whittled down until it is being criticised by disinterested experts on every hand, those subject to such increases will resort to every possible means to throw off the entire tax?

I think the real question before Congress is whether we propose in a measure to emasculate the present Federal system of income taxation, thereby giving moral encouragement to the perpetuation of the intangible property tax, the State general property tax, and all that conglomeration of inequities which we find among them, or whether we are going forward with the determination to lead in the development of income and estate taxation in the Federal, the State, and local governments measurably as a substitute for existing tax evils in the States.

Mr. KINDRED. Will the gentleman yield?

Mr. HULL of Tennessee. Yes.

Mr. KINDRED. The gentleman has spoken, out of his ample information, about the taxes that should be raised on intangibles in New York; but is there not, and has there not always been, great difficulty in collecting any proper proportion of the taxes laid on intangibles?

Mr. HULL of Tennessee. I will say to the gentleman that there has been difficulty, and that the income tax and the inheritance tax are the only methods of properly dealing with it, and that so long as the Federal Congress takes the lead in breaking down and narrowing the base of income taxation those difficulties will continue to pile up.

Mr. KINDRED. But can the gentleman rely on any such figures as he has given being realized from intangibles in New York?

Mr. HULL of Tennessee. Should the Federal Government and the States seriously and jointly strive to develop simplified and comprehensive income taxation, the States could by a system of collection at the source, modeled after the English system, reach the income from every intangible as well as tangible source.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. HULL of Tennessee. Yes.

Mr. RATHBONE. The gentleman indicates a desire to have the various State governments receive income taxes. Can the gentleman point out any way by which this Congress can bring that about? For instance, a constitutional provision of the State of Illinois, which I represent in part, providing for an income tax, or at least permitting the legislature to pass one, was voted down by a vote of about 10 to 1 by the people of that State.

Mr. HULL of Tennessee. That is a matter, of course, which must be left to the people of Illinois. If they desire to wallow in the mire and the infamies and outrages of the general property-tax system, or a combination of special assessments, or any other set of partial or unfair or nondescript methods instead of cooperating in this matter, it is not our function to censure them; that is their affair. I imagine, however, that they would not indefinitely continue in this state of mind.

There is another phase of this matter to which I desire to call attention. Suppose in our rush here, upon the theory that we are serving somebody instead of imposing more taxes in the aggregate upon them, we should adopt the pending amendment providing for an exemption of $5,000—and I have the utmost respect for every Member's views upon this, either pro or con—where would you leave the millions of little stockholders in corporations? You would say to all the investors and the fellows who clip their coupons, you shall be exempt on eighty-odd thousand dollars of bonds from every penny of income tax, but all the little stockholders in corporations whose dividends are $1, or $2,500, or $4,000, would through their corporations be taxed at the present normal rate of 12½ per cent. You see how easy it is to get this structure of income taxation out of joint and lopsided so that we will have unending complaints during every succeeding Congress, instead of proceeding, as I think we should, to develop this system along sound lines so that there will be fair and reasonably graduated rates upon each category of income, and so that the general public would acquiesce in such peace-time system of rates, exemptions, and classifications as Congress might prescribe.

Under the present exemptions it is absurd to suggest that more than a large farmer here and there is reached for Federal income tax. I remind Members that any tax method which yields more than one-half the total tax revenue and at the same time exempts more than 110,000,000 of our 115,000,000 people is not subject to reasonable or legitimate attack upon the theory that the number of exemptions is too small. The danger to the tax system lies in the other direction. The loud objection offered by some gentlemen to the effect that the cost of collecting income tax from the smaller taxpayers is too high to justify the retention of the tax on that class is utterly beside the question. This objection applies equally to all small taxpayers under all tax methods in exist-

ence here and everywhere. To carry out this idea would exempt all the smaller taxpayers from taxation of every kind and description. And, too, it would be impossible to establish graduated taxation with light rates at the bottom, as is necessary in such cases. The other way around this objection would be a substantial flat rate and heavy taxes on the smaller as well as larger taxpayers. Neither view is tenable.

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

Mr. TREADWAY. Mr. Chairman, I desire to oppose the amendments offered by the gentleman from Illinois and the gentlewoman from New Jersey. I desire to discuss them briefly with the House from a little different angle from that of my friend and colleague, the gentleman from Oregon [Mr. HAWLEY].

The gentleman from Oregon took the larger brackets of income tax in the higher branches of the surtaxes, and I want to get back to the normal brackets, which are the rates paid by the average man.

I agree with the lady from New Jersey [Mrs. NORTON] when she says that the wage earner is the sinew and backbone of our country, but she does not follow the sequence so far as that wage earner is concerned. Therefore I say no logical or sound argument can be made for increasing the exemptions of the single man without dependents above $1,500 or the married man without dependents above $3,500.

A young man starts out in life either to follow a professional or mercantile occupation or to learn a trade. He continues until his average wage is $125 a month, or $1,500 a year. Up to $1,500 a year he pays no tax if the provisions of the proposed bill are adopted.

Assume he advances another stage and receives $150 a month, or an aggregate for the year of $1,800. He will then have to pay on $300, provided he takes no other exemption than the flat $1,500 exemption, and there are several others, so that in all likelihood he will pay nothing; but assuming that a man receiving a salary or earning a wage of $1,800 pays on $300, what will the amount be? He will pay the insignificant sum into the Treasury of the United States of $3.38.

I submit that is no hardship upon any man drawing an annual salary or earning annually $1,800.

Let us go a step further, as this man advances, and say that he wants to start a little home. He is now earning, say, $300 a month, or $3,600 a year. He feels on that wage or salary he is justified in becoming a married man. On $3,600, without these outside exemptions, he would then pay on $100, or $1.12; $1.12 for the support of the Federal Government out of an annual wage of $3,600.

I submit that that man on a salary of $3,600 in establishing his place in the world wants to assist in the support of the Government, and you are inflicting no hardship upon him or depriving him or his wife of anything whatsoever in that little home if he contributes $1.12 to the support of the Government. He is interested in the welfare and the surroundings of his country, wants to be a part of the Government, and, gladly, as a contributor to the welfare of his country, he wants to feel, without depriving himself or his family of anything necessary for their support, he is assisting the Federal Government.

So let us run on, and assume that Mr. Average Man increases his compensation up to $350 per month and in the meantime the little home has been blessed with a child. He is then entitled to an additional exemption of $400. His annual compensation is $4,200 and with the child his exemption is $3,900, and therefore, without these additional exemptions to which I am not referring, he will pay on $300, or $3.38.

No one can claim that is a hardship on any working man.

Mr. LOZIER. Will the gentleman yield?

Mr. TREADWAY. May I just conclude this statement and then I will be glad to yield?

Now, he gets a little further along as Mr. Average Man, and is receiving $400 per month or $4,800 per year, and in the meantime he is blessed with an additional member of the family, and at $4,800, with two children in the family, he pays a tax of $5.63, not as much as two admissions to a first-class theater.

That is no deprivation upon any man. It is a willing contribution to the assistance and the support of our country; and so I might continue, but I will now yield to the gentleman.

Mr. LOZIER. The gentleman has referred only to the contributions by this class of people in the form of income taxes. The gentleman well knows, I take it, that this class pay heavily indirect taxes in the form of tariff taxes in the increased cost of their supplies.

Mr. TREADWAY. I will be glad to enter into a discussion of the tariff with the gentleman at the proper time. This is not the time, and I can not yield for a tariff discussion.

Mr. LOZIER. That is not the only tax these people pay, is it?

Mr. TREADWAY. No; I am talking about his contribution under the income tax to the Federal Government, and that is the subject under discussion at this moment.

Now, take it that Mr. Average Man has not been quite as successful as the picture I have painted. He is married, starts to raise a family and pays nothing, absolutely nothing, if his income has not reached the point of $3,500 without dependents, $3,900 with one child, or $4,300 with two children.

If he is not sufficiently fortunate to have a fairly good income he is not asked to pay one dollar. Therefore I say that Mr. Average Man gladly will contribute the small amount called upon under the new exemptions. Further than that, the man who has not been successful joins the great group we have cared for so well in the bill. We are taking out of the taxpayers of the country the enormous number of 2,320,000—that is, there will be 2,320,000 fewer individual taxpayers under the proposed bill than under the present law—therefore I say this bill, particularly this income feature provision, is written for the average man, the working man, the wage earner, whom I agree with the lady from New Jersey [Mrs. NORTON] is the backbone and sinew of our country. [Applause.]

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

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 25 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this paragraph and all amendments thereto close in 25 minutes. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Chairman, I wish to express a few conclusions which I have drawn from the debate as it has proceeded. The eyes of the Nation are on the Congress to-day, to see how we shall conduct ourselves in the framing of a peacetime tax measure. During the war there was not so much criticism as there is now. In the matter of taxation we once had constitutional protection. The gentleman from Arkansas several times yesterday quoted the adage to the effect that the power to tax is the power to destroy. To-day we shall see just what sort of favoritism is to be shown in a tax bill of this kind. Now we have legislative discretion without constitutional protection, and extreme care should be exercised in framing the low brackets as well as in imposing the higher rates. I dislike to differ with my friend from Massachusetts, a member of the committee, and in the matter of exemptions it is, of course, difficult to determine whether or not $2,500 is too low, $3,500 just right, $5,000 too high. Without knowledge of the taxpayer's actual and necessary living expenses, number of dependents, sicknesses, and all the rest, his ability to pay can not be determined.

I agree with the acknowledged economist on this side of the House, the gentleman from Tennessee [Mr. HULL], whom you are going to believe even though his party does not follow him. His logic is unanswerable in confirmation of his contention that "if the graduated income tax is to endure we must be 'most' careful in the lowest and the highest brackets." For my part I favor lower exemptions. In this bill they are altogether too large. It was intensely interesting to note that in yesterday's vote the leading economists on the Democratic side who were members of the committee were in favor of reduction to 20 per cent, while almost the entire balance of their party voted in opposition. Yes, the Congress is being watched to-day. This is not the tax bill of a political party, but it has a political significance, and the people will wish to know which side of the House, if either, offers general opposition to the reform features contained therein.

To-day the amendment offered by the gentleman from Illinois [Mr. RAINEY] is indorsed by the gentleman from Tennessee [Mr. HULL]. We are curious to know, the country will be anxious to know, if the Democrats in the House will accept the views of their greatest exponent of the theories of taxation [Mr. HULL] and vote for the smaller exemptions. He desires that this bill shall furnish a precedent for the States and has had much to say about the State of New York and its immense intangible wealth. New York necessarily offers a very low rate

for it is adjacent to Pennsylvania, with a rate of $4 per thousand; Delaware, where you can incorporate and need pay hardly anything; Connecticut and Rhode Island each with a low rate of $4 per thousand. Massachusetts has a rate of 6 per cent on income—about $3 per thousand on capital—while New Hampshire offers an income tax approximating $1.25 per thousand on capital.

So far as New York is concerned, you can set all the precedents you like, but in order to keep her wealth at home the tax laws must be liberal to wealth, with so many inducements to its possessors to domicile themselves in other nearby States. I doubt if any precedent which we establish here will do poor old New York, with all her great wealth, any particular good.

I again say that the lack of constitutional protection under the graduated income tax law requires great legislative discretion in the fixing of rates, and we must recognize the principle of equality in bearing the tax burden and not so establish rates that the burden will rest on a few citizens only. I applaud the gentleman from Tennessee [Mr. HULL], who is indeed an economist and whose speech the other day was most convincing, except as to the last paragraph, in which he must needs indulge in an extraneous dissertation on the tariff. [Applause.]

Mr. FREAR. Mr. Chairman, I realize that this is a very important amendment. There are three amendments now proposed before the House, one for $5,000 exemption, the other for $3,500 exemption, which is the report of the committee, and the other $2,500. Our friends on the Democratic side are divided at this time and our friends on the Republican side I believe are practically unanimous. I speak only for myself at this time, and I believe it is right to give the reason why a vote should be cast, as I believe, for one of these amendments. Speaking first in respect to the amendment proposed by the lady from New Jersey [Mrs. NORTON], which was so admirably presented—and we would like to do her the courtesy of giving her a vote—but the situation is this: Not one income-tax payer out of ten has to-day an income of $5,000 and not one wage earner in the United States out of one hundred, it is fair to say, has an income of $5,000. That being so, there is no distinction as between putting $5,000 or $6,000 or $7,000 as a limitation. Thirty-seven dollars and fifty cents was paid by the income-tax payer of $5,000 income last year. Under the proposed bill a man who has an income of $5,000 pays $16.88, not a very large amount to pay in support of the Government. It seems to me that where the tax is cut down over 50 per cent, as under the proposed bill, there can be no objection to it on that score.

My good friends Mr. RAINEY and Mr. HULL, whom I admire for their ability, proposed placing the sum back at $2,500, and there are good reasons which they have advanced for that. But I can not forget what occurred here yesterday. We cut the high surtax from 40 per cent to 20 per cent, and we gave one man, Mr. Mellon, a reduction of $850,000 in his income this coming year, the gentleman who proposes the bill. That being so, it seems to me that we ought to recognize and give some reduction to the smaller taxpayer. In my State we have 146,000 taxpayers, in round numbers, and those 146,000 taxpayers, with this change of exemption from $2,500 to $3,500, will not receive any more reduction as a whole, I take it, although I have not figured it over, than that one man who gets that tremendous reduction of far over three-quarters of a million dollars. That being so, it seems to me there should be some reduction, and I am prepared for reasons that I can give here to support this proposal of the committee. In doing so I trust that gentlemen will not feel that I am asking to be put in the regular column at this time. I am simply using my best judgment in this matter.

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

Mr. FREAR. Yes.

Mr. LAGUARDIA. The gentleman is an expert on tax matters?

Mr. FREAR. Oh, no; only a student.

Mr. LAGUARDIA. And a great loss to the country because he was taken off the committee. Is the gentleman not too analytical in criticizing the amendment offered by the distinguished and charming lady from New Jersey [Mrs. NORTON] and urging its opposition? Does the gentleman take into consideration the parliamentary situation, and is it not good parliamentary strategy to vote for the lady's amendment in order to bring pressure to equalize this bill on the other side of the aisle?

Mr. FREAR. My answer to the distinguished gentleman from New York [Mr. LAGUARDIA], whom I admire as much as anyone on the floor—and his courage is admirable; he is second to none—is that, so far as the parliamentary situation is concerned, I have had no interest in it and never have had any interest in it since I have been a Member of this House as compared with what I think is right. It seems to me that in the interest of the preservation of the income-tax proposition, as suggested by my good friend Brother HULL on one side, and for the justice we want to exercise to the small taxpayer on the other side, that the amendment proposed by the committee in the bill is the one that we ought to accept. [Applause.]

Mr. MOREHEAD. Mr. Chairman, I presume arguments will have but little weight as the revenue bill is going to pass, as I believe, about as the committee has recommended it. However, I want to be placed on record as favoring the amendment of the lady from New Jersey [Mrs. NORTON]. This amendment would relieve a great many small income payers from keeping a set of books many times that are incomplete and causing trouble and embarrassment in ascertaining their income during the year. A complication enters into the keeping of records to the ordinary taxpayer on incomes of $5,000 and less, while his intention is to deal honestly with the Government there are doubts in his mind at the close as to whether he has treated the Government fairly or has been fairly treated by the Government. Then, in many instances, several years after he has made his reports to the Government a revenue collector calls upon him, and thinking that he had made final settlement with the Government, is unable to find data sufficient to make an intelligent report such a long period after his settlement with the Government, and it is very annoying to the taxpayer, and there is a disposition to lose faith in the Government who makes such a small return at such a maximum amount of trouble. Besides, it has been stated by members of the committee, as I understand, that costs about 20 per cent in collecting income from the people who pay on amounts of $5,000 or less. This is an expense proposition, as even promotion schemes without any intrinsic value only allow to their agents a maximum of 15 per cent.

It is not necessary to pay an income to make us better citizens, as many items left in the bill, such as automobiles and many other items, compels us to pay sufficient to pass as good citizens. If the amendment should pass and make too great a reduction in the amount necessary to meet the expense of our Government we could offset it in a reduction in the appropriation for the Army and Navy or some other appropriations which are topheavy at this particular time. I am for the amendment, and I know that it will lessen the number of revenue collectors and greatly lessen the annoyance and trouble of a class of citizens who do not keep a set of books and must depend largely on their memory, and when the statements are made the individual is branded as trying to defraud the Government and destroying to a certain extent the confidence of the taxpayers in their Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Florida. Mr. Chairman, in the section of the country from whence I come people grow to maturity very early—at 16 or 17 years of age. Ever since that age it has been my ardent desire to have an opportunity to support some woman, and to-day, my fellow members of this committee, is my first opportunity. [Applause.] Therefore, I shall support the amendment of the lady from New Jersey [Mrs. NORTON]. We sit here in a way as an equalizing board for finance for the entire Nation. Our act here has to do with the amassing of great fortunes, and also has to do with the impoverishing of the poor. There is only a certain amount of wealth in our country, and by our action here we will protect the one and help the other, or we shall protect the interests of all. It is not our province to enact laws for one class as against another. The committee has well provided for the ultra-rich by deducting 50 per cent; but when it comes to the deduction of the small man of $5,000 and down, then they throw out the flag and say, "Put on the brakes." About 7,000,000 people of our Nation last year made returns of less than $150,000 income, and less than 2,000—yes; about 1,843—made returns of income above. About 4,000,000, I believe, made returns of less than $5,000. This 4,000,000 class returns represents about 60 per cent of the people that our flag protects. Why, then, in all fairness to those who are our producers and those who are our consumers, should we not let them come to-day as they should and have a voice in their own government. This is their government the same as yours. Four hundred and thirty-five Members assemble here, and shall we enact legislation for 1,843 persons and not protect the 60 per cent, the man from $5,000 and down, who has to study about whether he shall go to a 30-cent show or a 25-cent show, and his wife must study whether she shall order a 25-cents-a-pound roast or a 30-cents-a-pound roast.

The man who has to hunt the bargain counter to secure a shirt for 90 cents instead of $1, the wife who must take a pair of shoes for her child at a price of $1 instead of $1.25. This is the class of citizenry I would protect. They produce the wealth of the Nation and replenish our country's population. Then, I say protect them and give them a fair show as against the financial dragons of our Nation. [Applause.]

The fifty-some millions extracted by the Government from this class of our citizenry is harder to bear than billions extracted from the ultra-rich. I say, increase the reduction for single persons to $3,000 and the married person to $5,000, as provided in the amendment of the gentlewoman from New Jersey.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHINDBLOM. Mr. Chairman, I shall address myself to the proposal to raise the exemption to $2,500 and $5,000, respectively, for single persons and heads of families. The proposal of the committee raises the present exemption $500 for single persons and $1,000 for heads of families. Something has been said about the cost of the collection of the small amounts of taxes. It does not make any difference where you start, you will always have small collections at the bottom. If you raise the exemption to $5,000, you will have small collections at the bottom just the same, and the cost of the collection will be approximately the same as it is now so far as the Treasury Department is concerned, because the same machinery must be provided, and the Treasury officials tell us that a few hundred thousand taxpayers with small returns make very little difference in the cost of collection. But what would be the effect of raising these exemptions? Would you benefit mostly the small taxpayers who have the small incomes or those with larger incomes? You are not limiting this exemption, remember, to people who have only incomes of $5,000 or less. You are giving the increased exemption to everybody, and you benefit those who are in the higher brackets the most, because every time you reduce the net income upon which the tax is based you benefit the taxpayers in the higher brackets. I will give you the figures: Under the proposed amendment you will benefit the single man with the income of $4,000 to the extent of $11.25. You will benefit the head of a family with a net income of $5,000 to the extent of $16.88; but the man with an income of $50,000, coming in the 20 per cent bracket—15 per cent surtax and 5 per cent normal tax—will get the benefit of the entire 20 per cent on the increase in the exemption—$1,500—or $300.

Mr. ABERNETHY. Why should he not?

Mr. CHINDBLOM. But does the gentleman think that is an argument, that you are doing this for the benefit of the small taxpayer or for the benefit of the poor man? I submitted to the committee, in the debate on the revenue act of 1924, figures which I had collected from the Department of Labor, from the Census Bureau, from the Congressional Library, and from every source available, showing that there is not a single class of so-called wage earners in the United States who pay any Federal income tax, according to the average earning of their class, even under the act of 1924.

Men from the agricultural districts will tell you that there are very few farmers who come within the income-tax-paying classes. I do not deny that they are paying their portion toward the support of the Government in other ways. We are benefiting them all by reducing the general level of taxation. An analysis of the proposal to raise this exemption to $5,000 will prove to any Member of the House who can give it the time to examine the figures that the real benefit will go to the persons in the higher brackets. The fundamental reason is that when you increase the exemptions at the bottom you increase the saving at the top. By raising the exemption from $3,500 to $5,000 you are not benefiting the man who does not have the extra income, but you are benefiting those who have that increased income. Do not forget that the income tax is based on the net income, which is below the gross income. In the case of a net income of $4,000, the gross income in almost every case is $4,500 or $5,000. That is the real income of the taxpayer.

The CHAIRMAN. The gentleman's time has expired.

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

Mr. CHINDBLOM. I would like to know what the gentleman wants.

The CHAIRMAN. The gentleman's time has expired. The question is on the substitute offered by the gentleman from Illinois [Mr. RAINEY] to the amendment offered by the lady from New Jersey [Mrs. NORTON].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the lady from New Jersey.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. ABERNETHY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 53, noes 145.

Mrs. NORTON. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered; and the Chairman appointed Mrs. NORTON and Mr. HAWLEY to act as tellers.

The committee again divided; and the tellers reported—ayes 64, noes 207.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. LOZIER. Mr. Chairman, I move to strike out the last paragraph.

Mr. RAINEY. Mr. Chairman, I desire to propound a unanimous-consent request.

The CHAIRMAN. The gentleman will state it.

Mr. RAINEY. I can not present it later. I have two amendments here which limit both sections (c) and (d), and on them I want to present some remarks; and in order that I may save time and also in the interest of harmony in the bill, inasmuch as these amendments limit both the sections, I ask unanimous consent to present them at the conclusion of the reading of subdivision (d) on page 51.

The CHAIRMAN. The gentleman from Illinois wishes to offer two amendments, as the Chair understands it, to sections (c) and (d), and he desires permission to introduce these amendments at the end of the reading of section (d). Is that correct?

Mr. RAINEY. Yes. They limit both sections.

Mr. GREEN of Iowa. I do not see any objection to it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(d) $400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under 18 years of age or is incapable of self-support because mentally or physically defective.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY], a member of the committee, is recognized now to present his amendments. The Clerk will report the first one.

The Clerk read as follows:

Amendment offered by Mr. RAINEY: On page 51, at the end of subdivision (d), line 11, add: "The credits provided in subdivisions (c) and (d) shall not be allowed in the case of persons with net incomes of $20,000 and in the case of persons with net incomes in excess of $20,000."

Mr. RAINEY. Mr. Chairman, I am asking the attention of the committee to this amendment, and especially the attention of the members of the Committee on Ways and Means, because I can conceive of no objection that could be made to this amendment.

In England the personal exemptions do not apply to incomes of $4,000; and, more than that, we never have attempted to limit the exemptions in our various income tax bills.

Now, I think it will not be seriously insisted that the man with a net income of $20,000 should have these personal exemptions, nor can it be seriously contended that a man with an income of $100,000 should have these personal exemptions. Inasmuch as we have already lost a very large amount of money, indeed, by raising these exemptions on the married and the unmarried taxpayers, I want to submit to the committee, and especially to the members of the Ways and Means Committee, the question whether we ought, in view of the very high exemptions now granted in this bill—twice as high, perhaps, as are given in any other commercial nation in the world imposing income taxes—to stop at $20,000. In England they stop at $4,000.

I have named an income of $20,000 and over that for the reason that that is the point where our earned-income provision in this bill stops.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield for a question on that point?

Mr. RAINEY. Yes.

Mr. HUDDLESTON. Is the $20,000 the total income or the income after making the deductions provided in section 214?

Mr. RAINEY. I understand it applies to the net income, and the $20,000-income taxpayers are allowed these exemptions.

Mr. HUDDLESTON. If the taxpayers had $20,000 income after the deductions in section 214 are made, then under the gentleman's amendment the exemptions would not apply.

Mr. RAINEY. The exemptions would not apply in that case. The amendment is just as plain as it can be made. It provides that the exemption in these two subdivisions shall not apply to net incomes of $20,000.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield for another question?

Mr. RAINEY. Yes.

Mr. BURTNESS. From the way you have drawn your amendment a person having an income of $19,500 would have the exemption?

Mr. RAINEY. Yes.

Mr. BURTNESS. But the person having an income of $21,000 would not have the exemption?

Mr. RAINEY. The gentleman is right, and the same proposition that the gentleman has suggested would apply to any other income if you want to make a break anywhere else. But somewhere we have got to make this break, if it is made at all, and I have proposed it on an income five times bigger than the English income.

Mr. BURTNESS. But there is a point there where just an additional $1 in income means the saving of a tax of $3,500.

The CHAIRMAN (Mr. BEGG). The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. GREEN of Iowa. Mr. Chairman, reserving the right to object, can not the gentleman get along with three minutes, because we have been taking up so much time, as it seems to me?

Mr. RAINEY. I will try to do that.

The CHAIRMAN. The gentleman from Illinois modifies his request and asks unanimous consent to proced for three additional minutes instead of five additional minutes. Is there objection?

There was no objection.

Mr. RAINEY. I want to take this additional time merely for the purpose of advising the committee as to the amount this amendment will save in the bill. This will apply to a gross income-tax payment of $161,043,349, and by making this amount taxable under this bill the amount we would realize would be $8,052,167.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. JACOBSTEIN. In the gentleman's dissenting report he indicate that the man who was earning, say, $40,000 was not getting a square deal under this bill.

Mr. RAINEY. Forty-four thousand dollars.

Mr. JACOBSTEIN. Under the gentleman's amendment he would be getting less of a square deal.

Mr. RAINEY. All amounts under the $20,000 get an exemption.

Mr. JACOBSTEIN. Then the gentleman is saddling something on him now which he did not bring out in his objection to the $40,000.

Mr. RAINEY. Between $44,000 and $20,000, if this amendment is adopted, those income-tax payers would not receive the very small exemptions they now receive, provided they also pay a normal tax.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. RAINEY. Now, Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAINEY: At the end of subdivision (d), line 11, page 51, add the following: "The credits provided in the subdivisions (c) and (d) shall not be allowed in the case of persons with net incomes of $45,000, and in the case of persons with net incomes in excess of $45,000."

Mr. RAINEY. Now, Mr. Chairman, I have presented this amendment—and there can be no possible objection to it upon any ethical ground, upon any economic ground, or any other ground—simply for the purpose of finding out whether the Mellon machine is so well oiled that we can not break into this bill at any point along the line.

This will save $2,000,000 in this bill, and it only applies to men with incomes of $45,000 and more than that. Is there any reason why a man with an income of $45,000 should have an exemption of $3,500 upon the theory that it costs more to live now than heretofore, and upon the theory that he has got to pay for the sustenance of his family? At $45,000 the surtax reductions stop, and from $44,000 all the way down the line the surtax payers get no reduction whatever in this bill, so I have made this amendment apply to incomes of $45,000 and more than that in order to find out whether Mr. Mellon and the multimillionaires have such complete control over there on the Republican side of the House that this little proposition can not be engrafted into this bill. I now leave it to the committee, but I should like to hear some member of the Committee on Ways and Means reply, especially the gentleman from New York [Mr. MILLS].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 31, noes 103.

So the amendment was rejected.

Mr. BURTNESS. Mr. Chairman, I offer an amendment which I send to the clerk's desk.

The CHAIRMAN. The gentleman from North Dakota offers an amendment which the clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BURTNESS: Page 51, line 11, after the word "defective," strike out the period and add the following: "or if such dependent person is under 21 years of age and has regularly attended school or college not less than eight months during the taxable year."

Mr. BURTNESS. Mr. Chairman and gentlemen of the House, the amendment which I have offered is, of course, plain. It simply extends the age of dependent minors for whom exemptions may be claimed by a parent from 18 years to 21 years of age, provided such minors have been in regular attendance at school or college for a period of eight months during the taxable year.

I know there are some Members in entire sympathy with this proposition who would, perhaps, say it is not worth the effort to try to enact it against the wishes of the Ways and Means Committee, but to them I would say this, that if the press reports which went out over this country a few weeks ago were correct, the Ways and Means Committee is in favor of this proposition. It was written into the bill at one time, as I understand it, but taken out. I have offered the amendment in the interest of fairness for the consideration of the House.

I think I know the argument that will be made by the distinguished chairman of the committee. It will not be an argument based upon the merits of the proposition, for they are conceded by everyone, but, rather, the contention will be about like this: This is an appealing amendment, but there are administrative objections to it; it is going to be hard to administer it. Now, Members of the House, would it be? Is not the taxpayer's oath worth something? Just picture in your mind the blank you make out every year. There are blanks for the number of children you have for whom you claim exemption; there are blanks indicating whether there are dependents in your family above 18 years of age who, because of physical or mental incapacity, must receive your support. Would it not be an easy proposition to put in an additional blank asking whether there are any children over 18 years of age and under 21 who have attended college for eight months during the taxable year, and then in the general blank on the form provided for details have the taxpayer set out the name of the college and the name of the child for whom the exemption is claimed?

Now, can not any of you imagine the administrative objections that would be raised by the Ways and Means Committee if allowing taxpayers credit for contributions made to charity should to-day come up as a new proposition? They would come in with numerous objections, but the fact is that exemptions of that sort are now permitted and are relatively easily administered. Objections might be made to such exemptions on the theory that the department would have to check up the records of every church throughout the country, the records of every Young Men's Christian Association, every Young Women's Christian Association, and every other charitable or similar organization throughout the country in order to determine whether the taxpayer lied or not, and perhaps there would be something to such an argument. In any event it would be much more forcible than to say to-day, as I rather think they will try to do, that if we enact this amendment they will have to check up all the colleges and all the schools of the country and see just how many days the person attended school, and things of that sort.

Another answer that will come back to us, I presume, is this: "Oh, well, it is true we are all in accord with the purpose, but

we have increased the exemptions, and that ought to take care of it." Friends, the increase in the exemptions does not in any way do away with the discrimination under our present laws in this regard. Everyone knows that when children——

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BURTNESS. I will in a moment or if the gentleman will get me more time.

Mr. GREEN of Iowa. Oh, no.

Mr. BURTNESS. When children arrive at the age of 18 years, if they are sent away to college, there is no time when they are of greater expense to the parents. Of course, that is plain, and I do not know that the argument in favor of this proposition can possibly be put in better words than those used by the distinguished member of the committee, the gentleman from New Jersey [Mr. BACHARACH], on the floor the other day when he argued for a proposition which goes further than mine. He suggested an increase in all exemptions up to 21 years of age. The gentleman from New Jersey said:

The age limit for dependent children should be raised from 18 to 21 years. This is the age when our boys and girls are entering the higher institutions of learning, and their parents must pay for their education. In these days the poorest father and mother want their children to have the advantages of education which they were not able to enjoy, and for that purpose they are willing to deny themselves even the real necessities of life in order that their children may complete their education and be better equipped to fight the battles of life. So just at the age when our boys and girls become the heaviest drain on the family treasury the present revenue law looks upon them as independent and denies their parents the right to further exemption in making their income-tax returns.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent, unless some other gentleman desires to speak besides myself, that all debate on this amendment and all amendments to this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this amendment and all amendments to the paragraph close in five minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, it is quite true that this amendment on the face of it may appeal to the sympathies of the Members of the House. The gentleman who has just addressed you has said the objection will be raised that there are administrative difficulties in the way of adopting such an amendment. It is not simply a question of administrative difficulties. The amendment presents an administrative impossibility.

How many Members of this House would agree on even what constitutes a school? There would be as many different opinions here as there are Members as to what constitutes a school. In every case the Treasury Department would have to check up to see how many days the child had been in attendance upon the school. They would have to determine whether the institution to which he was giving his attention was in reality a school. Why, in some instances a boy learns just as much out on the farm as he does in some of the schools. He is sent there for training. He is sent into the different trades for training and for education. Are those to be counted as schools also?

Then the gentleman says that by increasing the exemptions, although we have made all the allowance that ought to be asked for a situation like this, we did not remove this discrimination. I answer the gentleman by saying, as I did yesterday with reference to another amendment that was offered, the amendment of the gentleman does not remove discrimination; it simply creates further discrimination.

There are hundreds of items I could mention for which a man ought to have an allowance that are more worthy than this. Suppose some member of his family dies and he is a poor man and has to pay the expenses of a lingering illness, with doctors' bills, hospital bills, funeral expenses, and all that sort of thing. He needs a credit for that more than he does for an item like this. There are hundreds of instances I could mention of a similar character which are needed more than this, and if you start out on this line, where are you going to stop in the matter of family expenses? How are you going to determine them and how will we remove the discrimination that the gentleman claims exists?

Mr. Chairman, I ask for a vote upon the amendment.

The question was taken, and the amendment was rejected.

Mr. SOMERS of New York. Mr. Chairman, I desire to present an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment by Mr. SOMERS of New York: Page 51, line 7, after the letter "(d)," strike out "$400" and insert in lieu thereof "$750."

Mr. O'CONNOR of New York. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for five minutes to discuss his proposed amendment. There was a misunderstanding when the chairman of the committee made his unanimous-consent request.

Mr. GREEN of Iowa. Mr. Chairman, I will waive any objection.

The CHAIRMAN. The gentleman from Iowa can not waive it. The gentleman from New York asks unanimous consent to address the committee for five minutes.

Mr. BLACK of Texas. Does not the gentleman have that right anyway?

The CHAIRMAN. No; all time has expired on the paragraph. Is there objection?

There was no objection.

Mr. SOMERS of New York. Mr. Chairman, ladies and gentlemen, I venture to state I am experiencing the natural embarrassment accompanying a first-year man in presenting to a distinguished body such as this his initial conception of a phase of government. Hence, may I ask, should I falter at all in my argument, you will not hold it so much against the policy for which I plead or against my sincerity as you will against my inexperience.

I can not conceive of the policy which prompted the gentlemen who drew up this bill to limit the sum for the exemption for a child or dependent to $400. Evidently, these gentlemen have not had experience in trying to bring up a modern family in a large city. You will agree that it is almost as costly to raise a child under American standards as it is to provide for a wife. Yet the difference in exemption does not reflect the true degree of proportion attending the support of a child.

I do not desire to limit further the number of taxpayers supporting the Government. In truth, I believe it is a wise policy which spreads taxation over the greatest possible number. Still, as far as I can delve into the policies of statesmen of the past, I find they were unanimous in their contention that the Government should give to the family the greatest consideration in order to encourage its propagation.

In this bill you have been generous with the man of small income who has contributed his labor and intelligence to the welfare of the Nation. You have been more than generous with the man who contributes his wealth to the welfare of the Nation. Now, is it not reasonable to ask that you be equally generous with those who have made a greater contribution than either labor or wealth—those who have contributed flesh and blood to the welfare of the Nation. Should you be inclined to dispose of this amendment in the way I ask, you will receive, I assure you—and I do not believe I am presumptuous in this assurance—the generous applause of an appreciating Nation.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

(c) If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

Mr. LUCE. Mr. Chairman, I move to strike out the last word. I desire to ask some member of the committee if there is in the bill a definition of "net income"?

Mr. HAWLEY. Yes. On page 36, section 212. "In the case of an individual the term 'net income' means the gross income as defined in section 213 less the deductions allowed by sections 214 and 206."

Mr. LUCE. I made that inquiry as preliminary to another. As the law now reads, if a husband or a wife has a net income of $3,400 as defined, no return is required. If the income is $3,600 and a part of that income consists, say, of dividends from corporations, enough to bring the balance down to $3,400, a return is required, although no tax will be imposed. I presume that is valuable for statistical purposes, as well as to enable the officials to ascertain whether the computations have been correctly made.

Mr. CHINDBLOM. It has a further value in providing a list of taxpayers with an income of $3,400, a sum more likely to be taxable next year than one below $3,400.

Mr. LUCE. That is to be taken into account. But has the committee considered the possibility of reporting that a net income as defined is less than $3,500 without going to the necessity of making a detailed return? That would be a convenience to many thousand citizens. Let me point out that if the net

income as defined is $3,400 you assume the citizen making no return to be a truthful and honorable man. If the net as defined is above $3,500, although with various deductions it will be brought below $3,500, you require him to make a return. My observation is that this entails a hardship, particularly in the case of wives.

Mr. HAWLEY. Both these difficulties arise out of the question whether any particular deduction was lawful under the law. Unless the returns are made and the matters set out the department can not tell whether the deductions were lawful or not.

Mr. LUCE. The gentleman thinks it would be impossible to permit a blanket return in such cases?

Mr. HAWLEY. You put it entirely in the discretion of the taxpayer to interpret the law in relation to certain items of income and deduction.

Mr. LUCE. But you permit the man with a net income of $3,400 as defined to do it, although his gross, too, may be above $3,500.

Mr. HAWLEY. There must be a dividing line somewhere.

Mr. TREADWAY. We provide further in the bill for a commission to be appointed for the purpose of going into the simplifying of returns and removing such arbitrary regulations as are unnecessary. Therefore I think if the gentleman from Massachusetts will call that matter to the attention of the board after it is appointed it will be worth while.

The Clerk read as follows:

PART III.—CORPORATIONS

TAX ON CORPORATIONS

SEC. 230. In lieu of the tax imposed by section 230 of the revenue act of 1924 there shall be levied, collected, and paid for each taxable year upon the net income of every corporation a tax of 12½ per cent of the amount of the net income in excess of the credits provided in sections 236 and 263.

Mr. McKEOWN. Mr. Chairman, I offer the following amendment on page 76, line 11.

The Clerk read as follows:

Page 76, line 11, after the word "of," strike out "12½" and insert "8."

Mr. McKEOWN. Mr. Chairman, this may not be a very scientific amendment, and it may go the way of all other amendments. We have, you say, a tax reduction bill here, and yet we do not give the corporations any reduction. We are willing to reduce the tax of the individual—I do not know whether that is based on the fact that he can vote—but we are not willing to give the corporations any reduction.

Every man in this House knows well enough that I am not a champion of corporations, but I am simply here asking for fair play. If we are going to have a tax reduction bill, there is no reason why the corporation should not have some reduction in its taxes. Here on the corner is John Smith, incorporated, and on the next corner is John Smith, individual, or John Jones. Can you explain to John Smith, incorporated, why it is you tax him 12½ per cent and give John Smith, individually, a reduction on his tax? You say you have a tax reduction bill. Now, I have not had a single letter from any corporation asking for this.

Mr. TINCHER. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. TINCHER. Does the gentleman know how much loss of revenue his amendment will entail?

Mr. McKEOWN. I might give a guess.

Mr. CRISP. I can tell the gentleman how much it would be—approximately $400,000,000.

Mr. McKEOWN. Well, that would be that much more reduction if we are to reduce taxes.

You say that you are going to reduce taxes, and while I am on that question I want to call attention to this fact: You can not make the business men of this country understand why it is that you do not reduce taxes more in this bill. Some gentlemen say that they want to pay the national debt. Well and good; but can you explain to the American taxpayer why he should pay these high rates of taxation to reduce his debt when the taxpayer of the foreign country who owes this country does not have to pay as high a tax rate? I am in favor of reducing the national debt down to the point where it meets the place where the income from the foreign countries comes in to take its place. In other words, you have $20,000,000,000 of national debt. You have approximately $10,000,000,000 of debt due us from the Allies. Perhaps only $7,000,000,000 of that would be good; but then you ought to pay $13,000,000,000 of your debt and then give the taxpayers of this country the same length of time to pay out the other $7,000,000,000 as the other countries have. Is there anything wrong with that proposition? It may not be high finance, but it would do some good to the taxpayers of this country to give them a little breathing time. We have put up more money than the whole world put up in this war. The capacity of the American business man and American financiers to meet the demands of the war has been the wonder of the world, and now we still come here and say that we will make our people pay in 25 years. The taxpayers of the other nations have 62 years in which to pay, at interest rates lower than we allow our own people. So far as I am concerned personally, I say to you gentlemen who live within the great populous districts that we ought to have more time in which to pay the debt. They tell me that within a radius of 500 miles of the city of Philadelphia there live 62,000,000 people, and that they own a very great majority of the wealth of this Nation. If those 62,000,000 people who own the majority of the wealth of this country want to go ahead and pay the national debt in 25 years and let the taxpayers of Italy, France, Belgium, and England take 62 years to pay, well and good. They are your people and you represent them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

(c) Nothing in this section or in section 246 shall be construed to permit the same item to be twice deducted.

Mr. RAINEY. Mr. Chairman, I think before we go into the administrative features of the bill, which are very interesting, that we ought to have a quorum present, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count [after counting]. One hundred and forty members present, a quorum. The Clerk will read.

The Clerk read as follows:

(e) The commissioner shall as soon as practicable in each year cause to be prepared and made available to public inspection in such manner as he may determine, in the office of the collector in each internal-revenue district and in such other places as he may determine, lists containing the name and the post-office address of each person making an income-tax return in such district.

Mr. LaGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LaGUARDIA: Page 106, line 12, after the word "district," strike out the period, insert a comma and the following: "together with the amount of the income tax paid by such person."

Mr. LaGUARDIA. Mr. Chairman, my amendment simply seeks to retain the law in the new bill as it is to-day. You will notice that the committee leaves the law as it was, except that they strike out the last few words in section (e) "together with the amount of the income tax paid by such person." In other words, the public record will give you the name and address of the taxpayer. You have all of the information, except the information that is necessary. After a long legislative struggle the publicity clause, so-called, was inserted in the law last year. It has not had a fair trial. It is too soon now after one year of operation to say that the publicity clause is unnecessary. I personally believe that the $33,000,000 increase in the income tax last year was due to a great extent to the publicity clause. Mr. Mellon says that it was due to the reduction of the taxes. At least my reasoning is more logical. It has been stated that no one wants the publicity clause to remain in the law. Every paper in our city used the information obtained through the provisions of this section which we put in last year. My colleague from New York [Mr. MILLS] knows as well as I do that the information was very embarrassing to some men in New York. Every other tax known in the history of taxation is open to public record. There is a tax on land. In New York State that tax is a matter of public record. What is there in the income tax that an honest taxpayer should fear? I concede that details of the returns perhaps should not be made public, but so far as the amount is concerned, there is not one sound reason that can be presented in support of eliminating the provision in the law which was inserted last year.

Mr. TREADWAY. Will the gentleman give us some sound reason why the amount should be printed?

Mr. LaGUARDIA. Sure. That is a fair question. It is because taxes are public matter, because they are matters of public record, because all other tax records are public, whether on land or on intangible property, on franchises, excise taxes,

and so forth. Will the gentleman name one tax in any State of the Union that is held secret, as the change in this bill proposes?

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

Mr. LAGUARDIA. Yes.

Mr. MILLS. Is the New York State income tax made a matter of public record?

Mr. LAGUARDIA. The information is obtainable.

Mr. MILLS. Is the tax paid by each taxpayer published?

Mr. LAGUARDIA. The information is obtainable.

Mr. MILLS. By law in the State of New York?

Mr. LAGUARDIA. There is no law prohibiting it.

Mr. MILLS. I will say to the gentleman that he is mistaken; that the income tax law of New York does not provide for the publishing of returns.

Mr. LAGUARDIA. Will the gentleman say that the law of the State of New York specifically prohibits it?

Mr. MILLS. I will.

Mr. LAGUARDIA. Will the gentleman show us that section?

Now, then, assuming for the sake of the argument that the gentleman is right [laughter], is that any reason why this bill should repeal the publicity provision of the law? Does the gentleman from New York contend that the New York State law is correct?

Mr. MILLS. Absolutely.

Mr. LAGUARDIA. Why?

Mr. MILLS. Because it is the experience of every country that has ever levied an income tax that the published returns hinders rather than helps the administration of the act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. May I ask for five additional minutes?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LAGUARDIA. The gentleman abandons the State of New York and says "any other country." You can not take any other country as a criterion.

Mr. MILLS. How about the State of Massachusetts?

Mr. LAGUARDIA. The gentleman was talking about the State of New York just a moment ago.

Mr. MILLS. How about the other eight States in the country that have an income tax?

Mr. LAGUARDIA. It is all wrong, and the gentleman can not make it right. [Laughter.] Now, who asked for the repeal of the publicity provision? Mr. Mellon came before the committee, and in the hearings he pleaded with the committee to repeal the publicity tax.

Mr. BERGER. Will the gentleman yield?

Mr. LAGUARDIA. I will yield to my colleague.

Mr. BERGER. I have to help him out this time. I published the income tax of the State of Wisconsin in my own paper.

Mr. LAGUARDIA. Will my colleague address me when I yield to him? I yield now to the gentleman from New York.

Mr. MILLS. I would like to ask the gentleman from Wisconsin——

Mr. LAGUARDIA. Not out of my time. I decline to yield. I yielded for a question addressed to me, and I happen to have the floor. Gentlemen, there was no real demand coming from the country for the repeal of this provision. Mr. Mellon appeared before the committee and pleaded; he did not give any reason or say why——

Mr. MILLS. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. MILLS. Does the gentleman believe that the American press faithfully represents, on the whole, public opinion?

Mr. LAGUARDIA. Not our New York press.

Mr. MILLS. I said the press of the country.

Mr. LAGUARDIA. Generally; yes.

Mr. MILLS. Is he able to state one single editorial in which the retention of the publicity clause was advocated?

Mr. LAGUARDIA. I will state that every paper used the information, just the same.

Mr. MILLS. Does not every paper advocate the repeal of the publicity clause?

Mr. LAGUARDIA. Sure. Who publishes our papers in New York? Three or four people; and the gentleman knows it. Of course they are advocating the repeal of this provision; of course they are.

Mr. BEGG. Will the gentleman yield for one question?

Mr. LAGUARDIA. I will.

Mr. BEGG. I would like to ask the gentleman on what ground he made the statement at the start of his talk that, in his judgment, the increase in revenue was due to the provision in the law authorizing publicity?

Mr. LAGUARDIA. The gentleman makes that statement on his experience.

Mr. BEGG. Wherein?

Mr. LAGUARDIA. His experience as a city official, his experience and contact with taxpayers, his professional experience with taxpayers. No one can deny that the publicity clause will aid in getting correct returns.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. FAIRCHILD. The gentleman says that his experience in connection with the taxpayers—then name one case illustrative of his experience with taxpayers where my colleague knew of the Government getting additional money because of the publicity clause. Name one instance.

Mr. LAGUARDIA. Will the gentleman name one instance that justified Mr. Mellon in saying we got $33,000,000 because we reduced taxes? That is a fair question. The gentleman knows his is not a fair question.

Mr. FAIRCHILD. No; if my colleague will allow me. When he states here in argument that he knows of individual cases where the Government got money because of publication, it is a fair question, and I ask him to name one of those cases.

Mr. LAGUARDIA. I say now, and repeat, that the publicity feature in our law will certainly make a lot of taxpayers make proper returns. Did not the gentleman's colleague on the floor of this House state that the big taxpayers were evading the law? Why, Mr. MILLS, an authority on taxation, did not make that statement once only; he has made it half a dozen times. He has made it right here on the floor of the House.

Mr. MILLS. I said "legal evasion."

Mr. LAGUARDIA. Oh, the gentleman qualifies it now.

Mr. MILLS. I have always said it. "Legal" in that connection means tax-exempt securities.

Mr. LAGUARDIA. Nobody who heard the gentleman this year and last year would come to that conclusion.

Mr. MILLS rose.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. MILLS. Mr. Chairman, I do not care to deal at length with the reasons which prompted the committee to recommend the repeal of this particular provision. On Saturday last I put into the RECORD what I consider to be one of the clearest and most instructive arguments against the publicity provision that I know of. It was drafted by a gentleman who knows as much, if not more, about income taxation than any other man, the Hon. CORDELL HULL, of Tennessee; and when publicity was first suggested the gentleman from Tennessee wrote a very strong analytical letter in which he pointed out that every country in the world that had had an income tax law had found it advisable in the interest of sound administration not to adopt such a provision, and he pointed out other strong and convincing reasons, all of which will be found in the RECORD of yesterday.

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

Mr. MILLS. Yes; I will yield to my colleague from Illinois.

Mr. RAINEY. I will say to my colleague from New York that the German Government has just adopted the policy of publicity in all income-tax returns, and the object of it and the reason for it was that it would yield larger returns. It was based on that idea.

Mr. MILLS. That has not been our experience. The Secretary of the Treasury, in appearing before the Committee on Ways and Means, said that every collector of internal revenue throughout the country had been requested to furnish an opinion as to whether the publicity clause had in any way helped to collect taxes in the course of the last two years, and the unanimous answer was "No."

Mr. LAGUARDIA. Mr. Chairman, will my colleague yield?

Mr. MILLS. Yes.

Mr. LAGUARDIA. Who appoints these collectors? Mr. Mellon appoints them.

Mr. MILLS. I think they are appointed by the President of the United States.

Mr. LAGUARDIA. Are they going to give an opinion contrary to Mr. Mellon's views?

Mr. MILLS. The gentleman is less inclined to credit other people with honesty than I am. I take it that the average man is honest and tells the truth. [Applause.]

Mr. LAGUARDIA. These men are appointed.

Mr. MILLS. I am not ready to believe that every collector in the United States will give false information when re-

quested to give an answer by the Secretary of the Treasury or anyone else. [Applause.]

Mr. SCHAFER. Would not these collectors, in answering the communication, think a little about whether or not they would be disciplined for not being regular. [Laughter.]

Mr. MILLS. Well, I am not aware that telling the truth has even been considered irregular. [Applause.]

It may fairly be said, then, that experience in other countries, the experience in this country, and the testimony of every man qualified by experience to administer an income tax law, all tend to show that publicity is a hindrance rather than a help. Therefore, there is no official reason for keeping it on the books in the interest of sound tax administration. On the other hand, there is a very real reason for taking it off the books. It constitutes, as every man in this room knows, a serious invasion of that privacy to which the average American thinks he is entitled. I do not suppose there is anyone here who would think for one moment that that privacy should not be invaded if some good purpose could be served; but it once having been demonstrated that no good is accomplished, I suggest that it goes against the grain of every American to publish to the world on some November morning the exact amount of his income tax and so permit the curious and gossips to speculate as to his earnings and the exact amount of his income. Those are the reasons which, I think, led the committee to recommend the repeal of the publicity provision. [Applause.]

Mr. FREAR. Mr. Chairman, I can state for the sake of argument that that law as it stands to-day is not of such value as was intended when originally proposed by Senator NORRIS, on the other side of the Capitol, or as we endeavered to have it placed here in the last law. At that time, too, the gentleman from Tennessee [Mr. HULL] was quoted in regard to his opinion on privacy, and let me say that he is a very able gentleman. But keep in mind, gentlemen, that practically every man on the left side of the aisle, the Republican side, voted against him yesterday when he proposed what he believed was a fundamental principle of the income tax and asked you to sustain him on it; so that his judgment is quoted only when it is supposed to be of value and is not followed in other cases.

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

Mr. FREAR. Yes, sir.

Mr. MILLS. When I last heard of the decision rendered in Wisconsin I understood it had been tried out and a final decision had been made.

Mr. FREAR. Yes. It was held to be valid, as I understand. A gentleman rises on the floor of this House or on the floor of the legislature of our State. He takes an active interest in the income proposition or other legislation. The very fact that he is interested financially to such an enormous extent as the gentleman from New York—and I am glad of it; I wish he had more—that fact colors his judgment. The Secretary of the Treasury, who brings this proposition to us and who did so the last time in the last law, paid $1,174,000 tax in 1924, and this year he paid $1,876,000, or over $700,000 more in one year.

I am not speaking about publicity as having any relation to the fight in 1924, whether or not it took him by surprise; but I do say this, that it shows his financial interest at this time, not only in one proposition in the bill, but the whole thing. If you have a witness on the stand in the trial of a lawsuit you usually ask him, "What is your interest in this case?" Mr. Mellon has a larger interest in the result almost than anyone else in the United States to-day. I claim that when you get a simple statement of what a man pays by publication you are not getting anything like what is obtained by complete investigation of records such as that of the Couzens committee by actual publicity.

It has been stated that large amounts of taxes have been evaded and that large amounts have been fraudulently paid out by the Treasury of the United States, and that could have largely been prevented if we had had a genuine publicity proposition on the books.

Now, what the gentleman from New York [Mr. LAGUARDIA] has proposed is a very simple proposition. It states the amount of money is paid for taxes, and what gentleman is ashamed of it? The claim has been made that the publicity proposition invades the privacy of American citizens, but does it invade their privacy when you remember that your personal property is put up and your real property is put up and every other tax is published to the country if anyone wants to know it.

My answer is that it does not unduly invade any privacy, but it just simply discloses that we have grown in the habit of concealing these things from the public—legally concealing them, I admit—and we are now getting into the position where tax evasions, as the gentleman from New York [Mr. MILLS] well says, have grown so large that you need legislation to avoid that tax evasion. The only way you can get it is by knowing the reasons which impel a man to seek evasion. Of course, that is only one incident in seeking the publication of income-tax returns.

Mr. MILLS. Will the gentleman yield?

Mr. FREAR. Certainly.

Mr. MILLS. Was not exactly the same argument made in the case of the enforcement of the personal-property tax?

Mr. FREAR. Oh, well, I do not know particularly as to that; but I will simply say this, that publicity certainly helps in exposing these things. For instance, if I stand up here and favor a proposition, the question of my interest in it is presented, and naturally the question arises, What is his interest and what is impelling him to favor the proposition? The same thing is true when a man presents a bill for legislation. Mr. Mellon will be benefited by having this tax cut from 40 per cent to 20 per cent, because under that reduction he will save $850,000. That will result by making a reduction to 20 per cent from 40 per cent.

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

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. I observe that the gentleman from New York [Mr. LAGUARDIA] has an amendment at the desk. I also have one covering the same paragraph, and I would like to know whether it is in order to report my amendment now or will it be taken up afterwards?

The CHAIRMAN. Is the gentleman's amendment an amendment to the amendment offered by the gentleman from New York [Mr. LAGUARDIA]?

Mr. GRIFFIN. No; it is an amendment to the section.

The CHAIRMAN. Well, it would not be in order to report it now because this other amendment is pending.

Mr. GARRETT of Tennessee. It can be offered as a substitute.

Mr. GRIFFIN. Then I will offer it as a substitute.

The CHAIRMAN. Then the substitute will be reported by the Clerk.

The Clerk read as follows:

Amendment proposed by Mr. GRIFFIN as a substitute for the amendment proposed by Mr. LAGUARDIA: On page 104, in line 17, after the word "records," strike out all of lines 17, 18, and 19, and insert the following:

Mr. BEGG. Mr. Chairman, I raise a point of order. That can not, by the wildest stretch of the imagination, be a substitute. It does not come at the same place in the bill.

Mr. GRIFFIN. But it is the same section of the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GRIFFIN. It is the same section of the bill, Mr. Chairman.

Mr. CHINDBLOM. Mr. Chairman, I make the further point of order that we have passed the paragraph.

Mr. LAGUARDIA. No; we are still on the same paragraph.

The CHAIRMAN. The gentleman from New York [Mr. LAGUARDIA] offered an amendment at the end of (e), line 12, page 106, that being as far as the Clerk has read. The gentleman from New York [Mr. GRIFFIN] offers an amendment on page 104, line 17, the amendment being to strike out lines 17, 18, and 19, and insert other language. We have already passed that paragraph, and the point of order made by the gentleman from Ohio [Mr. BEGG] has been sustained. We have passed the point where the gentleman proposes his amendment, and we have an amendment pending. The gentleman is too late with his amendment.

Mr. GRIFFIN. Mr. Chairman, continuing the parliamentary inquiry, will it be in order for me to submit my amendment when debate on the amendment offered by the gentleman from New York [Mr. LAGUARDIA] is finished.

The CHAIRMAN. It would not be proper to propose an amendment at the point where the gentleman is proposing it, because we have passed that stage of the bill.

Mr. GRIFFIN. I am offering it as a substitute, but objection has been made to it as a substitute, and the Chair has sustained the point of order.

The CHAIRMAN. The Chair sustained the point of order made by the gentleman from Ohio [Mr. BEGG], to the effect that we have already passed that stage of the bill.

Mr. BEGG. My point of order, Mr. Chairman, was that it is not a substitute, because it does not cover the same point in the bill.

The CHAIRMAN. It is not a substitute, anyway, because it is not proposed to the same paragraph.

Mr. GRIFFIN. The parliamentary inquiry I addressed to the Chair is this, whether it is in order for me to submit the amendment at any time.

The CHAIRMAN. Let the Chair state this: Section (b) of the bill has been read, as I understand it; we have passed paragraph (b).

Mr. GRIFFIN. We are still on the paragraph.

The CHAIRMAN. We have passed paragraph (b), and we are on another subparagraph. The amendment offered by the gentleman from New York [Mr. LAGUARDIA] relates to a subparagraph following paragraph (b), that paragraph, as the Chair has already stated, having been passed.

Mr. GRIFFIN. My amendment, as I understand it, is to the section which begins on page 104 of the bill.

The CHAIRMAN. Under the ruling of the Chair at the beginning of the reading of this bill each lettered paragraph is considered a separate paragraph, and the bill is being read by paragraphs. The numbered paragraphs include all the numbers in connection with the specific subject before the paragraph is completed, but each one of the lettered paragraphs is completed when the letter is passed, and the reading of the bill has gone beyond the stage where the amendment is applicable.

Mr. GRIFFIN. I misunderstood the ruling of the Chair. I understood it was in order to offer the amendment.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. There is nothing before the committee now.

Mr. LAGUARDIA. I submit I can make a parliamentary inquiry.

The CHAIRMAN. The point of order has been sustained, and the amendment of the gentleman from New York [Mr. LAGUARDIA] is pending, and the amendment offered by the gentleman from New York [Mr. GRIFFIN] is not in order.

Mr. TINCHER. Mr. Chairman, a parliamentary inquiry. Has not debate been exhausted on the amendment of the gentleman from New York [Mr. LAGUARDIA]?

The CHAIRMAN. Debate has been exhausted on the amendment when we can get to it.

Mr. GRIFFIN. Then I offer my amendment as a new paragraph at the end of the section.

The CHAIRMAN. The gentleman can not offer his amendment now. There is an amendment pending. When the pending amendment is acted upon, it will be in order for the gentleman to offer his amendment, if it is proper at that time and at that place. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The amendment was rejected.

The CHAIRMAN. The clerk will read.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry. The gentleman from New York [Mr. GRIFFIN], I understand, wants to offer an amendment, and the gentleman ought to have an opportunity to offer it.

The CHAIRMAN. The gentleman from New York can speak for himself.

Mr. LAGUARDIA. The gentleman was correcting his amendment.

Mr. GRIFFIN. Mr. Chairman, I wish to offer an amendment as a new paragraph in the bill. On line 12, page 106, to be known as paragraph (f).

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York [Mr. GRIFFIN].

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 106, after line 12, insert a new paragraph to be known as paragraph (f):

Mr. GRIFFIN. Mr. Chairman, pardon me, but I do not think the Clerk has the whole of it. Will the Chair permit me to read the section as printed on page 414 of the RECORD of yesterday?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Returns upon which the tax has been determined by the commissioner shall constitute public records, but only the following features shall be open to inspection: (a) Name of taxpayer, (b) gross income, (c) amount of normal tax, (d) amount of surtax, (e) total tax assessed. No other figures or details of a taxpayer's return shall be open to inspection except upon the order of the President, under such rules and regulations as may be prescribed by the Secretary and approved by the President.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that the amendment is not in order. It is clearly an amendment of section 257, paragraph (a), and should have been offered at that place.

The CHAIRMAN. Does the gentleman from New York [Mr. GRIFFIN] wish to be heard on the point of order?

Mr. GRIFFIN. If the gentleman is disposed to deal in technicalities, I would like to ask unanimous consent that we go back to that section of the bill.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not think the gentleman need concede the point of order. I will say to the gentleman from Illinois I do not think the amendment is subject to the point of order on the ground he puts it. Every lettered paragraph in this section is dealing with this same subject matter.

Mr. CHINDBLOM. My colleague suggests that for the purpose of saving time I withdraw the point of order, and I am willing to do that, although, of course, I did not make it frivolously.

Mr. GARRETT of Tennessee. It will save time, and the gentleman is wrong about it anyway.

The CHAIRMAN. The gentleman from Illinois [Mr. CHINDBLOM] withdraws the point of order, and the gentleman from New York [Mr. GRIFFIN] may proceed.

Mr. GRIFFIN. I thank my colleague and the gentleman from Illinois for withdrawing the point of order.

Mr. Chairman and gentlemen, anticipating that this section would come up to-day, I took the trouble to insert in the RECORD of yesterday, at page 799, this proposed amendment in full, printing also the paragraph as it was provided in the bill and giving a brief argument in favor of the amendment.

The point I make is that some publicity of income-tax returns is necessary. I am not one of those who believe that everything should be thrown open in the matter of income-tax returns. I do not believe it is proper to allow busybodies to go to the collector's office and learn all of the inner workings of a man's business.

My proposed amendment is a compromise. It is in consonance with the American idea that no citizen ought to have any transactions with his Government that he is afraid to reveal or have revealed. You may ask what business is it of anyone to know what I pay or what you pay, and my answer is that every duty of a citizen carries with it the obligation of every other citizen to know that that citizen is doing his duty. In other words, I want to know when I pay my taxes that other men are pulling in the harness with me and not shirking their responsibility.

The idea is this—and I want to carry it home to you, if I can—there should be no secrecy in the transactions between any citizen and his Government. The gentleman from New York [Mr. MILLS] states he does not know of any case where the publicity section of the bill has helped in collecting a single dollar. What if that is so? We do not put it in there for that purpose; we put it in there of right because it ought to be there. The people of this country ought to know that every man is bearing his burden. My amendment is a compromise. It does not throw the doors wide open and allow busybodies to poke into private affairs, but it only requires revelation of that which ought to be revealed—whether every man pays his just share of the burden. That is it in a nutshell.

It is futile to argue as to whether or not the publicity given to income taxes under the present law increased the receipts of the Government. Suffice it to say that the collections for the current year are over $30,000,000 in excess of the receipts for the previous year. The opponents of publicity are prolific in reasons to account for it and persistent in their denials that the fear of exposure had anything to do with the increase. To determine the proper inference from the facts is a task involving divine or supernatural knowledge of human motives beyond the ken of mere mortals. It is, however, fair to conclude, if there is any virtue in laws founded on the fear of exposure, as most of our criminal laws are, that the average man who knows that his tax payment is likely to be published in his local paper, will seriously hesitate before he puts in a false return.

I am fighting for this amendment not because I distrust the honesty of my fellow citizens or because I want to pry into their private concerns but only because I feel that the principle of publicity is right, particularly in connection with surtaxes upon excess profits.

If the people are to continue to be mulcted by profiteers, it is only just and proper that the victims should know the aggregate extent of such exactions and the number of highbinders engaged in such brigandage, but they ought also to be able to identify the offenders more accurately than by the mere letters X, Y, and Z.

We ought to preserve the publicity feature until all occasion to impose surtaxes shall cease. I agree with Roosevelt in his abomination of "malefactors of great wealth." They have a constitutional, and perhaps hereditary, twist of the mind which prevents them from seeing the distinction between "necessity" and "opportunity," two words frequently confused in business.

The law of supply and demand used to have its limitations, and such limitations were founded on good conscience. To-day there is no limit, because business conscience seems to have evaporated. There is no "necessity" to demand higher prices simply because things are scarce; there is only the "opportunity" for plunder. No decent business man ought to charge high prices simply because he has the opportunity. Excess profits generally fall within this category, and consist of prices exacted because of a natural or even artificial scarcity. Every business should pay and is entitled to prosper, but it is not good conscience to create a scarcity for the purpose of gouging the public.

For instance, we have a coal suspension in the anthracite fields. The bituminous mines are working without interference, and it is conceded that there is an ample supply of bituminous coal to take the place of anthracite. There is no more expense connected with the mining, the shipment, and delivery of a ton of bituminous coal to-day than there was before the anthracite trouble began. Yet the prices charged for bituminous coal have been doubled.

The same is true of that other substitute—coke. A few years ago we could have had a ton of coke delivered in New York City for $3.50. To-day it is $15. That is one of the reasons, perhaps, why the coal strike is not settled.

I am not at all overwhelmed by the carefully planned propaganda of those who are seeking to abolish the publicity feature of the income tax law. If you dig deep enough into their history and business connections you will find that they are inspired by purely selfish motives, and that they have good reason to take refuge under the cloak of secrecy. You will find that the whole gang who are responsible, directly and indirectly, for the present orgy of price boosting and profiteering are heartily in favor of secrecy in the matter of their income-tax returns. But the average man, if given the opportunity, would vote unanimously for open dealings.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. GRIFFIN) there were 23 ayes and 165 noes.

So the amendment was lost.

The Clerk read as follows:

(d) As used in this section the term "China" shall have the same meaning as when used in the China trade act, 1922.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I miss more than I can express the voices of protest of two brilliant leaders in the fight against exemptions from taxation—the gentleman from Alabama [Mr. HUDDLESTON] and the gentleman from Iowa [Mr. GREEN]—when the Clerk reads this section.

Of course, it may be said that under the law these exploiters of China are already exempt from taxation. I guess I may be wrong, Mr. Chairman, but when I was in China this summer I was impressed with the seriousness of the situation in that country. So often has the China pot threatened to boil over and then cooled down that the nations of the earth have become somewhat indifferent; but sooner or later there will be fires lit in China that will light the whole world, and the House of Representatives of the United States will be as helpless as these insurgent Republicans are in a Republican caucus. [Laughter.]

We are supposed to be the one to declare war, but the issue of peace or war in China, as far as war is concerned, depends upon the tact and diplomacy of the American admiral in charge of the Yangtse patrol.

There is only one station in China where there is any other nation which has a force equal to ours. Japan has two little boats at that point, and we have but one. There are about six thousand and some odd of the naval forces of the United States upon the soil of old seething China, and the taxpayers are having to pay that enormous bill, and every year literally hundreds of our boys come back from that station ruined in body, ruined in morals, and on one vessel 19 landed in the hold absolute mental wrecks. We are doing that for our foreign trade in China; we are maintaining a Navy and forces over there, and yet we exempt them from taxation. Mark my words, the day is going to come when we will have to bear the brunt of settling the Chinese situation. I am glad to know the Secretary of State appreciates the situation, and I agree with what he has said about it.

The point I want to make is that while we are bearing the brunt of the trouble, while we are paying the bills, while we are fighting for the enormous dividends for trade companies over there in China you sit back and say to the overburdened taxpayer "Let these men off scot free."

I am not going to be satisfied; I will protest against it every time that the item is read whether it be in a revenue bill or in any other bill.

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

Mr. WINGO. Yes.

Mr. BEGG. Are not foreign corporations of Great Britain, Japan, Germany, and perhaps some others that I do not know of taxed? I want to couple another question with that. Is the United States doing the sole policing over there? Are not Great Britain and France doing their share?

Mr. WINGO. No; they are not doing as much as we.

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

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. No; they are not doing their share, and I do not say so critically of Great Britain and Japan. The gentleman was with me, and he knows the real reason. There are places in China where the Japanese and the British patrol can not go, and I do not blame the poor Chinamen. When you gaze upon the Chinese population and the way they are treated you are overcome with the feeling of mingled pity and contempt—pity for their condition and the way they are treated, like dogs. My blood boiled on the streets of Shanghai when I would see those long-robed saddle-colored Sikhs the British bring from India in there and beat those poor Chinese just as one would beat a dog. No wonder there is seething in China. Yes; Japan and Great Britain have their forces over there; but there are places where only the United States forces can go without provoking open warfare, and where the Japanese and the British can not.

I repeat the statement, and the gentleman can not challenge it, because I know he has the same statistics and saw the same things that I saw, that in every place except one, away up on the Yangtse River, the vessels of the United States exactly match the vessels of Japan and Great Britain together, except at that one place Japan happens to have two little boats, while the United States has only one. Japan and Great Britain have sown the wind, and they are reaping the whirlwind, and I say the Secretary of State is right, and the policy of our present State Department, which I approve, is the only policy that may stop a great war in China, and the independent moral force of this Nation, which has been brought to bear, may yet prevent a holocaust in that unhappy land.

The reason why I mention our forces and these other forces is this. We have to support this Navy, and we have to pay these marines, and we have to pay these enormous expenses. These corporations, who are getting enormous sums of money out of their business in China, it seems to me, ought to be willing to bear some proportion of the tax burden to support the Navy and these troops just as well as the citizens at home. Oh, but the gentleman says, are not these other foreign trading companies exempt? We had that question up when we were considering the China trade act. I insisted then, although my statement was challenged, that they are not exempt to the extent that we exempt our foreign-trading corporations, and I think I demonstrated it clearly at that time.

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

Mr. WINGO. Yes.

Mr. KINCHELOE. Is it not also true that the largest beneficiaries under this section are the American Tobacco Co. and the Standard Oil Co.?

Mr. WINGO. They are the principal ones. Tell me that they can not compete in any market on earth without being given this exemption? It is ridiculous to say so. They are the chief beneficiaries, and their employees are the chief beneficiaries of the provision with respect to personal exemption, which I moved to strike out yesterday and for which motion I could not get the support of even my conservative friend from Alabama [Mr. HUDDLESTON] or my radical friend from Iowa [Mr. GREEN]. [Laughter.]

Mr. GREEN of Iowa. Did I understand the gentleman to say, although I can scarcely credit it, that the other nations did not give their trading companies the same exemptions that we are giving ours?

Mr. WINGO. They do not.

Mr. GREEN of Iowa. The gentleman is most decidedly in error.

Mr. WINGO. I am not, and I will submit the matter to The RECORD of about a year ago when I think I demonstrated to everybody in this House except two gentlemen, and one of them is the gentleman from Iowa, that absolutely England does not to the same extent exempt British traders as we exempt American traders under the China trade act, and by the terms of this bill.

Mr. GREEN of Iowa. I imagine that the other gentleman is the only gentleman that paid any attention to the gentleman's remarks.

Mr. WINGO. Maybe so; because I do not take myself quite as seriously as the grave overburdened gentleman. I have that advantage over the gentleman.

The Clerk read as follows:

(2) In the case of a nonresident alien individual, and of a foreign corporation not having an office or place of business in the United States, on or before the 15th day of June following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on or before the 15th day of the sixth month following the close of the fiscal year.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I should not bore the committee if the gentleman from Alabama had not run away from me. I am more confused than ever now that he and the gentleman from Wisconsin [Mr. BERGER] are together. I submit in all candor, how can the gentleman from Alabama expect me to stay with him when I find him first with the gentleman from New York [Mr. MILLS] and the gentleman from Iowa [Mr. GREEN], and then I find him in bed with the leader of the Socialist Party [Mr. BERGER]. I have a faint suspicion, Mr. Chairman, that the reason he got with the gentleman from Wisconsin [Mr. BERGER] was because of the propelling force of the law of gravity—he naturally went back to where he started. But the trouble with the gentleman from Alabama, and of which I complain—is that he is always very strong in protesting against exemptions to the man who toils in the ditch, like these waterworks employees in the city of Birmingham, when I sought to put them on an equality with the "white collar" employees of the city of Birmingham, but he does not protest when it is proposed to exempt from taxation the Standard Oil and the American Tobacco companies. O Mr. Chairman—

The harp that once through Tara's halls,
The soul of music shed,
Now hangs as mute on Tara's walls
As if that soul were fled.

[Applause.]

The Clerk read as follows:

EXAMINATION OF RETURN AND DETERMINATION OF TAX

SEC. 271. As soon as practicable after the return is filed the commissioner shall examine it and shall determine the correct amount of the tax.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment, which I send to 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. BLACK of Texas: Page 113, line 14, after the word "practicable," insert "within two years," so that the language as amended would read, "As soon as practicable and within two years after the return is filed the commissioner shall examine it and shall determine the correct amount of the tax."

Mr. BLACK of Texas. Mr. Chairman, the reason why I have offered this amendment at this particular point is this: The language under this section 271 provides that the commissioner shall audit the return and complete the assessment of the tax as soon as practicable. So far, so good. But on page 122 of the bill is a provision which allows him four years within which to make the final assessment; so that the language "as soon as practicable" may be interpreted to mean a period of four years after the filing of the original return, and so I have offered the amendment at this point, so as to provide that under this act the Commissioner of Internal Revenue shall complete the assessment and determine the final amount of the tax within a period of two years.

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

Mr. BLACK of Texas. Yes.

Mr. CHINDBLOM. Is it the gentleman's purpose that the period shall be limited to two years?

Mr. BLACK of Texas. Yes; as to taxes to be assessed under this act. Now let me call the attention of my friend from Illinois to page 122. It reads:

The amount of income, excess-profits, and war-profits taxes imposed by the revenue act of 1921, and by such act as amended, for the taxable year 1921 and succeeding taxable years, and the amount of income taxes imposed by the revenue act of 1924, and by this act, shall be assessed within four years after the return was filed—

And so forth. Now, if my pending amendment shall prevail, when we reach that provision in the bill I shall propose an amendment to strike out the words "and by this act" on line 20, page 122, and insert at the end of that paragraph that "income taxes imposed by this act shall be assessed within a period of two years after the return was filed, and no proceeding in court for the collection of such taxes shall be begun after the expiration of such period."

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

Mr. BLACK of Texas. Yes.

Mr. CHINDBLOM. Has the gentleman any idea of what increase in the employees of the Treasury would be required under this provision in the new law?

Mr. BLACK of Texas. I do not think it would be very great. Perhaps none at all, if the work is speeded up as it should be. I have no desire, and I am sure no Member of this House has any desire, to aid any man in evading his taxes.

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

Mr. BLACK of Texas. In just a moment. But I do believe the taxpayer within a reasonable length of time ought to be able to know the complete amount of taxes that are held against him. Now I yield.

Mr. JONES. I would like to know why it would take more employees to do this work in one year. Why would it be more expensive to keep it within two years than four years?

Mr. BLACK of Texas. I do not see any reason why the Commissioner of Internal Revenue should not be able to audit completely the tax returns of income-tax payers in the United States within a period of two years from the time the original returns are filed and make a complete assessment.

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

Mr. BLACK of Texas. Yes.

Mr. ARENTZ. Does not the gentleman think the passage of this provision in the bill will result in the simplification of the returns on the income tax?

Mr. BLACK of Texas. I hope so. It is a very great hardship and sometimes a very great injustice to come to the taxpayer four years from the time he has filed his return and demand a large additional assessment.

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

Mr. BLACK of Texas. Yes.

Mr. GRIFFIN. Is it not true or highly probable that the returns will be less than one-half what they would have been under the former law?

Mr. BLACK of Texas. I think so. The additional exemptions granted to single men and married men will greatly lessen the number of returns and therefore lessen the work of auditing.

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

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one minute more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Texas may proceed for one minute more. Is there objection?

There was no objection.

Mr. HASTINGS. Why could not the gentleman from Texas offer an amendment on page 122 by cutting out "four" and inserting "two"? Would not that accomplish the same purpose?

Mr. BLACK of Texas. I would not like to change the provisions of the present law as to the proceedings under the act of 1924 and prior acts. That might be termed retroactive. But we are working on what will be called the act of 1926, an entirely new revenue law, and I think it would be a mighty good time and reasonable to demand that the Commissioner of Internal Revenue should make his assessment and settlement within two years. Except, of course, in cases of fraud, where the Government would not be bound by any statute of limitation.

Mr. GREEN of Iowa. Mr. Chairman, my friend from Texas [Mr. BLACK] is usually very careful about the amendments which he offers, and as a general thing they have much to commend them. But in this particular case I am quite sure

that he has not made a study of the operations of the Internal Revenue Bureau or he would not have offered his amendment.

If this amendment were carried, you would simply suspend the collection of taxes in this country for about two years. We are somewhere from two to three years behind in certain branches of our taxes. There is no way by which you can hasten the determination. You can not find in this country enough men who understand auditing tax returns—even if you were disposed to make an appropriation for the additional men—that would be necessary to bring the department up current. The department, however, is gaining on the situation all the time and bringing up its work gradually. I hope to see the time—and I think we shall before many years—when the proposition introduced now by the gentleman from Texas [Mr. BLACK] will be carried out, but it can not be done at this time.

There is one thing it would force on the department which would not be at all in the interest of the taxpayer; the department would be obliged to put on arbitrary assessments, which, instead of hastening the final determination of the case, would simply postpone it and bring about litigation and bring about all kinds of trouble.

Mr. SNELL. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SNELL. If we would stop investigating the income-tax department all the time, would not that assist in enabling the department to catch up in its work?

Mr. GREEN of Iowa. I understand that the work of the department has been greatly retarded by these investigations.

Mr. SNELL. Each investigation sets them back from 6 to 10 months, does it not?

Mr. GREEN of Iowa. I could not say how long a time, but I understand these investigations have made a great deal of difference.

Mr. SNELL. I have understood so.

Mr. GREEN of Iowa. On the whole, this amendment is not in the interest of the taxpayers at all.

Mr. HAWLEY. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. HAWLEY. The proposition submitted by the gentleman from Texas [Mr. BLACK] would result in this: The department would make arbitrary assessments within two years, and then, such assessments having been made, they would drag out the consideration of the claims for such time as might be necessary to straighten them out.

Mr. BLACK of Texas. Will the gentleman from Iowa yield to me?

Mr. GREEN of Iowa. Certainly.

Mr. BLACK of Texas. Upon what theory has the Government of the United States the right to make an arbitrary assessment? Does not the gentleman think that sufficient employees could be provided to go over these returns within a period of two years and make correct assessments?

Mr. GREEN of Iowa. If the gentleman knows where he can get competent auditors at the salaries which Congress grants, he knows more than anyone at the office of the commissioner knows. They have not asked for any additional employees for the reason that they can not find the proper men for these positions. When I speak of arbitrary assessments, I do not mean that they would simply select any figure they wanted, but they would be compelled to guess at the amount, and in order to protect the Government would be obliged to fix it at the highest amount for which they think the taxpayer would be liable. When that is done it leads, as the gentleman from Oregon [Mr. HAWLEY] has stated, to interminable litigation, trouble, and all sorts of difficulty. The gentleman from Texas should not think that all the delays are caused by Government officials in assessing these taxes. I will say to the gentleman that nine-tenths of the delay in these cases, which have been dragging out to such a point, has been caused by the taxpayers. That is true because they have not been ready and because they do not have the information which they want to submit to the department. I was surprised to find the extent to which that was carried when I made an investigation of this subject a short time ago. I am quite clear that this amendment should not receive the approval of the committee.

Mr. JONES. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas [Mr. BLACK], striking out "two years" and inserting the words "three years."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES to the amendment offered by the gentleman from Texas, Mr. Black: Strike out "two years" and insert the words "three years."

Mr. JONES. Mr. Chairman, about four years since I offered a similar amendment to the one now offered by my colleague [Mr. BLACK of Texas], and at different times he and I have offered the amendment in connection with new revenue measures. I have therefore worked on this proposition in connection with my colleague on several different occasions. I am now offering the amendment for review within three years, not because I prefer three years, but because I think it has a better chance of adoption. I have an amendment which I had planned to offer, on page 122, leaving the old law as it is with reference to previous tax bills, but providing limitation of three years under the act of 1924 and the pending act in making the extra assessments.

I do not see any good reason why that can not be done, beginning now, because it takes just as long to levy an additional assessment on the 1924 income tax in 1928 as it does in 1925.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. JONES. In just a moment.

It is true that originally this was a new proposition and they had some excuse for getting behind. But now that the department is thoroughly organized there is no good reason for this interminable delay, especially as to new levies. Beginning now, it seems to me that if we allow three years for the Government to get around to letting a taxpayer know how much he will probably have to pay, we are allowing them long enough. I do not see any reason why it should be necessary for the Government to wait four or five years to review the income-tax report of an individual, after he has allowed his figures to get away, after some of his books are lost or destroyed, after his memory of things has faded to some degree. I do not see why it should be easier or better or cheaper for the employees of the Income Tax Bureau to review it, when it ought to require the same length of time to review it at one time as another. Every year additional reports must be filed. They, too, must be reviewed. So why can they not keep up as they go along, or keep within two or three years and gradually work up the back ones and keep the others up as they go along? I now yield to the gentleman.

Mr. GREEN of Iowa. It is quite possible, if they had nothing but new cases, they could keep up; but does the gentleman mean to advocate that we should abandon all of these old cases?

Mr. JONES. Oh, no; not at all.

Mr. GREEN of Iowa. The longer they are left the harder they are to dispose of.

Mr. JONES. Of course I am not advocating abandoning them; but the gentleman himself stated a moment ago that we are gradually catching up. If we are gradually catching up we are doing a little more than handling just what is coming in, and if to-day we are handling all that are coming in and a part of what is behind us, why not do all of what is coming in and do the back ones as we can get to them, and let them be adjusted as the time may be found for that? Or, better still, do a little extra work for a year and get the cases all reviewed to date.

Mr. GREEN of Iowa. And let the old cases go on?

Mr. JONES. No; not let them go on. Review them also. The gentleman forgets that it takes fully as long, and in many instances longer, to review an old report than a new one. The gentleman said a while ago they were doing more than the current work, so why not keep up, at least, with what is coming in. When a man makes his tax report he may be in a position to pay any reasonable tax, but in three or four or five years business conditions may get in such shape that it is difficult for him to pay them, or it may be difficult for him to determine what his rights are.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. JONES. Yes; I yield to the gentleman.

Mr. JOHNSON of Texas. Is it not true that we are told that raising the exemptions under this bill will lessen the number of taxpayers by 2,300,000, and should not that enable them to review these reports under this law sooner than under the old law?

Mr. JONES. Yes; I think that is undoubtedly true. It seems to me when we are adding a new year's report every year it would take no more time to do that new year's work now than it would three years from now; in fact, it should take a shorter period of time because the taxpayer's mind is

fresh. He can better take care of his rights. He can better present his rights. He can better inform the Government as to what the facts are than he can at some later period of time. Of course, if we put it at too short a time the Government would be forced to levy an arbitrary assessment, but if we give them three years I can see no reason for making an arbitrary assessment. In fact, if the Treasury organization will set its pegs at three years for all new cases and work to that end I believe it will find its work lightened rather than increased.

Mr. CHINDBLOM. Mr. Chairman, I desire to call attention to a statement in the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ending June 30, 1925, page 82, from which I simply want to read a paragraph. After giving the figures with reference to cases pending before the Income Tax Unit this report says:

It can be seen from the above figures that the number of cases pending before the Income Tax Unit was reduced in total more than 400,000 during the last fiscal year and by more than 1,000,000 during the last two years. It is no easy task to dispose entirely of the balances pending for 1917, 1918, and 1919 cases because of the continued reopening of cases through the medium of claims. A recent survey of returns for those years indicated that 89 per cent of those pending had been previously closed and were reopened on claims.

Mr. GREEN of Iowa. If the gentleman will yield, that is just exactly what I stated a moment ago. If you will go down there and make an examination into these cases, you will find that in nine out of ten the delay is caused by the taxpayer and not through failure of the Government to act.

Mr. JONES. Will the gentleman yield?

Mr. CHINDBLOM. Mr. Chairman, in the moment or two I have remaining I want to state that the committee went very thoroughly into this matter. The Solicitor of the Internal Revenue Bureau, Mr. Gregg, was very frank with the committee and stated the situation completely and fully. They realize it is unfortunate that the delay has occurred, but as long as they have the old excess-profits cases of 1917, 1918, and 1919 still remaining it would be folly, as suggested by some speakers here on the floor, to abandon those cases and take up the current cases as fast as they come in. It is just like some of our constituents becoming impatient when we are unable to pass a small private bill. They think the private bill they happen to have here is the only thing pending before the Congress, and they complain because we are unable to have such a little bill passed. So gentlemen say that the Treasury Department should take up the current cases and let the old cases remain pending, which, as stated here, includes not only those for which the department is responsible, but those for which the taxpayers are responsible by having them reopened. Gentlemen say we should not dispose of them, but should take up the current cases. Of course, if the bureau was able to take up the current cases they could dispose of them in less than two years. They could dispose of them in six months, but until they have disposed of this vast number of cases that arose during the war and arose mostly on account of the excess-profits taxes, we must give them a little more time, and to put in an arbitrary period of two years will simply mean that the department will have to make arbitrary assessments where they can not reach the cases, and you will not benefit your constituents or the taxpayers by compelling such assessments.

Mr. CRISP. Mr. Chairman, I am in sympathy with the spirit of the amendment offered by my friend from Texas. I realize the embarassment to the taxpayers that their returns are pending so many years before the department before being finally adjudicated. I think it unfortunate that the Treasury Department, when they have not had the opportunity to adjudicate the returns, should arbitrarily make an additional assessment against the taxpayer, unless the taxpayer has waived in writing the statute of limitations. But the action of the Treasury was in order to try to protect the interests of the people of the United States by seeing that the Treasury would have a right to examine the returns and ascertain that the taxpayer had made correct returns.

It was represented to the committee that the great delay arose from two reasons: One that it was a new system of taxation, and they did not have a trained personnel, and it had to be worked out. Another was the excess-profit taxes required the department to make extensive investigation as to capital and assets invested in corporations before they could pass on their tax returns.

Most of these old cases have now been adjudicated. The Treasury Department is of the opinion that, if they are given a little more time, they will be able to expedite matters that will bring the cases up to within a year.

The present very able and efficient Solicitor General of the Treasury Department, Mr. Gregg—and, by the way, he is the son of one of our former colleagues from Texas, Mr. Gregg—is taking steps to inaugurate some changes in the department. He is proposing to permit the collectors of the various States to finally settle and close up tax cases, where the amount involved is under $500. That is, decentralizing and giving authority to the various State collectors to adjudicate and determine returns where the amount involved is $500 and less. If that is done it will relieve the department of the necessity of having to examine many thousand cases, and, in my judgment, if given a little more time it will probably bring the cases up to date, a consummation devoutly to be wished. In my opinion it would be unwise for us to fix the limit proposed by Mr. BLACK. I think it is the part of wisdom to give them a chance, and see what the new changes will accomplish, before we take drastic action. If the abuse continues, we can amend the law at the next session of Congress.

Mr. BLACK of Texas. Mr. Chairman, the auditors and accountants engaged on excess-profits tax returns are not the ones engaged in auditing the income-tax returns under the later acts. At least that is my understanding of the situation. A very competent auditor was in my office last spring, a gentleman formerly residing in my district, and he told me that he was going to other employment; that he was going to be released because his division was up with their work and did not have sufficient work to do to keep all of the employees busy. He was released and secured a position with another Government department in Washington. I take it that his dismissal was not because he was incompetent or inefficient, but that the only reason was that he had completed the work for which he was employed. The point that I want to make is that the Government, with proper diligence, without the neglect of the auditing of these excess-profit tax returns, can make all assessments under the act which we are now about to pass within two years from the time the return is filed and ought to have to do it. It is unjust and unfair to come on the taxpayer four years after his original return was filed and where there is no evidence of fraud having been practiced and demand additional tax.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES] to the amendment of the gentleman from Texas [Mr. BLACK].

The question was taken, and the amendment to the amendment was lost.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 274. (a) If, in the case of any taxpayer, the commissioner determines that there is a deficiency in respect of the tax imposed by this title, the taxpayer, except as provided in subdivisions (d) and (f), shall be notified of such deficiency by registered mail. Within 60 days after such notice is mailed, the taxpayer may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. Except as provided in subdivision (d) or (f) of this section, no assessment of a deficiency in respect of the tax imposed by this title and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until the taxpayer has been notified of such deficiency as above provided, nor until the expiration of such 60-day period, nor, if a petition has been filed with the board, until the decision of the board has become final. The taxpayer, notwithstanding the provisions of section 3224 of the Revised Statutes, may enjoin by a proceeding in the proper court the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force.

Mr. MILLS. Mr. Chairman, I have a number of committee amendments to offer at this point. Perhaps it will be best at the start to state the reason for the amendments since they are all assignable to one reason. It will be remembered that in the proposed bill we have changed the procedure in so far as the assessment of taxes is concerned and the right of the taxpayer in making an appeal.

The bill provides, generally speaking, that after the taxpayer has been notified of a deficiency he shall have 60 days in which to appeal to the Board of Tax Appeals, and if he is dissatisfied with their decision, he shall have 90 days in which to appeal to the circuit court of appeals; and during all that period, in the ordinary run of cases, the commissioner may not make an assessment or proceed to the collection of the tax, save in one case known as the jeopardy assessment, where the law provides, as all of these income tax laws have provided, that if at any time because of the financial state of the taxpayer the commissioner should decide that the payment of the tax is in jeopardy or will be in jeopardy through delay, he

may immediately clap on an assessment. In the bill as drafted the putting on of that assessment would have at once deprived the Board of Tax Appeals of jurisdiction, or made it impossible for the taxpayer to appeal to the circuit court of appeals, unless he at once filed a bond in double amount of the tax. Remember, when we gave to the taxpayer the privilege of appealing to the board and then to the circuit court of appeals, and we stayed the assessment of the commissioner, we also provided that the taxpayer could not bring suit for a refund in these cases, and that likewise applied to the case of the jeopardy assessment, so the man on whom a jeopardy assessment was made would find himself in a position where he could not appeal to the board or to the circuit court of appeals unless he filed a bond in twice the amount, and if he paid the tax under other provisions of the law he was deprived of his right to sue for a refund. It was pointed out to the committee that some of these men might find it almost impossible to get a bond, particularly if their financial situation was precarious, and if they could not give a bond, even though they paid their tax, they would have no further opportunity of trying their case either in court or before the board. What we propose to do now is, briefly, this: To provide that in the case of the jeopardy assessment, if the taxpayer is unable to file the bond, he may pay the tax, and in that case he may go to the Board of Tax Appeals or to the circuit court of appeals, as the case may be. The Government is fully protected in either event, because either he files a bond in double the amount, or pays the tax in full, and the Government has the money.

Having made that change for the benefit of the taxpayer in the case of the jeopardy assessment, it occurred to us that it probably would be just as well to make the same change for all taxpayers on appeals from the board—that is, to provide that the taxpayer, generally speaking, could either file a bond or pay the tax, and if upon the trial before the circuit court of appeals it should be found that the tax he has paid was too much, then the excess would be refunded, and also if the Supreme Court should find the tax to be too much, there again the tax could be refunded. These numerous amendments which I shall offer to this section and other sections from here on to 281 are all to carry out these two purposes, to make the sections conform to the purpose that I have outlined.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes?

The CHAIRMAN. Is there objection?

There was no objection.

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

Mr. MILLS. Yes.

Mr. CRISP. Is it not true that the effect of all these amendments is simply to protect the rights of the taxpayer and give him a right to have his case passed on whether or not he is able to give a bond.

Mr. MILLS. That is exactly the purpose.

Mr. CRISP. That is the purpose.

Mr. MILLS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment: Page 115, line 2, after "section," insert "or in section 279 of this act or in section 912 of the revenue act of 1924, as amended."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

(d) If the commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, such deficiency shall be assessed immediately and notice and demand shall be made by the collector for the payment thereof. In such case the assessment may be made (1) without giving the notice provided in subdivision (a) of this section, or (2) before the expiration of the 60-day period provided in subdivision (a) of this section even though such notice has been given, or (3) at any time prior to the decision of the board upon such deficiency even though the taxpayer has filed a petition with the board, or (4) in the case of any part of the deficiency allowed by the board, at any time before the taxpayer has filed the review bond required by section 912 of the revenue act of 1924, as amended. Upon the making of the assessment the jurisdiction of the board and the right of the taxpayer to appeal from the board shall cease. If the taxpayer does not file a claim in abatement as provided in section 279 the deficiency so assessed (or, if the claim so filed covers only a part of the deficiency, then the amount not covered by the claim) shall be paid upon notice and demand from the collector.

Mr. MILLS. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Committee amendment: Page 116, line 5, after "the," insert "jeopardy."

Page 116, strike out lines 12, 13, and 14, and line 15 through the period and insert: "(4) in the case of any part of the deficiency allowed by the board, at any time before the expiration of 90 days after the decision of the board was rendered, but not after the taxpayer has filed a review bond under section 912 of the revenue act of 1924 as amended."

Page 116, line 15, before "assessment," insert "jeopardy."

Page 116, line 18, after "abatement," insert "with bond."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, how much longer is the gentleman from Iowa going to keep us to-night?

Mr. GREEN of Iowa. I thought we would run until about 5.30.

Mr. BLACK of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 122, line 20, after the figures "1924," strike out "And by this act," and at the end of line 23 strike out the period, insert a colon, and add the following: "provided the amount of income taxes imposed by this act shall be assessed within two years after the return was filed and no proceeding in court for the collection of such taxes shall be begun after the expiration of such period."

Mr. BLACK of Texas. Mr. Chairman, this embodies identically the same proposition that I stated to the House in debate a few moments ago. I do not wish to trespass on the time of the House by repeating the same argument.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

(b) The period within which an assessment is required to be made by subdivision (a) of this section or by subdivision (c) of section 278, and the period within which a proceeding in court or by distraint for collection is required to be begun by subdivision (d) of section 278, in respect of any deficiency shall be extended (1) by 60 days if a notice of such deficiency has been mailed to the taxpayer under subdivision (a) of section 274 and no petition has been filed with the Board of Tax Appeals, or (2) if a petition has been filed, then by the number of days between the date of the mailing of such notice and the date the decision of the board has become final.

Mr. MILLS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 124, strike out lines 3 to 14, inclusive, and insert:

"(b) The running of the statute of limitations on the making of assessments and the beginning of distraint or a proceeding in court for collection in respect of any deficiency shall be suspended for the period during which, under the provisions of this title, the commissioner is prohibited from making the assessment or beginning distraint or a proceeding in court."

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

The Clerk read as follows:

CLAIMS IN ABATEMENT

SEC. 279. (a) If a deficiency has been assessed under subdivision (d) of section 274, the taxpayer, within 10 days after notice and demand from the collector for the payment thereof, may file with the collector a claim for the abatement of such deficiency, or any part thereof, or of any interest or additional amounts assessed in connection therewith, or of any part of any such interest or additional amounts. Such claim shall be accompanied by a bond, in such amount, not exceeding double the amount of the claim, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount of the claim as is not abated, together with interest thereon as provided in subdivision (c) of this section. Upon the filing of such claim and bond, the collection of so much of the amount assessed as is covered by such claim and bond shall be stayed pending the final disposition of the claim.

Mr. MILLS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 126, lines 3 and 4, strike out "Such claim shall be" and insert "If such claim is."

Page 126, line 9, strike out "section. Upon" and insert "section, then upon."

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

The Clerk read as follows:

(b) When a claim is filed and accepted by the collector he shall transmit the claim immediately to the commissioner, who shall by registered mail notify the taxpayer of his decision on the claim. The taxpayer may within 60 days after such notice is mailed file a petition with the Board of Tax Appeals. If the claim is denied in whole or in part by the commissioner (or, if a petition has been filed with the board, if such claim is denied in whole or in part by a decision of the board which has become final), the amount, the claim for which is denied, shall be collected as part of the tax upon notice and demand from the collector, and the amount, the claim for which is allowed, shall be abated.

Mr. MILLS. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 126, line 18, strike out "If" and insert "In cases where collection has been stayed by the filing of a bond, then if."

Page 126, at the end of line 24, insert a new sentence: "In cases where collection has not been stayed by the filing of a bond, then if the claim is allowed in whole or in part by the commissioner (or, if a petition has been filed with the board, if such claim is allowed in whole or in part by a decision of the board which has become final) the amount so allowed shall be credited or refunded to the taxpayer as provided in section 281, or, if collection has not been made, shall be abated."

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(c) If the claim in abatement is denied in whole or in part, there shall be collected, at the same time as the part of the claim denied, and as a part of the tax, interest at the rate of 6 per cent per annum upon the amount of the claim denied, from the date of notice and demand from the collector under subdivision (d) of section 274 to the date of the notice and demand under subdivision (b) of this section. If the amount included in the notice and demand from the collector under subdivision (b) of this section is not paid in full within 10 days after such notice and demand, then there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 1 per cent a month (or, in the case of estates of incompetent, deceased, or insolvent persons, at the rate of 6 per cent per annum) from the date of such notice and demand until it is paid.

Mr. MILLS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MILLS: On page 127, line 1, strike out the word "If" and insert "In cases where collection has been stayed by the filing of a bond, then if."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(i) In cases within the scope of subdivision (e), (f), or (g), if the commissioner believes that the collection of the deficiency will be jeopardized by delay, he may, despite the provisions of subdivision (a) of section 274 of this act, instruct the collector to proceed to enforce the payment of the deficiency. Such action by the collector and the Commissioner may be taken at any time prior to the decision of the board upon such deficiency even though the person liable for the tax has filed a petition with the board, or, in the case of any part of the deficiency allowed by the board at any time before the person liable for the tax has filed the review bond required by section 912 of the Revenue Act of 1924, as amended, and thereupon the jurisdiction of the board and the right of the taxpayer to appeal from the board shall cease. Upon payment of the deficiency in such case the person liable for the tax shall not be subject to the provisions of subdivision (d) of section 281.

Mr. MILLS. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The gentleman from New York offers another committee amendment, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. MILLS: Page 133, strike out lines 17 and 18 and insert "before the expiration of 30 days after the decision of the board was rendered, but not after the person liable for the tax has filed a review bond under section 912 of the revenue act of 1924, as"

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(d) If the commissioner has notified the taxpayer of a deficiency, or has made an assessment under subdivision (d) of section 274, the right of the taxpayer to file a petition with the Board of Tax Appeals and to appeal from the decision of the board to the courts shall constitute his sole right to contest the amount of the tax for the taxable year in respect of which the commissioner has determined the deficiency, and, whether or not he files a petition with the board, no credit or refund in respect of such tax shall be made and no suit for the recovery of any part of such tax shall be maintained in any court, except as provided in subdivision (e) of this section or in subdivision (b), (f), or (i) of section 280.

Mr. MILLS. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. MILLS: On page 135, line 21, after the word "section," the first time it occurs in the line, insert "or in subdivision (b) of section 79."

On page 135, line 22, after the figures "280," insert "of this act or in section 912 of the revenue act of 1924, as amended."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MILLS. Mr. Chairman, that completes the series of amendments which I referred to as being made necessary by the contemplated changes with reference to definite assessment. I now offer another committee amendment on page 135, line 22, and just for the sake of the record I would briefly explain it to the House.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. MILLS: On page 135, line 22, after the period, insert a new sentence, to read as follows: "This subdivision shall not apply in any case where the taxpayer proves to the satisfaction of the commissioner or the court, as the case may be, that the notice under the subdivision (a) of section 274 or subdivision (b) of section 279 was not received by him before the expiration of 45 days from the time such notice was mailed."

Mr. CHINDBLOM. Mr. Chairman, let me suggest that it ought to be offered as coming after the amendment last adopted.

The CHAIRMAN. Yes. The question is on agreeing to the amendment.

Mr. MILLS. Mr. Chairman, before the question is taken I want to say a word. In the bill as it is now before the House the committee will remember that the taxpayer's sole right, upon notice of a deficiency, is within 60 days to appeal to the Board of Tax Appeals. The practice would be that after the commissioner had determined upon a deficiency he would notify the taxpayer by mail. If the taxpayer should not receive the letter—and that may happen—and the 60 days should run without an appeal, the taxpayer would not have any remedy, and in this amendment we provide that if a taxpayer is able to show to the commissioner or to the court, as the case may be, that the letter was not received within 45 days of mailing, that then this paragraph does not apply and he may sue for a refund.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. MILLS. Yes.

Mr. BLACK of Texas. Under the present law, if the taxpayer receives a refund, he gets interest on his refund. Do these provisions in the bill, with relation to credits and refunds, provide that the taxpayer shall receive interest as under the present law?

Mr. MILLS. Yes; there is no change.

The CHAIRMAN. The question is on agreeing to the committee amendment.

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

The Clerk read as follows:

(g) If the taxpayer has within five years from the time the return for the taxable year 1917 was due, filed a waiver of his right to have the taxes due for such taxable year determined and assessed within five years after the return was filed, or if he has, on or before June 15, 1924, filed such a waiver in respect of the taxes due for the taxable year 1918, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either on or before April 1, 1925, or within four years from the time the tax was paid. If the taxpayer has, on or before June 15, 1925, filed such a waiver in respect of the taxes due for the taxable year 1919, then such credit or refund relating to the taxes for the taxable year 1919 shall be allowed or made if claim therefor is filed either on or before April 1, 1926, or within four years from the time the tax was paid. If any such waiver so filed has, before the expiration of the period thereof, been extended either by the filing of a new waiver or by the extension of the original waiver, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either (1) within four years from the time the tax was paid, or (2) on or before April 1, 1926, in the case of credits or refunds relating to the taxes for the taxable years 1917 and 1918, or on or before April 1, 1927, in the case of credits or refunds relating to the taxes for the taxable year 1919. This subdivision shall not authorize a credit or refund prohibited by the provisions of subdivision (d).

Mr. McSWAIN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I want to ask the gentleman from New York if the taxpayers from whom I have received a number of letters are justified in the alarm that has been sent to them, to wit, that the provisions of this bill, particularly in this section, would impose a penalty upon them, to wit, interest at the rate of 6 per cent per annum from 1917 and 1918 upon assessments found to be due by the bureau in cases now pending before the bureau, in which they have filed and signed waiver clauses?

Mr. MILLS. I would say to the gentleman that interest would only run from the date of the enactment of this act, and that it would not date back to 1917 or 1918.

Mr. McSWAIN. I want to ask the gentleman, for the purposes of the RECORD, Mr. Chairman, if these particular complaints have not been specifically made to him and through him to the committee, and whether he is entirely clear that that is the correct interpretation and one that the Treasury Department will put upon this bill.

Mr. MILLS. I think if the gentleman will look at the language he will find it is not open to any other construction. In the cases to which he refers—that is, cases prior to the law of 1921—if the assessment is made after the enactment of this act, the interest will only run from the enactment of this act.

Mr. McSWAIN. I will say to the gentleman that it seems perfectly plain to my mind, but somebody has taken alarm, and I wished the RECORD to show that we all agree that such is the proper interpretation of this act.

Mr. MILLS. I think that is correct.

The Clerk read as follows:

(d) In the case of a citizen of the United States about to depart from the United States the commissioner may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

Mr. GREEN of Iowa. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. GREEN of Iowa: On page 139, line 20, after the words "United States," insert "or of a possession of the United States."

The amendment was agreed to.

Mr. GARRETT of Tennessee. Mr. Chairman, has the gentleman another committee amendment?

Mr. GREEN of Iowa. That is all. I thought we would read down to estate taxes in the middle of the next page.

Mr. GARRETT of Tennessee. That is all right, but I want to inquire of the gentleman whether he does not want to offer another amendment in line 21. The provision is "in the case of a citizen of the United States or any of its possessions," and that, of course, means the Philippine Islands, Porto Rico, and so on, "about to depart from the United States." Do you not want "or any of its possessions" there again?

Mr. GREEN of Iowa. The Treasury, as I understand it, exercises control over their leaving from any of the possessions. I think it is correct as it stands. The object of this amendment, I might say, was to enable the citizens of Porto Rico to have the same rights as our own citizens as to leaving our shores. They travel back and forth very frequently, and the Treasury will keep control over them and the commissioner may waive the requirements.

Mr. GARRETT of Tennessee. The point that lies in my mind is that if I am about to depart from the United States to go to Europe or some other country, the commissioner can waive these provisions in my case, but suppose a citizen of Porto Rico is about to depart from Porto Rico to go to Europe.

Mr. GREEN of Iowa. Possibly the gentleman has forgotten that the term "United States" does not include the possessions, Porto Rico, or the Philippines, as used in the bill.

Mr. GARRETT of Tennessee. I understand, but you have put in "or the possessions," and that covers it.

Mr. GREEN of Iowa. Yes.

Mr. GARRETT of Tennessee. Where they are citizens of Porto Rico or the Philippines, but can the citizen depart from Porto Rico or the Philippines?

Mr. GREEN of Iowa. The Treasury of the United States, as I understand it, does not exercise any control over that matter. I will examine into that question, which the gentleman has kindly called to my attention, and, if necessary, will propose some amendment thereto.

The Clerk read to line 13, page 140 of the bill.

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, had come to no resolution thereon.

POSTAL RATES ON FARM PRODUCTS

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill which I have introduced to-day to reduce the postal rate on certain farm products, under certain circumstances, and for other purposes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks on the subject of postal rates. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker and gentlemen of the House, I have to-day introduced a bill to reduce the postal rate on certain parcel-post matter under certain circumstances and for other purposes.

Long before I came to Congress I was trying to find some plan under which the farmers of the country could sell the products of their farms directly to the consumers. When I came here this idea was uppermost in my mind and during the three terms that I have served I have introduced several more or less elaborate marketing bills, but have encountered opposition and have been unable to get any satisfactory results.

During the vacation which has just ended I have spent hours and days trying to evolve a bill which would be simple in its terms, proceed along lines already tried by our Nation, and yet be a forward step in a general marketing scheme whereby the producers could sell to the consumers directly at a profit to the producer and at very satisfactory prices to the consumers. I sincerely believe that I have drawn such a bill. It is very simple in its terms, is very short, and to my mind is a most splendid step in the right direction. In fact, to my mind it practically solves the cooperative marketing of perishable food products of the farm, by enabling the farmers and other producers of the country to sell good, wholesome food products directly to the consumers, with the Parcel Post System doing the distributing. The scheme will require an outlay of money, but can be put on a paying basis, so that there will be no loss to the Government.

It is not my purpose to discuss the bill at great length at this time. I intend to discuss it fully when I can get ample time a little later. I realize that this week is to be taken up with the discussion of the tax bill and that no discussion is in order other than that which is relevant to that bill, so I am getting this permission to extend my remarks in the RECORD, so that I can have my bill printed in the RECORD.

I am anxious to get this bill before the Congress and before the country, because I believe that once its merits are understood that there will be no trouble in getting it passed.

The bill provides that—

There shall be a 50 per cent reduction of the present postal rate on all food products, in whatever form, of the farm, orchard, or grove, dairy and garden, whenever and wherever the postmaster at the initial mailing point is given 10 days' notice that 20 or more unaddressed identical packages of said products will be mailed on named days during

a definite period of time, for delivery on designated day or days of each week, one or more to each of a list of addressees in the same city or community.

The bill further provides:

That watermelons, cantaloupes, cucumbers, tomatoes, cabbage, grapefruit, corn on the cob, oranges, apples, milk in bottles, and all canned or bottled food or food products, without additional wrapping, shall be deemed and held to be identical packages and handled under the provisions of this act.

This is all that the bill provides. It is not a long bill and yet if it is passed in its present form or in a modified form, so as to give effect to its purpose, it will be a long step in the right direction.

I am presenting to the Congress the idea as contained in this bill. I think that the idea is worth while. Tell me what you think of it.

The idea as contained in this bill, if developed and put into full operation, will make the Parcel Post System become one of the greatest powers for good in the Nation. It will be the distributing agency of all perishable food and food products. There will be no need for middlemen to handle the products which can be handled under this bill. The farmers will get twice as much for what they produce. The consumers in many instances will pay only half as much as they now pay for what they consume and will get much more wholesome food.

To my mind this bill will do more for the entire citizenship of the country than has been done by any bill in many years. I may be overenthusiastic about the matter. If I am, then please suggest something better. Let us do something along the line of helping the farmers sell directly to the consumers. When this bill is passed and becomes the law the matter of the farmers organizing and selling their food products directly to the consumers will have been given a momentum which nothing can stop. The farmers can organize and put agents in the various cities and communities to be supplied and thus handle the situation. But, Mr. Speaker, I am sure that after the scheme begins to work there will be no trouble in getting another bill passed providing that the postal employees who deliver the parcel-post matter under this law or some other person in each post office be authorized to receive orders for food to be delivered under this parcel-post scheme.

All we have to do is to get the scheme going and it will then develop itself. When you begin giving the farmers much more for their foodstuffs and begin giving the consumers much fresher and better food for their money, you have put into action a scheme which is bound to succeed. When this scheme really gets into action it will become so popular nothing short of a national calamity can stop it.

But I will not say more at this time. At some future time I hope to more fully explain the bill and then in detail tell what I believe the passage of this bill will eventually bring to pass.

ADDRESS OF PRESIDENT COOLIDGE BEFORE THE NORWEGIAN CENTENIAL CELEBRATION

Mr. WEFALD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The SPEAKER. The gentleman from Minnesota offers a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be printed as a House document, 20,000 copies of the address of President Coolidge before the Norwegian centenial celebration, at Minnesota State Fair Grounds, June 8, 1925, to be distributed through the House Document Room.

Mr. TILSON. Mr. Speaker, I have ascertained that the expense of printing this document will be within the limit of $500 and therefore have no objection to the gentleman's resolution.

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

The resolution was agreed to.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 51 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 16, 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:

172. A letter from the Secretary of the Navy, transmitting report of the Chief of the Bureau of Navigation and the Major General Commandant, United States Marine Corps, relative to the administration of the World War adjusted compensation act by the Navy Department (H. Doc. No. 135); to the Committee on Ways and Means and ordered to be printed.

173. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Yukon-Kuskokwim Portage, Alaska; to the Committee on Rivers and Harbors.

174. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Columbia River above and below the city of Kalama, Wash., with a view to providing a ship channel to the wharves of Kalama, Wash.; to the Committee on Rivers and Harbors.

175. A letter from the Assistant Secretary of Labor, transmitting a statement of travel performance during the fiscal year ended June 30, 1925, by officers and employees of the Department of Labor (other than those who in the discharge of their regular duties are required to constantly travel) on official business from Washington, D. C., to points outside of the District of Columbia; to the Committee on Appropriations.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bill, which was referred as follows:

A bill (H. R. 1741) granting a pension to Annie M. Wilson; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOIES: A bill (H. R. 5564) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation; to the Committee on the Judiciary.

By Mr. BURTNESS: A bill (H. R. 5565) granting the consent of Congress to the Civic Club of Grafton, N. Dak., to construct a bridge across the Red River of the North; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 5566) to prevent the deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARBER: A bill (H. R. 5567) providing for the purchase of a site and the erection of a public building at Cherokee, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5568) granting to the State of Oklahoma 210,000 acres of unappropriated nonmineral land for the benefit of its agricultural and mechanical colleges, according to the provisions of the acts of July 2, 1862, and July 23, 1866, and authorizing the Secretary of the Treasury, upon the Secretary of the Interior certifying the number of acres available and that there are not sufficient lands in the State of Oklahoma to comply with the provisions of this act, to pay to the State of Oklahoma in lieu thereof the sum of $1.25 per acre for the number of acres due said State; to the Committee on the Public Lands.

By Mr. KING: A bill (H. R. 5569) to provide for the independence of the Philippine Islands; to the Committee on Insular Affairs.

By Mr. MORIN: A bill (H. R. 5570) to punish counterfeiting of Government transportation requests; to the Committee on the Judiciary.

By Mr. PRALL: A bill (H. R. 5571) authorizing the Secretary of the Treasury to remodel, extend, enlarge, repair, or improve the barge office building in the city of New York, State of New York, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. RAYBURN: A bill (H. R. 5572) to amend the act to regulate commerce approved February 4, 1887, as amended by the act approved February 20, 1920 (41 Stat. L. 456); to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: A bill (H. R. 5573) authorizing the appropriation of $100,000 for the establishment of two fish-

hatching and fish-cultural stations in the State of Nebraska; to the Committee on the Merchant Marine and Fisheries.

By Mr. ESLICK: A bill (H. R. 5574) for the purchase of a post-office site and the erection thereon of a suitable public building at Lawrenceburg, Lawrence County, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. PRALL: A bill (H. R. 5575) providing for the erection and completion of a public building in the Borough of Richmond, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. LANKFORD: A bill (H. R. 5576) to reduce the parcel-post rate on certain farm products under certain circumstances, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. PRATT: A bill (H. R. 5577) for the erection of a public building at Cobleskill, Schoharie County, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. STEDMAN: A bill (H. R. 5578) to provide for the purchase of a site and the erection of a public building at Durham, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. BURDICK: A bill (H. R. 5579) providing for the conveyance to the city of Newport, in the State of Rhode Island, of the tract of land known as Fort Green for public use; to the Committee on Military Affairs.

By Mr. GORMAN: A bill (H. R. 5580) providing for the purchase of a site and the erection thereon of a public building to be used as a post office at Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. CROSSER: A bill (H. R. 5581) to provide capital at reasonable rates of interest in order to promote the establishment and ownership of homes by the people of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. JOHNSON of Washington: A bill (H. R. 5582) to amend section 9 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. ASWELL: A bill (H. R. 5583) to provide for the registration of aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. EDWARDS: A bill (H. R. 5584) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Rocky Ford, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. ELLIS: A bill (H. R. 5585) to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to same on behalf of the United States; to the Committee on Military Affairs.

By Mr. MOREHEAD: A bill (H. R. 5586) to provide for the acquirement of a site and the erection of a Federal building at Pawnee City, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5587) to provide for the acquirement of a site and the erection of a Federal building at Tecumseh, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5588) to provide for the acquirement of a site and the erection of a Federal building at Auburn, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. WHITE of Maine: A bill (H. R. 5589) for the regulation of radio communications, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. McSWAIN: A bill (H. R. 5590) to adjust the pay and allowances of certain officers of the United States Navy; to the Committee on Naval Affairs.

By Mr. BURTON: Joint resolution (H. J. Res. 76) relating to agreements concluded at Locarno; to the Committee on Foreign Affairs.

By Mr. FISH: Joint resolution (H. J. Res. 77) against any foreign interference in the internal affairs of the United States and favoring instruction to our American ideals of government; to the Committee on Foreign Affairs.

By Mr. UNDERWOOD: Joint resolution (H. J. Res. 78) declining a bequest to the United States by the late Wesley Jordon, of Fairfield County, Ohio; to the Committee on the Judiciary.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 79) to declare Saturday, December 26, 1925, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. MICHAELSON: Memorial of the Legislature of the State of Illinois, favoring an export bounty on grain, cattle, hogs, and their products, and opposing the present duty on quails imported into the United States; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANDRESEN: A bill (H. R. 5591) granting a pension to Laura A. Allen; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 5592) granting a pension to Mary C. Keith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5593) for the relief of William H. Dotson; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 5594) granting an increase of pension to Fannie E. Art; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 5595) granting a pension to Anna Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5596) granting an increase of pension to James F. Andrus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5597) granting an increase of pension to Emma T. Ball; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 5598) granting a pension to Sallie Radford; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 5599) to reimburse Machinist Frank H. Howell, United States Navy, retired, for emergency medical services; to the Committee on Claims.

Also, a bill (H. R. 5600) granting a pension to Honora Hunt; to the Committee on Pensions.

Also, a bill (H. R. 5601) to remove the charge of desertion standing against the name of Edwin D. Morgan; to the Committee on Military Affairs.

Also, a bill (H. R. 5602) granting an increase of pension to John Vars; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 5603) granting a pension to John A. C. Hazel; to the Committee on Pensions.

By Mr. CHALMERS: A bill (H. R. 5604) granting a pension to Kate Nye; to the Committee on Invalid Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 5605) for the relief of Sam H. Allen; to the Committee on Claims.

By Mr. COLE: A bill (H. R. 5606) for the relief of Cyrus S. Andrews; to the Committee on Military Affairs.

By Mr. COX: A bill (H. R. 5607) for the relief of the Georgia Cotton Co.; to the Committee on Claims.

By Mr. CRISP: A bill (H. R. 5608) for the relief of Capt. George W. Rees, United States Army; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 5609) for the relief of Thomas Plemon; to the Committee on the Civil Service.

Also, a bill (H. R. 5610) granting a pension to Elizabeth Henson; to the Committee on Invalid Pensions.

By Mr. DOYLE: A bill (H. R. 5611) for the relief of John Marks; to the Committee on Naval Affairs.

By Mr. DYER: A bill (H. R. 5612) granting a pension to Sarah E. Jarrett; to the Committee on Invalid Pensions.

By Mr. FISHER: A bill (H. R. 5613) for the relief of Katherine Southerland; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 5614) granting a pension to Anna Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5615) granting a pension to Ernest W. Raper; to the Committee on Pensions.

By Mr. FULMER: A bill (H. R. 5616) for the relief of Caughman-Kaminer Co.; to the Committee on Claims.

By Mr. GOLDSBOROUGH: A bill (H. R. 5617) for the relief of Simpson Packing Co.; to the Committee on Claims.

By Mr. HALL of North Dakota: A bill (H. R. 5618) granting a pension to Harriet Taber; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 5619) granting a pension to Christian Lauth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5620) granting a pension to Annie R. C. Owen; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 5621) granting an increase of pension to Anna M. Scofield; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 5622) for the relief of Mary M. Jones; to the Committee on Claims.

By Mr. HARDY: A bill (H. R. 5623) granting a pension to Edith L. Love; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 5624) granting a pension to James Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5625) granting a pension to Mary E. Masterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5626) granting a pension to Margaret Piatt; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 5627) for the relief of George Turner; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 5628) granting an increase of pension to Charles W. Paul; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 5629) granting an increase of pension to Mary Allison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5630) granting an increase of pension to Mary E. Edgington; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 5631) granting a pension to Frances A. Burdsal; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 5632) granting a pension to Hannah Hopkins; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 5633) granting an increase of pension to Margaret Match; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 5634) granting a pension to Jennie Carter; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 5635) granting an increase of pension to Helen O. Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5636) authorizing the Secretary of the Treasury to pay a certain claim of Terrence L. McGee, of Somerset, County of Bristol, Commonwealth of Massachusetts, for damages caused to his wharf on or about August 4, 1923, by the United States lighthouse ship *Pansy;* to the Committee on Claims.

By Mr. MOREHEAD: A bill (H. R. 5637) granting a pension to Mary Demaree; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5638) granting an increase of pension to Alice A. Minick; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 5639) granting an increase of pension to Mary Ann Donnelly; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 5640) granting a pension to Elizabeth A. Jordan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5641) granting an increase of pension to Sarah I. Osburn; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 5642) for the relief of David E. Goodwin; to the Committee on Military Affairs.

Also, a bill (H. R. 5643) to correct the military record of George Williams; to the Committee on Military Affairs.

By Mr. ROBINSON of Iowa: A bill (H. R. 5644) granting a pension to Adah I. Tomlinson; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 5645) granting a pension to Emily A. Botts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5646) granting a pension to Mary A. Watkins; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 5647) granting an increase of pension to Maria Forstmeyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5648) granting an increase of pension to America A. Donaldson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5649) granting an increase of pension to Eliza J. Matthews; to the Committee on Invalid Pensions.

By Mr. SWARTZ: A bill (H. R. 5650) granting an increase of pension to Lizzie Shuman; to the Committee on Invalid Pensions.

By Mr. SWOOPE: A bill (H. R. 5651) granting an increase of pension to Eliza A. Goss; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 5652) for the relief of Ivy L. Merrill; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 5653) granting a pension to Cecelia A. Parker; to the Committee on Pensions.

Also, a bill (H. R. 5654) granting a pension to Sarah E. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5655) granting a pension to Joseph W. Stuart; to the Committee on Pensions.

Also, a bill (H. R. 5656) granting an increase of pension to Thomas E. Whalen; to the Committee on Pensions.

Also, a bill (H. R. 5657) granting an increase of pension to Margaret A. G. Macnamara; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5658) granting an increase of pension to Marion A. Hey; to the Committee on Pensions.

Also, a bill (H. R. 5659) granting an increase of pension to Gustave Pinksohn; to the Committee on Pensions.

Also, a bill (H. R. 5660) granting an increase of pension to William Smallwood; to the Committee on Pensions.

Also, a bill (H. R. 5661) for the relief of Capt. Asa G. Ayer; to the Committee on Claims.

Also, a bill (H. R. 5662) for the relief of John J. Corcoran; to the Committee on Claims.

Also, a bill (H. R. 5663) for the relief of Margaret Sloane; to the Committee on Claims.

Also, a bill (H. R. 5664) for the relief of G. Frederic Lincoln; to the Committee on the Civil Service.

Also, a bill (H. R. 5665) for the relief of Joseph A. Naugler; to the Committee on the Civil Service.

By Mr. UNDERWOOD: A bill (H. R. 5666) granting an increase of pension to Sarah L. Kishler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5667) granting an increase of pension to Elizabeth Thoman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5668) granting an increase of pension to William T. Hedges; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 5669) granting a pension to Frank B. Reid; to the Committee on Pensions.

Also, a bill (H. R. 5670) granting a pension to Curtis R. Wheeler; to the Committee on Pensions.

Also, a bill (H. R. 5671) granting a pension to Mary A. Teats; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 5672) granting a pension to Dora Brueckner; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 5673) authorizing the Secretary of the Interior to issue letters patent to George Hughes; to the Committee on the Public Lands.

Also, a bill (H. R. 5674) granting an increase of pension to Agnes N. Aldrich; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 5675) granting a pension to Sarah J. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5676) granting a pension to Louis F. Plummer; to the Committee on Pensions.

By Mr. WELSH: Resolution (H. Res. 49) to pay May T. Peacock, daughter of Samuel H. Thompson, late an employee of the House of Representatives, a sum equal to six months' salary and $250 for funeral expenses; to the Committee on Accounts.

PETITIONS, ETC.

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

105. Petition of Synod of Baltimore, Rev. George M. Cummings, stated clerk, Washington, D. C., urging Congress to enact a Sunday rest law which shall protect the civil institution of the Lord's Day in the District of Columbia from unnecessary labor and business and from all commercialized amusements and sports; to the Committee on the District of Columbia.

106. By Mr. ARNOLD: Petition of citizens of Mount Vernon, Ill., protesting against the continuance of the war tax on industrial alcohol used in the manufacture of medicines, home remedies, and flavoring extracts; to the Committee on Ways and Means.

107. By Mr. BURTON: Petition of the Buckeye Club of Hawaii, favoring adherence to the World Court; to the Committee on Foreign Affairs.

108. By Mr. CULLEN: Petition of the Kings County grand jury, relating to the passage of a law regulating and controlling the manufacture and sale of firearms; to the Committee on Interstate and Foreign Commerce.

109. By Mr. W. T. FITZGERALD: Petition of the Lima Photo Engraving Co. and other commercial photographers, of Lima, Ohio, favoring removal of 10 per cent tax on cameras and lenses and 5 per cent on films and plates, other than motion pictures; to the Committee on Ways and Means.

110. By Mr. FULLER: Petition of citizens of Peru, Ill., favoring repeal or reduction of tax on industrial alcohol; to the Committee on Ways and Means.

111. Also, petition of Johnson & Schultz, of Hinckley, Ill., favoring refund of tax on automobiles held in stock when new revenue law takes effect; to the Committee on Ways and Means.

112. Also, petition of William H. Barnes Camp, No. 69, United Spanish War Veterans, of Kewanee, Ill., favoring bill to increase pensions of veterans and widows of the war with Spain; to the Committee on Pensions.

113. By Mr. GARBER: Joint report of the committee on legislation and resolutions of the National Union Farmers Educational and Cooperative Union of America; to the Committee on Agriculture.

114. Also, communication of secretary Oklahoma Pharmaceutical Association, urging the reduction of taxes on alcohol used in manufacture of medicines; to the Committee on Ways and Means.

115. By Mr. KINDRED: Petition of the Sheffield Manor Men's Club, protesting against the inactivity of the National Senate and House of Representatives with reference to the coal situation; to the Committee on Interstate and Foreign Commerce.

116. Also, petition of the Central Label Council of Greater New York, calling upon the Congress of the United States to conduct a thorough investigation of the plans and activities of the proposed bread trust; to the Committee on the Judiciary.

117. By Mr. McKEOWN: Petition of the Fortnight Club, of Colgate, Okla., favoring the World Court; to the Committee on Foreign Affairs.

118. Also, petition of American Legion, of Oklahoma, on extension of time to convert term insurance; to the Committee on Ways and Means.

119. Also, resolution of the United Confederate Veterans in convention, Dallas, Tex., to accompany House bill 3894, distributing $50,000,000 "cotton-tax fund"; to the Committee on Invalid Pensions.

120. By Mr. MORROW: Petition of Belen Chamber of Commerce, in regard to the Federal income tax law; to the Committee on Ways and Means.

121. By Mr. O'CONNELL of Rhode Island: Resolution of the Pawtucket Business Men's Association, relative to the erection of a new post office and Federal building at Pawtucket, R. I.; to the Committee on Public Buildings and Grounds.

122. By Mr. SINCLAIR: Petition of H. L. Shuttleworth and 37 others, of Minot, N. Dak., for a reduction on the tax on industrial alcohol; to the Committee on Ways and Means.

123. By Mr. WEFALD: Petition of 29 Chippewa Indians of International Falls, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

124. Also, petition of 36 Chippewa Indians of Lengby, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

125. Also, petition of 100 Chippewa Indians of Cass Lake, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

126. Also, petition of 37 Chippewa Indians of Callaway, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

127. Also, petition of 60 members of the Fond du Lac Band of Chippewa Indians of Minnesota, asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

128. Also, petition of 10 Chippewa Indians of Minneapolis, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

129. Also, petition of 27 Chippewa Indians, of Ebro, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

130. Also, petition of 24 Chippewa Indians, of Federal Dam, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

131. Also, petition of 16 Chippewa Indians, of White Earth, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

132. Also, petition of 75 Chippewa Indians, of Sprofka's Mill, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

SENATE

WEDNESDAY, *December 16, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our heavenly Father, the author of our being, Thou dost continue unto us in Thy gracious kindness our lives for high purposes, noble endeavor, and the glory of Thy name. Be pleased to look into our hearts this morning and give us such a sense of Thy presence that all that is done may be for the advancement of the highest interests of humanity, for the glory of the Kingdom of God in the uttermost parts of the earth, and to our own loved land and all its responsibilities. Be pleased to be near to each of us and guide us along life's pathway until the day shadows into the night, to the glory and honor and praise of Thee, our God, in Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF THE NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1925, which, with the accompanying papers, was referred to the Committee on Printing.

PAYMENTS BY WAR DEPARTMENT TO LEATHER MANUFACTURERS

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting a report with reference to payments made by the War Department to certain leather manufacturers, members of the National Saddlery Manufacturers' Association, in reimbursement of increase of wages paid to workmen when the contracts with said manufacturers did not provide therefor, etc., which, with the accompanying papers, was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Haltigan, its reading clerk, announced that the Speaker of the House had affixed his signature to the following enrolled joint resolutions, and they were thereupon signed by the Vice President:

S. J. Res. 1. Joint resolution to continue section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, No. 506, 68th Cong.), approved February 28, 1925, in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress; and

H. J. Res. 67. Joint resolution authorizing payment of salaries of the officers and employees of Congress for December, 1925, on the 19th day of that month.

PERSONAL EXPLANATION

Mr. BRUCE. Mr. President, I rise to a question of personal privilege, and I shall take but a moment.

I observe in the Washington Post this morning a statement by Mr. Wayne B. Wheeler, general counsel of the Anti-Saloon League. In referring to the discussion of yesterday in regard to national prohibition, in which the Senator from New Jersey [Mr. EDGE] and I participated, he said:

> Neither Senator EDGE nor Senator BRUCE provided any new argument in the Senate yesterday against prohibition or for beer. If prohibition was as much of a failure as these two wet Senators claim, they would not complain so much about it. Their arguments do not come from the fullness of their hearts, but from the emptiness of their stomachs.

All I wish to say in reply is that from specimens of Mr. Wayne B. Wheeler's reasoning which I have read in the press from time to time, I am convinced that his arguments come from the emptiness of his head. [Laughter.]

PETITIONS

Mr. CAPPER presented resolutions adopted by a mass meeting of citizens of Topeka, Kans., favoring the participation of the United States in the Permanent Court of International Justice upon the terms of the so-called Harding-Coolidge plan, which were referred to the Committee on Foreign Relations.