3028. By Mr. NELSON of Maine: Petition of sundry citizens of Vassalboro, Me., urging the immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3029. By Mr. O'CONNELL of New York: Petition of the Clyde and Mallory Steamship Cos., opposing the passage of the Cummins-Graham longshoremen's and harbor workers' compensation bill; to the Committee on the Judiciary.

3030. By Mr. O'CONNELL of Rhode Island: Petition of Louise Lavender, of Woonsocket, R. I., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

3031. By Mr. O'CONNOR of Louisiana: Petition of sundry voters of New Orleans, La., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3032. By Mr. OLDFIELD: Petition of sundry citizens of Clay County, Ark., urging prompt and favorable action on H. R. 4023, known as the Elliott pension bill; to the Committee on Invalid Pensions.

3033. By Mr. REECE: Petition of various citizens of Claiborne County, Tenn., urging action on Civil War pension bill at the present session of Congress; to the Committee on Invalid Pensions.

3034. By Mr. SHREVE: Petition of Mrs. O. P. Burdick and 70 citizens of Union City, Pa., asking for immediate consideration of the Civil War pension bill; to the Committee on Invalid Pensions.

3035. By Mr. SIMMONS: Petition of sundry citizens of Paxton, Nebr., urging passage of Civil War pension legislation; to the Committee on Invalid Pensions.

3036. Also, petition of sundry citizens of Lincoln County, Nebr., urging passage of Civil War pension legislation; to the Committee on Invalid Pensions.

3037. Also, petition of sundry citizens of Buffalo County, Nebr., asking passage of Civil War pension legislation; to the Committee on Invalid Pensions.

3038. By Mr. SINCLAIR: Petition of Mr. Edwin Erich and 88 others of Tolley, N. Dak., urging the enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3039. By Mr. SMITH: Petition signed by 59 residents of Gooding, Idaho, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

3040. By Mr. STALKER: Petitions signed by 102 citizens of Elmira, N. Y., voters of the thirty-seventh congressional district of New York State, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3041. By Mr. STRONG of Kansas: Petition of W. F. Lee, adjutant, Lew Gove Post, No. 100, Grand Army of the Republic, Manhattan, Kans., urging that bill granting increase of pension to Civil War veterans and their widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

3042. By Mr. STRONG of Pennsylvania: Petition of sundry citizens of Apollo, Pa., urging immediate action on the pending bill to increase the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3043. By Mr. SWANK: Petition of sundry voters of Norman, Okla., on Civil War pension bill; to the Committee on Invalid Pensions.

3044. By Mr. SWING: Petition of certain residents of San Bernardino, Calif., urging immediate action by Congress on the Civil War pension bill; to the Committee on Invalid Pensions.

3045. Also, petition of certain residents of Orange, Calif., urging immediate action by Congress on the Civil War pension bill; to the Committee on Invalid Pensions.

3046. By Mr. SWOOPE: Petition of sundry citizens of Kane, Pa., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3047. By Mr. TAYLOR of West Virginia: Petition of J. A. McGinnis and others, praying for the passage of pending legislation granting pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

3048. By Mr. THOMPSON: Petition of sundry voters of Delphos, in the fifth Ohio district, urging the enactment of Civil War pension legislation; to the Committee on Invalid Pensions.

3049. By Mr. TILSON: Petition of William V. Blair and other residents of Meriden, Conn., asking for increase in pension for Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

3050. By Mr. UNDERWOOD: Petition of sundry citizens of Ross County, Ohio, urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

3051. By Mr. WILLIAMS of Illinois: Petition of soldiers and widows of soldiers of the Civil War asking increase of pension; to the Committee on Invalid Pensions.

3052. By Mr. ZIHLMAN: Petition of Edgar E. Sancomb and other residents of Chevy Chase, Md., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *June 30, 1926*

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

Our Father, our God, we thank Thee that in the opening of another day of duty we can be assured of Thy guidance and seek always the wisdom which cometh from above. Thou knowest the purposes of each and how each one desires to fulfill the high commission committed to him. We pray, our Father, that in all these days of responsibility the consciousness of Thy nearness may be fully realized. Through Jesus Christ our Lord. Amen.

The legislative clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, June 23, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Ernst	La Follette	Sheppard
Bayard	Fernald	McKellar	Shipstead
Bingham	Ferris	McMaster	Shortridge
Blease	Fess	McNary	Simmons
Borah	George	Mayfield	Smoot
Bratton	Gerry	Metcalf	Stanfield
Broussard	Gillett	Moses	Steck
Bruce	Glass	Neely	Stephens
Butler	Goff	Norbeck	Swanson
Cameron	Gooding	Norris	Trammell
Capper	Hale	Oddie	Tyson
Caraway	Harreld	Overman	Underwood
Copeland	Harris	Pine	Walsh
Couzens	Harrison	Pittman	Warren
Cummins	Heflin	Ransdell	Watson
Curtis	Howell	Reed, Mo.	Wheeler
Dale	Johnson	Reed, Pa.	Williams
Deneen	Jones, N. Mex.	Robinson, Ark.	Willis
Dill	Jones, Wash.	Robinson, Ind.	
Edge	Kendrick	Sackett	
Edwards	King	Schall	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6087) to reinstate Joe Burton Coursey in the West Point Military Academy.

The message further announced that the House had passed a bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

S. 2868. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes;

H. R. 6087. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 8941. An act for the relief of Turpin G. Hovas;

H. R. 11989. An act for the relief of Caleb W. Swink; and

H. R. 12642. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio.

HOUSE BILL REFERRED

The bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

SUPPLEMENTAL ESTIMATE—ENLARGING THE CAPITOL GROUNDS (S. DOC. NO. 147)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, without revision, a supplemental estimate of appropriation under the Legislative Establishment, Office of the Architect of the Capitol, fiscal years 1926 and 1927, for the payment of taxes and interest upon the property authorized to be acquired under the act entitled "An act for the enlarging of the Capitol Grounds," in amount $41,503.02, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SALARIES AND EXPENSES OF DISTRICT ATTORNEYS (S. DOC. NO. 148)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Justice, fiscal year 1927, for salaries and expenses of district attorneys, United States courts, in amount $35,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SALARIES, GENERAL ACCOUNTING OFFICE (S. DOC. NO. 149)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation to transfer the sum of $5,000 from an appropriation for "Salaries, General Accounting Office," fiscal year 1927, to the appropriation for "Salaries, Office of Public Buildings and Public Parks of the National Capital," fiscal year 1927, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

GENERAL EXPENSES, BUREAU OF ENTOMOLOGY (S. DOC. NO. 150)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture, fiscal year 1927—general expenses, Bureau of Entomology (miscellaneous insects)—in amount $25,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CORN SUGAR

Mr. CUMMINS. Mr. President, I ask unanimous consent to call up the motion to concur in the House amendment to Senate bill 481, the so-called corn sugar bill. I am inclined to think little time will be taken in debate. I myself shall say nothing.

Mr. WALSH. Mr. President, the Senate having adjourned last night, morning business is to be transacted. I trust the Senator will not press the request now.

Mr. CUMMINS. I know there was an adjournment. I shall renew my request a little later.

PETITIONS

Mr. HARRELD. I present a petition of the business committee of the Absentee Shawnee Indians of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

SHAWNEE INDIAN AGENCY, *Shawnee, Okla.*

To the Senate:

We are old Indians composing the business committee of the Absentee Shawnees formerly living in southeastern Kansas and now in Oklahoma. Prior to the Civil War we had treaties with the Government, and the treaty of 1854 guaranteed to protect us and our property. During the war our reservation was in the vortex of battles and raids; we were driven from our homes and our property destroyed; we were always loyal to the Government; and over 206 of us, as the records will show, served in the Union Army.

When the war ended we had lost everything we had accumulated; we had been considered by the Secretary of the Interior among the most progressive and prosperous Indians. In 1867 we appealed to the Government in our distress, and the Secretary of the Interior, on January 28, 1867, reported to Congress:

"The Shawnees, as a friendly tribe, strictly regarding their treaty stipulations with the Government, and abstaining from acts of private revenge and retaliation, but relying upon the good faith of the Government, are entitled to its protection and for remuneration for losses at the hands of its citizens. It is apparent from an examination of the evidence that the Government of the United States had the use for its troops of a large amount of the property taken."

After this report was submitted a treaty was made with us, which was ratified October 14, 1868, the twelfth article providing:

"ART. 12. Whereas the aforesaid Senecas, Mixed Senecas, Shawnees, and Quapaws were driven from their homes during the late war and their property destroyed, it is agreed that a commission of not to exceed two persons shall be appointed by the Secretary of the Interior, who shall proceed to their country and make a careful investigation of their claims and losses and make full report of the same to the department, and the Secretary of the Interior shall report the same to Congress."

The Secretary of the Interior appointed under this treaty two reliable commissioners, with instructions to examine into our losses. After years of investigation and examining the Indians and witnesses these two commissioners reported our losses in the aggregate of $463,732.49. The Secretary, on May 11, 1874, reported the amount to Congress. Since then similar claims of the Senecas and Quapaws, also investigated under the twelfth article of the treaty of 1868, have been paid. In his report to Congress dated March 15, 1926, the Secretary stated:

"The twelfth article of this treaty of 1868 (15 Stat. L. 513) provides for the establishment of a commission of not to exceed two persons, to be appointed by the Secretary of the Interior, to make a careful investigation of the claims of the Senecas, of the Mixed Senecas and Shawnees, and Quapaws for losses sustained through United States and Confederate troops during the Civil War. The claims of all the above-mentioned Indians except those referred to in the bill have been paid."

The awards made to us by the Government's commissioners have never been questioned. We have pressed for payment from time to time; and while the Senate twice passed bills and the House favorably reported thereon, we have not been able to secure passage of a bill in both Houses in the same Congress. It is not our fault that the Government has not paid us as provided by the treaty. The department and the committees of Congress have always made favorable reports.

In the present Congress we have been very earnest in presenting our matter to both the Senate and House committees, and after full hearings the House passed H. R. 5218, providing for payment to us, and the Senate Indian Committee has favorably reported thereon. (S. Rept. 807; H. Rept. 1283, 69th Cong.)

We appeal to you to help us to secure what the Government itself by its two commissioners, appointed under treaty stipulations, and what the Secretary of the Interior and the committees of Congress have found due us. We are and have been very poor. Most of our people to whom this money is due have passed away before receiving reimbursement for which they waited so many, many years; the balance of us are old and hardly have but a few years remaining. If the Government will now pay us we will forget and forgive the hardships and deprivations we have suffered during the long years of waiting since our homes and property were taken or destroyed.

We will close this appeal for assistance at this particular time by quoting from the report of the Secretary of the Interior to the Senate, dated March 7, 1910:

"In both the loyal Seminole and loyal Creek cases the Senate examined the claims after they were thoroughly investigated by the department and made the award. The Absentee Shawnee claims have been thoroughly investigated by the department at a time, several years ago, when it was possible to interview the then living claimants and living witnesses who had direct knowledge of the facts and circumstances regarding the depredations.

"Many of these claimants are now old and in needy circumstances; many have already passed away; and it appears that the best interests of the Indians would be served by their being able to enoy the benefits of reimbursement during their lifetime instead of having the money due paid to their descendants." (Senate Rept. 401, 62d Cong.)

Respectfully,

CHARLEY STARR,
THOMAS B. HOOD,
JOHN E. SNAKE,
THOS. W. ALVORD,
BILLY HODJO,
JACOB BEEKHEART,
Business Committee Absentee Shawnee Indians.

Mr. ROBINSON of Arkansas presented a letter in the nature of a petition from Mrs. Theo. Thaemert, of Tex-

arkana, Ark., favoring and suggesting an amendment to the so-called Winslow Act relative to awards to American citizens by the Mixed Claims Commission, which was referred to the Committee on Finance.

REPORTS AS IN EXECUTIVE SESSION

Mr. BORAH. From the Committee on Foreign Relations I report two treaties for the Executive Calendar.

The VICE PRESIDENT. As in executive session, the reports will be received and placed on the Executive Calendar.

REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 232) to provide for the expenses of delegates of the United States to the International Sanitary Conference, to meet at Paris on May 10, 1926, reported it without amendment.

Mr. FESS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which were referred the following resolutions, reported them each without amendment:

S. Res. 224. Resolution to pay Albert Reid the sum of $200 for expert services rendered to the Committee on Finance; and

S. Res. 256. Resolution to reimburse Hon. THOMAS D. SCHALL for expenses incurred in defending his right to a seat in the Senate.

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 4182) to provide a code of law governing legal-reserve life-insurance business in the District of Columbia, and for other purposes, reported it with amendments and submitted a report (No. 1171) thereon.

Mr. WALSH, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment:

A bill (S. 1042) to amend the Penal Code; and

A bill (S. 1043) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation.

Mr. BUTLER, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 112) authorizing the expenditure of certain funds paid to the United States by the Persian Government, reported it with an amendment.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 11446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 1173) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the enrolled bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes.

COURT DELAYS

Mr. TRAMMELL. Mr. President, I send to the desk to have printed in the RECORD an editorial appearing in the Tampa (Fla.) Morning Telegram with reference to the question of court delays. This is, I think, a matter of a great deal of importance, and I would like to have the editorial printed in the RECORD.

The VICE PRESIDENT. Without objection, the clerk will read the editorial.

The legislative clerk proceeded to read the editorial.

Mr. TRAMMELL. I think there is no need to have the editorial read. I ask that it may be printed in the RECORD at this point without reading.

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

The editorial is as follows:

[From the Tampa (Fla.) Morning Telegram, June 9, 1926]

COURT DELAYS

Court delays are with reason regarded as responsible in large measure for the prevalence of crime in this country. In the great majority of cases there are long lapses between indictment and punishment. First, there are delays preceding trial. Then after conviction there are delays in making appeals and in deciding them. Months sometimes pass between a conviction and the hearing of the case in review by a higher court.

Frequently technicalities serve to evoke decisions that throw the case back for retrial, and the whole process is gone through again, and by the time the new trial is had witnesses have become unavailable, some have died, others have removed from the jurisdiction and can not be summoned. Memories lapse as to happenings and confusion in the testimony results.

Safeguards against injustice to persons accused of crime must not, of course, be lessened. It is quite as important to guarantee to everyone arraigned for lawbreaking of whatever degree the fullest chance of defense, as to guarantee the State the punishment of those who are proved guilty. But it does seem as though the safeguards for the accused had been multiplied and extended until he has more than an even chance to escape penalty in the face of plain proof of guilt.

Mr. WALSH. Mr. President, I was about to address the Senate upon the same subject, on the unfortunate delay which has ensued in the prosecution of the indictments growing out of the investigation of the naval oil reserves, which is being made the subject of comment through numerous newspapers of the country. I send to the desk and ask that there may be incorporated in the RECORD at this point an editorial on the subject from the Brooklyn Eagle.

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

The editorial is as follows:

[From the Brooklyn Eagle, June 28, 1926]

THE SCANDAL OF THE COURTS

In the beginning the oil scandal was a scandal of the administrative branch of the Government. Cabinet officers and others of wealth and power were involved in the disgraceful bartering away of public resources. To-day the oil scandal is a scandal of the courts. It is one more concrete illustration of the way in which justice is obstructed through the ability of men of wealth to take advantage of legal technicalities to defeat the purposes of law.

Two years ago Albert B. Fall, Edward L. Doheny, and Harry F. Sinclair were indicted on criminal charges growing out of the leasing of the national oil reserves. These men have not yet faced trial and there is no likelihood of immediate action on the criminal charges. The way in which these alleged conspirators have escaped trial reveals a situation quite as grave as that disclosed by the revelations of their alleged wrongdoing.

Back of crime waves and the widespread disregard for law is a condition for which the courts and our complicated legal system are in large part responsible. When the layman contemplates the labyrinthian legal maze that obscures the operation of justice in this country he is overwhelmed by a feeling compounded of disgust and helplessness. The criminal with a shrewd lawyer as his guide has just the opposite feeling. He knows that in the legal thicket all the chances favor his evasion of punishment for his crimes.

While the public is daily shocked by revelations of daring criminals who prey upon citizens with relative immunity, and sentiment is being aroused to demand swift and sure punishment for bandits and thugs, these alleged criminals, whose offenses are known in detail, have not even been brought to trial. There is something seriously wrong when such a situation is allowed to exist.

The scandal of the courts is not new. Chief Justice Taft has declared that our criminal-law procedure is little better than a farce. Elihu Root has said that "bench, bar, and the public are ashamed of the entire antiquated system." Charles Evans Hughes has said practically the same thing. Dean Pound has declared that "criminal law is the almost exclusive field of the lower stratum of the American bar."

Year after year bar associations and leading jurists and lawyers have denounced the judiciary system as it exists to-day. Bar associations and close students of jurisprudence have made recommendations and reports filled with detailed recitals of the evils. Yet little or nothing has been done to find remedies.

With the scandal of the courts a matter of common knowledge, over a long period, it is still necessary for Senator WALSH to introduce a bill in the Senate of the United States to wipe out one anomaly in the procedure of the courts of the District of Columbia in an effort to get the defendants in the oil-scandal cases into court. And Senator WALSH'S effort has been temporarily balked in the House by the chairman of the Republican congressional campaign committee, who admitted that he had not studied the measure on which he held up action.

For the purpose of crystalizing expert opinion and drawing out constructive suggestions to end this scandal of court delays in criminal cases, the Eagle has made an extensive survey of conditions and solicited expressions of views from all the Members of Congress, from officers and leaders of bar associations, and other persons of prominence. The first of these letters is published to-day. Others will be made public from day to day in an effort to mobilize support for a real reform that will end the obstruction in the administration of the criminal law by what has been called our antiquated and farcical legal procedure.

Mr. WALSH. In the same connection I send to the desk and ask to have read a leading article appearing in the last number of Collier's, entitled "The end of a sordid chapter."

The VICE PRESIDENT. Without objection, the Clerk will read as requested.

The legislative clerk read as follows:

[From Collier's, June 19, 1926]

THE END OF A SORDID CHAPTER

Harry M. Daugherty, Attorney General of the United States under President Harding, has finally come to the bar of public opinion.

Of the criminal charges which he must answer in open court he may clear himself. But no verdict, favorable to him or to the Nation, can disclose him as being anything but a glorified ward heeler of the old school of profiteering politicians.

For such as he, whether technically guilty of the particular crime for which he was indicted or not, there should never again be a place in high administration circles. Morally, he was convicted when the light of publicity beamed through the windows of "The little green house on K Street."

That was a house of political shame. There Machiavellian schemes to mulct and commit grand and elegant political larceny were laid and hatched. There Jess Smith, bosom friend of Daugherty, held forth. And when the light poured in Smith killed himself.

Smith took many secrets to his grave. Some of them were exhumed when his wife, sworn to tell the truth, told of great sums of money that had passed in the black night of political intrigue, barter, and plunder.

That trial must not be allowed to drift, like the almost forgotten case of ex-Secretary of the Interior Fall, into the limbo of peculiarly neglected things. Political exigency, the desire not to provide ammunition for congressional candidates in the coming elections, must not be allowed to halt the wheels of justice. This man Daugherty has many questions to answer.

He must explain away—if he can—the grand jury's charge that the disposal of certain property seized by the Alien Property Custodian during the war was fraudulent. In court or out, he must account for his fraternal associations with bootleggers, by whom he was regarded as a patron and forgiving saint. He must tell us about his association with Jess Smith, who did take dirty money and was given it only because it was known that he was Daugherty's right-hand man and pal. He must be made to tell why his brother destroyed certain bank records.

Harry Daugherty has been responsible for more evil talk in Washington than any man since a member of President Grant's Cabinet was corrupted. He has appeared before grand juries and thus far avoided all accounting. And following a Senate investigation, for which, incidentally, the chief inquisitor, Senator WHEELER, of Montana, was unsuccessfully hounded by the Department of Justice, he was forced to resign. And now he is charged with betraying the confidence of the people while holding public office.

That is close to treason.

Is Harry Daugherty, the glorified ward heeler who mingled in high and decent political society, guilty?

There must be no delay in his trial and that trial must be prosecuted with a vigor that will restore the complete confidence of the people in the integrity of the personnel of our Government. The issues involved, aside from malfeasance in office, reach down to the roots of good government. Washington must be made safe forever from profiteering politicians to whom public office is not a public trust but merely the opportunity for personal gain.

Mr. WALSH. Mr. President, I desire to call attention to the fact that the Senate of the United States has not been derelict in any duties devolving upon it in connection with expediting the proceedings referred to in these editorials or making them effective. On the 15th day of February this body passed a bill the purpose of which was to compel, if possible, the return to this country of certain witnesses who fled and have since abided outside of the jurisdiction of the United States, and to compel their attendance upon the trials here in the District of Columbia. That was something over five months ago. The measure still remains before another body for disposition.

On the 25th day of May this body passed another bill intended to expedite the trial of criminal cases in the District of Columbia. Apparently it was unobjectionable from any point of view, and I have heard of no criticism of it from any source whatever. That likewise remains undisposed of. The proceedings have gone on, Mr. President, with reasonable dispatch, as I think, everywhere except in the District of Columbia, where the progress that has been made is not such as to deserve public commendation.

TRADE WITH RUSSIA

Mr. BORAH. I ask to have printed in the RECORD at this point a brief editorial from the Baltimore Sun of recent date relative to trade with Russia.

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

The editorial is as follows:

[From the Baltimore Sun, June —, 1926]

CUDDLING TO RUSSIA

It is in the natural course of things that New York financiers and industrialists should interest themselves in the reorganization of the American-Russian Chamber of Commerce. We are bursting with capital and credit and with goods to sell, and needy Russia plainly is becoming steadier on her economic feet with the passing of each year, and, almost as plainly, is modifying communistic theory to practical experience in trade and industry. Consequently, there is an affinity between business in the two countries that will not be denied.

Apparently this affinity is able to express itself in constantly enlarging totals of trade, regardless of the refusal of our Government to recognize the Soviets. There is no sign now that there is any limit to the trade we may do with Russia without benefit of consular and diplomatic service. Since to a very large extent the relations of our people are directly with the Soviet Government, which controls exports and imports and holds in its own hands concessions of natural resources, there probably is scant need for the offices usually performed by agents of the State and Commerce Departments.

As to the responsibility of the Soviet Government in these direct business relations it is a fact generally recognized that it has been scrupulous, if anything, in meeting its obligations at maturity. It is doubtful that resumption of diplomatic relations between the State Department and the Russian Foreign Office would increase the Russian responsibility. If for no other reason, the Soviets must meet their engagements, because failure to do so would halt the economic recovery of their country, which depends heavily upon the foreign trade that has been organized and is being enlarged.

In brief, there seems to be little in the way of a mounting trade each year between this country, with its immense facilities, and Russia, with its immense raw materials. Men of affairs of New York, seeing this situation more clearly than anyone else, and going ahead with schemes for organization and stimulation, are evidently content to let Secretary Kellogg and the Senate walk the floor, if, when and how they may be pleased to do so, in the matter of diplomatic recognition. Nevertheless, it can not be concluded that this business policy has no relation to diplomatic policies. As surely as the sun rises, continuance and enlargement of business dealings with Russia will force to the front the question of diplomatic recognition, and one day that question will be solved affirmatively.

That will be partly for simple human reasons. Two neighbors can not trade with each other amicably, faithfully, and profitably six days a week and then snarl as they pass on Sunday morning with any hope that the snarls will be genuine. In the homely phrase, it is ag'in natur'. They know each other too well. And the United States and Russia can not go on indefinitely trading and find each other amicable and faithful in business relations and yet insist upon the cut direct when diplomatic relations are concerned. Something will give way, perhaps on one side, perhaps on the other side, more likely on both sides.

Late reports have it that Russia is in fine condition as compared with 1913 in the agricultural department, where the peasants have virtually maintained private property rights; that she is in improving condition in the department of small trade and barter, in which the new economic policy has extended the rights of private property, and that her slowest recovery has been in the departments in which she has insisted upon communism; that is, the heavier industries and foreign trade. The lesson of that appears to be reaching into the Soviet generalship and tempering it.

MISSISSIPPI RIVER BRIDGE AT SOUTH ST. PAUL, MINN.

Mr. BINGHAM. From the Committee on Commerce I report favorably without amendment the bill (H. R. 12311) granting the consent of Congress to the State of Minnesota, or Dakota County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them, to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

AMENDMENT OF LAW REGULATING CONSTRUCTION OF BRIDGES

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (S. 4456) to amend the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and I submit a report (No. 1170) thereon.

Mr. President, I desire to say that this bill proposes to put into the form of an amendment to the general bridge act the provisions regarding toll bridges and other bridges which, after many months of conference between the two Houses, have been adopted by the committees of the two Houses and

by the Senate and the House of Representatives in all the bridge bills that have been recently passed.

Senators will remember that many of these bridge bills have been quite long; Senators have been extremely courteous to the chairman of the committee and have done the Senator from Connecticut the honor of accepting his statement in every case that the bills were in the form which the two Houses desired to adopt. It has, however, placed a considerable measure of responsibility upon the chairman of the committee to make sure that every word and every punctuation mark in the bill was exactly in accordance with the prescribed form. This bill which I now report, and for which I ask immediate consideration, proposes in no way to change the policy which has been adopted in the passage of the last 90 bridge bills, but merely puts into law and codifies the forms which have been adopted by the two Houses in the bridge bills which they have recently passed.

Mr. TRAMMELL. Mr. President, may I ask the Senator from Connecticut a question?

Mr. BINGHAM. Certainly.

Mr. TRAMMELL. Does the bill propose in any wise to widen the power of the Federal Government over navigable streams?

Mr. BINGHAM. Not at all. It proposes no change in any way in the forms and procedure which we have been following consistently during the present session.

The Senator from Florida will remember that there was distributed as a public document a little pamphlet, called "Forms for Bridge Bills," containing some seven or eight such forms. Those forms are now offered in the shape of law, so that in the future Senators who desire to have bridge bills passed will be able to introduce a very brief form of bill in which they will merely have to write in the name of the person to whom the franchise is given, a reference to the location of the bridge and the length of time which must elapse before limited compensation under condemnation proceedings shall begin. There is no change proposed giving the Government any more power whatsoever. On the contrary it gives the States more power.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REED of Missouri. Mr. President, I wish to make an inquiry. I tried to hear this bill as it was read, but there was a great deal of confusion in the Chamber. However, I rather caught from the reading as nearly as I could hear it that this is a proposition to establish toll bridges. Is that the case?

Mr. BINGHAM. I think the Senator was not in the Chamber when I explained the bill when reporting it.

Mr. REED of Missouri. I tried to hear the Senator, but could not do so.

Mr. BINGHAM. This measure makes no change whatever in the policy which has been adopted by Congress in connection with the last 90 or 100 bridge bills which have been passed. It takes the forms which were worked out in the conferences between the committees of the two Houses extending over some four months, which forms have been printed as a public document and puts them into the form of an amendment to the general bridge act; so that in the future it will merely be necessary for a party desiring a franchise for a bridge to use a short form, such as has that which I now hold in my hand and which I shall ask to have read at the desk at the conclusion of my remarks, instead of our having to consider a long bill of five or six pages with the possibility of error and of new features creeping in unnoticed. The bill which I have reported from the Committee on Commerce merely codifies the forms which have been adopted by the two Houses in connection with the last 90 bridge bills. There is nothing new in the way of granting additional privileges; there is nothing new in the way of governmental regulation; there is merely a repetition of certain provisions now in the bridge act with a clarification by the addition of these new forms.

I ask unanimous consent that the short form to which I have referred may be printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection?

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

FORM FOR PRIVATELY OWNED INTERSTATE TOLL BRIDGE SHOULD THE PROVISIONS OF S. 4456, SIXTY-NINTH CONGRESS, FIRST SESSION, AMENDING THE "GENERAL BRIDGE ACT," APPROVED MARCH 23, 1906, BECOME LAW

A bill granting the consent of Congress to the ——— Corporation, its successors and assigns, to construct, maintain, and operate an interstate toll bridge across the ——— River

Be it enacted, etc., That the consent of Congress is hereby granted to the ——— Corporation, its successors and assigns, to construct, maintain, and operate an interstate toll bridge and approaches thereto across the ——— River, at a point suitable to the interests of navigation, between ——— and ———, in accordance with the provisions of the general bridge act, approved March 23, 1906, as amended.

SEC. 2. The periods required to be specified by the Congress pursuant to the provisions of paragraphs 3 and 4 of subdivision (a) of section 9 of such act, as amended, are hereby fixed at 15 years and 10 years, respectively.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. REED of Missouri. Mr. President, I think there ought to be something new in a bill of this character. We have arrived at this sort of condition of affairs: Toll bridges are constructed and the Government highways in many instances are now being built directly to and from those bridges, so that the tide of travel moving over these improved highways has been enormously increased, and the proprietors of these bridges are exacting tolls frequently out of all proportion to the justice of the case and are reaping enormous profits.

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

Mr. REED of Missouri. I will say one word more, and then the Senator will get my thought. I think that any bill we pass of a general character ought to contain carefully drawn provisions by which the rate of toll may be regulated and by which the Federal Government or the State government where the highways leading to the bridges have been jointly built can at an ascertained value, excluding the franchise value, acquire the bridges for the use of the public.

Mr. BINGHAM. That is exactly what this bill provides for, Mr. President; that is exactly in accordance with the policy which the bridge committees of the two Houses adopted some time ago.

Mr. BORAH. Mr. President, may I ask what the order of business is under which we are now proceeding?

The VICE PRESIDENT. The Senate is proceeding under the order of reports of committees.

Mr. BORAH. Mr. President, if this bill is going to lead to debate, it seems to me I will have to object to its consideration. We are only under the order of reports of committees at this time. The Senator from Iowa [Mr. CUMMINS] asked for the consideration of a measure, but objection was made, and if this bill is going to lead to debate, I shall have to object. It seems to be a rather important matter to be disposed of in haste, and I object to its consideration at this time.

The VICE PRESIDENT. Objection is made.

Mr. REED of Missouri. Mr. President, I did not mean to stop the progress of the bill.

The VICE PRESIDENT. The bill will go to the calendar.

EXPENSES OF SENATORIAL ELECTIONS INVESTIGATION

Mr. FESS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back with an amendment Senate Resolution 258, and call the attention of the Senator from Missouri to it.

Mr. REED of Missouri. I ask unanimous consent for the present consideration of the resolution just reported by the Senator from Ohio. It increases the amount of money which may be used by the campaign-investigating committee.

Mr. BORAH. Does the Senator think it will lead to any debate? I should like to get through with the morning business.

Mr. REED of Missouri. It is in order, I think, anyway, as it is the report of a committee.

The VICE PRESIDENT. The resolution reported by the Senator from Ohio will be read.

The Chief Clerk read the resolution (S. Res. 258) submitted by Mr. REED of Missouri on the 23d instant, as follows:

Resolved, That Senate Resolution No. 227 agreed to June 3, 1926, be, and hereby is, amended to increase the cost of the investigations, payment for which is therein provided, from $10,000 to $50,000.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was to strike out all after the word "*Resolved*" and to insert:

That the limit of expenditure to be made under authority of Senate Resolution No. 227, agreed to June 3, 1926, be, and the same hereby is, increased from $10,000 to $30,000.

Mr. McKELLAR. Mr. President, on behalf of the minority of the committee, I move that the numerals "$50,000" be substituted for the numerals "$30,000."

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

Mr. BORAH. I shall not object if it is not going to lead to debate. If it is, I shall object.

The Senate proceeded to consider the resolution.

The VICE PRESIDENT. The Senator from Tennessee moves an amendment to the resolution, which will be stated:

The CHIEF CLERK. It is proposed to amend the amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate by striking out "$30,000" and in lieu thereof inserting "$50,000."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee to the amendment reported by the committee.

Mr. REED of Missouri. Mr. President, I have no objection to taking a vote on the amendment if it can be done without debate.

Mr. FESS. I submitted the report of the committee. The Senator from Tennessee now offers an amendment to change the amount recommended by the committee from $30,000 to $50,000. It was understood between the committee and the author of the resolution that probably $30,000 would cover the expenses of the special committee, and for that reason the committee put the amount at $30,000. For that reason we fixed the amount at $30,000. I want the Senate to know why it was so reported.

Mr. REED of Missouri. No, Mr. President; I am sure the Senator misapprehended what I said if he drew that conclusion. I was told that the committee was hesitating about reporting the resolution at $50,000, and I said: "Report it for whatever you like, and I will take up the matter on the floor;" but I in no way indicated that I was not going to ask for the $50,000 which was named in the resolution originally.

I can state my position in just about three minutes.

The committee originally wanted more than $10,000; but there was some opposition, and that amount was named. We have proceeded with this matter in the investigation of one State; and the stenographic fees in connection with that State, I am advised, will probably run to six or seven thousand dollars. This is not a boy's job; and I think before we get through with the State of Pennsylvania alone the stenographic fees and the witness fees will run to seven or eight thousand dollars.

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

Mr. REED of Missouri. Yes.

Mr. FESS. I want the Senator to understand the position of the committee. We have no power to modify a resolution, as the Senator knows, unless the author of the resolution agrees to the modification; and I understood that the Senator had agreed to this modification. If he has not, and he thinks that $50,000 ought to be allowed, we will report the resolution at $50,000 if the minority members of the committee so state.

Mr. REED of Missouri. Do the minority members agree to that? The Senator from Ohio says he will report it at $50,000.

Mr. GERRY. Mr. President, the minority members of the committee, the Senator from Tennessee [Mr. MCKELLAR] and myself, wanted to report out $50,000, because we felt, with the adjournment of Congress, that this committee should not be hampered if they needed that sum, the amount that the Senator from Missouri asked for.

Mr. McKELLAR. Mr. President, several members of the committee spoke to me about the matter, and they all said that in view of the tremendous expense that had been gone to in Pennsylvania they did not believe that a sum less than $50,000 would carry on the investigation. Under those circumstances it seems to me they ought to have enough money to make the investigation. It would be idle to make a partial investigation, and they might as well make a full one. I think they ought to have the $50,000, and I hope my amendment will be adopted.

Mr. FESS. If that is the judgment of the minority members, I do not object.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee.

Mr. REED of Missouri. Mr. President, I will say just this to the Senator: The sum may seem large. This request I made on behalf of the whole committee, every member of it. We are conducting these investigations just as cheaply as we know how. We have not employed any lawyers or any experts, except that for a job that probably will not last more than two or three days we have employed one accountant. It is for the Senate to determine. If we carry on these investigations, going to Illinois and going to other States where we already have demands, it will be necessary to pay the stenographer and necessary to pay the witness fees if we expect people to come. We do not know how much it is going to cost. Congress is going to be in adjournment, and we are not going to spend any money we do not need to spend. If the Senate say they want us to go on with $5,000, we will do the best we can with the $5,000; but I think what has been disclosed is probably worth the price.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee [Mr. MCKELLAR] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED

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

By Mr. WALSH:

A bill (S. 4533) extending to lands released from withdrawal under the Carey Act the right of the State of Montana to secure indemnity for losses to its school grant in the Fort Belknap Reservation; to the Committee on Public Lands and Surveys.

By Mr. GERRY;

A bill (S. 4534) to remit the duty on a carillon of bells to be imported for the Church of St. John the Baptist, Pawtucket, R. I.; to the Committee on Finance.

By Mr. DENEEN:

A bill (S. 4535) authorizing the Secretary of the Treasury to amend the contract executed by the Treasury Department for the construction of the Edward Hines Junior Hospital at Broad View, Ill.; to the Committee on Appropriations.

By Mr. NORBECK:

A bill (S. 4536) to authorize the Secretary of Agriculture to acquire a herd of musk oxen for introduction into Alaska for experimentation with a view to their domestication and utilization in the Territory; to the Committee on Agriculture and Forestry.

Mr. SMOOT:

A bill (S. 4537) to amend the Harrison Narcotic Act of December 17, 1914, as amended, and for other purposes; to the Committee on Finance.

By Mr. NEELY:

A bill (S. 4538) granting a pension to Lula E. Winans; to the Committee on Pensions.

MILITARY RESERVATION OF FORT HAMILTON, N. Y.

Mr. COPELAND. I ask unanimous consent for the immediate consideration of Order of Business 1037, House bill 12536, to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State for highway purposes. It is a local bill.

Mr. COUZENS. I object.

The VICE PRESIDENT. Objection is made.

MAUDE J. BOOTH

Mr. BRUCE. Mr. President, I hope that there will be no objection to the request I am about to make. I should like to call up for consideration Order of Business 1173, House bill 5105, for the relief of Maude J. Booth. If there is any dispute over this bill, I will with pleasure ask that it be laid aside.

The case is simply this: A raid was made by prohibition agents in the city of Baltimore, and while the raid was going on a woman, hearing the commotion, put her head out of the window—she was not connected with the raid in any manner—and her eye was destroyed by a stray bullet. The Senate committee allowed the same amount of money for this injury that has been allowed by the House; and I trust that consent will be granted to consider the bill at this time.

Mr. COUZENS. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded.

TRAFFIC CONTROL IN THE DISTRICT OF COLUMBIA

Mr. CAPPER. I call up the conference report on House bill 3802, known as the District of Columbia traffic bill, and ask for its immediate consideration.

Mr. WALSH. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded. The introduction of bills and joint resolutions is still in order.

NATIONAL PROHIBITION

Mr. EDWARDS. Mr. President, I am sending to the desk a joint resolution which I will ask the clerk to read, after which I shall request that the joint resolution lie on the table until such time as I may deem it advisable to call it up for consideration.

The joint resolution pertains to a subject matter which will have to be met by this body in open and frank debate with a view to the satisfactory determination, once and for all, of the question of prohibition.

I believe I have found a solution of this question if Congress and the various States of the Union are willing to cooperate in an earnest endeavor to purify enforcement conditions.

My solution is based upon constitutional grounds entirely, and I have satisfied my own mind that the joint resolution which I am now sending to the desk, if enacted, will go a long way to return to the people some small part of the liberties and rights which have been denied them since the adoption of the eighteenth amendment.

The joint resolution (S. J. Res. 122) proposing an amendment to the Constitution of the United States was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the eighteenth amendment, known as Article XVIII, to the Constitution of the United States of America, be repealed, the said repeal to become valid to all intents and purposes when ratified by convention in three-fourths of the several States in accordance with the provisions of Article V of said Constitution; and it is further

Resolved, That such conventions shall be held prior to the day in the year 1928 designated for the choosing of electors for the purpose of electing the President of the United States and such conventions shall be composed of delegates elected thereto by a majority of the duly qualified voters in each of the several States. The number of delegates to be so elected, and the time and place of holding such conventions, shall be determined by the legislatures of the several States, and the vote of a majority of such delegates to each such convention shall be the decision of the convention on the proposal to amend said Constitution as herein provided.

The VICE PRESIDENT. The joint resolution will lie on the table and be printed.

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed in the RECORD immediately after the joint resolution just introduced by the Senator from New Jersey an article by my former colleague and friend, the late Senator Thomas E. Watson, on "The song of the barroom."

The VICE PRESIDENT. Without objection, leave will be granted.

The matter referred to is as follows:

THE SONG OF THE BARROOM

By Thomas E. Watson

Alive, let us live. Where is yesterday? Lost forever. Where is to-morrow? It may never come. To-day is here. Within its fleeting hours runs the only certainty that you will ever know. Come! Eat, drink, and be merry, for to-morrow you die!

The chains of self-restraint are galling—throw them off! The burden of duty is grievous—fling it down! The cross of responsibility is crushing—let another bear it! Live for yourself; live for the now; live for the lust of living.

Drink! And forget dull care! And ease the heartache. Drink! And drown the passion for the unattainable.

See how men are drawn to me! My lights blaze a brilliant welcome; I am never too hot nor too cold. Mirrored vanity smirks in my gilded reflectors; and no one is ill at ease in my free-for-all club. No shrewish wife can tongue lash you here; no peevish child annoy you with its cries. Leave to them the ugliness of your haggard home, and come unto me for comfort. Theirs, the cold and gloom and the lonely vigil—yours, the warmth and glow and social joy.

Clink your glasses, men! Drink again. "Here's hoping." 'Tis well to toast her here where begins the trail to the grave of hope. Be jolly; let the place ring with laughter; relate the newest story—the story that matches the nude pictures on the wall.

What's that? A dispute, angry oaths, a violent quarrel, the crash of overturned chairs, the gleam of steel, the flash of guns, the stream of life blood, the groans of dying men?

Oh, well, it might have happened anywhere. The hearts of mothers and fathers I wrench with pain; the souls of wives I darken with woe. I smite the mansion, and there are wounds that gold can not salve; the hut I invade, and poverty sinks into deeper pits.

I sow, and I till, and I reap where I sow, and my harvest—is what? Men so brutalized that all of humanity is lost, save the physical shape—men reeking with moral filth, stony of heart, bestial in vice—men who hear the name of God with a wrathful stare or a burst of scornful mirth—men who listen to the death rattle of any victim of their greed or their lusts without a sign of pity.

And the women, too! How can I fitly sing of the woman of my harvest time? Did you ever hear her laugh? It must be the favorite music of the damned. Did you ever hear her ribald talk? The very sewers might shrink at bearing it away. Have you ever heard her libidinous songs? Did you ever watch her eyes—those defiant, mocking, hopeless, shameless eyes?

What warriors have I not vanquished? What statesmen have I not laid low? How many a Burns and Poe have I not dragged down from ethereal heights? How many a Sidney Carton have I not made to weep for a wasted life? How many times have I caused the ermine to be drawn through the mud?

Strong am I—irresistibly strong.

Samsonlike, I strain at the foundations of character and they come toppling down in irremediable ruin. I am the cancer, beautiful to behold and eating my remorseless way into the vitals of the world. I am the pestilence, stalking my victims to the cottage door and the palace gate. No respecter of persons, I gloat over richly garbed victims no more than over the man of the blouse.

The church, I empty it; the jail, I fill it; the gallows, I feed it. From me and my blazing lights run straight the dark roads to the slums, to the prisons, to the bread lines, to the madhouse, to the potter's field.

I undo the work of the school. I cut the ground from under law and order. I'm the seedbed of poverty, vice, and crime. I'm the leper who buys toleration and who has not to cry "unclean!" I'm the licensed ally of sin. I buy from the State the right to lay dynamite under its foundations. For a price they give me the right to nullify the work of lawmakers, magistrates, and rulers. For a handful of gold I am granted letters of marque to sail every human sea and prey upon its lifeboats.

Huge battleships they build, casing them triply with hardened steel; and huge guns they mount on these floating ramparts until a file of dreadnaughts line the coast—for what? To be ready for perils that may never come. But I give them a pitiful purse; and, in return, they issue to me the lawful right to unmask my batteries on every square, and my guns play upon humanity every day and every night of every year. And were my destroyers spread out upon the sea they would cover the face thereof.

Around that grief-bowed woman I threw the weeds of widowhood—but I paid for the chance to do it; and they who took my money knew that I would do it.

To the lips of that desolate child I brought the wail of the orphan—but I bought the right to do it; and they who sold me the right knew what would come of it.

Yes! I inflamed the murderer; I maddened the suicide; I made a brute of the husband; I made a diabolical hag out of the once beautiful girl; I made a criminal out of the once promising boy; I replaced sobriety and comfort by drunkenness and pauperism—but don't blame me; blame those from whom I purchased the legal right to do it.

No Roman emperor ever dragged at his chariot wheels on the day of his triumph such multitudes of captives as grace my train. Tamerlane's marches of devastation were as naught beside my steady advance over the conquered millions. The Cæsars and the Attilas come and go—comets whose advent means death and destruction for a season; but I go on forever, and I take my ghastly toll from all that come to mill.

In civilization's ocean I am the builder of the coral reef on which the ship goes down; of its citadel I'm the traitor who lets the enemy in; of its progress I'm the fetter and the clog; of its heaven I'm the hell.

REGULATION OF RADIO COMMUNICATIONS

Mr. EDGE submitted an amendment intended to be proposed by him to the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, which was ordered to lie on the table and to be printed.

THE TARIFF

Mr. HARRISON. Mr. President, I desire to have inserted in the RECORD a joint brief that was filed with the minority members of the Ways and Means Committee of the House of Representatives by Mrs. Borden Harriman on behalf of committee of women, and Benjamin C. Marsh, executive secretary of the People's Reconstruction League, relative to the tariff.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

JOINT BRIEF TO MINORITY MEMBERS OF THE WAYS AND MEANS COMMITTEE OF THE HOUSE OF REPRESENTATIVES

(Submitted by Mrs. Borden Harriman, on behalf of committee of women, and Benjamn C. Marsh, executive secretary of the People's Reconstruction League, for hearings on bills reducing duties on specified commodities and articles)

GENERAL STATEMENT

1. The Fordney-McCumber Tariff Act was enacted during the stress of the postwar period under the apprehension that Europe would flood the United States with cheap goods. Those conditions have largely passed.

2. The flexible provision of the tariff has been used to increase the duties instead of to reduce them in practically all cases, only two cases of decrease being granted by the Tariff Commission since the enactment of the Fordney-McCumber Tariff Act out of 100 applications.

3. The Tariff Commission, as shown by the investigation of the commission by the Senate committee, has been composed chiefly of commissioners favorable to increased duties and the general policy of an extremely high protective tariff.

4. The Tariff Commission staff can secure data where necessary to present to the Committee on Ways and Means, so as to make possible the reporting of bills reducing duties where needed.

5. There are enough progressive votes in the House and Senate combined with the Democratic votes to force the reduction of exorbitantly high duties on women's goods, wearing apparel, sugar, hardware, cutlery, and household aluminum goods at this session of Congress, and to keep Congress here until such reduction is accomplished.

SUGAR

The effective tariff rate on sugar under the Fordney-McCumber Tariff Act is 1.7648 cents per pound, since Cuban sugar receives a 20 per cent reduction under the rate of duty on sugar in that act. The United States Tariff Commission recommended to the President in 1924 that the duty on sugar be reduced from 2.202 cents per pound to 1.54 cents per pound. The existing rate on sugar is the highest since 1890, when it was 2.24 cents per pound, 30 per cent higher than the rate of 1.348 under the Payne Act and 76 per cent higher than the rate of 1 cent per pound under the Underwood-Simmons Act. The present duty on sugar increases the price of refined sugar 2 cents per pound, and, as the consumption of sugar in 1925 was about 107½ pounds per capita, the total cost of the present tariff on sugar was about $246,400,000, which amounts to $2.15 per capita, and $10.70 for a family of five per year.

Of the costs of the tariff on sugar imposed by the tariff act, the Government secures approximately $144,000,000 as revenue collected upon imports, while the balance of $102,400,000 is an indirect subsidy conferred upon tariff-favored sugar interests. The United States derives revenue from only about 60 per cent of the sugar consumed and no revenue from about 40 per cent consumed that is produced in Hawaii, Porto Rico, Louisiana, the Philippines, and domestic beet regions.

The Great Western Sugar Co., with 17 beet factories in Colorado, Nebraska, Montana, and Wyoming, showed a loss of $8,363,418 on February 28, 1922; a profit of $6,879,813 February 28, 1923; $12,004,303 February 28, 1924; and $10,577,273 February 28, 1925. It now pays 7 per cent on preferred and 32 per cent on common. Preferred $100 par was recently quoted on the exchange at $115 and common, $25 par, at $99 per share. The surplus February 28, 1925, was $38,427,200.68, and capital stock was $30,000,000, half common and half preferred.

The Holly Sugar Co., with beet factories in California, Colorado, Wyoming, and Montana, showed a profit of $50,710 March 31, 1923; $972,270 March 31, 1924; and $841,031 March 31, 1925. Has outstanding $3,300,000 preferred, $100 par, and 67,298 shares of common, no par value. In 1925 it paid $14 on the preferred, representing regular dividends and arrears, and is still $7 per share behind on its preferred. According to its annual statement of March 31, 1925, it had capital stock and surplus—equity of common-stock holders—of $6,067,598.58.

Beet factories of Utah, Idaho, Colorado, Nebraska, Montana, and Wyoming, where over 70 per cent of the domestic beet sugar is produced, pay their beet farmers no more than a minimum guaranty of $6 per ton for 15.5 per cent beets, unless the net price received by these factories during the campaign year exceeds 5 cents per pound. The benefit to the factory would be 2 cents per pound from the tariff, or $6 per ton. Of this amount the factory retained $5 and gave the farmer $1. In other words, the tariff amounted to the minimum guaranty paid the farmer.

The President failed for over a year and a half to make public the report of the Tariff Commission on sugar on the ground that the price of sugar was low, but he ignored the essential feature, which is that relative costs of production justify reduction of the tariff on sugar.

WOMEN'S WEAR

In 1923 the value of textiles and their products manufactured in the United States was $9,487,184,000. Wages paid in these industries in 1923 were only 18.4 per cent of the value of the production as compared with 21.2 per cent in 1921.

In 1923 the value of textile-mill products was $5,552,107,000, and wages were only 20.3 per cent of the value of the production in 1923 as compared with 23 per cent in 1921.

In 1923 the value of women's clothing not elsewhere specified, manufactured in the United States, was $1,406,684,000, and wages paid in these factories were only 12.5 per cent of the value of the product in 1923 as compared with 18.2 per cent in 1921.

It is obvious that the high tariffs on women's clothing and other women's wear has not resulted in increasing the proportion of the value of the manufactured product which is paid as wages.

Since manufacturers of women's clothing, wearing apparel, and goods manufactured from textiles are largely affected by the price of the raw material which they purchase, a reference to the cotton, woolen, silk, and flax schedules is necessary. Raw cotton is admitted free of duty, as are silk, cocoons, and silk waste, and raw silk in skeins reeled from the cocoon and rereeled, while the tariff on wool is specific at 31 per pound, and the tariff on flax straw is only $2 per ton.

The whole tariff schedule on cotton manufactures is full of jokers and purposely devised to prevent the average person from understanding what duty is actually levied.

Paragraph 901 after enumerated duties provides, "That when any of the foregoing yarns are printed, dyed, or colored with vat dyes there should be paid a duty of 4 per cent ad valorem in addition to the above duties."

Paragraph 906 of the cotton schedule reads in part, "In addition to the duty or duties imposed upon cotton cloth in paragraph 903, there shall be paid the following duties, namely: On all cotton cloth woven with eight or more harnesses, or with jacquard, lappet, or swivel attachments, 10 per cent ad valorem; on all cotton cloths, other than the foregoing, woven with drop boxes, 5 per cent ad valorem," and with the stipulation that in no case shall the duty upon cloths mentioned exceed 45 per cent.

The duty on practically all items in the cotton-manufactures schedules have been increased quite largely. On knit fabrics in the piece made on a warp-knitting machine, from 30 per cent to 55 per cent. The duty on gloves composed wholly or in chief value of cotton made on a fabric knit or a warp knitting machine varies from an increase from 35 per cent in the act of 1913 to 50 per cent on some gloves and $2.50 per dozen on others, with 10 cents per dozen pairs extra for each additional inch in excess of 11 inches.

The duty on underwear and all wearing apparel of every description is increased from 30 per cent to 45 per cent. The duty on quilts or bedspreads is increased from 25 per cent to 30 per cent, up to 40 per cent.

In 1925 the export of women's cotton wearing apparel amounted to $24,138,402 and imports amounted to only $13,467,884. The exports of all cotton manufactures amounted to $148,238,446, while the value of all imports was only $79,273,972. The tariff on woolen woven fabrics valued at not more than 60 cents per pound was increased by the Fordney-McCumber Tariff Act from 35 per cent to 24 cents per pound and 40 per cent; if valued at more than 60 and not more than 80 cents per pound, from 35 per cent to 37 cents per pound and 50 per cent.

The tariff on outer wear and other articles, finished or unfinished, wholly or in chief value of wool was increased from the duty of 35 per cent in the act of 1913 to 36 cents per pound and 40 per cent if valued at not more than $1 per pound. The tariff on clothing and articles of wearing apparel of every description, not knit or crocheted, and valued at not more than $2 per pound, composed chiefly of wool, was increased from 35 per cent in the tariff act of 1913 to 24 cents per pound and 40 per cent in the Fordney-McCumber Tariff Act. Knit underwear, finished or unfinished, whose chief value is wool bore a duty in the act of 1913 of 35 per cent, which was increased in the Fordney-McCumber Tariff Act to 36 cents per pound and 30 per cent if valued at not more than $1.75 per pound.

In 1925 the value of women's and other woolen wearing apparel exported was $2,326,922, of imports $13,081,017. The tariff on hatters' plush composed in chief value of silk was increased from 10 per cent in the act of 1913 to 60 per cent in the Fordney-McCumber Tariff Act. The tariff on most knit fabrics, including underwear and outer wear, was increased very largely in the Fordney-McCumber Tariff Act, as also the tariff on clothing and articles of wearing apparel unknit and all manufactures of silk.

The value of women's silk wearing apparel exported in 1925 was $11,510,459, and of such apparel imported was $6,980,420.

In 1923 the net income of corporations reporting such income was for all textile fabrics $358,462,852, and of corporations manufacturing clothing $123,942,513.

In 1923 the American Woolen Co. earned $13.32 per $100 share on $50,000,000 of outstanding 7 per cent cumulative preferred stock and $8.85 on $40,000,000 outstanding common stock.

The Pacific Mills, manufacturing cotton, had outstanding on December 31, 1923, $40,000,000 of stock, upon which it earned that year $9.23 per $100 share. That stock, however, is mostly stock dividends. On December 20, 1912, the Pacific Mills paid a stock dividend of 200 per cent; on March 1, 1917, one of 25 per cent; and on December 27, 1922, one of 100 per cent.

The William Whitman Co., which controls cotton and woolen mills, earned in 1923 on its $12,500,000 outstanding common stock $15.19 per $100 share, and on its $6,500,000 of preferred stock $32.31.

Senator BUTLER owns or controls several cotton mills, among them the following:

1. The Butler Mill, at New Bedford, with $2,300,000 of stock outstanding December 31, 1923, on which they paid 8 per cent a year from August 15, 1919, to February 15, 1924, and an extra dividend of 20 per cent between November 15, 1919, and August 14, 1920.

2. The New Bedford Cotton Mills Corporation, incorporated in 1909, with $750,000, 6 per cent cumulative preferred stock, and $1,050,000

common stock. On December 13, 1922, it issued a 200 per cent dividend on common stock.

3. The Quissett Mill, at New Bedford, with $2,000,000 of common and $305,000, 6 per cent cumulative preferred stock. From November 15, 1921, to February 15, 1925, it paid a dividend of 2 per cent every quarter. In each of the two years 1917 and 1918 it paid an extra stock dividend of 20 per cent; in 1919 one of 50 per cent; in 1920, 20 per cent; and in 1922, 110 per cent on common stock. On December 31, 1923, its reserve for depreciation was $1,529,002 and its profit and loss account $1,049,131—totaling $2,578,133.

ALUMINUM HOUSEHOLD GOODS

In view of the fact that the Aluminum Co. of America is the one dominating concern preparing crude aluminum and controls a large part of the bauxite deposits as well as controlling the Aluminum Goods Manufacturing Co., which is the largest producer of aluminum cooking utensils in the United States, consideration of the entire aluminum schedule is necessary. The Federal Trade Commission in its report in 1924 on the house-furnishing industry, volume 3, states:

"From a practical standpoint all the independent aluminum cooking-utensil manufacturers of the United States are now chiefly dependent for their raw material upon the Aluminum Co. of America, which is itself a producer of cooking utensils through the United States Aluminum Co., and is further interested in cooking-utensil business through its ownership of about 30 per cent of the stock of Aluminum Goods Manufacturing Co., the largest producer of aluminum cooking utensils in the United States. Formerly some of the manufacturers supplemented their domestic purchases from abroad. The enactment of the Fordney-McCumber Tariff Act, however, placed a duty of 5 cents a pound on ingot and 9 cents a pound on sheet, so that this latter source of supply has been largely eliminated."

The Aluminum Co. of America was making good profits in 1920 and most years since it was organized. The Federal Trade Commission in the report cited above states:

"During the 15 years (from August 31, 1906, to July 31, 1921), without any additional cash being invested in the company by the stockholders, the capital and surplus increased from $7,199,322 to $110,883,461 as shown by Moody's Manual, or $103,684,139, while in addition to this increase in surplus the company, as computed from figures in Moody's Manual, declared and paid cash dividends during this period amounting to $15,370,032, indicating aggregate net earnings of $119,054,171. These net earnings from 1906 to 1921 could have been realized by a uniform annual rate of return on the total investment of about 24 per cent, assuming the payment of dividends as computed above."

The Aluminum Co. of America has not made any public statement for Poor's Manual of Industrials since 1921, but its surplus on that date was $92,153,861. It has usually paid about 10 per cent dividends and accumulated a large surplus. In 1916 and 1917 it paid dividends of 8 per cent; in 1918–1920, 10 per cent each; 1921 and 1922, 6 per cent each; 1923, 10 per cent; and 1924, 12½ per cent.

The Fordney-McCumber Tariff Act raised the tariff on crude aluminum, aluminum scrap, and alloys, from 2 cents per pound to 5 cents per pound, and on coils, plates, sheets, etc., from 3½ cents per pound to 9 cents per pound. It increased the duty on table, household, kitchen, and hospital utensils, and hollow or flat ware, composed wholly or in chief value of aluminum from 25 per cent to 11 cents per pound and 55 per cent.

The way in which the Aluminum Co. of America controls the situation is reported by the Federal Trade Commission in the report above cited as follows:

"Tariff on aluminum and its products: In 1921 the cooking utensil manufacturers held a meeting at Cleveland with reference to obtaining additional protective duties on the products of aluminum in favor of increased duties as soon as Congress took up tariff revision. The question of the tariff on aluminum sheet was discussed, but apparently it was decided to confine attention strictly to the tariff on their own products. Subsequently the committee filed a brief urging the restoration of the duties on aluminum products in effect prior to the 1913 tariff act and a supplemental brief strongly urging heavy duties on finished aluminum products. Certain manufacturers, when questioned as to why they did not file with the Tariff Commission a petition for a reduction of the rates on raw and semifinished aluminum, stated that they feared the Aluminum Co. of America would bring about a retaliatory reduction of the duties on kitchen utensils and hollow ware."

The value of aluminum products manufactured in the United States in 1923 was $106,930,000. The exports of manufacturers in 1925 was $5,956,875 of bauxite, etc., $4,133,825; imports of crude bauxite was $1,619,120, of metal scrap alloy, $10,180,497; while the total value of all manufactures of aluminum imported in 1925 was only $356,142, or about one-third of 1 per cent of the value of aluminum manufactures produced in the United States in 1923.

This is sufficient proof of the extent of the monopoly. That labor does not get the benefit of this prohibitive tariff is shown by the fact that in 1921 wages paid by manufacturers of aluminum goods were 23.6 per cent of the value of the product, while in 1923, after the Fordney-McCumber Tariff Act was adopted, wages were 18.5 per cent of the value of the product.

HARDWARE AND CUTLERY

In 1923 the value of hardware manufactured in the United States was $215,960,000, of cutlery $72,477,000, a total of $288,437,000. Exports of cutlery in 1925 were valued at $13,094,148, imports at $1,433,030. The value of hardware exported in 1925 was $8,902,000 and imports were negligible. The Fordney-McCumber Tariff Act increased the duty on "table, household, kitchen, and hospital utensils, and hollow and flat ware," composed wholly or in chief value of copper, brass, steel, or other base metal, from 20 per cent to 40 per cent, and to make things a little harder for the housewife added 10 per cent additional to the above rates "on any of the foregoing containing electrical heating elements as constituent parts thereof." It increased the duties on circular and cross-cut saws from 12 per cent to 20 per cent, on scissors and shears from 30 per cent to 3½ each, and 45 per cent on needlecases and needlebooks with assortment of needles from 20 to 45 per cent, on crochet needles from 20 per cent to $1.15 per 1,000 and 40 per cent, and on lawn mowers from 20 per cent to 30 per cent.

CONCLUSION

Attention has frequently been called to the financial straits of farmers, and farmers' wives unquestionably have the most difficult part of farm life. The Fordney-McCumber Tariff Act ostensibly admits duty free farm machinery and implements. They are surreptitiously levying a heavy duty on them through duty on component materials. It does not attempt to fool the farm housewife, but blatantly levies such duties as cited above upon household goods, women's wear, and utensils which the farmer's wife must buy.

Just as the tariff on manufactured products, as demonstrated above, does not result in securing labor a fair proportion of the value of the product, so the tariff on farm products is not effective.

In a release of April 2, 1926, the Department of Commerce states:

"Exports of vegetables decreased from $11,217,471 in 1924 to $10,291,451 in 1925, while vegetable imports increased from $15,906,868 in 1924 to $20,724,937 in 1925.

"During the last five years there has been a constant decrease in vegetable exports, which in 1925 were about half the quantity of the vegetables exported in 1921. Imports have, on the other hand, constantly increased, and the 1925 imports were double those of 1921."

The tariff on wheat was increased from 30 to 42 cents a bushel, but wheat brought a higher price in Winnipeg than in Minneapolis. The tariff on corn has been equally ineffective. The tariff on butter was so ineffective that an increase was demanded and granted by presidential proclamation from 8 to 12 cents a pound.

To afford relief to the housewife in the city and the housewife on the farm there must be many reductions in the duties on manufactured necessities in the schedules above mentioned, and before such reduction can be secured hearings must be held by the Ways and Means Committee before action can be taken by the House. For this reason we respectfully request immediate hearings on these bills.

INDICTMENT OF NONRESIDENTS

Mr. HARRELD. I desire to call up Senate Resolution 264, which is lying on the table, having come over from a preceding day.

The VICE PRESIDENT. The Chair lays the resolution before the Senate.

The Chief Clerk read the resolution (S. Res. 264) submitted by Mr. HARRELD on the 26th instant, as follows:

Resolved, That the Attorney General be requested to furnish to the Senate the number of cases brought by the United States in which citizens have been indicted outside of their own States and districts and taken to other States and districts for trial. Also, the number of indictments now pending against citizens in States and districts outside the State and district in which they reside and have a known residence. Also, the number of removal causes that have been tried or are now pending in which citizens have resisted or are resisting the attempts of the Department of Justice to take them out of their own States and districts for trial on criminal charges. That this information be furnished to the Senate as soon as the information can be assembled, but not later than the convening of Congress at the December session.

Mr. WALSH. Mr. President, should there not be a limit of time back of which the inquiry should not extend?

Mr. HARRELD. I do not object to a limitation to that effect. I simply want to get the information as to existing cases of that sort.

Mr. WALSH. But the resolution asks for information concerning the number of cases in which defendants have been indicted and tried in districts other than those in which they reside.

Mr. HARRELD. Very well; how far back does the Senator think we ought to go?

Mr. WALSH. I suggest within the last 10 years.

Mr. HARRELD. I would not want to amend it to that extent, because it would involve a great deal of expense on the part of the department to gather that information.

Mr. WALSH. I am trying to limit the inquiry proposed by the resolution.

Mr. BORAH. As it is now, it would run back indefinitely.

Mr. HARRELD. Yes; I see.

Mr. WALSH. Why not make it five years, then?

Mr. HARRELD. I will accept an amendment of that sort limiting the scope of the investigation to the last five years.

The VICE PRESIDENT. The question is upon agreeing to the resolution as modified.

Mr. KING. Mr. President, I hope the Senator from Oklahoma will accept the suggestion first made by the Senator from Montana. I think we ought to have the information for a period of not less than 10 years. Senators must be aware of the fact that there have been numerous cases brought under the direction of the Post Office Department, many of which have been unwise, improper, and, in my opinion, wholly without warrant. Hundreds of men have been dragged from their homes under conspiracy indictments initiated or brought about by the Post Office Department, working a very great hardship upon them, and I think doing a very grave injustice, and subjecting the Government to warranted criticism.

Mr. McKELLAR. Mr. President, I understand that recently men have been required to go from Texas to California to stand trial on some of these indictments. The Senator from Iowa [Mr. CUMMINS] has introduced a bill regulating the matter, and I believe it will be reported out soon. But I think this resolution ought to pass by all means, and that no man ought to be tried out of the State of his residence or away from the place where the crime is alleged to have been committed.

Mr. JOHNSON. Mr. President, may I ask a question of the Senator from Oklahoma?

Mr. HARRELD. I yield for a question.

Mr. JOHNSON. I have no objection, of course, to the resolution, but I would like to know just why it is introduced, and the purpose of the inquiry. Will the Senator state?

Mr. HARRELD. I will be glad to do that. I have not had time to make a statement so far. Other Senators have stated largely what I had intended to say.

In the last two or three years there has been quite a ground swell of resentment at citizens domiciled in one State, no question being raised about their residence at all, being taken for trial to other States, away from their homes, or away from the place where the crime was alleged to have been committed. I grant that there are some cases, perhaps, where the question of jurisdiction is doubtful, and perhaps the law is intended to reach cases of that sort, but I do not believe it was ever intended to take a man away from the State of his domicile, or from the place where the crime was alleged to have been committed, to try him for an alleged offense. Yet the law has been so construed that it has been the practice to do that sort of thing.

Only recently 25 citizens of the States of Oklahoma and Texas were indicted in Los Angeles, Calif., for alleged offenses for which they might just as well have been indicted in the State of Oklahoma or in the State of Texas. In fact, attempts were made to indict them in their home States, but the courts of the States of Oklahoma and Texas refused to indict. Yet they have been indicted in Los Angeles, Calif., and are compelled to go there, 1,800 miles from their homes, to stand trial.

Mr. JOHNSON. For what were they indicted?

Mr. HARRELD. They were indicted under the statute against using the mails to defraud, and the jurisdiction is held to be in California, because it is said that some of the letters were delivered in California, though they were mailed in Oklahoma and Texas. Those men should have been indicted, if at all, either in the State of Oklahoma or in the State of Texas, but the authorities elected to indict them in the State of California, and these citizens of Oklahoma will have to pay their own expenses in defending themselves in a court 1,800 miles from their homes.

Mr. BROUSSARD. Mr. President, does the resolution state the nature of the charges made against the men, or under which they were indicted?

Mr. HARRELD. It names no specific cases at all. It simply asks for information as to how many cases there have been of that kind.

Mr. BROUSSARD. Does not the Senator believe the information would be of much more value to us if we knew specifically what violations of law were charged against these people?

Mr. HARRELD. I think the resolution covers that.

Mr. BROUSSARD. I am just inquiring to find out whether it does or not.

Mr. HARRELD. I am willing to accept the suggestion of the Senator from Montana that the time of the inquiry run back for 10 years. I would be glad to have it amended to that effect.

Mr. BROUSSARD. Will not the Senator also include an inquiry as to the nature of the offenses charged?

Mr. HARRELD. I have no objection to an amendment of that sort.

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

Mr. HARRELD. I yield.

Mr. CUMMINS. I introduced a bill not long ago to amend the law with respect to the jurisdiction of courts in those criminal cases in which it is sought to indict a man in one State because a letter was put in the post office, as was alleged, in connection with a scheme to defraud.

I think the Supreme Court made a very great mistake in its interpretation of the present statute. Personally, I do not believe that the present statute authorizes the indictment of a man in a foreign State simply because he has caused a letter to be deposited in the post office that is alleged to be in connection with a scheme to defraud.

We had a hearing upon that bill, and the subcommittee unanimously directed me to report to the full committee an amendment of the statute in that regard, which will make it impossible at any time in the future for a man to be indicted in a foreign State simply because he has deposited a letter in his own State. It requires that he shall be physically present in the State of his indictment, or shall have done something else in regard to the letter so deposited than the mere mailing in his home State.

I do not know whether we will have an opportunity to pass that legislation or not.

Mr. HARRELD. Mr. President, this resolution is in aid of the legislation the Senator seeks to have passed. I want to get information which will assist us in passing the proposed legislation the Senator has introduced.

Mr. CUMMINS. I have no objection to the information being furnished, but it is fundamentally wrong for such indictments to be returned, and I do not think the Senate or the House will need any illustrations from the Attorney General's office in order to induce them to pass the bill, because such action is contrary to all our notions in regard to the administration of justice.

Mr. WALSH. Mr. President, in order to make the resolution conform to the ideas expressed in the discussion, I move to amend by inserting in line 3, after the word "have," the words "within the past 10 years."

Mr. HARRELD. I accept that amendment.

Mr. WALSH. Then, after the word "trial" in line 5, I move to insert "and the nature of the charge made in each indictment."

Mr. HARRELD. I accept that.

Mr. WALSH. Then in line 9, after the first word, "been," I move to insert "during such period," so that it will read, "also the number of removal causes that have during such period been tried," and so forth.

Mr. HARRELD. I accept that amendment. There is another reason for the favorable consideration of this resolution. It is a matter of economy. The Government is wasting a lot of money taking these people and trying them away from their homes, and the Government can save that money.

Mr. BLEASE. Mr. President, I agree with what has been said by the Senator from Iowa [Mr. CUMMINS]. I do not see any good that this resolution would do anybody.

Mr. HARRELD. Will the Senator yield just a moment?

Mr. BLEASE. I yield.

Mr. HARRELD. The bill introduced by the Senator from Iowa is meeting with opposition. It has not become a law. This resolution will furnish us with information which will show the necessity of the legislation, and it is in accord with and in support of the bill which the Senator from Iowa has introduced, which has not as yet become a law.

Mr. BLEASE. Mr. President, just a few days ago the President affixed his signature to a bill which I had introduced, applying only to the State of South Carolina, to cure this very evil within my State, where the authorities would take a man from the extreme northern part to the extreme southern part of the State and try him on some little, frivolous charge. The bill which has been signed by the President requires that any such person shall be tried by the United States court nearest his home.

I can not see why we need put the Attorney General to the expense and trouble of answering a resolution of this sort. He and his assistants would have to neglect their business and go back over the records for 10 years to furnish us with the information, which we can get from the reports of the

Attorney General. The Attorney General has to make annual reports, and the information contained in them can be collated if the committee wants the information.

I can not see how any Senator would oppose the bill of the Senator from Iowa, which provides that a man shall be tried as the Constitution itself requires. It seems to me the only question here is as to who shall decide where a crime is committed; whether it was committed, for instance, in South Carolina or whether it was committed in Maine. If we pass a law settling that question of jurisdiction, I do not see the necessity of going any further.

I do not like to oppose my friend's resolution, but, I repeat, I do not see the necessity of requiring the Attorney General to take his time or the time of his assistants to go back for 10 years and look up something which we can find in his reports.

Mr. KING. Mr. President, just a few words which, perhaps though not germane to the resolution offered by the Senator from Oklahoma [Mr. HARRELD], are relevant to the subject to which it relates. Early in the session I offered a bill, Senate bill 2119, to amend section 37 of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909," and so forth.

The bill which I offered seeks to amend the conspiracy statute enacted many years ago. Among other things it provides that to conspire to commit a misdemeanor shall constitute a felony. The Senator from Missouri [Mr. REED] offered a similar bill, and both measures were referred to the Committee on the Judiciary.

Many abuses have arisen under the conspiracy statute. Hundreds if not thousands of persons were indicted under this statute for an act or acts which, if committed, would constitute only a misdemeanor. It is so easy to charge a conspiracy, and evidence is admissible under a charge of conspiracy which might not be admissible under an indictment for a completed act involved in a conspiracy. I repeat, this statute has been abused by the Department of Justice, and these abuses have grown to such proportions and have operated so oppressively and so unjustly and so unfairly against persons brought within conspiracy charges that the Chief Justice of the United States and those associated with him in the matter took cognizance of the same. After considering the matter they submitted a statement, together with recommendations, which, in part, are as follows:

A. We note the prevalent use of conspiracy indictments for converting a joint misdemeanor into a felony; and we express our conviction that both for this purpose and for the purpose—or at least with the effect—of bringing in much improper evidence the conspiracy statute is being much abused.

Although in a particular case there may be no preconcert of plan, excepting that necessarily inherent in mere joint action, it is difficult to exclude that situation from the established definitions of conspiracy; yet the theory which permits us to call the aborted plan a greater offense than the completed crime supposes a serious and substantially continued group scheme for cooperative law breaking. We observe so many conspiracy prosecutions which do not have this substantial base that we fear the creation of a general impression very harmful to law enforcement, that this method of prosecution is used arbitrarily and harshly. Further the rules of evidence in conspiracy cases make them most difficult to try without prejudice to an innocent defendant.

We think it proper for us to bring this matter to the attention of the district judges, with the request that they present it to the district attorneys, and for us to bring it also to the attention of the Attorney General, with the suggestion that he call it to the attention of the district attorneys, as in his judgment may be proper, and all to the end that this form of indictment be hereafter not adopted hastily, but only after a careful conclusion that the public interest so requires, and to the end that transformations of a misdemeanor into a felony should not be thus accomplished unless the propriety thereof clearly appears.

We also think proper to bring the subject matter to the attention of Congress, that it may consider whether any change of the law in this respect is advisable.

Mr. President, I know of cases where persons have been indicted under the conspiracy statute where the completed act would have been merely a misdemeanor, and there was every indication that this procedure was adopted in order to drag them into the criminal courts with the hope of securing the introduction of evidence which otherwise would have been inadmissible. Under these conspiracy indictments many defendants have been dragged from their homes into other cities, to be there placed upon trial. The bill which I offered modified the old conspiracy statute and provided that if the completed act constituted a misdemeanor a conspiracy to complete the act would constitute a misdemeanor only. The bill was reported favorably from the Committee on the Judiciary and placed upon the calendar. Subsequently the Attorney General wrote a letter to the chairman of the Judiciary Committee and made certain objections to the bill. I understand that Mr. Wayne B. Wheeler, while representing the Anti-Saloon League, likewise submitted objections to the measure, and at the request of various Senators the bill was referred back to the Committee on the Judiciary, where it is now pending.

Mr. President, that the conspiracy statute has been abused there can be no doubt. The resolution offered by the Senator from Oklahoma undoubtedly seeks information concerning charges under the conspiracy statute, where defendants have been indicted and taken from their homes to remote States, and there placed on trial. The statements of Judge Taft, just referred to, which I have read, are regarded as a condemnation of the course of the Department of Justice, particularly of district attorneys who have abused the process of the court and acted unfairly toward persons who, if they committed any offense, committed only a misdemeanor. It is to be hoped that the Attorney General will give instructions and see to it that his subordinates no longer continue a practice so universally condemned and which calls for the severest reprobation.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to, as follows:

Resolved, That the Attorney General be requested to furnish to the Senate the number of cases brought by the United States in which citizens have within the past 10 years been indicted outside of their own States and districts and taken to other States and districts for trial, and the nature of the charge made in each indictment. Also the number of indictments now pending against citizens in States and districts outside the State and district in which they reside and have a known residence. Also the number of removal causes that have been during such period tried or are now pending in which citizens have resisted or are resisting the attempts of the Department of Justice to take them out of their own States and districts for trial on criminal charges. That this information be furnished to the Senate as soon as the information can be assembled, but not later than the convening of Congress at the December session.

TRAFFIC CONTROL IN THE DISTRICT OF COLUMBIA

Mr. CAPPER. Mr. President, I ask unanimous consent for the present consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 3802, to amend the act known as the District of Columbia traffic act, 1925.

Mr. CURTIS. Mr. President, has morning business been closed?

The PRESIDENT pro tempore. Morning business is now closed and the calendar under Rule VIII is next in order, but the Senator from Kansas has asked unanimous consent for the consideration of a conference report.

Mr. JONES of Washington. I did not know morning business had been closed. No announcement had been made.

The PRESIDENT pro tempore. The calendar under Rule VIII is next in order.

Mr. JONES of Washington. I understand that the Chair recognized the junior Senator from Kansas.

The PRESIDENT pro tempore. The junior Senator from Kansas was recognized to call up a conference report and no objection has been heard. Is there objection?

Mr. TYSON. For the moment I object.

Mr. CUMMINS. I did not rise to object to consideration of the conference report; I rose merely to renew my request made at the beginning of morning business, namely, that the Senate take up the motion to concur in the House amendment to the corn sugar bill.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McNARY. The Senator from Kansas had the floor and made a motion to take up the conference report on the District of Columbia traffic act.

The PRESIDENT pro tempore. That is correct except that the Senator from Kansas merely asked unanimous consent and objection was made.

Mr. CAPPER. I move that the conference report be taken up.

The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate proceed to the consideration of the conference report on the District of Columbia traffic bill.

The motion was agreed to, and the Senate proceeded to consider the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) entitled "An act 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."

Mr. ROBINSON of Arkansas. Mr. President, on yesterday the Senator from Kansas [Mr. CAPPER] brought before the Senate the conference report now under consideration. I had not had an opportunity to examine it or to become familiar with the arrangement which is consummated by the conference report. I objected then to its consideration in order to secure the opportunity of examining the conference report.

The principal provision in controversy appears to have been that which related to vesting in the director of traffic the right to control horse-drawn vehicles and pedestrians. I have received a letter from the director of traffic this morning which explains from his viewpoint the necessity or justification for the legislation. In his opinion it would be impracticable without the legislation to safeguard properly the public in crowded districts against those who, when they operate motor vehicles, have little regard for the rights of others. I shall therefore make no objection to the consideration of the conference report. I ask that the letter of the director of traffic may be printed in the RECORD.

Mr. COUZENS. Mr. President, may we have the letter read instead of being merely printed in the RECORD?

Mr. ROBINSON of Arkansas. I have no objection to having it read.

The PRESIDENT pro tempore. The clerk will read as requested.

The Chief Clerk read the letter, as follows:

OFFICE OF THE DIRECTOR OF TRAFFIC,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 30, 1926.

Hon. JOE T. ROBINSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR ROBINSON: Unless the traffic bill which is now pending in the Senate, and to which the conferees have agreed, is passed traffic chaos in Washington will be the result.

Unless this bill is passed those who drive their cars recklessly, those who operate while under the influence of liquor, and those who operate without a permit or after their permit has been revoked will continue to operate, because they will continue, as in the past, to plead "not guilty," put up the necessary bond, and ask for a jury trial. The cases will in the future be postponed and postponed from month to month on account of the crowded condition of the court docket, and these men will in the future, as they have in the past, continue to be brought in time and time again before their trials have been held.

One of the chief objects of the pending bill is to suspend the permits of all those who have committed serious traffic violations pending trial. If they are found "not guilty," the permits will be returned.

Under the existing law it is impossible to revoke or suspend permits of lunatics, mental defectives, or epileptics, and there are several such persons with permits in the District of Columbia at the present time. Twelve inmates of St. Elizabeths Asylum have such permits, which can not be revoked or suspended under the existing law.

Under the pending traffic act the prosecution of all traffic violations will be handled by the assistant corporation counsels of the District of Columbia. At present they are divided between the corporation counsels and representatives of the district attorney, which leads to confusion and duplication of effort, inasmuch as it frequently happens that two sets of attorneys have to prepare the papers and present them to the courts, where only one individual is involved. The pending bill will improve and expedite the handling of such cases in court.

The pending bill will make it legal to fix speed limits in the District of Columbia on bridges and at other dangerous places at less than 22 miles an hour and to raise the speed limit above 22 miles an hour on any highway where a greater speed will be considered safe. This is a very important feature of the bill, inasmuch as 22 miles an hour is too great a speed for many of the highway bridges, such as the bridge across the Potomac River, Klingle Valley Bridge, and others.

The regular appropriation bill provides that moneys received from drivers' permits, not to exceed $350,000, will be devoted to the erection of traffic lights and for other safety work. In this connection I desire to call attention to the fact that at those sections where traffic lights have been erected on Sixteenth Street and Massachusetts Avenue our traffic records show a reduction in traffic accidents of 76.8 per cent. The object in erecting these lights is primarily in the interest of public safety and secondarily in speeding up traffic.

Scores of letters have been received in this office from pedestrians and from motorists approving the present installation of traffic lights, and hundreds of letters have been received requesting that the installation be increased on all congested streets where the majority of accidents occur.

Unless the traffic bill is passed at this session no machinery will be provided for the renewal of operators' permits in the District of Columbia, all of which expired on the 31st of March, this year.

Unless the bill is passed it will be impossible to pass any regulation either protecting or controlling pedestrians on the streets, and it is very essential that the pedestrian be given the right of way at all crosswalks and at the same time that he be required, when crossing at an intersection in the congested district, to cross with the "Go" signal instead of against it.

For these reasons it is hoped that you will use your best endeavors to secure the enactment of the amended traffic act before Congress adjourns.

Sincerely yours,

M. O. ELDRIDGE, *Director of Traffic.*

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BLEASE. Mr. President, I would like to ask the chairman of the committee if the bill abolishes the right of trial by jury.

Mr. CAPPER. No; it does not. There is a right to go to the Court of Appeals of the District of Columbia within 30 days.

Mr. BLEASE. I notice from the reading of the letter that it looks very much like this is an effort to deprive a man who happens to walk across the street of the right of a trial by jury. We have some judges here before whom I do not think anybody ought to be tried at all. Certainly it would be very humiliating for a respectable white woman to be carried into a court and tried by a "nigger" judge and not be allowed to have a jury. That is exactly what is liable to happen under this bill. Senators confirmed a "nigger" here the other day to be a judge. I understand that a part of his duties cover this very traffic business. If the wife of any one of the Senators should happen to be caught driving a car carelessly, or possibly accidentally violate a law, it would be a beautiful spectacle to carry her up here before this "nigger" judge and have him tell her she could not have the right to be tried by a jury, but that she must let him sit there and pass on her guilt or innocence.

I do not believe the Senate is going to pass any such bill, in open violation of the Constitution of the United States and of every constitution of every State in the United States. I think the chairman of the committee should be very sure, before he puts the people of this city in that position, that he knows exactly what the bill does provide.

Mr. REED of Missouri. Mr. President, I would like some light on the same question the Senator from South Carolina has raised. Although I do not put the proposition upon the particular judge who may try the case, nevertheless I agree with the statement made by the Senator. But I go further than that. I want to know if we are passing a bill here, without any opportunity for consideration, which takes away the right of trial by jury. The letter which was read from the traffic director indicates that that is one of the purposes of the bill. The matter is here, but we have had no examination of it so far as I know. If there is anything of that kind in the bill, so far as I am concerned, I should be obliged to resist it to any extremity to which I was able to go.

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

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED of Missouri. I yield.

Mr. COUZENS. My understanding of the bill is that it contains an unusual provision. I do not know that it exists in any of the States. That provision is one which gives to the traffic director the right to take away a driver's license pending trial. In other words, a man earning his livelihood may violate the traffic law and he may have his permit taken away for 10 days or two weeks, and thus be deprived of his sustenance because of that permit being taken away by the autocratic action of one particular man, the director of traffic. I know of no place where a driver's license may be taken away by the act of a single individual officer. I think that is a pretty broad power. I do not believe we are justified in giving that much power to any one man.

Mr. CAPPER. The holder of the permit has the right of appeal to the Court of Appeals of the District of Columbia.

Mr. COUZENS. Oh, yes; he has the right of appeal, but his permit is taken away immediately and they may hold him up for days or weeks or even months before he can complete his appeal. In the meantime his means of livelihood are taken away.

Mr. CAPPER. There have been a great many instances shown by the evidence brought before the Committee on the District of Columbia where men were drunkards and had their licenses or permits, which could not in any way be disturbed or revoked under the traffic regulations.

Mr. WALSH. Mr. President, will the Senator from Missouri yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED of Missouri. I yield.

Mr. WALSH. Like the Senator from Michigan [Mr. COUZENS], I am unfamiliar with any such rule of law anywhere in this country, but it is not unknown. I was walking down a street in Shanghai, China, one day when a rickshaw man came around the corner and apparently violated some regulation, as the Sikh policeman thought. The policeman hailed him, stopped him, then walked over and jerked from the back of the rickshaw his license, tore it up, and threw it into the street. The man, who was thereby deprived of his means of earning a livelihood, sat down on the sidewalk and cried. It was the most arbitrary, despotic act I think I ever witnessed. I trust we shall not give the director of traffic in the city of Washington power to do likewise.

Mr. COUZENS. Under this proposed law he will have exactly that power, Mr. President. I do not charge that he is going to use it, but the power is in the proposed law. If he dislikes a citizen or a Senator who opposes him or any other individual, he can revoke his license immediately and thereby take his method of transportation or his method of earning a living away from him.

Mr. JONES of Washington and Mr. HARRELD addressed the Chair.

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

Mr. REED of Missouri. I yield first to the Senator from Washington.

Mr. JONES of Washington. I have been told—I do not know, perhaps it is not correct—that directors of traffic in Massachusetts have this power under Massachusetts statutes and local ordinances.

Mr. COUZENS. I have heard of it, but I do not approve of it, even if it be true.

Mr. HARRELD. Mr. President, will the Senator from Missouri now yield to me?

Mr. REED of Missouri. I yield.

Mr. HARRELD. I happened to be present when this matter was being heard before a civic committee, and they convinced me that it is a power which ought to be granted. They gave an instance or two——

Mr. REED of Missouri. Mr. President, I did not yield for a speech.

Mr. HARRELD. I merely desire to answer the Senator from Michigan [Mr. COUZENS]. They gave an instance or two where a man was arrested and convicted of driving a car while drunk, and yet he continued to drive his car after that time. Cases of that sort, it seems to me, justify this kind of action. It seems to me especially is that true where the person involved has a right to go immediately, not before a negro judge, as the Senator from South Carolina [Mr. BLEASE] said, but to choose his own judge. The man whose permit is revoked goes immediately before any one of the judges of the city; he may choose his own judge; and he is entitled to have an immediate hearing on the matter. There can not be any injustice done under this proposed act.

Mr. REED of Missouri. Mr. President, I am rather surprised that the Senator from Oklahoma would leave the impression that a man could walk from the place where his license had been taken away from him to a court, could pick his own court, and get an immediate hearing.

Mr. HARRELD. That is what the proposed law provides. May I read it?

Mr. REED of Missouri. Yes; the Senator from Oklahoma may read it.

Mr. HARRELD. It reads:

> That any individual whose permit shall be denied, suspended, or revoked by the director or such assistant for any cause not made mandatory by this act may within 10 days after such denial, revocation, or suspension apply to any justice of the Court of Appeals of the District of Columbia for a writ of error to review the action of the director of traffic (or his assistant) complained of.

Mr. REED of Missouri. Mr. President, that gives one an "immediate trial" and puts him back in his automobile, according to the construction of my learned friend. It gives one merely a right within 10 days to appeal, and he has a right to have a trial when the judge sees fit to hear him, which may be six months or a year afterwards. That is the "immediate trial." What is the use of Senators standing up here and saying that one can immediately get a trial before a judge he may pick? Of course, it means that an appeal may be taken, as in ordinary cases appeals may be taken, and then the appeal follows the usual course. One may get a hearing in six months, he may get a hearing in six days, or he may not get a hearing for 60 months.

Mr. HARRELD. Here is the other side of the case, though. There may be a man who is continually getting drunk, but who has a permit to drive. He can not be stopped in any other way except by taking his permit away from him. He may run over a dozen persons and kill them. That is the other side of the question.

Mr. REED of Missouri. Yes, Mr. President, we have heard that "other side of the question." There is a right way to do these things and there is a wrong way. There is a way to give a man a hearing before more than a single policeman before his permit is taken away. There is a procedure that could easily be mapped out that would fully protect the public, without lodging this arbitrary power in any one individual.

Mr. President, how many months has it been since we had a bill here which it was claimed would stop all the trouble with automobiles in Washington? At that time we were told if we passed that bill our troubles would be over. Now the ridiculous statement is made in this letter that there will be chaos if this bill shall not be passed. That statement I characterize as positively ridiculous and absolutely untrue.

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

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED of Missouri. In a moment.

If this bill shall not be passed we will still have the law we have to-day, and we will not have any more chaos than we have to-day, and we have no chaos to-day, nor anything approximating chaos. We do have a very inefficient traffic manager in Washington; we do have a man who does not know his business, for a man who can not set the automatic lights on a street so that they will let traffic through better than it is let through in Washington ought to go to some other town—a country town, for instance—and learn how to put up his lights and how to run them. I now yield to the Senator from Washington.

Mr. DILL. What I wanted to suggest to the Senator was that they attempted to interpret the present law in such an unreasonable manner that the courts came to the defense of the people and said that the existing law did not give them the authority which they claimed. Then they come to Congress and attempt to have written into the law language of such unlimited meaning that they will have the powers which they thought they had when the previous traffic act was passed.

Mr. REED of Missouri. Mr. President, the proposition to take away the right of trial by jury is so monstrous that when it is uttered it ought to burn the lips of any American citizen.

Mr. HARRELD. Where does this bill take away the right of trial by jury?

Mr. REED of Missouri. It puts the person accused of a violation in the police court. What does the gentleman say in his letter? What is his object? I am getting at his object from his own language:

> Unless this bill is passed, those who drive their cars recklessly, those who operate while under the influence of liquor, and those who operate without a permit after their permit has been revoked will continue to operate, because they will continue, as in the past, to plead "not guilty," put up the necessary bond, and ask for a jury trial. The cases will in the future be postponed and postponed from month to month on account of the crowded condition of the court docket, and these men will in the future, as they have in the past, continue to be brought in time and time again before their trials have been held.

Section 4 (e) of the bill provides:

> All prosecutions for violations of provisions of this act, excepting section 11 only thereof, and all amendments to said act or regulations authorized and promulgated under the authority of said act and amendments thereto, shall be in the police court of the District of Columbia by information filed by the corporation counsel of the District of Columbia or any of his assistants.

I do not know what the procedure is in the police court of the District of Columbia; but if I understand it aright, no jury trials are allowed there. So it is proposed to transfer this character of business all into the police court in order to get rid of jury trials, as is manifest from the language of this letter.

Mr. President, when they arrest me, I want the right to a trial by jury of my peers. I do not want to be tried by a ninth-grade lawyer who could not make a living practicing law and who got the job of police judge because he was worthless as a member of the legal profession.

Mr. HARRELD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED of Missouri. I yield.

Mr. HARRELD. What we are discussing has nothing to do with the question of whether the person charged with a violation has a right to a trial when he is charged with violating the traffic ordinances. It only deals with an incident of traffic regulation. A man who violates the traffic ordinance, of course, has his right to a trial by jury; but this is an incidental matter entirely different from the trial for offenses; it is a question of whether or not a driver shall continue to violate the law and have a permit to do it. There never was any jury trial in connection with that.

Mr. REED of Missouri. Oh, no. It is a question of violating any of the provisions of the act.

Mr. HARRELD. If the Senator will permit me, the provision is that the authority which grants the permit can take it away temporarily when it is being abused.

Mr. REED of Missouri. I intend to examine this bill in connection with the present law. I never heard of it until this morning. I undertake to say from my examination of it that this bill—and I reserve the right to change my opinion when I have examined the law—is intended to put in the police court for trial those charged with violations of the traffic ordinances.

Mr. HARRELD. On the contrary, it puts it in the court of appeals.

Mr. REED of Missouri. Well, the Senator is not talking about the same thing I am at all.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator from Missouri yield?

Mr. REED of Missouri. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I do not ask the Senator from Missouri to yield to me; I desire to obtain recognition in my own right.

Mr. REED of Missouri. I yield the floor.

CONTINENTAL BAKING CORPORATION

Mr. LA FOLLETTE. Mr. President, I think it is perfectly obvious that the consideration of the present conference report can not be concluded in the remainder of the morning hour. I am very anxious to bring to the attention of the Senate a matter which I consider of very great importance, and which I would have brought to the attention of this body previously were it not for the unanimous-consent agreement restricting debate upon the agricultural bill, which prevented my doing so.

Mr. BLEASE. Mr. President, will the Senator yield to me for just a moment?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I yield for a question.

Mr. BLEASE. I desire to ask that the conference report on the District of Columbia traffic bill be recommitted to the committee, with the request that they put in a provision that nothing herein——

Mr. LA FOLLETTE. I can not yield for that purpose.

Mr. BLEASE. This will take only a second.

Mr. LA FOLLETTE. No, Mr. President; it will take some time. That motion is debatable.

Mr. BLEASE. Very well. It has been agreed to, though.

Mr. LA FOLLETTE. Mr. President, the matter which I desire to bring to the attention of the Senate at this time is the dissenting opinion, in particular, which Commissioners Nugent and Thompson have recently handed down in the case of Federal Trade Commission versus the Continental Baking Corporation. This dissent reveals for the first time the extraordinary conditions under which the entry of the consent decree in the so-called Bread Trust case was procured. It shows, in my judgment—

First. That a gross fraud was perpetrated upon the Federal court at Baltimore by providing in section 13 of the consent decree that the charges under section 7 of the Clayton Act against the Continental Baking Corporation were dismissed on the ground that similar charges were then pending before the Federal Trade Commission in its complaint against the Continental Baking Corporation, when, as a matter of fact, the Federal Trade Commission's complaint against the Continental Baking Corporation had actually been dismissed on the previous day and the Attorney General had been informed by letter, transmitted by special messenger, that this action had taken place.

Second. That the dismissal of the case against the Continental Baking Corporation was arranged for at a secret conference held at the Department of Justice on April 1, 1926, which was participated in by the Attorney General himself, the chief counsel for the Federal Trade Commission, acting without authority, and last, but not least, the lawyers for the Bread Trust.

Third. That the dismissal of the complaint against the Continental Baking Corporation was, in the words of Chairman Nugent, "railroaded through within about 15 minutes" by the reactionary majority of the commission, consisting of Commissioners Hunt, Humphrey, and Van Fleet, without giving Chairman Nugent even an opportunity to examine the documents.

Fourth. That this action dismissing one of the most important cases ever instituted by the Federal Trade Commission was taken "without consideration, discussion, or explanation" and without even the reading before the commission of the consent decree upon which the dismissal order was predicated.

Fifth. That the dismissal of the case against the Continental Baking Corporation made a farce of the proceeding against the Bread Trust—in that instance I may say that the action in the Federal court was against the Ward Food Products Corporation—by permitting the Continental Baking Corporation, which had been denounced both by the Department of Justice and the Federal Trade Commission as an unlawful combination in restraint of trade, to go scot free and to continue its monopolistic course without any effective restraint.

Sixth. That the consent decree is defective in other particulars and does not properly protect the public from the evils of monopoly in this great basic industry.

Now, Mr. President, I desire briefly to bring certain portions of this minority opinion to the attention of the Senate and to comment upon them.

In order that the Senate may be informed of the conditions under which the case against the Continental Baking Corporation was dismissed I desire to read from the dissenting opinion a few brief extracts.

It appears that on March 23, 1926, the Attorney General wrote a letter to the chairman of the Federal Trade Commission stating that the counsel for the Continental Baking Corporation had represented to the Department of Justice that his company was being subjected to undue hardship because the Federal Trade Commission was holding hearings in its complaint against that company at the same time that the Department of Justice was instituting proceedings against the Continental and the other constituent companies of the Bread Trust before the Federal court at Baltimore.

The Attorney General suggested in this letter that some means might be found to provide for the taking of testimony in the Continental case in a single proceeding and asked for a conference with the commission or its representatives. I call attention, Mr. President, to the fact that you may search the Attorney General's letter as carefully as you please, and you will find no other suggestion as to the subject matter of that conference than the one to which I have just referred. The Federal Trade Commission acceded to this request as a matter of courtesy, and appointed its general counsel, Judge Hainer, and Attorney A. R. Brindley, who was actively conducting the hearings in the commission's case against the Continental to represent it at that conference.

The conference was held at the office of the Attorney General on March 27, 1926. It appears that that conference was not limited to the purposes named by the Attorney General in his letter of merely avoiding duplication in the taking of testimony, but resulted in the preparation of a plan embodied in a memorandum providing that the Federal Trade Commission continue taking testimony and turn the evidence thus secured over to the Federal court, but should itself take no further action whatever in the Continental Baking Corporation case. With reference to this memorandum Commissioners Nugent and Thompson declare:

> Comment on the "plan" or the explanatory note is withheld. They speak for themselves. Suffice it to say that the object sought by the "plan" was to prevent the entry by the commission of an order requiring Continental to divest itself of capital stock it had acquired contrary to section 7 of the Clayton Act. It is apparent that Chief Counsel Hainer was of the opinion that the commission should not enter an order against the Continental, but that after taking testimony it should "suspend proceedings * * * until there has been a final determination of the issue in the Ward case by the court."
>
> The "plan" above quoted was submitted to the commission by Chief Counsel Hainer with memorandum in which the following statement was made:

I ask Senators who do me the honor of giving me their attention to note this carefully. This is the memorandum submitted to the commissioners by the chief counsel of the Federal Trade Commission, and he refers to Colonel Brindley, who, as stated previously, attended this conference because

he had been directly in charge of the hearings being conducted under the complaint. Now, mark you, this is Chief Counsel Hainer's memorandum to the commission:

Colonel Brindley concurs in the memorandum.

That is, the memorandum drawn up in the Attorney General's office—

except that he does not desire to make any suggestions with reference to suspending the proceedings before the commission.

That is the end of the quotation of that particular part of Counsel Hainer's memorandum. I continue to read from the dissenting opinion:

That is an entirely different statement than that contained in the explanatory note to the memorandum made in the office of the Attorney General. That statement was: "Colonel Brindley does not concur in any suggestion that the commission suspend its proceedings." It should be noted that thereafter Attorney Brindley, who had been in charge of the commission's proceedings against Continental since its inception, was not informed of further conferences between the commission's chief counsel and the Attorney General nor invited to attend such conferences.

Mr. Brindley, who was in charge of this case, knew its details, knew the evidence which had already been gathered when in attendance upon this conference, flatly stated that he would not concur in any memorandum which provided for the dismissal of this case by the Federal Trade Commission. After that he was not asked to attend another conference at the Attorney General's office which had to do with this case. And I think, Mr. President, that when Senators come to examine this record they will find that that action upon the part of Mr. Brindley is greatly to his credit.

I continue now to read further from the dissenting opinion:

The provision in the "plan" for the commission to "suspend proceedings * * * until there has been a final determination of the issue in the Ward case by the court" meant nothing more than the dismissal of the commission's complaint against the Continental. For if the court found against the Continental, and decreed accordingly, there would be nothing for the commission to do and its complaint necessarily would be dismissed. On the other hand, if the court found in favor of the Continental, the matter would have been adjudicated, and it is fair to assume that the commission would have dismissed the complaint.

We now come to the extraordinary circumstances under which the complaint was dismissed by Commissioners Hunt, Humphrey, and Van Fleet. I would like to read the account of this outrageous performance exactly as it is reported by Commissioners Nugent and Thompson. I continue to quote from the minority opinion, and I have done this to make the presentation of this matter as concise as possible:

The "plan" devised in the office of the Attorney General and the "explanatory note" thereon, with the memorandum of the commission's chief councel, were circulated among the commissioners in order that they might familiarize themselves with the contents, and were pending at the regular meeting on Friday, April 2, 1926, and would doubtless have been acted upon that day. But early on the forenoon of April 2 the chief counsel appeared before the commission and submitted a proposed "consent decree" to be entered in the Ward Food Products Corporation case in the Federal court at Baltimore. The chief counsel presented a copy of the "consent decree" and made a brief statement concerning it and submitted a memorandum, from which the following is quoted.

I quote now from Chief Counsel Hainer's memorandum with regard to the consent decree:

Pursuant to the direction of the commission heretofore given the chief counsel in this matter to confer with the Department of Justice in the matter of the proceeding before the commission in the Continental Baking Corporation case and in the case of United States of America *v.* Ward Food Products Corporation et al., * * * pending in the District Court of the United States for the District of Maryland, I again had a conference yesterday, April 1, 1926, with the Attorney General, his assistants in charge of the above suit, and with counsel for the defendants in the above-entitled action, and also in the Continental Baking Corporation proceeding now pending before the commission. As a result of this conference a decree was agreed to in the case of the United States of America *v.* Ward Food Products Corporation and others in the Baltimore court, subject, however, to the condition that the proceedings in the Continental Baking Corporation case pending before the commission be dismissed, effective on the entry of the decree by the court at Baltimore.

Now, Mr. President, I desire to direct the attention of the Senate to the comment of Commissioners Nugent and Thompson upon this memorandum which I have just read; and be it remembered that these gentlemen have been familiar with this case from the very beginning, and I believe their language is extremely conservative. They say:

The chief counsel's statement is erroneous. He was not authorized by the commission to do more than confer with the Attorney General in relation to the matters plainly set out in the latter's letter of March 23. The conference authorized by the commission was held on March 27, and the chief counsel submitted his report to the commission on March 29. Thereupon his authority ceased. At no time was he authorized by the commission to confer with the Attorney General and the attorneys for the defendants in the suit instituted by the Department of Justice in the Federal court at Baltimore against the Ward Food Products Corporation and others for the purpose of assisting in preparing or agreeing upon a decree to be entered in that suit or for any other purpose. He participated in the second conference and agreed to the "consent decree" without authority from the commission and without the knowledge or consent of Chairman Nugent, who was unaware that such a conference was contemplated or requested.

The chief counsel, as above stated, made a brief oral statement to the commission at its meeting on April 2 concerning his conference with the Attorney General and the attorneys for the defendants in the suit against Ward Food Products Corporation and others. Chairman Nugent and Commissioners Hunt, Humphrey, and Van Fleet were present. Commissioner Thompson was absent on official business. The chief counsel's memorandum and a copy of the "consent decree" was thus placed before the commission for the first time. Chairman Nugent had not been informed of the second conference or what was accomplished thereat.

Mr. President, it is hard to believe that a body of this character and dignity is being conducted in such a manner that the chairman of the commission was not informed of the action of its chief counsel in one of the most important cases which that commission has ever had under its jurisdiction. Furthermore, he was not informed up to the very hour and up to the very moment that the commission met on the morning of April 2 of this action. I continue the reading:

He inquired as to the length of the chief counsel's memorandum and of the "consent decree," and was informed that the memorandum consisted of about six typewritten pages and the "consent decree" of eight pages. Chairman Nugent requested that consideration thereof go over until the next meeting day, April 5, in order that he might examine the documents.

I call attention again to the fact that Commissioner Nugent is now and was then the chairman of the commission.

Commissioner Van Fleet asked the chairman if he could not examine the papers that afternoon "and report at a special meeting April 3." The chairman assented and stated that he would be ready to act "to-morrow morning." Commissioner Humphrey expressed the view that the commission "should act promptly, especially as the other department and parties concerned were ready." Mr. Humphrey then moved that the commission's case against Continental "be dismissed in consideration of the decree, on the entry of this decree, in accordance with the memorandum of the chief counsel."

That motion was made in the face of the chairman's request that he be given 24 hours in which to examine this memorandum and the consent decree, the importance of which can not be overestimated.

The motion prevailed by the votes of Commissioners Hunt, Humphrey, and Van Fleet. Chairman Nugent voted "No," and asked that his dissent be noted and stated for the record.

I quote from his dissent:

Let the record show that I dissent particularly from the action of the majority members of the commission in railroading this matter through within about 15 minutes without giving me an opportunity, which I requested, to examine the memorandum of the chief counsel and the proposed consent decree, notwithstanding I stated I would be ready to act to-morrow. The proposed decree upon which the order of the majority is based has not even been read for the information of the commission.

Mr. President, I venture the statement that no such extraordinary action has ever been taken by any of these quasijudicial bodies of the Government; and I realize that that is a broad statement under the administration of the present occupant of the White House.

Commissioners Van Fleet and Humphrey thereupon insisted that the decree be read.

Seeing that they were caught red-handed, they did agree that the consent decree should be read.

It is true that the memorandum of the chief counsel, which was read by the secretary, set out what purported to be a portion of the consent decree, but as said matters were not quoted it did not ap-

pear whether they were his interpretations of the provisions of said decree, or otherwise.

I am still continuing to read from the minority opinion:

Unless Commissioners Hunt, Humphrey, and Van Fleet had seen the decree prior to the commission meeting on April 2, they had not even read it before they dismissed the complaint.

I pause long enough to observe that if they had seen it without giving that information to the chairman of the commission, they were guilty of the grossest breach of ethics conceivable.

Thus, without consideration, discussion, or explanation, Commissioners Hunt, Humphrey, and Van Fleet dismissed the complaint against Continental.

I state again that this commission has never had a more important case under its jurisdiction. I continue to read from the minority opinion:

The majority commissioners would not allow Chairman Nugent, at his request, even 24 hours in which to examine said memorandum and consent decree which were presented to the commission on Friday, April 2, for the first time. Never before in the history of the commission, under like circumstances, has such request on the part of any commissioner been denied. In fact, the minutes of the meeting of April 2 show that the consideration of a certain case was laid over, without objection, until the next conference day (one week) at the request of Commissioner Van Fleet, which was the third consecutive conference day on which said case continued, without objection, at his request. Also, that at the request of Commissioner Humphrey, and without objection, the decision of a case was postponed, not for 24 hours, but for a week.

What was the extreme haste in this matter? What interests were at work bringing their influences to bear upon this commission and upon the Department of Justice to secure this perversion of the instrumentalities of the Government?

When Commissioner Thompson returned he stated for the record that, had he been present on April 2, he would have voted against dismissing the complaint, and desired "to join Mr. Nugent in his dissent of the action taken, and ask that the record show the dissent."

Mr. President, with reference to the fraud committed upon the Federal court at Baltimore with the connivance of the Attorney General and Commissioners Humphrey, Hunt, and Van Fleet, it is necessary to understand that paragraph 13 of the consent decree in the Federal court in the case against the Ward Food Products Corporation reads as follows:

It appears that the charge contained in the petition herein that the acquisition and holding by the defendant, the Continental Baking Corporation, of the stocks and other share capital of alleged competing baking companies is in violation of section 7 of the Clayton Act, was included also in a complaint filed by the Federal Trade Commission against the Continental Baking Corporation on December 19, 1925.

Mr. WALSH. Mr. President——

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

Mr. LA FOLLETTE. I yield.

Mr. WALSH. Is it correct that the upshot of this whole matter is that the Continental Baking Co., charged by both the Federal Trade Commission and the Department of Justice with having absorbed 25 great baking establishments in the eastern part of the country, including the Corby Baking Co. in the city of Washington, has been given a clean bill of health, or at least has been accorded immunity from interference by either the Department of Justice or the Federal Trade Commission?

Mr. LA FOLLETTE. The Senator from Montana states the situation very succinctly, and what I am attempting to show from a recital of these facts is that that action was taken as a result of secret conferences held between the Department of Justice and the chief counsel of the Federal Trade Commission.

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

Mr. LA FOLLETTE. I yield.

Mr. HARRELD. I do not think the Senator from Montana is justified in making that broad statement, because as a result of this proceeding the combination they were attempting to form at that time has been dissolved. That is the purpose of the decree.

Mr. LA FOLLETTE. The Senator from Oklahoma has not been following me, or else I have been very obtuse in my statement. The situation is that the Continental Baking Corporation is now in a position where they can continue their program of monopolizing the baking industry of the United States without let or hindrance from the Department of Justice or the Federal Trade Commission.

Mr. HARRELD. I will put some papers in the RECORD to show that it is not.

Mr. LA FOLLETTE. I venture the assertion that there are no papers which will refute the facts in this case.

Mr. WALSH. Mr. President, the Continental Baking Co. became one unit in a greater organization attempted to be organized by Ward. That was enjoined, but the Continental Baking Co. itself is a combination in restraint of trade, according to the confessed statement of facts, being a combination of 25 different baking establishments in the United States.

Mr. LA FOLLETTE. Furthermore, Mr. President, as I was just about to point out when I was interrupted, this case against the Continental Corporation, which was contained in the complaint filed in the district court at Baltimore by the Department of Justice, on which the consent decree was based, was dismissed on the ground that a similar case was pending before the Federal Trade Commission, and what I have just shown is that the case was dismissed forthwith, out of hand, by the Federal Trade Commission without giving the chairman of the commission an opportunity even to read the consent decree which was the basis of the action by the Federal Trade Commission.

I continue to read from section 13 of the consent decree:

Wherefore the petition is dismissed as to that charge without prejudice to the right of the United States to again raise the issue in any other proceeding.

Mr. President, with reference to this section of the decree, Commissioners Nugent and Thompson, both of whom are distinguished lawyers, comment as follows:

The only reasonable inference that can be drawn from that language, and, unquestionably, the inference that it was intended should be drawn therefrom, is that said charge was dismissed for the reason a complaint involving the same subject matter was then pending and undetermined before the Federal Trade Commission. It is mere camouflage. The consent decree was signed by the judge of the Federal district court at Baltimore and entered on Saturday, April 3, and the Federal Trade Commission, at a regular meeting held on Friday morning, April 2, was informed by its chief counsel that the entry of said decree was subject to the dismissal by the commission of its case against the Continental.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which is House bill 9971, the radio bill.

Mr. LA FOLLETTE. Mr. President, I will say to the Senator from Washington [Mr. DILL] that if he will bear with me just a few moments longer I shall endeavor to conclude what I have to say. I have no desire, as I am sure the Senator knows, to delay consideration of the important bill which has just been laid before the Senate.

I continue to quote from the minority opinion:

At said meeting of the commission, by vote of Commissioners Hunt, Humphrey, and Van Fleet, with Commissioner Thompson absent on official business, and Commissioner Nugent voting "no" and dissenting, the said complaint of the commission was dismissed, the order to become effective when said decree was entered by the Federal Court, and the chief counsel of the commission was directed to "informally advise the Attorney General" of said action which, we have no doubt, he did before noon of said day. However that may be, the fact remains that about 3 o'clock p. m. of April 2, the Attorney General was informed by letter dispatched to him by special messenger that the commission had dismissed its complaint against the Continental as above stated.

That letter reached the Attorney General of the United States on or about 3 o'clock p. m. on April 2, the day previous to the filing of the consent decree in the district court at Baltimore.

I desire to quote just a few more paragraphs from the opinion, and I call a paragraph of the letter to the Attorney General to the attention of the Senator from Oklahoma [Mr. HARRELD]:

In consideration of the above-mentioned (consent) decree and in accordance with the recommendation of its chief counsel the commission has dismissed its complaint against the Continental Baking Corporation, Docket 1358, alleging violation of section 7 of the Clayton Act, such dismissal to become effective upon the entry of the decree.

By direction of the commission, Mr. Nugent dissenting.

The minority opinion I quote further:

It is therefore plainly apparent that when, on April 3, the Department of Justice requested the court at Baltimore to sign and

enter said decree, which contained section 13, above quoted, it was fully aware of the fact that the very moment said decree was entered the order of dismissal of the commission's case against the Continental became effective.

When Commissioners Hunt, Humphrey, and Van Fleet "in consideration of this (consent) decree," dismissed the commission's complaint against the Continental, it was with the knowledge that said decree dismissed the section 7 charge of the Department of Justice against that corporation.

The result of said dismissals is that the Continental Baking Corporation is to-day in the quiet, undisturbed, and unchallenged ownership and possession of the capital stock of corporations owning and operating at least 83 bakeries, among which are some of the largest in the country, and others are among the largest in the sections in which they are located, notwithstanding both the Department of Justice and the Federal Trade Commission had solemnly charged that said stock was acquired in violation of section 7 of the Clayton Act.

A few weeks ago the President of the United States, according to the public prints, addressed a letter to Mrs. Henry W. Peabody, chairman of a committee representing the Women's National Committee for Law Enforcement, in which he said:

"This earnest manifestation of interest in enforcement of law is gratifying. Such interest on the part of those citizens not officially connected with the execution of the law is heartening to those charged with that responsibility. In this message I desire to reiterate the following statement which I made on the subject of your present deliberations: 'The law respects the voice of the people. Beyond it, and supporting it, is a divine sanction. Enforcement of law and obedience to law, by the very nature of our institutions, are not matters of choice in this Republic, but the expression of a moral requirement of living in accordance with the truth. They are clothed with a spiritual significance, in which is revealed the life or the death of the American ideal of self-government.'"

It is evident that the Attorney General and Commissioners Hunt and Humphrey, who were appointed by President Coolidge, and Commissioner Van Fleet, are not in accord with the statements of the President on law enforcement. As public officials they are, to quote the President, "charged" with the "execution of the law," and, so far as the Continental is concerned, they not only executed section 7 of the Clayton Act but they buried it, "unwept, unhonored, and unsung."

While the consent decree dissolved the Ward Food Products Corporation, which had issued no stock and owned no property, it left William B. Ward, his former employees, intimate friends, and business associates in control of the Ward, the General, and the Continental Baking corporations, the three largest in the country. The Department of Justice estimated the general sales of the bakeries controlled by the Ward and Continental corporations at between $120,000,000 and $140,000,000.

The decree would have been really effective and of great benefit to the public had it required the corporate defendants in the Ward suit to divest themselves in good faith of the capital stock and physical assets of the baking corporations they had unlawfully obtained, as charged by the Department of Justice, and also by the Federal Trade Commission in the case of the Continental.

We expressly disclaim any intention to criticize the Federal court at Baltimore for entering the consent decree. In view of the consent of the Department of Justice, the entry of said decree was, of course, a mere formal matter. We are confident that had the court been informed as to the facts in the case a decree materially different from the one under consideration would have been entered.

In order that the record in this case may be complete, I ask leave to print as an appendix to my remarks the complete text of the dissenting opinion of Commissioners Nugent and Thompson in the Continental Baking Corporation case.

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

(See Exhibit A.)

Mr. LA FOLLETTE. Mr. President, I have called the attention of the Senate to this matter in some detail because I wanted it known exactly where the responsibility rests if in the future the bread of the American people is monopolized and they are subjected to unreasonable prices.

This is a matter which should have the attention of Federal Judge Soper, of the district court at Baltimore, before whom the consent decree in this case was entered, as well as the attention of the Senate. I am convinced by my reading of the dissenting opinion of Commisisoners Nugent and Thompson that Judge Soper, before whom this decree was entered, could have had no knowledge of the circumstances under which the Federal Trade Commission's complaint against the Continental Baking Corporation was dismissed. I trust that in view of the extraordinary situation disclosed in this dissenting opinion that Judge Soper will order the reopening of the entire case against the Bread Trust and its constituent corporations and direct the Attorney General and the Bread Trust lawyers to give an explanation of their action. I hope that the Senate will take appropriate action to ascertain the facts upon the basis of which appropriate action by this body may be based.

EXHIBIT A

FEDERAL TRADE COMMISSION,
Washington.

Dissent of Commissioners Nugent and Thompson from the order entered by Commissioners Hunt, Humphrey, and Van Fleet dismissing the complaint of the Federal Trade Commission against Continental Baking Corporation, Docket 1358

Commissioners J. F. Nugent and Huston Thompson dissent from the dismissal on April 2, 1926, of the complaint against Continental Baking Corporation, charging it with the acquisition of the capital stock of a large number of baking companies in violation of section 7 of the Clayton Act.

HISTORY OF THE CASE

The Continental Baking Corporation, hereinafter called "Continental," was incorporated under the laws of Maryland on November 6, 1924. Within a few months thereafter it acquired the capital stock of a large number of baking companies operating bakeries throughout the United States. After an investigation of the matter by the chief examiner, and consideration thereof by the commission, at a meeting of the commission on March 23, 1925, with Commissioners Van Fleet, Nugent, Thompson, and Humphrey present, and Commissioner Hunt absent on official business, it was ordered by unanimous vote that complaint issue against Continental Baking Corporation, charging it with the acquisition of the capital stock of about 16 baking companies in violation of section 7 of the Clayton Act. Such a complaint was issued on April 10, 1925, and served.

Under the rule theretofore adopted by Commissioners Van Fleet, Hunt, and Humphrey, the complaint was to be kept secret until an answer should be filed by the Continental. The rules require an answer within 30 days after service. On April 24, 1925, Mr. George G. Barber, chairman of the Continental board of directors, addressed a letter to the commission, saying, among other things:

"Referring to 'complaint in the matter of the alleged violation of section 7 of an act of Congress approved October 15, 1914,' Docket 1305, dated April 10, 1925, against the Continental Baking Corporation, permit me to say that we believe we have not violated any provision of the Clayton Act and that the complaint must therefore be based upon a misunderstanding of the actual facts.

"As a matter of plain justice to ourselves, we desire informally to submit testimony showing the facts as they actually exist, and therefore we respectfully request the commission to refer this matter to the board of review, where we may have the privilege of testifying and answering the questions which the commission or its representatives may care to ask. The taking of formal testimony in this matter may necessitate traveling all over the country and mean the expenditure of much time and money."

On consideration thereof, on May 1, 1925, Commissioners Hunt, Humphrey, and Van Fleet voted to grant the request of Mr. Barber, and ordered that "the time for filing answer be postponed until after this matter is disposed of by the commission." Commissioners Nugent and Thompson dissented.

The Continental was given an ex parte hearing before the board of review on May 14, 1925, and certain unsworn statements were made to the board by Mr. Barber and his attorney. Thereafter, three members of the board of review recommended that the complaint against the Continental be not dismissed and the two other members filed dissenting reports dated June 20, and July 2, respectively. The annual vacation period arrived before such reports were delivered to the Secretary, and it was not until August 31, 1925, that said reports were placed in circulation among members of the commission. No further action was taken until October 5, 1925, when Commissioner Thompson called the attention of the commission, all members being present, to an Associated Press dispatch stating that a merger was being planned of the General Baking Co., Ward Baking Co., and Continental Baking Corporation. Commissioner Thompson moved, seconded by Commissioner Nugent, that the complaint against Continental be made public immediately, but the motion was lost, Commissioners Hunt, Humphrey, and Van Fleet voting "No." However, on October 7, 1925, Commissioners Nugent and Thompson made public the complaint against the Continental and also released a statement criticizing the action of the majority in reference to the suppression of that complaint.

Some time thereafter the commission's chief examiner reported that Continental had acquired the capital stock of nine other baking companies since the complaint was issued on April 10, 1925. On November 6 the commission directed that such additional acquisitions be included in the charge against Continental. On November 23, 1925, on the recommendation of the assistant chief counsel and Attorney A. R. Brindley, the attorney assigned to try the case, it was ordered that the pending complaint be dismissed and another complaint issued against

Continental charging it with violation of section 7 of the Clayton Act and including therein all acquisitions of capital stock to that date. Commissioners Humphrey and Thompson opposed a dismissal of the pending complaint. Commissioner Thompson stated as his opinion that the pending complaint was sufficient to enable the commission to offer evidence of the subsequent acquisitions, after which the complaint could be amended to conform to the facts. Commissioner Humphrey opposed the dismissal and filed a written dissent in which he stated, among other things:

"I think it was a very great mistake to dismiss the complaint in this case. If there was anything done by the respondent since the filing of the complaint connected with the original cause of action, then a supplemental complaint should have been filed. If a new cause of action has occurred since the filing of the complaint, that was no cause for dismissing the pending action, but we should have proceeded with the instant case and have filed a new complaint. * * * By dismissing this case, we have not only written ourselves down as utterly incompetent to deal with an unscrupulous respondent under certain circumstances, but have distinctly pointed out to such respondent just how to take advantage of our impotency."

A new complaint charging Continental Baking Corporation with the acquisition of the capital stock of 25 baking companies was issued on December 19, 1925, and served simultaneously with the order dismissing the first complaint. The Continental filed its answer to the new complaint on January 4, 1926. The complaint contained notice that the charges against Continental would be heard on February 8, 1926, and on that day the taking of testimony began in New York City before an examiner duly designated therefor on January 11, 1926. Mr. Barber, chairman of the Continental board of directors, was called as a witness by the commission and testified for the greater part of February 8 and 9. On February 9, 1926, the commission's attorney asked Mr. Barber to produce certain data and reports concerning the character and volume of business transacted by the corporations whose stock Continental had acquired. Mr. Barber agreed to furnish the data as soon as it could be secured and tabulated. A continuance of the trial was taken by agreement until March 16, 1926, when it was resumed and proceeded until March 19, when it was continued by agreement until April 5, 1926.

Since December 10, 1925, Judge Bayard T. Hainer has acted as chief counsel under the supervision of Commissioner Van Fleet. On February 8, 1926, the day the commission began taking testimony against the Continental, the Department of Justice filed a petition in the United States district court at Baltimore against Ward Food Products Corporation, Continental Baking Corporation, United Bakeries Corporation, Ward Baking Co., Ward Baking Corporation, General Baking Co., General Baking Corporation, William B. Ward, George G. Barber, and others, and charged that the defendants were engaged in a combination and conspiracy in violation of the Sherman Act; that said corporations had violated section 7 of the Clayton Act; and said violation on the part of the Continental was set out substantially as charged in the Federal Trade Commission's complaint against that company. On March 24, 1926, the following letter was received from the Attorney General:

Office of the Attorney General,
Washington, D. C., March 23, 1926.

Hon. John F. Nugent,
Chairman Federal Trade Commission,
Washington, D. C.

Re: United States *v.* Ward Food Products Corporation et al.

My Dear Mr. Chairman: The Government's petition in the above-named case charges, among other things, that the Continental Baking Corporation has acquired the stock or other share capital of a number of competing baking companies in violation of section 7 of the Clayton Act. Substantially the same charge is made in the complaint issued by the Federal Trade Commission against the Continental Baking Corporation, which is now being heard before an examiner of the commission.

Mr. William H. Button, counsel for the Continental Co., has represented to the department that the trial of the same issue in two proceedings at substantially the same time will work an undue hardship on his company. He has therefore expressed the hope that an arrangement may be made between the commission and the Department of Justice whereby the determination of the issue may be had in one proceeding or the other, and not both.

I do not know whether this arrangement could be made in fairness to the Government, and would want to consider the matter very carefully before committing myself. It would seem, however, that we might agree upon the taking of the testimony on this issue in only one proceeding. The commission's proceeding being already under way, it would seem that if an agreement is reached it should provide for the reception of the commission's record in evidence in the suit at Baltimore.

I do not want to take any action in the matter without a consultation with the commission or such commissioners or representatives as the commission may designate. To that end I would be pleased to have a conference with the commission or its representatives at some convenient time this week.

Yours very truly,

John G. Sargent, *Attorney General.*

On the morning of March 25, 1926, Chairman Nugent called a special meeting of the commission, with all members present except Commissioner Thompson, who was absent on official business. Chairman Nugent stated that the Attorney General's request for a conference should be complied with as a matter of courtesy. The other commissioners agreed, and Judge Hainer, chief counsel, and Trial Attorney A. R. Brindley were delegated to represent the commission at a conference to be held at such time as suited the convenience of the Attorney General, and the Attorney General was advised accordingly.

The conference was held at the office of the Attorney General on March 27, 1926, and resulted in "a plan," which was reduced to writing in the office of the Attorney General and submitted to the commission by its chief counsel, and reads as follows:

MEMORANDUM

"At a conference between the Attorney General and his special assistant, A. F. Myers, Judge B. T. Hainer, chief counsel of the Federal Trade Commission, and A. R. Brindley, trial attorney in the Continental Baking case before the commission, the following plan was suggested relating to the charge contained in both the case of the United States *v.* Ward Food Products Corporation et al. and the complaint issued by the Federal Trade Commission against the Continental Baking Corporation, viz, that the last-named company has acquired and now holds stocks or other share capital of competing baking companies in violation of section 7 of the Clayton Act:

"(1) That the Federal Trade Commission proceed with the hearings under its complaint until it shall have taken all testimony to be adduced by it or the Continental Baking Corporation on that issue.

"(2) That upon the conclusion of those hearings the Federal Trade Commission make its findings of fact and certify the findings of fact and the evidence to the court at Baltimore, which shall be stipulated into the record in the case of United States *v.* Ward Food Products Corporation et al. as the facts upon which the court shall determine the above-mentioned issue in that case.

"(3) (a) That the Federal Trade Commission having taken the testimony and made its findings of fact relating to the issue in question, it shall thereupon suspend proceedings under its complaint until there has been a final determination of the issue in the Ward case by the court.

"(3) (b) Or, in the alternative, that the Federal Trade Commission, after having taken all the testimony introduced in behalf of the commission and the respondent, the Continental Baking Corporation, shall certify all the testimony taken to the United States court at Baltimore, to be used as evidence in the case of United States *v.* Ward Food Products Corporation et al.

"(4) That nothing herein contained shall affect the proceedings in the case of United States *v.* Ward Food Products Corporation et al. on other issues than that with respect to the acquisition and holding by the Continental Baking Corporation of stocks in competing bakeries in violation of section 7 of the Clayton Act; but all other such issues shall be heard and determined at such times and in such manner as the parties may agree or the court direct.

"[Explanatory note.—Judge Hainer concurs in all of subdivision 3 (b) with this addition: That after the findings and testimony are certified to the court the commission's proceedings shall be suspended until the final determination of the issue by the courts; but states that he has no objection to subdivision 3 (a) if the commission shall favor that course. He further suggests that if subdivision 3 (a) is adopted it may be embarrassing to the court.]

"Colonel Brindley does not concur in any suggestion that the commission suspend its proceeding."

Comment on the "plan" or the explanatory note is withheld. They speak for themselves. Suffice it to say that the object sought by the "plan" was to prevent the entry by the commission of an order requiring Continental to divest itself of capital stock it had acquired contrary to section 7 of the Clayton Act. It is apparent that Chief Counsel Hainer was of the opinion that the commission should not enter an order against the Continental, but that after taking testimony it should "suspend proceedings * * * until there has been a final determination of the issue in the Ward case by the court."

It also appears that the "plan" accorded with the views of the Attorney General, for in his letter of March 23 he said:

"It would seem, however, that we might agree upon the taking of this testimony in this issue in only one proceeding. The commission's proceeding being already under way, it would seem that if an agreement is reached it should provide for the reception of the commission's record in evidence in the suit at Baltimore."

The "plan" above quoted was submitted to the commission by Chief Counsel Hainer with a memorandum containing the following state-

ment: "Colonel Brindley concurs in the memorandum, except that he does not desire to make any suggestions with reference to suspending the proceedings before the commission." That is an entirely different statement than that contained in the explanatory note to the memorandum made in the office of the Attorney General. That statement was: "Colonel Brindley does not concur in any suggestion that the commission suspend its proceedings." It should be noted that thereafter Attorney Brindley, who had been in charge of the commission's proceedings against Continental since its inception, was not informed of further conferences between the commission's chief counsel and the Attorney General, nor invited to attend such conferences.

The provision in the "plan" for the commission to "suspend proceedings * * * until there has been a final determination of the issue in the Ward case by the court" meant nothing more than the dismissal of the commission's complaint against the Continental. For if the court found against the Continental, and decreed accordingly, there would be nothing for the commission to do, and its complaint necessarily would be dismissed. On the other hand, if the court found in favor of the Continental the matter would have been adjudicated, and it is fair to assume that the commission would have dismissed its complaint.

In our opininon the Attorney General was reasonably certain, under the law and facts of this matter, that no court would have restrained the commission from proceeding with its case against the Continental. We also think that the attorneys for the Continental held that opinion, otherwise they would have applied to the Federal court for a restraining order after the Department of Justice filed its petition in the court at Baltimore charging the Continental with violating section 7 of the Clayton Act on substantially the same facts set out in the commission's complaint. The Continental, instead of attempting to restrain the commission through court action, appealed to the Attorney General, as shown by his letter of March 23.

The "plan" devised in the office of the Attorney General and the "explanatory note" thereon with the memorandum of the commission's chief counsel were circulated among the commissioners, in order that they might familiarize themselves with their contents, and were pending at the regular meeting on Friday, April 2, 1926, and would doubtless have been acted upon that day. But early on the forenoon of April 2 the chief counsel appeared before the commission and submitted a proposed "consent decree" to be entered in the Ward Food Products Corporation case in the Federal court at Baltimore. The chief counsel presented a copy of the "consent decree" and made a brief statement concerning it and submitted a memorandum, from which the following is quoted:

"Pursuant to the direction of the commission heretofore given the chief counsel in this matter to confer with the Department of Justice in the matter of the proceeding before the commission in the Continental Baking Corporation case and in the case of United States of America *v.* Ward Food Products Corporation et al. * * * pending in the District Court of the United States for the District of Maryland, I again had a conference yesterday, April 1, 1926, with the Attorney General, his assistants in charge of the above suit and with counsel for the defendants in the above-entitled action and also in the Continental Baking Corporation proceeding now pending before the commission. As a result of this conference a decree was agreed to in the case of United States of America *v.* Ward Food Products Corporation and others, in the Baltimore court, subject, however, to the condition that the proceeding in the Continental Baking Corporation case pending before the commission be dismissed, effective on the entry of the decree by the court at Baltimore."

The chief counsel's statement is erroneous. He was not authorized by the commission to do more than confer with the Attorney General in relation to the matters plainly set out in the latter's letter of March 23. The conference authorized by the commission was held on March 27, and the chief council submitted his report to the commission on March 29. Thereupon his authority ceased. At no time was he authorized by the commission to confer with the Attorney General and the attorneys for the defendants in the suit instituted by the Deparment of Justice in the Federal court at Baltimore against the Ward Food Products Corporation and others for the purpose of assisting in preparing or agreeing upon a decree to be entered in that suit, or for any other purpose. He participated in the second conference and agreed to the "consent decree" without authority from the commission and without the knowledge or consent of Chairman Nugent who was unaware that such a conference was contemplated or requested.

The chief counsel, as above stated, made a brief oral statement to the commission at its meeting on April 2, concerning his conference with the Attorney General and the attorneys for the defendants in the suit against Ward Food Products Corporation and others. Chairman Nugent and Commissioners Hunt, Humphrey, and Van Fleet were present. Commissioner Thompson was absent on official business. The chief counsel's memorandum and a copy of the "consent decree" was thus placed before the commission for the first time. Chairman Nugent had not been informed of the second conference or what was accomplished thereat. He inquired as to the length of the chief counsel's memorandum and of the "consent decree" and was informed that the memorandum consisted of about six typewritten pages and the "consent decree" of eight pages. Chairman Nugent requested that consideration thereof go over until the next meeting day, April 5, in order that he might examine the documents. Commissioner Van Fleet asked the chairman if he could not examine the papers that afternoon "and report at a special meeting April 3." The chairman assented and stated that he would be ready to act "to-morrow morning." Commissioner Humphrey expressed the view that the commission "should act promptly, especially as the other department and parties concerned were ready." Mr. Humphrey then moved that the commission's case against Continental "be dismissed in consideration of the decree, on the entry of this decree, in accordance with the memorandum of the chief counsel." The motion prevailed by the votes of Commissioners Hunt, Humphrey, and Van Fleet. Chairman Nugent voted "No," and asked that his dissent be noted and stated for the record:

"Let the record show that I dissent particularly from the action of the majority members of the commission in railroading this matter through within about 15 minutes without giving me an opportunity, which I requested, to examine the memorandum of the chief counsel and the proposed consent decree, notwithstanding I stated I would be ready to act to-morrow. The proposed decree upon which the order of the majority is based has not even been read for the information of the commission."

Commissioners Van Fleet and Humphrey thereupon insisted that the decree be read. It is true that the memorandum of the chief counsel, which was read by the Secretary, set out what purported to be a portion of the consent decree, but as said matters were not quoted, it did not appear whether they were his interpretations of the provisions of said decree or otherwise. Unless Commissioners Hunt, Humphrey, and Van Fleet had seen the decree prior to the commission meeting on April 2, they had not even read it before they dismissed the complaint. Thus, without consideration, discussion or explanation, Commissioners Hunt, Humphrey, and Van Fleet dismissed the complaint against Continental.

The majority commissioners would not allow Chairman Nugent, at his request, even 24 hours in which to examine said memorandum and consent decree which were presented to the commission on Friday, April 2, for the first time. Never before in the history of the commission, under like circumstances, has such request on the part of any commissioner been denied. In fact, the minutes of the meeting of April 2 show that the consideration of a certain case was laid over, without objection, until the next conference day (one week) at the request of Commissioner Van Fleet, which was the third consecutive conference day on which said case was continued without objection at his request. Also that, at the request of Commissioner Humphrey, and without objection, the decision of a case was postponed, not for 24 hours but for a week.

When Commissioner Thompson returned he stated for the record that, had he been present on April 2, he would have voted against dismissing the complaint, and desired "to join Mr. Nugent in his dissent of the action taken and ask that the record show the dissent."

THE TESTIMONY TAKEN AND EVIDENCE THE COMMISSION WAS PREPARED TO OFFER

The complaint of the Federal Trade Commission charged Continental Baking Corporation with the acquisition of the stock of 25 companies operating 83 or more bakeries throughout the United States, and that such acquisition violated section 7 of the Clayton Act. The testimony went far toward proving the truth of the charge, and with the evidence to be taken would have shown that the acquisitions constituted a plain violation of the law. The Continental alone is large enough to dominate the bread-baking industry of the United States. Its baking plants are located in every section of the country, and the territory served by it includes approximately one-half the population of the United States.

Mr. Barber testified that during 1925 the bakeries controlled by Continental produced approximately 1,000,000,000 pounds of bread and 60,000,000 pounds of cake and used approximately—

Flour	barrels	2, 600, 900
Sugar	pounds	33, 604, 854
Shortening	do	15, 424, 641
Yeast	do	6, 982, 000
Milk	do	20, 656, 428
Eggs	do	6, 195, 137
Fruit	do	1, 930, 910
Sundry ingredients	do	28, 000, 000

Mr. Barber also testified that Continental owned all of the stock of Bakeries Service Corporation, a corporation with its principal office in Chicago, and that each company owned and controlled by Continental had a contract with Bakeries Service Corporation to purchase all ingredients and supplies through Bakeries Service Corporation. The immense purchasing power of the Continental was thus combined in Bakeries Service Corporation, which also rendered operating, advertising, and coordinating service to all companies controlled by Continental. Bakeries Service Corporation was organized to act in those capacities

instead of depending on individuals, and the Continental owned every share of its stock.

The evidence showed that certain companies whose stock was acquired were in competition prior to the acquisition, and that after the acquisition competition ceased. Adjustments of territory were made so that the companies did not conflict in the sale of their products. The commission proved this by employees of companies acquired by the Continental. Hearings were to be resumed April 5. Respondent had agreed to furnish all witnesses in its organization whose testimony the commission desired, and 53 witnesses had been requested to appear for examination. The commission was prepared to prove the amount and character of the business of each company, the territory in which its products were sold, and other details to show that the acquisition of stock was contrary to law. The Continental knew that the evidence the commission could and would introduce was strong and convincing.

The authorized and outstanding capital stock of Continental is as follows:

Class of stock	Shares	
	Authorized	Outstanding
Preferred 8 per cent (nonvoting)	2,000,000	516,694
Class A (voting)	2,000,000	291,365
Class B (voting)	2,000,000	2,000,000
Total	6,000,000	2,807,059

The Continental was incorporated in Maryland on November 6, 1924. The latest available census figures show the capitalization of the bread-baking industry as approximately $400,000,000, while the Continental's authorized capitalization is $600,000,000.

THE CONSENT DECREE

The bill of complaint of the Department of Justice in the Ward suit alleged, among other things, that the Ward Baking Corporation, the Ward Baking Co., the Continental Baking Corporation, the United Bakeries Corporation, the General Baking Co., and the General Baking Corporation, together with certain individuals, "are engaged in a combination and conspiracy in undue and unreasonable restraint of trade and commerce among the several States and in the District of Columbia * * * with respect of bread, cake, pastry, and similar products * * * in violation of sections 1, 2, and 3 of the Sherman Antitrust Act."

Paragraphs 5, 6, and 7 of the consent decree entered by the Federal court at Baltimore in said suit at the request of the Department of Justice enjoins, restrains, and prohibits each of said corporations from acquiring, directly or indirectly, or exercising direct or indirect control of, etc., the whole or any part of the shares of capital stock of either of the other corporate defendants or their controlled companies, and from acquiring any of their physical assets.

Under the decree the six corporations above named may not acquire either the capital stock or physical assets of each other, but all of them are at liberty to acquire the physical assets of other bakeries.

Paragraph 8 of said decree enjoins, restrains, and prohibits the said corporations "from acquiring, directly or indirectly, the whole or any part of the stock or other share capital of any other baking corporation engaged also in interstate commerce, where the effect of such acquisition may be to substantially lessen competition in such commerce between the corporation whose stock is so acquired and the defendant corporations, or tend to create a monopoly."

We are, of course, aware of the fact that said paragraph follows, substantially, the language of the first paragraph of section 7 of the Clayton Act, except in one important particular, namely, that said corporations are not enjoined from acquiring the capital stock of other corporate competitors where the effect of such acquisition may be "to restrain such commerce in any section or community." The acquisition by one of said corporate defendants of either the capital stock or the physical assets of a corporate competitor in many sections or cities would, as a matter of fact, restrain commerce in said sections or cities.

We call attention to the fact that Ward Baking Corporation, General Baking Corporation, and Continental Baking Corporation are holding companies only and as such are not engaged in the baking business. No acquisitions of stock they may make will lessen competition between them and the companies whose stock they acquire. The consent decree does not prohibit them from acquiring the capital stock of two or more baking corporations where the effect of such acquisition may be to substantially lessen competition between such corporations or any of them whose stock is so acquired or to restrain commerce in any section or community. The second paragraph of section 7 of the Clayton Act specifically forbids stock acquisitions having such effects.

The complaint of the Department of Justice also charged that the corporate defendants "have acquired * * * the whole or a substantial part of the stocks or other share capital * * * of other corporations engaged in interstate trade and commerce in the baking and related industries * * * in violation of section 7 of the Clayton Act" and sets out the names and location of certain of such "other corporations." The consent decree does not require the defendants to divest themselves of the capital stock unlawfully acquired. Neither does it require them to divest themselves of said stocks and the physical assets so acquired by any of them. The commission has issued such orders in several similar cases, and in two cases its orders have been affirmed by different circuit courts of appeal. Hence the corporate defendants in the Ward suit are to-day in the enjoyment of property obtained contrary to law.

The said bill of complaint alleged that—

"This unlawful plan for restraining and monopolizing interstate trade and commerce in bakery products and the ingredients and equipment used in the manufacture thereof originated with the defendants, W. B. Ward and Howard B. Ward. The other defendants, individual and corporate, entered into the plan from time to time as they came into relation with those defendants or were brought into existence by them. The defendant, W. B. Ward, is to-day the most powerful single personage connected with the baking industry. Closely allied with Ward are the defendants Helms and Barber, who have been associated with him for many years and who with Ward constitute a triumvirate controlling and directing the fortunes of the baking industry."

* * * * * * *

"Howard B. Ward is a brother of the defendant, William B. Ward, and has been associated with him in all his enterprises since 1912. He is vice president of the defendant Continental Baking Corporation." * * *

"Paul H. Helms has been associated for many years in the business enterprises of the defendants William B. Ward and George B. Smith. He is a former secretary-treasurer of both the Ward Baking Co. (of New York) and the Ward Baking Corporation. He is now president of the defendant General Baking Corporation." * * *

"George G. Barber has been associated for many years with the defendant William B. Ward in various baking enterprises." * * *

"He was active in the promotion of the defendant Continental Baking Corporation and has served as its president since it was organized."

Paragraph 10 of the consent decree reads as follows:

"That the defendants, William B. Ward, Paul H. Helms, and George G. Barber, are severally required to dispossess themselves of all voting shares of the capital stock in any of the defendant corporations and the companies controlled by them, other than such defendant corporation and its subsidiaries as he may elect to retain his holdings in under section 9 hereof."

It will be noted that the gentlemen named are not required to divest themselves of said "voting shares" in good faith or for an adequate or any valuable consideration. They can therefore comply with the provisions of said paragraph by merely transferring said shares to members of their families or to Howard B. Ward, George B. Smith, J. W. Rumbough, or R. E. Peterson, their personal friends and business associates, as to whom the complaint of the Department of Justice was dismissed.

Paragraph 13 of said consent decree reads as follows:

"It appears that the charge contained in the petition herein that the acquisition and holding by the defendant, the Continental Baking Corporation, of the stocks and other share capital of alleged competing baking companies is in violation of section 7 of the Clayton Act, was included also in a complaint filed by the Federal Trade Commission against the Continental Baking Corporation on December 19, 1925;

"Wherefore the petition is dismissed as to that charge without prejudice to the right of the United States to again raise the issue in any other proceeding."

The only reasonable inference that can be drawn from that language and, unquestionably, the inference that it was intended should be drawn therefrom, is that said charge was dismissed for the reason a complaint involving the same subject matter was then pending and undetermined before the Federal Trade Commission. It is mere camouflage. The consent decree was signed by the judge of the Federal district court at Baltimore and entered on Saturday, April 3, and the Federal Trade Commission at a regular meeting held on Friday morning, April 2, was informed by its chief counsel that the entry of said decree was subject to the dismissal by the commission of its case against the Continental.

At said meeting of the commission, by vote of Commissioners Hunt, Humphrey, and Van Fleet, with Commissioner Thompson absent on official business, and Commissioner Nugent voting "no" and dissenting, the said complaint of the commission was dismissed, the order to become effective when said decree was entered by the Federal court, and the chief counsel of the commission was directed to "informally advise the Attorney General" of said action, which, we have no doubt, he did before noon of said day. However that may be, the fact remains that about 3 o'clock p. m. of April 2 the Attorney General was informed by letter dispatched to him by special messenger that the commission had dismissed its complaint against the Continental as above stated.

We quote the following from said letter to the Attorney General:

"In consideration of the above-mentioned (consent) decree, and in accordance with the recommendation of its chief counsel, the commission has dismissed its complaint against the Continental Baking Corporation, docket 1358, alleging violation of section 7 of the Clayton Act, such dismissal to become effective upon the entry of the decree.

"By direction of the commission, Mr. Nugent dissenting."

It is therefore plainly apparent that when, on April 3, the Department of Justice requested the court at Baltimore to sign and enter said decree, which contained section 13 above quoted, it was fully aware of the fact that the very moment said decree was entered the order of dismissal of the commission's case against the Continental became effective.

When Commissioners Hunt, Humphrey, and Van Fleet, "in consideration of this (consent) decree," dismissed the commission's complaint against the Continental, it was with knowledge that said decree dismissed the section 7 charge of the Department of Justice against that corporation.

The result of said dismissals is that the Continental Baking Corporation is to-day in the quiet, undisturbed, and unchallenged ownership and possession of the capital stock of corporations owning and operating at least 83 bakeries, among which are some of the largest in the country, and others are among the largest in the sections in which they are located, notwithstanding both the Department of Justice and the Federal Trade Commission had solemnly charged that said stock was acquired in violation of section 7 of the Clayton Act.

A few weeks ago the President of the United States, according to the public prints, addresses a letter to Mrs. Henry W. Peabody, chairman of a committee representing the Women's National Committee for Law Enforcement, in which he said:

"This earnest manifestation of interest in enforcement of law is gratifying. Such interest on the part of those citizens not officially connected with the execution of the law is heartening to those charged with that responsibility. In this message I desire to reiterate the following statement which I made on the subject of your present deliberations: 'The law represents the voice of the people. Beyond it and supporting it is a divine sanction. Enforcement of law and obedience to law, by the very nature of our institutions, are not matters of choice in this Republic, but the expression of a moral requirement of living in accordance with the truth. They are clothed with a spiritual significance in which is revealed the life or the death of the American ideal of self-government.'"

It is evident that the Attorney General and Commissioners Hunt and Humphrey, who were appointed by President Coolidge and Commissioner Van Fleet, are not in accord with the statements of the President on law enforcement. As public officials they are, to quote the President, "charged" with the "execution of the law," and, so far as the Continental is concerned, they not only executed section 7 of the Clayton Act but they buried it, "unwept, unhonored, and unsung."

While the consent decree dissolved the Ward Food Products Corporation, which had issued no stock and owned no property, it left William B. Ward, his former employees, intimate friends and business associates, in control of the Ward, the General, and the Continental baking corporations, the three largest in the country. The Department of Justice estimated the annual sales of the bakeries controlled by the Ward and Continental corporations at between $120,000,000 and $140,000,000.

The decree would have been really effective and of great benefit to the public had it required the corporate defendants in the Ward suit to divest themselves in good faith of the capital stock and of the physical assets, where they had been taken over, of the baking corporations they had unlawfully acquired, as charged by the Department of Justice and also by the Federal Trade Commission in the case of the Continental.

We expressly disclaim any intention to criticize the Federal court at Baltimore for entering the consent decree. In view of the consent of the Department of Justice, the entry of said decree was, of course, a mere formal matter. We are confident that had the court been informed as to the facts in the case a decree materially different from the one under consideration would have been entered.

J. F. NUGENT.
HUSTON THOMPSON.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

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

Ashurst	Capper	Edwards	Gooding
Bayard	Caraway	Ernst	Hale
Bingham	Copeland	Fernald	Harreld
Blease	Couzens	Ferris	Harris
Borah	Cummins	Fess	Harrison
Bratton	Curtis	George	Heflin
Broussard	Dale	Gerry	Howell
Bruce	Deneen	Gillett	Johnson
Butler	Dill	Glass	Jones, N. Mex.
Cameron	Edge	Goff	Jones, Wash.
Kendrick	Norris	Schall	Tyson
King	Oddie	Sheppard	Underwood
La Follette	Overman	Shipstead	Walsh
McKellar	Pine	Shortridge	Warren
McMaster	Pittman	Simmons	Watson
McNary	Ransdell	Smoot	Wheeler
Mayfield	Reed, Mo.	Stanfield	Williams
Metcalf	Reed, Pa.	Steck	Willis
Moses	Robinson, Ark.	Stephens	
Neely	Robinson, Ind.	Swanson	
Norbeck	Sackett	Trammell	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. HARRELD. Mr. President, will the Senator from Washington yield to me for just a brief statement?

Mr. DILL. I yield.

Mr. HARRELD. Mr. President, it is not my purpose to defend the Continental Baking Co. or any other company in the remarks I want to make and at the end of which I wish to introduce a memorandum for the RECORD. In fact, I do not want to appear as the representative of any set of men who make 400 per cent profit per annum off of the bread eaters of the country. Neither do I speak for either one of the factions of the Federal Trade Commission. Everybody knows that there has been a feud on there for some time. My friend from Wisconsin [Mr. LA FOLLETTE] has ably presented the facts as to one of those factions.

I am chiefly interested in the chief counsel of the Federal Trade Commission, whose name was brought into the discussion by the Senator from Wisconsin. Judge Bayard B. Hainer is one of the ablest lawyers in the Central West, a man of mature years and great experience. When this matter came up I heard the rumors which were being circulated and asked him to give me a memorandum of the settlement which had been made and his part in it. Under date of April 20, 1926, I received from him a letter inclosing memorandum affecting the matter of the Continental Baking Corporation, which I ask permission to insert in the RECORD without reading as a part of my remarks. I wish to call particular attention to the following paragraph:

> I feel that the decree accomplishes all that could have been done after a long and expensive litigation by the Department of Justice and the Federal Trade Commission, and that the decree of the court fully protects the public interest.

May I have permission to have the letter and memorandum inserted in the RECORD?

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

The letter and memorandum are as follows:

FEDERAL TRADE COMMISSION,
Washington, April 20, 1926.

Hon. JOHN W. HARRELD,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I herewith inclose you memorandum in the matter of the Continental Baking Corporation, commission docket No. 1358; also comment of the Attorney General furnished the press on April 3, 1926, in regard to the entering of the consent decree in the case of United States of America *v.* Ward Food Products Corporation, the Continental Baking Corporation, and others, in the United States District Court for the District of Maryland, and a printed copy of the consent decree.

Very truly yours,

BAYARD T. HAINER, *Chief Counsel.*

MEMORANDUM IN THE MATTER OF CONTINENTAL BAKING CORPORATION, DOCKET NO. 1358

On April 7, 1926, the Federal Trade Commission dismissed its complaint against the Continental Baking Corporation upon my recommendation in consideration of the entry of the decree in the case of the United States of America *v.* Ward Food Products Corporation and others in the District Court of the United States for the District of Maryland.

Complaint was issued by the commission in the matter of Continental Baking Corporation, Docket 1358, on December 19, 1925, charging the respondent Continental Baking Corporation with having violated the provisions of section 7 of the Clayton Act.

Respondent Continental Baking Corporation was incorporated about November 6, 1924, under the laws of Maryland and is a holding corporation, holding the capital stock of several corporations which it acquired and now owns and controls.

I call attention to the decree of the court referred to above. The court found and adjudged, with the consent of the parties to the decree, that the plan to bring under the control of the Ward Food Products Corporation the other corporate defendants, namely, Ward Baking Corporation, Ward Baking Co., General Baking Corporation, General Baking Co., Continental Baking Corporation, and United Bakeries Cor-

poration, if consummated, would constitute a violation of the Sherman Antitrust Act and section 7 of the Clayton Act.

The decree restoring and insuring competitive conditions places restraint on the mode in which the business of the corporate defendants is to be carried on, so that doubt as to dominating control or monopoly by combination or understanding between two or more of the corporate defendants is entirely removed. Restraint is placed on the individual and corporate defendants and their officers, directors, agents, and employees so as to perpetually restrain and enjoin them or any one of them from directly or indirectly doing any act in bringing about a common control or restraining or monopolizing interstate commerce.

The decree forbids the Ward Baking Corporation and the Ward Baking Co. from directly or indirectly acquiring or controlling the whole or any part of the shares of the capital stock of any of the other corporate defendants or any of their controlled companies and from acquiring any of their physical assets. General Baking Corporation and General Baking Co. are restrained from acquiring or controlling directly or indirectly the whole or any part of the shares of capital stock of the other corporate defendants or any of their controlled companies and from acquiring any of their physical assets. And Continental Baking Corporation and United Bakeries Corporation are restrained from directly or indirectly acquiring or controlling the whole or any part of the shares of the capital stock of any of the other corporate defendants or any of their controlled companies and from acquiring any of their physical assets.

All of the corporate defendants are further restrained from acquiring or controlling directly or indirectly the whole or any part of the stock or other share capital of any other baking corporation engaged in interstate commerce where the effect of such acquisition may be to substantially lessen competition in such commerce between the corporation whose stock is so acquired and the defendant corporations, or where the effect may be to tend to create a monopoly.

Restraint is further placed on William B. Ward, Paul H. Helms, and George G. Barber from acquiring, receiving, holding, or voting or in any manner acting as the owner of any of the voting shares of the capital stock of more than one of the defendant corporations and its subsidiaries, and from acquiring any of the physical assets of more than one of said corporations, and said individuals are severally required to dispossess themselves of all voting shares of capital stock in any of the defendant corporations and companies controlled by them other than such defendant corporation and its subsidiaries as he may elect to retain his holdings.

Ward Food Products Corporation, Ward Baking Corporation, and Ward Baking Co., constituting one group; General Baking Corporation and General Baking Co. constituting a second group; and Continental Baking Corporation and United Bakeries Corporation constituting a third group, are severally prohibited from electing or appointing and from continuing any person as a director or as an officer who is at the same time a director, officer, agent, or employee in any of the corporations of either of the other groups or their subsidiaries, and each of said corporate groups are enjoined from entering into any contracts, agreements, or understandings with one or more of the other corporate defendants for joint purchases of materials, supplies, and equipment or for common price or common policies in the marketing and sale of their output.

The Ward Food Products Corporation is required to forfeit all of its corporate privileges and surrender its charter to the State of Maryland within 30 days after the entry of the decree.

It is to be noted that competition is entirely restored between Ward Baking Corporation and Ward Baking Co., constituting one group; General Baking Corporation and General Baking Co., constituting a second group; and Continental Baking Corporation and United Bakeries Corporation, constituting a third group; and that the elimination or lessening of competition and tendency to create a monopoly by either common control, stock ownership, or purchase of physical assets is perpetually enjoined and prohibited. It is also to be particularly noted that each of said corporate defendants are perpetually restrained and prohibited from acquiring directly or indirectly the whole or any part of the stock or other share capital of any other baking corporation where the effect of such acquisition may be to substantially lessen competition in interstate commerce between the corporations whose stock is so acquired and the defendant corporations, or tend to create a monopoly.

In view of this decree of the court, the commission properly dismissed its proceeding against the Continental Baking Corporation. It is well to consider in this connection that the provisions of section 7 of the Clayton Act require that the corporations whose stock is owned be engaged in interstate or foreign commerce and also that the statute further requires that the acquisition by a corporation of the stock of two or more corporations is illegal only if the effect of such acquisitions may be to substantially lessen competition between them or any of them or to restrain such commerce in any section or community or tend to create a monopoly of any line of commerce.

It is clear that the decree of the court restoring competitive conditions between the corporate defendants removes any possibility of a tendency to create a monopoly in the line of commerce in which these corporations are engaged.

It is also apparent that the restoration of competitive conditions between these corporate defendants and the removal of any possibility of any future growth or dominating influence by combination, agreement, or understanding, or the growth of any one of such corporate defendants by lessening competition by virtue of owning and controlling the stock or other share capital of other corporations forever stops each of said corporations from acquiring by any such methods any dominant position so as to control prices detrimental to the interests of the public.

The baking companies acquired by Continental Baking Corporation are engaged in selling principally bread and cake. The nature of the products demands that these products be produced and sold in populous centers. The great majority of bread and cake distributed by each bakery is within a radius of 25 miles. The usual method of distribution is by automobile and horse-wagon delivery to retail dealers. A small percentage is distributed either by automobile or railway express to outlying points, sometimes as far as 100 miles from the plant where the products were produced. In some instances the shipments to outlying points cross State lines. The products produced by many of the baking corporations acquired by Continental were not sold in competition—that is, in the same localities with the bakery products sold by other baking corporations acquired by Continental Baking Corporation. In some instances the products of one of the corporations acquired met slight competition from another baking corporation acquired by Continental Baking Corporation. In no instance was this competition substantial.

The words "may be" in the statute should be interpreted to indicate a substantial probability. The actual lessening of competition need not necessarily be shown, but it is necessary to first show that competition to some substantial extent did exist. The question of whether the probability is sufficiently strong to come within the provisions of the law in that regard is a question of business judgment on which the decision of the commission should naturally be given much weight.

It is to be particularly noted that the baking companies acquired by Continental operated in different fields and that the acquisition of the stock of these corporations did not substantially lessen competition between these corporations or between any two of them. The corporations acquired were not competitive. The competition that these corporations meet is competition of competitors operating in the same field. There are many competitors operating in each field in which the corporations acquired by Continental Baking Corporation operated, and in no locality or field in which is located the plant or plants acquired by Continental is the control dominant or of such size so as in any way to control the market with respect to prices.

As heretofore stated, the acquisition of the stock of these baking corporations is unlawful only if the effect may be to tend to restrain such commerce in any section or community or tend to create a monopoly in that line of commerce. This is the test of the Sherman law and the stockholding of these corporations by Continental Baking Corporation is therefore illegal only if it tends to control the market.

The combination between Continental Baking Corporation, General Baking Corporation, and Ward Baking Corporation would seriously affect the public by virtue of the large percentage of control of the market so as to possess and exercise power to raise prices unreasonably. The acquisition of the corporations by Continental Baking Corporation, who are always subject to competition of equals in the same territory, leaves in the Continental Baking Corporation no such power or control so as to restrain trade or enhance prices. On the other hand, on account of the severe competition which each one meets they should offer the public inducements by way of price and quality as will serve to attract customers away from their competitors to the public benefit.

It is not to be lost sight of that these corporations in question are all operating in a field in which there are many other competitors and that the owning of the stock of these corporations by Continental Baking Corporation can not on account of the competition from the outside cause them to curtail their efforts in holding their trade and serving the public. Any curtailment of competitive effort on behalf of each and every one of the corporations acquired by Continental would play directly into the hands of their competitors. The opportunity of controlling the market was wiped away when the court entered the decree.

The commission properly dismissed the complaint against the Continental Baking Corporation upon the entry of the decree, which removed the ground upon which the illegality of the acquisition of stock of baking companies by Continental Baking Corporation rested. The complaint of the commission was dismissed in consideration of the decree of the court, and the petition of the United States *v.* Ward Food Products Corporation and the other defendants in that case was dismissed as to the charges therein without prejudice to the United States to again raise the issue in any other proceeding.

I feel that the decree accomplishes all that could have been done after a long and expensive litigation by the Department of Justice and

the Federal Trade Commission, and that the decree of the court fully protects the public interest.

Moreover, the dismissal of the complaint by the commission does not preclude it from issuing a new complaint either under the Federal Trade Commission act or the Clayton Act, whenever public interest requires it. It seems to me that any criticism of the action of either the Department of Justice or the commission is not justified either in fact or in law.

I herewith attach comment of the Attorney General with reference to the decree given to the press on April 3, 1926. There is also attached a printed copy of the decree of the court.

During the delivery of Mr. LA FOLLETTE's speech,

HERBERT A. WILSON

Mr. STEPHENS. I desire to call up the bill (H. R. 11378) for the relief of Herbert A. Wilson, favorably reported from the Committee on Public Lands and Surveys. It is merely to correct an error in the title to about 25 acres of land. There is a letter from the Interior Department favoring the passage of the bill.

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

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to Herbert A. Wilson to fractional section 26 south of the old Choctaw boundary line, in township 18 north, range 4 west, Choctaw meridian, Sunflower County, Miss., containing 23.27 acres, more or less, upon payment of $1.25 per acre therefor within one year from the date of the approval hereof.

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

After the conclusion of the debate on the Continental Baking Corporation,

OREGON & CALIFORNIA RAILROAD CO. GRANT LANDS

Mr. STANFIELD. Mr. President——

Mr. DILL. I yield to the Senator from Oregon in order that he may make a unanimous-consent request, provided it does not lead to a long debate.

Mr. STANFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 11329) for the relief of certain counties in the States of Oregon and Washington, within whose boundaries the revested Oregon & California Railroad Co. grant lands are located.

Mr. CURTIS. Mr. President, let the bill be read.

Mr. STANFIELD. Mr. President, I do not believe the bill will lead to any discussion. It is a provision for the Federal Government to make advances against the impounded fund resulting from the sale of timber in what is known as the Oregon and California land grant in the States of Oregon and Washington. There is a serious condition existing there, due to the slow sale of timber and the slow accrual of receipts to take care of the requirements of the counties, equaling the sum which it formerly received as taxes from the railroad company before the lands were revested in the Government. The Chamberlain-Ferris bill provided for the sale of timber, but under the governmental administration the sales have not been of sufficient rapidity to take care of the situation. This bill proposes that the department may advance a sufficient sum of money to take care of that pending the time of the sale; otherwise they would be forced to make sale of timber in a way that would be inexpedient. The department has recognized the seriousness of the situation and has said that it was policy for Congress to determine.

The bill has been considered by the Public Lands Committees of both the House and the Senate, and has been unanimously approved. It has passed the House on a roll-call vote of 288 to 33. We have been unable to determine upon any policy which will meet the situation other than that which is proposed in the bill. It will not cost the Government anything, the money advanced by the Government being reimbursable from a potential fund of from $60,000,000 to $125,000,000. We are near the end of the session. It is important that something should be done before Congress adjourns. Therefore, I am asking for the immediate consideration of the bill.

Mr. CURTIS. Mr. President, how much will be necessary to meet the requirements of the bill should it become a law?

Mr. STANFIELD. About $460,000 a year. The Government can save itself from any advances by proceeding with the sale of this timber; but under the influence of the conservation movement in this country there has been a determination on the part of the Government to withhold this timber from immediate sale. The Secretary of the Interior has suggested that this timber should be held from the market for a time in the interest of general welfare.

That is all good and well if the Government sees fit to do it, but it should not be done at the expense of the counties. They can not continue to meet their obligation without great discomfort unless the particular provision in this bill shall be agreed to or there shall be an immediate sale of the timber which the Government controls for the benefit of the grant fund.

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

Mr. SMOOT. I notice that the Interior Department does not recommend the passage of the bill.

Mr. CURTIS. I suggest that the bill go over until we may have an opportunity to read the report on it.

Mr. STANFIELD. The bill has been on the calendar for many weeks. I hope the Senator from Kansas will not object to its consideration.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. TYSON and Mr. BINGHAM addressed the Chair.

Mr. DILL. Mr. President, I promised next to yield to the Senator from Tennessee [Mr. TYSON], but I desire to say that I can not yield to any Senator who presents a matter which shall lead to debate.

Mr. STANFIELD. Just a moment. I do not believe that the Senator from Kansas is going to object.

Mr. DILL. I thought the Senator had objected.

Mr. STANFIELD. There has not been any objection made.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Mr. President, I think the bill had better go over. I do not like to object to its consideration, but I feel that I shall have to do so.

Mr. DILL. I am going to object to the consideration of the bill if it is going to require discussion. I have yielded now to two Senators, and my having done so has involved about five minutes' discussion in each case. I now yield to the Senator from Tennessee [Mr. TYSON].

RETIREMENT OF CERTAIN WORLD WAR OFFICERS

Mr. TYSON. Mr. President, on last Friday evening, when I was not present, the bill (S. 3027) making eligible for retirement under certain conditions officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was called up and was considered for about an hour. I ask unanimous consent that that bill may be made a special order to follow immediately after the disposition of the bill which is known as the radio bill, being House bill No. 9971.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. Mr. President, I think we had better dispose of the radio bill before we make any other special orders.

The PRESIDENT pro tempore. Objection is made.

Mr. TYSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield further to the Senator from Tennessee?

Mr. DILL. I yield.

Mr. TYSON. Mr. President, in view of the fact that I can not get unanimous consent at this time that the bill to which I referred shall be made a special order, inasmuch as a brief has been prepared in reference to the bill by the vice chairman of the legislative committee of the American Legion, I ask unanimous consent that that brief may be printed in the RECORD for the information of the Senate.

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

The brief is as follows:

A BRIEF FOR THE RETIREMENT OF THE DISABLED EMERGENCY ARMY OFFICERS

This brief has been prepared by the national legislative committee of the American Legion to disseminate facts on this legislation. These facts refute arguments against the measure which may gain credence unless the public is in possession of the truth concerning it.

HERE IS WHAT THE OPPONENTS CLAIM

1. That the legislation is contrary to the historic policy of the Nation.
2. That it is contrary to the fixed policy of the American Legion.
3. That the veterans do not understand its provisions.
4. That the former enlisted men oppose it.
5. That it discriminates against the former enlisted men.
6. That it discriminates against the sacred dead.

These arguments are coupled with the prediction that if the Legion does not reverse itself and abandon its seven-year fight for this legislation that the issue involved "will split the Legion wide open." By this is meant alleged discrimination.

The attempt to incite the enlisted men against their former officers, whom they outnumber at least eight to one in the Legion, has signally failed. The Legion stands solidly for the legislation.

THE FACTS

Answers to the foregoing are contained in the following carefully prepared summary of facts, which show clearly why the Legion sponsored this legislation from the very beginning, why it has continued this fight for a square deal, and why this just legislation will be enacted into law.

HISTORY OF THE LEGISLATION

The seven-year history of this legislation in the Congress is in reality the history of a series of efforts on the part of its opponents to kill the legislation in committee. The Legion, and friendly legislators on their part, have endeavored to overcome this form of strategy through obtaining a vote upon the measure upon the floor of the Senate and the House.

The opposition of the War Department, and the influence of this opposition upon the Military Affairs Committees of the Senate and House, has been the chief obstacle to retirement and the determining factor in the amendments which have modified the original form of the legislation and caused the Legion and the other veteran organizations to indorse the present Tyson and Fitzgerald bills.

During this seven-year struggle in committee each side has given ground. The War Department no longer opposes the legislation officially. This is chiefly due to the Legion's acceptance of certain of the War Department's demands for amendment to the original retirement measure.

Now that the legislation is about to be enacted into law, and the seven-year fight for the disabled emergency Army officers won, some opponents now say, "You have modified the form of the original measure; therefore I am opposed to the legislation in its present form." We shall see whether this assertion is backed up by sound reasoning, as the measure cares for the officers who have been severely disabled permanently.

SIXTY-SIXTH CONGRESS

Straight retirement for disability, such as has been extended to the other eight classes of officers, was the original purpose of the Legion, and legislation was requested in this form from the Congress in 1919. The War Department thereupon began vigorous opposition to this straight retirement measure. On July 17, 1919, the Secretary of War wrote a letter to the chairman of the Military Affairs Committee of the House, to which the legislation had been referred, expressing the War Department's disapproval of the measure and opposing the retirement under the same conditions as received by officers of the Regular Army. The Military Affairs Committee of the House thereupon refused to report the measure.

The Stevenson bill was then introduced in the House on December 3, 1919. The form of this bill was altered in the hope that it would be referred to a committee other than the House Military Affairs Committee, which was still holding up the original retirement measure.

This Stevenson bill provided compensation for the emergency officers who incurred disabilities that like officers of the Regular Army received on being retired for like disabilities. Notwithstanding this change in form, the Stevenson bill was referred to the House Military Affairs Committee.

However, on February 28, 1920, the Military Affairs Committee was discharged on the bill and it was referred to the Interstate and Foreign Commerce Committee of the House; on March 2, 1920, this committee was discharged and the bill referred to the Ways and Means Committee; and on March 11, 1920, this latter committee was discharged and the bill again referred to the Interstate and Foreign Commerce Committee.

The War Department opposition to the legislation continued, notwithstanding the change in the form of the measure. On March 13, 1920, the Secretary of War wrote a letter to the chairman of the Interstate and Foreign Commerce Committee, estimating that 19,910 emergency officers would come under this bill, and receive annual payments of $31,099,420. This preposterous estimate being contained in an official letter, the Interstate and Foreign Commerce Committee hesitated and deferred action on the bill.

NAVY ACTS INDEPENDENTLY

In the meantime the Legion had been in contact with the Navy Department on the question of the retirement of the disabled emergency officers of the Navy and Marine Corps. More progressive than the Army, the Navy realized the justice of the legislation and its value as sound national-defense policy.

Accordingly, in May, 1920, the Secretary of the Navy wrote a letter to Congress requesting the enactment of legislation to retire the disabled emergency officers of the Navy and Marine Corps and submitted a draft of the amendment he proposed. Congress immediately responded to this request and provided retirement for the disabled emergency officers of the Navy and Marine Corps in the act approved June 4, 1920. This act of Congress removed the discrimination against these two classes of officers, leaving the disabled emergency Army officers as the only class discriminated against out of the nine classes of officers who fought in the World War.

In the meantime no action was obtained from the House Military Affairs Committee on the retirement measure or from the Interstate and Foreign Commerce Committee on the Stevenson bill. As a matter of fact, the House Military Affairs Committee did not report its bill and never has to this day reported a bill affecting the disabled emergency officers.

On January 26, 1921, Mr. STEVENSON introduced a bill slightly amending his former measure, which was also referred to the Interstate and Foreign Commerce Committee of the House. The committee reported this bill favorably on February 2, 1921. The session was then drawing to a close. No action was obtained on it on the floor of the House, and the measure died a month later with the expiration of the Sixty-sixth Congress on March 4, 1921.

SIXTY-SEVENTH CONGRESS

The Stevenson bill was again introduced in the House and again referred to the Interstate and Foreign Commerce Committee. No hearings were held, and the committee took no action on the measure.

On April 11, 1921, the Johnson bill was introduced in the House and referred to the House Military Affairs Committee. This bill provided retirement as extended to the other eight classes of officers. No hearings were held by the House Military Affairs Committee on this retirement bill, in spite of repeated requests on the part of the veterans.

The Bursum bill was then introduced on May 4, 1921, in the Senate. Like the Johnson bill it provided retirement as extended to the eight other classes of officers. War Department opposition to the measure continued. This opposition influenced certain members of the Senate Military Affairs Committee to which the measure was referred. The friends of the legislation on the Senate committee, in order to obtain a favorable report, amended the measure so as to meet the chief points of opposition raised by the War Department in the two years it had fought the legislation.

THE AMENDED BURSUM BILL

Under the straight retirement measure—accorded the other eight classes of officers—a disabled officer is examined by a board of Regular Army officers, some of whose members must be regular medical officers. If the board finds that the officer's disability has unfitted him for active duty with troops in the field, the board recommends his retirement for life at three-fourths of the pay and allowances he is then receiving, and he is placed on the regular retired list for life.

Under the Bursum bill as reported by the Senate Military Affairs Committee on July 11, 1921, the following amendments were made to meet the War Department's opposition:

1. Examination for retirement would be made by civilian medical officers of the Veterans' Bureau instead of by a Regular Army retiring board.

2. Eligibility to retirement was increased to 30 per cent permanent disability instead of ability to perform active duty with troops in the field.

3. The Veterans' Bureau was required to pay the emergency officers retired in this manner instead of the War Department.

BURSUM BILL REPORTED

As amended in this form, the Senate Military Affairs Committee reported the Bursum bill favorably to the Senate on July 11, 1921, the first time a Military Affairs Committee had reported the legislation.

BURSUM BILL PASSES SENATE

In spite of the amendments, opposition from the War Department continued, and the friends of the measure were unable to bring it to a vote in the Senate until February 21, 1922, when it passed the upper body 50 to 14, and was forwarded to the House, where it was immediately referred to the House Military Affairs Committee.

HOUSE COMMITTEE STILL WITHHOLDS APPROVAL

Following a long series of efforts on the part of the Legion, the House Military Affairs Committee finally granted hearings on the Bursum bill. At these hearings the case of the disabled officers was presented fully. More than a score of them appeared and exhibited their battle wounds as mute advocates for the legislation. Every recognized veterans' organization appeared in behalf of the measure.

In spite of the efforts of the friends of the bill, War Department influence still prevailed. The House Military Affairs Committee held up the bill for more than a year, declining to report it out. A petition signed by 235 Members of the House—containing more than a majority of each party in the lower body—was finally presented to the House Military Affairs Committee requesting the report of the measure. This the committee declined to do, and the bill died with the expiration of the Sixty-seventh Congress in March, 1923.

CONFERENCE OF VETERANS' ORGANIZATIONS

During the summer recess of 1923 the veterans' organizations were faced with the following problem: The legislation had been actively pushed for four years, but in all that time the Military Affairs Committee of the House had refused to report a bill and the Senate Military

Affairs Committee had declined to report any measure which did not conform to the chief War Department objections.

The question to be decided therefore was, Shall straight retirement legislation be pushed—which could not be gotten out of the Military Affairs Committees—or legislation conforming to the War Department objections, which could at least be gotten out of the Senate Military Affairs Committee?

Accordingly a conference was called in the city of Washington during the summer of 1923, attended by representatives of all reputable World War veterans' organizations, to consider the form of the legislation to introduce in the coming Congress. This conference was attended by duly accredited representatives of the American Legion, the National Guard Association, the Veterans of Foreign Wars, the Disabled American Veterans, the Disabled Emergency Officers of the World War, and the Military Order of the World War, and a designated representative of the General Staff of the Army.

THE BILL WAS AGREED UPON

Sessions were held for three days. The form of the legislation was discussed at length. The representatives of the veterans' organizations present finally agreed unanimously to push the measure in the form it had passed the Senate in order to meet the major objections of the War Department, for no progress could be made unless the Senate Military Affairs Committee would report the measure.

It was recommended that the permanent disability rating for which retirement should be granted be reduced from 30 per cent to 20 per cent. At the request of the General Staff representative it was further agreed that the retired list should be kept in the Veterans' Bureau, although it should also be published in the Army Register. In other respects the bill agreed upon by the conference was substantially the same as the Bursum bill in the form it had passed the Senate.

PASSES THE SENATE AGAIN

This new bill was prepared and officially indorsed by the veterans' organizations and introduced in the next Congress where it was again considered by the Senate Military Affairs Committee. That committee reported it favorably, but put back the former permanent disability rating for eligibility to 30 per cent. This provision was retained when the bill passed the Senate February 20, 1925, 63 to 14, and forwarded to the House.

NEW HOUSE COMMITTEE REPORTS BILL

In the meantime, at the request of the Legion, the House had created the House Committee on World War Veterans' Legislation. We asked that the Bursum bill be referred to this committee instead of the unfriendly House Military Affairs Committee, and the House accordingly agreed. This friendly veterans' committee had already favorably reported the Lineberger bill, similar to the Bursum bill, which was being held up in the Rules Committee of the House.

The House Veterans' Committee immediately reported the Bursum bill so that it would displace the Lineberger bill. A hearing was granted by the Rules Committee of the House on the question of granting a rule to allow the House to vote upon the bill which had already passed the Senate. The Rules Committee failed to grant the desired rule.

KILLED BY THE LEADERS

Efforts were made during the last six days of the session to obtain recognition from the Speaker, so that the measure might be voted upon in the House under suspension of the rules. The Speaker refused to grant the recognition, and the measure again died, after being passed by the Senate, with the expiration of the Sixty-eighth Congress, March 4, 1925.

IN ITS FOURTH SESSION

The measure was immediately introduced once more at the beginning of the present session in the House by Representative ROY G. FITZGERALD, Legionnaire of Ohio, and in the Senate by Senator L. D. TYSON, Legionnaire of Tennessee. The measure now on the Senate calendar is S. 3027, the Tyson bill, favorably reported after hearings by the Senate Military Affairs Committee, March 25, 1926. H. R. 4548, the Fitzgerald bill, is on the House calendar, having been favorably reported by the House Veterans' Committee after hearings, March 13, 1926.

For the past three months efforts have been made to obtain a vote upon both measures in the House and the Senate, but this has to date been prevented by opponents, and neither body has been accorded the right to vote upon the measure.

PARLIAMENTARY TACTICS PREVENT PASSAGE

The opponents concede that the legislation will become a law any time a vote is permitted upon it. They frankly acknowledge that it is for this reason they are fighting it through parliamentary tactics—because they can not beat it in the open on the floor. The small group of opponents occupy key positions. They are determined to prevent these unhappy officers—once as well and strong as they—from receiving the benefits provided under this legislation.

SMOKE SCREENS

This legislation in its present form has now been actively before the Congress for the past five years. Now, that its passage is imminent, a smoke screen arises. The assertion is made that the average person, veteran or Congressman, does not understand the provisions of the legislation, and that if such persons did understand these provisions they would then oppose the measure.

Let us examine this mistaken argument. During the past five years an active controversy has engaged both Houses of Congress over the legislation in its present form. Surely all Members of the House and Senate, and all disabled officers, have understood its provisions.

Members of the American Legion are conceded to have understood the following from the inception of this legislation. Certainly Members of Congress have understood:

"That the measure proposes to give retired pay to the disabled emergency Army officer on the same basis as the eight other classes of officers;

"That this proposed rate exceeds the rate the disabled emergency officers and enlisted men are now receiving; and

"That following its enactment the nine classes of disabled officers will receive a higher rate of pay than the disabled enlisted men."

No opponent will state that he has not understood the foregoing clearly from the beginning. Therefore, if he formerly supported the legislation, but now opposes it, he can not justly attribute his change of position to a belated discovery that the disabled officer would receive more pay than the disabled enlisted man, because he has known this from the beginning.

His change in attitude must, therefore, be attributable to some reason other than "discrimination against the enlisted men."

IT ACCORDS WITH AMERICA'S HISTORIC POLICY

Opponents attempt to gain credence for two misstatements, upon which their chief arguments against the measure are made. One is that it has always been our national policy to compensate emergency officers and enlisted men at the same rate of pay for their war disabilities. The other is that it has always been our national policy to compensate disabled Regular officers on a different basis from disabled emergency officers.

Both statements are incorrect.

OFFICERS' PENSION RATE GREATER THAN ENLISTED

From the Revolutionary War to the Civil War there was no "retirement." During this long period the disabled emergency officers received exactly the same rate of pensions as the disabled Regular officers. The amounts of these pensions were based upon the rank held by the officers. The enlisted men received much smaller pensions, but the rate was exactly the same for emergency and Regular enlisted men.

These war-disability pension rates were paid for the Revolutionary War, for the campaign on the Wabash, for the War of 1812 with England, for the Black Hawk War, for the Indian depredations in Florida, for the Creek War, for the war with Mexico, and under certain circumstances for the Civil War.

On July 14, 1862, the present general pension law was approved, which has governed disability pension payments from that day to the present year, for Regular and emergency services, officers and privates, except those cases where subsequent enactments have made it noneffective. This general pension law set a maximum disability pension for an officer (Regular or emergency) at $30 a month, and for an enlisted man (Regular or emergency) at $8 a month.

The disabled emergency Army officers of the Civil War received greater rates of pension payments under this act than the disabled enlisted men of the Civil War until May 11, 1912, when general-service pensions (not service-disability pensions, mind you) for all ranks of the Civil War over 75 years of age were increased to $30 a month by the Congress.

Disability pension payments to the emergency officers and enlisted men of the Spanish-American War were also regulated under this general pension law of July 14, 1862. The disabled emergency officers of that war continued to receive a higher rate of pension than the disabled emergency enlisted men until the act of June 5, 1920, when general service pensions—not service disability pensions, mind you—for all ranks of the Spanish-American War were increased to $30 a month for men over 75 years of age or permanently disabled, service connection for disability not required.

The emergency officers of the Navy and Marine Corps, disabled in the World War, were retired by the act of June 4, 1920, approved one day prior to the approval of this Spanish-American War act of June 5, 1920, quoted above.

It will, therefore, be seen that from the Revolutionary War down to the present date it has been the policy of the American Government to give higher rates of disability pay or pension to the emergency officers than to the enlisted men who were disabled in time of war. These are facts which can not be contradicted, and are based upon our pension laws and their administration by the Commissioner of Pensions.

In view of these facts, can anyone claim that our national policy governing pension payments for war disabilities has been to pay the same rate to the emergency officers as the emergency enlisted men? From the Revolutionary War to the present date the contrary policy has been followed by our Government.

"RETIREMENT" CAME WITH THE CIVIL WAR

It will be seen from the foregoing that there was no "retirement" for any class of officers from the Revolutionary War to the Civil War, and that during this entire period all classes of disabled officers received the same pay based upon rank. So the "national policy" which the Regular Army has sought in vain to keep exclusively its own is of comparatively recent origin.

Retirement in the Regular Army came about in the following manner: When the Civil War broke upon us it was found that many regular officers in the higher ranks, due to their advanced age and the disabilities incident thereto, were unable to perform the active service with troops required. Following the Battle of Bull Run, July 21, 1861, the first retirement law was approved, August 3, 1861. This provided retirement for Regular Army officers with 40 consecutive years of commissioned service, and for disability not necessarily incurred in war time.

This original retirement act for the Regular Army has since been greatly enlarged by 13 subsequent enactments. But it is apparent that one of the impelling reasons which actuated the Congress in initiating retirement was a desire to raise the efficiency standards of the Regular Army officer personnel through removing in an emergency those physically unable to withstand the hardships of campaign. The enlisted men of the Regular Army did not obtain retirement until February 14, 1885, and then only for length of service. The general pension law of July 14, 1862, still cares for their disabilities.

PROVISIONALS GRANTED RETIREMENT

Retirement was granted the provisional officers by the act of July 9, 1918, and by the act of June 4, 1920, retirement was granted the disabled emergency officers of the Navy and Marine Corps. From 1922 to 1925 seven additional laws were enacted granting retirement to individual disabled emergency officers of the Navy and Marine Corps.

From the foregoing it will be seen that for the greater period of our existence as a Nation it has been our national policy to grant emergency and regular officers disabled in war time the same payments for their disabilities. This policy was abandoned for a while, but resumed in 1920 and is still being continued.

The disabled emergency Army officer, of the nine classes of disabled officers who fought in the World War, is the only class now discriminated against in this connection.

NINE CLASSES OF WORLD WAR OFFICERS

Nine classes of officers fought in the World War. These were the regular officers of the Army, Navy, and Marine Corps; the provisional officers of the Army, Navy, and Marine Corps; and the emergency officers of the Navy, Marine Corps, and the Army. The first eight classes have been retired by the Congress for their wounds. The disabled emergency Army officers alone have been denied retirement for their mutilations and disabilities. It is to rectify this discrimination against the seriously disabled emergency Army officers that the Legion has pressed this legislation for the past seven years.

The discrimination is against the emergency Army officers, who have not been placed on a parity with the eight other classes of disabled officers who fought in the World War. There is no discrimination against the disabled enlisted men, as they will lose nothing—they will not surrender a single right—if their disabled officers are placed upon a parity with the eight other classes who have already been retired.

OFFICERS OLDER THAN ENLISTED MEN

The Veterans' Bureau figures of March 31, 1925, show there were then 2,079 emergency Army officers of the World War who had been permanently disabled more than 30 per cent. This number includes officers of all ranks, as follows: Seven colonels and 21 lieutenant colonels, whose average age is 55 years; 125 majors, whose average age is 50 years; and 1,926 company officers—that is, captains, first lieutenants, and second lieutenants—whose average age is 41 years.

The age of the average enlisted man who fought in the World War is 33 years. It will be seen, therefore, that the colonels and lieutenant colonels are 22 years older than the enlisted men, the majors 17 years older, and the company officers 8 years older than the enlisted men.

This great difference in the ages of officers and enlisted men is a natural one and has been true through all America's history. The reason for it is apparent. It is necessary that an officer be a man of greater experience, greater ability in handling men and coping with situations, than the enlisted men themselves. As a rule, his greater age has also brought him greater military knowledge, essential to proper leadership.

OFFICERS MEN WITH RESPONSIBILITIES

The officers were chosen largely for their responsibility, as the comfort, safety, and lives of the men they command were in their hands. Because of their greater age, a large proportion of them have wives and children or other dependents when they enter the service. Many others had incurred family, business, and professional responsibilities which the enlisted men had not yet attained because of their youth.

The average officer was above the draft age. In fact, a large proportion of them would not have been able to have entered the service—due to their family responsibilities and the necessity of those dependent upon them—but for the fact that as officers they received a rate of pay which enabled them to enter the service and still support their families. This fact is frequently overlooked in considering the justice and urgency of this legislation.

ENLISTED MAN CHOSEN FOR LACK OF RESPONSIBILITY

The final report of the provost marshal general of the Army to the Secretary of War, dated July 15, 1919, shows in table 4, page 24, that 2,780,576 men were actually inducted into the service during the World War, as compared to table 2, page 20, of the same book, which shows that 6,964,229 men received exemption from their local boards because of dependency.

This means that for every 100 men actually inducted into the service 250 men were exempted because of dependency.

This action was in line with that portion of the selective service act which authorized the President to exempt among others the following:

"Those in a status with responsibilities to persons dependent upon them for support which renders their exclusion or discharge advisable."

It is apparent from this act that Congress desired its fighting forces to be made up of men without family responsibilities. The figures quoted show that this wish was followed by the local boards.

One of the chief reasons for the difference in pay of officers and enlisted men of all armies and for all wars has been because of the difference in their ages and responsibilities. These same responsibilities continued after the emergency officers were disabled and crippled. If this difference in pay was proper when the emergency officer was well and sound, how much more necessary to continue it after he has been permanently disabled and thus prevented from earning a livelihood for the family which was dependent upon him prior to his war disability.

THE DISABLED OFFICERS INDORSE PENDING MEASURE

The disabled officers have banded themselves together in an association entitled "The disabled emergency officers of the World War." The organization of this association was slow in the beginning, as those eligible to membership were thinly scattered throughout the United States. Gradually the disabled officers in hospitals began forming themselves into chapters until on December 31, 1920, they had 720 members.

This membership had increased to 1,402 by December 31, 1921, in spite of 28 deaths; to 1,954 by December 31, 1922, with 30 deaths; to 2,005 December 31, 1923, with 19 deaths; to 2,051 December 31, 1924, with 32 deaths; to 2,052 December 31, 1925, with 40 deaths; and to 2,046 March 1, 1926, with 20 deaths. Permanent disability of a compensable degree is a requisite to membership in this organization. It will therefore be seen that in spite of 169 deaths since 1920 the membership of this association is numerically about equal to the number eligible to retirement under the bill stated by the Veterans' Bureau to be 2,079.

The legislation now before the Congress is indorsed by this disabled emergency officers' association, as it meets the two chief questions involved. These are their recognition as disabled officers; and secondly, the pay of retirement on the basis of rank. They believe, and rightly, that their separate retired list which the War Department has insisted upon will be an honor roll, second to none, upon which any American officer might well feel proud to have his name inscribed.

NO DISCRIMINATION AGAINST THE DEAD

The wives and children of all officers, including Regular Army officers, who were killed or died of wounds during the World War have been treated on an exact parity and receive exactly the same compensation from the Veterans' Bureau. No distinction or discrimination has been made between them. This holds true for the eight classes of officers already retired, as well as for the ninth class for whom this retirement is sought.

In addition to this, the Tyson-Fitzgerald bill will not affect the dependents of any officer killed in action. As stated, the dependents of the dead emergency officers have received the same treatment accorded the dependents of all classes of officers, through the operation of the war risk insurance act.

The charge that this legislation "discriminates against the sacred dead" is therefore without foundation of fact. There has been no discrimination as between the dependents of officers killed in the war, no matter what their rank or branch of service.

NO DISCRIMINATION AGAINST ENLISTED MEN

Opponents of this legislation who assume the rôle of champions of the disabled enlisted men (who outnumber the disabled officers 20 to 1)

strive to create the impression, by opposing this retirement measure for this ninth class of disabled World War officers, that they are conferring benefits of some sort upon the numerically greater class of disabled enlisted men. This attitude conveys a false impression. The enactment of this bill will not deprive the disabled enlisted men of a single right heretofore accorded them. On the contrary, blocking this measure is actually depriving the ninth class of disabled officers of a portion of the rights already accorded the other eight classes of officers who fought in the World War.

THE LEGION FIGHTS FOR ALL DISABLED

Ever since 1919 the American Legion has fought aggressively for beneficial legislation for all disabled men. Its membership is overwhelmingly from the ranks, and the Legion is responsible to a great degree for the many beneficial laws which the Congress has enacted for the relief and protection of all classes of the war's disabled.

The opponents who have fought the disabled officer's retirement measure so vigorously—in the open or through parliamentary tactics—do not dare claim that the Legion would sponsor legislation which would deprive any disabled man, enlisted or commissioned, of any rights or privileges heretofore acquired.

This "discrimination-against-the-enlisted-man" argument has been designed to create opposition on the part of the enlisted men, an attempt which has signally failed. The enlisted men do not object to their disabled officers being placed on a parity with the eight other classes of disabled World War officers, and many veteran company organizations composed wholly of enlisted men have so expressed themselves through resolutions advocating the enactment of the retirement measure for their former officers.

ENLISTED MEN FAVOR THIS LEGISLATION

The membership of the American Legion, more than 600,000 strong, is composed of at least 85 per cent enlisted men. The 1,000 delegates to our seven national conventions have been thoroughly representative of the membership of the Legion. At the St. Louis caucus of the Legion, May, 1919, when we decided to drop all military titles in connection with our meetings and proceedings, a resolution was adopted calling upon Congress to grant retirement to the disabled emergency officers. Since that time seven national conventions of the Legion have been held. At each of these conventions the attitude of the Legion established at the St. Louis caucus has been reaffirmed, and resolutions adopted calling upon Congress to grant this retirement.

At our last national convention, held at Omaha, October, 1925, a legionnaire, who had formerly favored this legislation but who now as a Member of Congress is opposing it, took the floor of the convention and appealed to the Legion to prevent discrimination against the enlisted men and to vote against continued advocacy of this measure.

This Congressman spoke upon the subject twice in an appealing and persuasive manner. His appeal to the 1,000 delegates to desert the disabled officers failed in its purpose, and the convention voted overwhelmingly to continue this fight for justice.

ALL VETERANS' ORGANIZATIONS FAVOR IT

In this same connection all other recognized veterans' organizations—and their memberships like that of the Legion are composed overwhelmingly of enlisted men—have continually gone on record as favoring this legislation. No recognized veterans' organization has ever opposed it in national convention. All recognized veterans' organizations have consistently favored it.

HOW ABOUT THE NAVY AND MARINE CORPS?

By the act of June 4, 1920, the disabled emergency officers of the Navy and the disabled emergency officers of the Marine Corps were granted retirement on the same terms that exist for regular and provisional officers of the Army, Navy, and Marine Corps. Under this act 292 of the emergency officers of these services were retired, and for six years have enjoyed the full benefits of retirement. Seven supplemental acts have been passed also.

If the enlisted man is opposed to this legislation—as its opponents claim—why has not complaint been registered during the past six years by the enlisted men of the Navy and Marine Corps because of the continued retirement of their disabled emergency officers? There are 600,000 enlisted veterans of these services to register this complaint if they felt that they had been discriminated against. No such complaint has ever been made to the American Legion.

BATTLE DEATHS

The dangers and hazards of the company and platoon leaders—the emergency officers—are well illustrated by the following statistics taken from "The War with Germany," by Leonard P. Ayres, General Staff, chief of the statistics branch of the General Staff of the Army, published by the Government Printing Office.

This official War Department publication shows that 2,191 Army officers were killed in action or died of wounds received in action. Remember that three classes of officers were in the Army. A further analysis of this list shows that 2,040, or 93 per cent, of these officers who were killed in action came from one class—the only class still denied retirement—the emergency Army officers. The remainder of the Army officers killed, 151, or 7 per cent, came from the two classes of Army officers already in receipt of retirement—the regular and provisional Army officers.

By far the greater number of deaths and casualties occurred in the infantry and machine-gun outfits—greater than all other branches of the service, for both officers and enlisted men. Let those who are invoking parliamentary tactics against the relief of these officers examine diagram 51 on page 121 of this official publication. The statistics quoted there show that in this fighting branch of the service there were 80.5 officers killed in action for each 1,000 officers who reached France, as compared with 51.7 enlisted killed in action for each 1,000 who reached France.

This comparison is a true index of the hazards which confronted the emergency Army officer in action. It shows that in this branch of the service that the battle deaths of the officers were 55 per cent greater than the battle deaths of the enlisted men. This will illustrate the seriousness with which the emergency Army officers took their responsibilities. These figures are eloquent with the exposures and hazards which go hand in hand with leadership and demonstrate the high spirit, the fidelity to trust well placed, which imbued those whose first thought was of victory—their men—and last of all, of self.

WOUNDED IN ACTION

Ayres's book shows further that 8,122 were wounded in action. Of these, 3,195 are listed as severely wounded. As only 2,079 of the emergency Army officers are now rated at more than 30 per cent disabled, it will be seen that many of the severely wounded officers have died or are now so recovered—nearly eight years after the fighting—that their disabilities are rated at less than 30 per cent permanent. This legislation cares for the severely disabled officers.

WHERE DID THE OFFICERS COME FROM?

Ayres's statistics show that there were 200,000 officers. These were divided into the following groups:

From officers' training camps	96,000
Physicians	42,000
Directly from civil life	26,000
From the ranks	16,000
National Guard	12,000
Regulars	6,000
Chaplains	2,000

All of the foregoing were emergency officers except the 6,000 regulars. It is apparent from this that it is absolutely essential in order to wage a major war successfully that the officers who do the fighting, who have actual control of the men, upon whom the lives of the enlisted men are directly dependent, are the emergency officers, for whom retirement is now sought for the severely disabled.

REGULAR OFFICERS, RETIRED

Ayres states there were only 6,000 Regular Army officers in the Army at the beginning of the war. Since that date 1,109 Regular Army officers have been retired for disability, and 645 Regular Army officers have been retired for reasons other than disability, a total of 1,754 Regular Army officers retired since the beginning of the war.

An analysis of the regular officers' retirements up to January 1, 1924, showed that only 9 West Pointers had been retired for wounds received in action during the World War, although 58 provisional Army officers had been retired for battle wounds.

From the foregoing it would seem that although battle wounds are few, retirement has been accorded in generous numbers to the Regular Army officers.

The reverse has been the lot of the emergency Army officer. Battle wounds have been his portion, privation his recompense. He still awaits retirement at the hands of a grateful Nation.

EQUALITY OF OFFICERS

Section 10 of the selective service act of May, 1917, provided as follows:

"That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects upon the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army."

The retirement privilege has been held to be a pension. In view of this, would it not appear that through this enactment Congress desired the emergency officer to be on exactly the same footing as the regular officer with respect to payments for battle casualties?

General Orders, No. 75, War Department, August 17, 1918, reads in part as follows:

"This country has but one Army, the United States Army. It includes all land forces in the services of the United States. These forces, however raised, lose their identity in that of the United States Army. Distinctive appellations such as Regular Army, Reserve Corps, National Guard, and National Army heretofore employed in the administration and command will be discontinued and the single term 'United States Army' will be exclusively used.

"Orders having reference to the United States Army as divided into separate and component forces of distinct origin, or assuming or contemplating such a division, are to that extent revoked."

EQUALITY ON THE BATTLE FIELD

It would seem that the War Department believed that distinction as between officers should be set aside when an emergency demanded it and fighting had to be done. Equality on the field of battle was freely granted the emergency officer. Now that the fighting is over equality off the battle field is denied him, although he alone is excepted among the nine classes of war-disabled officers.

THE NUMBER OF ELIGIBLE OFFICERS HAS INCREASED

During the past two years there has been a marked increase in the number of emergency officers rated at 30 per cent or more permanently disabled. This fact has caused opponents to claim that the legislation will eventually be a financial burden to the Government and that all of the 8,000 emergency Army officers with service-connected disability of a temporary and permanent character may eventually be retired following the enactment of this legislation.

This charge by opponents is not justified by the facts. The increase in the number of eligible officers has been due to two reasons given below, which has resulted in their rerating by the Veterans' Bureau:

1. The recent Government policy of giving a permanent rating to veterans who have been rated as temporarily disabled over a period of years and the permanency of whose disability seems likely. These reratings caused the greatest increase.

2. The inauguration of the new rating schedule provided by the World War veterans' act, which seeks to rate a veteran upon the individual handicap sustained through his disability.

An analysis of the Veterans' Bureau figures covering all veterans shows a definite rise in the curve of permanent disability and a distinct drop in the curve of temporary disability as a result of the reexamination and reratings given all classes of disabled veterans for the two reasons shown above.

Since this legislation has been before the Congress 169 of these disabled Army officers have died, awaiting in vain the affirmative action of Congress.

RETIREMENT PROPER FOR REGULARS

The present theory back of the retirement of the Regular Army officer is that his disability—age, health, accident, or battle wounds—which prevents him from being of further use in the Army also unfits him for the competition of civil life and that he should, therefore, be retired, or pensioned, at a rate of pay sufficient to maintain himself and family. This theory is considered sound by the American Legion. Not only as a matter of justice but for sound national defense policy the Regular officer should be able to look forward to retirement, instead of poverty, after his usefulness in the Army has passed.

ALSO RIGHT FOR OTHERS

If this theory is sound for the regular, it is also sound for the disabled emergency Army officer. The emergency officers were professional or business men. Because of their age and the nature of their disabilities, vocational training has proved of little practical assistance. It is agreed that competition in civil life is much keener than in the Regular Army. If it is harder to meet competition with a sound body and mind in civil life, how much more difficult it is for a former officer, after years in hospital, to attempt to take up business or professional work again, in competition with men who were not in the service, and earn sufficient to maintain himself and his dependents.

Fairness, and sound national policy alike, demand that he receive the retirement already accorded the other eight classes of disabled officers.

WAR DEPARTMENT OPPOSITION

The present Secretary of War, Col. Dwight F. Davis, an emergency officer who wears the distinguished service cross, does not oppose this legislation. However, the attitude of the General Staff has been unfortunate, and Secretary Davis's predecessors actively opposed the measure.

One of the reasons for this was the fear that the addition of the emergency officers would unduly "load down" the Regular Army retired list. In 1917 only $2,700,000 was appropriated for the pay of the retired officers of the Army. For 1927, $6,949,923 has already been appropriated, and $415,000 more must be appropriated during the year to cover the increase in retired pay carried under the act of May 8, 1926, or total of $7,364,923. This is nearly three times the amount appropriated for this purpose just before the war, an increase of $4,664,000.

This increase since the beginning of the World War is more than three times as great as the cost of retiring the disabled emergency Army officers. Battle casualties did not cause this tremendously increased cost of the retired list of the Army. An analysis of this list on January 1, 1924, by the Disabled Emergency Army Officers' Association showed that only nine West Pointers had been retired for wounds received in action during the World War.

THE NAVY HAS CONSISTENTLY FAVORED THE MEASURE

The Navy Department has never opposed the retirement of disabled emergency officers; in fact, has officially favored it. It is because of this friendly attitude that retirement was granted the disabled emergency Navy and Marine Corps officers by the Congress in 1920.

The Navy, however, was not faced with a swollen retired list like the Army. In 1917 the annual appropriations for the retired list of regular officers of the Navy and Marine Corps was $3,305,399. In spite of the addition of the disabled emergency officers to this list in 1920, the total appropriation for the retired list of the Navy and Marine Corps in 1927 had only reached $4,800,228, an increase of but $1,494,829 in 10 years, or less than one-third of the increased cost of the Regular Army's retired list.

There were not as many officers in the Navy who had to be retired in order to maintain a proper efficiency standard, such as pertained in the Army. It is in part due to this, that the increase in the Navy's retired list has been of a reasonable character.

CONGRESSMEN FAVOR THE RETIREMENT PRINCIPLE

The attitude of an overwhelming majority in both Senate and House is favorable toward retiring the disabled emergency officers, and these bodies would pass the Tyson-Fitzgerald bill with a bang if allowed to vote upon it.

Here is the way the Members of the Senate and House stand at present on the measure, as shown by their own letters written recently on this subject:

	Supporting	Friendly	Noncommittal	Opposed	No word or vacancies	Total
Senate	70	6	5	15		96
House	276	74	60	16	9	435

This analysis shows the situation. It does not represent our opinions on the attitude of these Senators and Representatives, but is, on the contrary, the actual attitude of the legislators, given over their own signatures.

These friendly and supporting Members of the House and Senate are prevented from voting upon this measure which they favor by the use of parliamentary procedure, invoked by a small group of powerful opponents who occupy key positions.

THIS SESSION'S RECORD ON RETIREMENT

Congress has already demonstrated its friendly attitude at the present session toward retirement by passing the various retirement measures the leaders have permitted a vote upon. Two of these are the following:

"Public Law 204, approved May 8, 1926, increasing the pay of the older retired officers of the Regular services to bring their pay up to that of the Regular officers retired since 1922. This increase alone costs $774,000 a year.

"Public Law 217, approved May 13, 1926, providing retirement for the Nurse Corps of the Army and Navy at an ultimate cost of $110,000 a year. In urging this bill the War Department stated 'it is in accordance with the spirit of the times.'"

In addition, Congress enacted Public Law 166, approved May 1, 1926, increasing Spanish-American War pensions by $18,500,000 annually, and Public Law 178, approved May 4, 1926, increasing total-disability pensions. Both Houses of Congress have also passed a civil-service retirement bill, which is now in conference.

The situation on the disabled emergency Army officers' bill is therefore as clear as print. Both Houses favor it by clear majorities of more than 4 to 1. But this friendly attitude can not become effective as long as unfriendly leaders, with the contrary attitude, can prevent the measure from being voted upon the floor.

SOUND NATIONAL DEFENSE POLICY

A war can not be fought by the Regular Army alone. In a major war the Regulars provide the skeleton around which the fighting armies are built. In peace time their most important mission is to so regulate their activities that this vast expansion may be accomplished promptly in an emergency with the maximum of efficiency and effectiveness.

The most serious problem facing this huge and hurried expansion is the procurement of officer personnel to lead the troops which do the actual fighting. Civilians of the professions, such as engineers, physicians, technicians, and other specialists which require years of application before proficiency is attained, are required by the tens of thousands for officers. Other tens of thousands are needed who have the mental training, personality, and temperament requisite for troop leading under battle conditions. Without these volunteer officers a major war could not be fought successfully.

These men must of necessity be older than the enlisted men whom they command. It takes years to achieve success in civil life, and

it is largely upon demonstrated ability that the choice of officers is made. It is only with averages that we are now dealing. The enlisted man is at the threshold of manhood; the officer in the midst of his career.

WASHINGTON WAS RIGHT

Washington was right. The sound national policy which he established of rewarding all officers at half pay, on the basis of rank, has been followed for all war disabled officers without regard to their branch of service for the greater part of our national history.

Many false premises and syllogisms are employed by opponents to bolster up their fallacious conclusions. One is that the disabled emergency Army officer should not be retired, because he planned to remain in the Army for the duration of the war only, at the termination of which he anticipated resuming his civilian occupation.

THE WAR LASTS TILL DEATH

But when this emergency officer becomes permanently disabled, helpless, because of his war disabilities, his plans for after the war have gone awry. Will any thoughtful person contend that "the war is over" for a person permanently disabled? The war for him lasts until his death. He can not resume his civilian occupation with assurance of success for competition is keener in civil life than in the peace-time Army. His family is still dependent upon him. His disability is permanent. Why, then, should his financial recompense for disability be only temporary, as compared with all other classes of officers, with like disabilities, whose financial recompense have been made permanent through retirement?

Sound national defense policy requires clear vision on this subject, such as Washington possessed, but which lesser leaders fail to catch. Do those who would depart from our historical national policy desire in the event of another war that the officer personnel be restricted solely to men of wealth, to men of independent incomes, who, because of their financial independence, can maintain themselves and their families in the event of their serious disability?

The failure to recognize the family responsibilities of the disabled emergency Army officers might well affect our national defense through confining our leaders of combat troops to the wealthy sons of the affluent class.

ONLY AVERAGES CONSIDERED

Arguments of the opposition based on finger injuries to emergency Army colonels have fallen of their own weight, and are no longer advanced. The chief reason for this was the disclosure that there are no emergency Army colonels with permanent disability ratings of 30 per cent because of finger injuries. But this legislation has to do with averages. Nearly any point can be illustrated by selecting isolated cases for comparison. The merits of the legislation rest upon averages. The average disabled emergency Army officer was much older, had greater family responsibilities than the enlisted man, and has lost his opportunity for a successful career just as surely as any other of the eight classes of officers already retired.

THE AMERICAN LEGION FIGHTS ON

It has been stated that the American Legion has never heretofore sponsored legislation which favored one group over another, or which made a distinction between officers and enlisted men. That statement is untrue. The adjusted compensation measure, sponsored by the Legion, excluded from its benefits all officers above the grade of captain, and, in addition, paid 20 per cent more for overseas and afloat service than for home or land service.

Besides this the Legion sponsored and obtained legislation to make certain disabilities "presumptive" for service connection, such as tuberculosis and mental disabilities, and did not sponsor this presumptive feature for certain other disabilities.

Do the opponents of this measure conceive that the American Legion, after fighting for this little band of gallant cripples for seven years, will now desert them because of a threat to drive a wedge within our membership?

The antibonus group also attempted this, and through this form of strategy endeavored to defeat and confound the service men. The Legion won its objective just the same, and came through the test stronger and more united than ever. The Legion will remain united and will triumph again under the present attempt.

The Legion, composed of all groups of World War veterans, is big enough and strong enough—honest enough—to sponsor the rights of a minority. In the preamble to our constitution is the phrase, "To make right the master of might." The Legion would not deserve the high public esteem it has so well earned should this threat cause it to "about face" and alter its policy, established prior to our first national convention, to obtain the retirement right for this little group of badly disabled emergency Army officers.

NATIONAL EXECUTIVE COMMITTEE RESOLUTION

The latest answer of the Legion to this challenge is contained in the resolution adopted at the May 14, 1926, meeting of our national executive committee, the resolved portion of which reads as follows:

"*Be it resolved,* That the national executive committee of the American Legion hereby takes this means of informing the Members of the Senate and the House of Representatives that the Legion is not divided in its continued advocacy of this measure; that the Legion believes that Congress should enact this just legislation, and that such action will not discriminate against the enlisted men, but, on the contrary, will rectify the discrimination now existing against the emergency Army officers.

"These disabled officers received their wounds and mutilations fighting in the open for their country. We call upon the opponents of this measure to follow the example set them by these gallant officers and conduct their fight against this bill out in the open, upon the floor of the House and Senate. We grant the opponents their right to oppose and speak against this legislation, but we do not concede them the right to prevent the Congress from voting upon the bill, which they have now done for six years. The American Legion believes in fair play, and we regard as unfair the continued efforts to defeat this measure through parliamentary procedure."

WHO ARE THESE DISABLED OFFICERS?

They were the platoon commanders, the company and battalion commanders, who led their men in the most desperate fighting the Nation has ever known—led them against rifle and artillery fire, machine guns, flame projectors, and poison gas, led them through barbed wire and trench and forest, through mud and blood, in a manner which stirred the wonder and admiration of the world—eight years ago.

LET'S GO

These were the officers whose motto was "Come on boys," not "Go on, men." They took their leadership seriously, did these emergency officers; were so determined to set an example to their men that the British and French repeatedly warned them against their unnecessary exposure to danger, for they were marked men, marked down by the enemy as a special target for snipers and sharpshooters.

Chateau-Thierry, Belleau Wood, St. Mihiel, and the Meuse-Argonne abounded in their deeds of sacrifice and heroism. But the results tell the tale. The battle deaths among these officers of the Infantry and machine-gun outfits were 55 per cent higher than those of the men who served under them. Two thousand of them were killed in action. Two thousand of them now survive, disabled permanently, more than 30 per cent.

Look for your answer at the citations for gallantry in action—"above and beyond the call of duty." There you will read of the history of their imperishable deeds—in the awards of the congressional medal of honor, and the distinguished-service cross—deeds which were heralded from coast to coast, thrilling the Nation with wonder and pride—but deeds which reduced these gallant officers from stalwart, vigorous manhood, to the maimed, crippled, and mutiliated husks of men they are to-day.

EIGHT YEARS AFTER THE WAR

It is now nearly eight years after the war. The ages of these disabled officers compare favorably with the ages of the present Members of Congress. How would these Congressmen view the situation, if, with broken and maimed bodies, they were forced to support themselves and their families upon a few dollars a day, when they realized that the shattered body and reduced income was due solely to their patriotism—to their willingness, their desire, to risk all and play a man's part in defense of their country?

WEARY YEARS OF WAITING

These crippled officers have now waited eight long, weary years. Years spent in pain for many, in discomfort for others. All have been definitely weighted down in "life's handicap." These eight years have been years of penury, years of scrimping and saving, years of forced economy on the necessities of their families. Do you think that these officers alone have paid? Ask their wives and children whether they have been well housed, sufficiently dressed, properly educated, adequately fed, during this eight-year period of weary waiting, years during which the country has teemed with prosperity. It isn't the disabled officer alone whom Congress has forced to pay for the privilege of defending our country in its hour of danger.

COST OF THE MEASURE

The annual cost of the measure is only $1,334,988 a year to grant retirement to the 2,079 disabled emergency Army officers involved. There are 115 Navy and 17 Marine Corps disabled emergency officers who were not retired under the act of June 4, 1920. The Senate has heretofore included these in the legislation, and it is fair to assume that that body will continue this policy. This will entail an additional cost of $97,200, making the total cost to retire all emergency officers disabled more than 30 per cent permanently at $1,432,188.

EVERYTHING FOR THE DISABLED

Compare this cost of relieving these badly crippled and maimed officers with the $390,000,000 Government surplus which remains for this year after the huge tax reduction, and the estimated surplus of $185,000,000 for next year. To consider the financial relief through tax reduction given the big taxpayers, is to agree that the small cost

of this just relief measure for the crippled officers should not stand in the way of its enactment into law.

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
JOHN THOMAS TAYLOR, *Vice Chairman*.

AMENDMENT TO LAW REGULATING CONSTRUCTION OF BRIDGES

Mr. BINGHAM. Mr. President——

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

Mr. DILL. I yield.

Mr. BINGHAM. Earlier in the day I reported from the Committee on Commerce Senate bill 4456, relating to the construction of bridges over navigable waters, and asked for its immediate consideration. At that time the Senator from Idaho [Mr. BORAH] and the Senator from Missouri [Mr. REED] objected. They have now withdrawn their objections. The bill was fully explained at that time, and I ask unanimous consent for its immediate consideration. As I said at the time of reporting it, it introduces no new principle whatever, but merely codifies the forms which we have been using for the last four months in connection with the passage of bridge bills.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4456) to amend the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, which was read as follows:

Be it enacted, etc., That the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, is amended by adding at the end thereof the following new sections:

SEC. 9. That hereafter whenever the consent of Congress is granted for the construction, maintenance, and operation of a bridge and approaches thereto, in addition to and subject to the conditions and limitations contained in the preceding sections of this act, the following provisions shall apply in the following cases:

(a) In the case of a privately owned interstate toll bridge—

(1) There shall be conferred such rights and powers to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, such compensation to be ascertained and paid according to the laws of such State and the proceedings in respect thereof to be the same as in the condemnation and expropriation of property in such State.

(2) Tolls may be fixed and charged for transit over such bridge, and the rates of toll so fixed shall be reasonable and just and shall be the legal rates until changed by the Secretary of War in accordance with the provisions of section 4 of this act.

(3) After the completion of such bridge, as determined by the Secretary of War, a State, or any political subdivision of any State, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of such period of years after its completion as the Congress may specify at the time of granting consent, such bridge is acquired by condemnation, the amount of damages or compensation to be allowed for such bridge shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (a) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (b) the actual cost of acquiring such interests in real property, (c) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and of acquiring such interests in real property, and (d) actual expenditures for necessary improvements.

(4) If such bridge is taken over or acquired by any State or political subdivision as provided in paragraph (3) of this section, and if tolls are charged for the use thereof, the rates of toll shall be reasonable and just and shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within such period of years from the date of acquiring the same as the Congress may specify at the time of granting consent. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches is provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of such bridge and approaches. An accurate record of the amount paid for acquiring such bridge and approaches, the expenditures for operating, maintaining, and repairing the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

(5) Within 90 days after the completion of such bridge there shall be filed with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, the actual cost of acquiring any interest in real property necessary therefor, and actual financing and promotion costs. The Secretary of War may at any time within three years after the completion of such bridge investigate such costs, and all records in connection with the financing and construction thereof shall be made available. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

(6) There shall be granted the right to sell, assign, transfer, and mortgage all rights, powers, and privileges conferred with such consent, and any person to whom such rights, powers, and privileges are sold, assigned, or transferred or who shall acquire the same by mortgage foreclosure or otherwise, is authorized and empowered to exercise the same as fully as though conferred directly upon such person.

(b) In the case of a privately owned intrastate toll bridge, the provisions of paragraphs (3), (4), (5), and (6) of subdivision (a) of this section.

(c) In the case of a municipally owned interstate toll bridge the provisions of paragraphs (1) and (2) of subdivision (a) of this section, and in addition the following:

The rates of toll to be charged for the use of such bridge shall be reasonable and just and shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within such period of years from the date of completion thereof as the Congress may specify at the time of granting consent. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

(d) In the case of a privately owned free interstate highway bridge, the provisions of paragraphs (1) and (6) of subdivision (a) of this section.

(e) In the case of a privately owned free intrastate highway bridge, or a railroad bridge, the provisions of paragraph (6) of subdivision (a) of this section.

(f) In the case of a municipally owned intrastate toll bridge, the additional provision in subdivision (c) of this section.

SEC. 10. That this act may be cited as the "General Bridge Act."

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

BREWSTER AGEE

Mr. HARRIS. Mr. President——

Mr. DILL. I yield to the Senator from Georgia.

Mr. HARRIS. Mr. President, in a few days Senators will be going to their homes. I will be going to my home, near which a good woman is living whose husband was killed by United States soldiers. She has been supporting three children and has no means whatsoever. I hope no Senator will object to the consideration of the bill for her relief, which I am now going to ask the Senate to consider. It is Order of Business No. 1029, Senate bill 2640. I ask unanimous consent that the bill may be considered at this time.

Mr. CURTIS. I ask that the bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The bill (S. 2640) for the relief of Brewster Agee, was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Brewster Agee, the sum of $5,000, as compensation for loss by death of her husband, George L. Agee, killed by United States soldiers during a riot at Griffin, Ga., on or about March 8, 1899.

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

There being no objection, the bill was considered as in Committee of the Whole.

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

LANDS ADJOINING FORT HAMILTON, N. Y.

Mr. COPELAND. Mr. President, on the calendar there is a bill granting to the city of New York, through the Secretary of War, an easement to permit the building by the city of a highway along Fort Hamilton. In order that the work may proceed, because everything is in readiness for it, I ask that Order of Business No. 1037, being House bill 12536, may be considered at this time. It has been favorably acted upon, and an identical Senate bill introduced by me, being Calendar No. 1023, was given consideration and reported by the committee.

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

Mr. CURTIS. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The bill (H. R. 12536) to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton, in said State, for highway purposes was read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to grant to the city of New York, in the State of New York, subject to the conditions mentioned in section 2 of this act, an easement in the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State, for the purpose of extending the public highway known as Shore Road, in the Borough of Brooklyn, as the same is located and laid out on the map or plan of said city and in accordance with the plan thereof shown upon the map approved by the board of estimate and apportionment of said city on the 25th day of February, 1926. The lands and lands under water included in this easement are more particularly described as follows: Beginning at a point on the prolongation of the southeastern boundary of the United States Military Reservation at Fort Hamilton, N. Y., which point is distant 1,957.64 feet from the southwest line of Cropsey Avenue, measured along the boundary of the military reservation and the southeasterly line of Bay Second Street; thence south 38 degrees 24 minutes 43.39 seconds west, along the southeasterly boundary of United States lands under water, 184.82 feet; thence south 85 degrees 20 minutes 7.73 seconds west, 760.12 feet; thence westerly, on a curve having a radius of 1,388.42 feet, a distance of 994.66 feet; thence northwesterly on a curve having a radius of 4,095.64 feet, a distance of 986.72 feet; thence northwesterly on a curve having a radius of 2,282.84 feet, a distance of 518.56 feet; thence north 26 degrees 47 minutes 58.72 seconds west tangent to the last-mentioned course 323.69 feet to a point on the northwesterly boundary of United States lands under water, which point is 968 feet distant from the southerly side of One hundred and first Street, on a line at right angle to One hundred and first Street from a point 119.17 feet northwesterly from the intersection of the westerly line of Fort Hamilton Parkway with the southerly line of One hundred and first Street; thence north 63 degrees 12 minutes 1.28 seconds east along the boundary of United States lands 135 feet; thence south 26 degrees 47 minutes 58.72 seconds east, 323.69 feet; thence southeasterly on a curve having a radius of 2,147.84 feet, a distance of 487.89 feet; thence southeasterly on a curve having a radius of 3,960.64 feet, a distance of 954.20 feet; thence easterly on a curve having a radius of 1,253.42 feet, a distance of 897.94 feet; thence north 85 degrees 20 minutes 7.73 seconds east tangent to the last-mentioned course, 886.34 feet to the point of beginning; the above tract being a strip of land and land under water having a uniform width of 135 feet; to be used for construction of a road; and, in addition thereto, a strip of land under water, adjacent to and on the southerly side of the strip of land above described, not exceeding 20 feet in width, for the purpose of placing riprap stone to form the foundation of a sea wall bounding said road. All bearings are referred to true north.

SEC. 2. That authority for the said easement is granted upon the conditions that the said highway shall be constructed and maintained by the city of New York without expense to the United States; that the area of land under water between mean high-water line and the inshore line of said highway, as laid out, shall be filled up to the grade established for said highway, such fill to be made by said city without expense to the United States; and that the construction and maintenance of said highway under the easement herein granted shall be subject to such terms and conditions as may be prescribed by the Secretary of War for the protection of the reservation and the Fort Hamilton Wharf from trespass and other improper use, as well as for the construction of suitable means of access from said highway to the reservation; the terms and conditions, so prescribed, to be performed by said city without expense to the United States.

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

Mr. SMOOT. I notice there is no report accompanying the bill.

Mr. COPELAND. The report is found accompanying Calendar No. 1023, being Senate bill 4389, which was introduced by me and favorably reported by the Senator from New York [Mr. WADSWORTH] from the Committee on Military Affairs.

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

There being no objection, the bill was considered as in Committee of the Whole.

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

The PRESIDENT pro tempore. In the absence of objection, Order of Business 1023, being Senate bill 4389, will be indefinitely postponed.

SALE OF LOT 2, SQUARE 1113, IN THE DISTRICT OF COLUMBIA

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. DILL. I yield to my colleague, and then I will not yield any further.

Mr. JONES of Washington. Mr. President, there is on the calendar Order of Business No. 1096, being House bill 10309. I have no special interest in it, but a Member of the House who likewise has no special interest in it except from his acquaintance with the persons who are interested asked me to look after it. Briefly the facts are these: Lot 2, square 1113, in the District of Columbia, is owned by the Government.

Under the original plan of laying out the District this lot in some way was placed on the tax rolls, and assessments were made and the taxes were paid by Mr. Beverly F. Cole, and his wife subsequently continued paying the taxes, redeeming the property at tax sales, and so forth. Mr. Cole died, and Mrs. Cole is now 80 years old. It has been developed that this property belongs to the Government, and this bill permits the sale of the property at public or private sale and out of the proceeds to repay to Mrs. Cole the amount of money which she and her husband paid from time to time in taxes, with 6 per cent interest. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection?

Mr. CUMMINS. Mr. President, I do not intend to object to this bill, but if the Senator from Washington [Mr. DILL] intends to yield to every request for taking up a bill on the calendar, I want that policy to be made known. There are a hundred House bills on our calendar.

The PRESIDENT pro tempore. The Chair will state for the information of the Senator from Iowa that the Senator from Washington upon yielding to his colleague stated that he would yield no further.

Mr. CUMMINS. Mr. President, I do not know that I am particularly gratified with that announcement, but I want some consistent program to be followed. We have a great number of House bills which ought to be considered. A Senator who happens to meet the favor of the Senate at a particular time can secure unanimous consent to have a bill or bills in which he is interested considered, but those of us who are more modest are compelled to wait until the calendar is called. I hope the Senator from Washington will adhere to his announcement and continue with the consideration of the radio bill.

Mr. DILL. I will.

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

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. The Chair hears none; and, without objection——

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. The Senator from Maryland.

Mr. BRUCE. I do not propose to be railroaded in any such manner.

Mr. DILL. Mr. President, if the Senator is going to object, I shall take the floor, because I do not care to yield if the bill is going to lead to discussion.

Mr. BRUCE. When a unanimous-consent request is submitted to the Senate, I submit that in common decency the Members of the Senate should have an opportunity to say whether or not they object, and I did not have that opportunity.

The PRESIDENT pro tempore. Does the Senator object?

Mr. BRUCE. I object until I know what the bill is.

The PRESIDENT pro tempore. Objection being made, the bill will go back to the calendar. The Senator from Washington has the floor.

Mr. JONES of Washington. Mr. President, will my colleague yield to me for just a moment?

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. DILL. I will not yield now; I can not yield further if I am to discuss the bill now before the Senate. I realize——

Mr. BRUCE. I was not finding fault with the Senator having the floor. I was finding fault with the Presiding Officer.

Mr. DILL. I have probably been too lenient in yielding, but I desired to accommodate Senators in so far as I could before taking up the radio bill.

Mr. BRUCE. I understand.

REGULATION OF RADIO COMMUNICATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9971) for the regulation of radio communications, and for other purposes.

Mr. DILL. Mr. President, before discussing the principal features of this bill I desire to set forth certain conditions regarding radio broadcasting and radio receiving in the United States that should be kept in mind as a background in the consideration of the legislation to be enacted.

RADIO FREE IN UNITED STATES

First, and most important of all, radio in the United States is free. It is so free to the listener-in that anybody anywhere may listen in to any broadcasting whatsoever, whether it be by amateurs who are experimenting or by telegraphers who are sending wireless messages in code or by broadcasters who are giving programs to amuse, entertain, and instruct, without any restraint or hindrance whatsoever by the Government.

This freedom of radio reception by the American people is the feature of radio that distinguishes and differentiates radio conditions in the United States from radio conditions in every other country in the world. In practically every other country the government levies a tax on receiving sets. In some countries the government has prevented listeners-in from having sets that will receive broadcasting on more than two or three wave lengths.

The other condition regarding radio in the United States that is different from conditions in foreign countries relates to broadcasting. In practically all other countries the government either owns or directly controls all broadcasting stations. In this country there has been practically no control exercised by the Government, except as to the assignment of wave lengths and regulations as to the amount of power to be used.

UNITED STATES HAS 80 PER CENT OF SETS AND STATIONS

What has been the result of this policy of freedom for radio broadcasting and radio reception? The result is that American initiative and American business ingenuity have developed radio broadcasting in the United States far beyond anything known in other parts of the world. With only 6 per cent of the world's population living in the United States, we have more than 80 per cent of all the receiving sets on earth and five times as many broadcasting stations as all the rest of the world combined.

CONGRESS MUST PIONEER WAY OF RADIO LEGISLATION

Let me add that not only are radio reception and radio broadcasting free from Government restraint in the United States, but it is our desire and purpose to keep them free so far as it is possible to do so in conformity with the general public interest and the social welfare of the great masses of our people. It is this combination of conditions and purpose that complicates the problem of legislation on this subject and compels Congress to pioneer the way in the passage of a radio bill. We must steer the legislative ship between the Scylla of too much regulation and the Charybdis of the grasping selfishness of private monopoly.

BROADCASTING CHANNELS LIMITED

The next condition regarding radio to which I desire to call your attention is the fact that while radio uses the ether as a medium of communication, and the ether is unlimited, the channels for broadcasting are limited in number. This is probably due to the imperfect mechanical devices we must now use to transmit and receive radio communications, but whether or not future mechanical devices will make the number of channels for broadcasting unlimited, the fact is that at present they are limited, and Congress must legislate in accordance with that condition at the present time.

SPEED OF RADIO A MILLION TIMES AS FAST AS SOUND

Radio travels with the speed of light; that is, 186,000 miles per second or 300,000,000 meters per second. Consider for a moment what that means, when it is used as a medium of communication. If my speech were being broadcast by radio, a Chinaman with a receiving set on the opposite side of the world could actually hear my words more quickly than can those who sit in the farthest corners of this chamber.

This is explained by the fact that radio waves travel almost a million times as fast as sound waves. The radio waves which would transport the sound of my voice around the world until they would meet the identical radio waves coming around the earth from the opposite direction, require approximately one-fifteenth of a second to travel that distance. If my voice were loud enough to be heard half way around the world, it would require approximately 17 hours for the sound to travel that distance.

This annihilation of time and space differentiates radio from every other kind of communication ever known, from the marathon runner and sailboat to the airplane and the telephone.

DEVELOPMENT OF RADIO

The mastery of radio waves for practical use, even incomplete and imperfect as it now is, is the marvel of the world. It has not burst upon us suddenly as is commonly thought, but radio as we know it to-day is the fruition of nearly 100 years of continuous development, step by step.

The beginning of radio really dates back to 1831 when Michael Faraday discovered the principle of induction. He discovered that a current of electricity in one coil will set up a current in another coil which is placed near it, although there is no wire connection between the two coils.

In 1867 James Clerk Maxwell proved the existence of certain waves between the two coils when this induction process occurred.

In 1887 Heinrich Hertz discovered a method whereby these electromagnetic waves could be produced and caused to travel from one coil to the other. He measured the velocity of these waves and also their length.

In 1896 Guglielmo Marconi took out the first wireless telegraph patent, and soon thereafter was able to send signals; first for a distance of one-half mile, then 10 miles, then across the English Channel, and in 1902 across the Atlantic Ocean.

In 1905 J. A. Fleming patented the vacuum tube with two filaments, and in 1908 Lee De Forrest patented the vacuum tube with the third electrode known as the grid.

About this time experiments in wireless telephony began to attain success, and the experimenters attracted world-wide attention in 1915 by sending the first wireless telephone message from Arlington to Paris.

BROADCASTING BEGAN IN 1920

There were many other successful experiments, but radio broadcasting as we now understand it really began in 1920, when the Westinghouse Electric Co. broadcast the election returns at East Pittsburgh.

The large number of letters received regarding that broadcasting from amateurs who picked up the reports aroused the Westinghouse Co. to serious consideration of further broadcasting. As a result they applied to the Secretary of Commerce for a broadcasting license, and on September 15, 1921, the first regular broadcasting license was issued to the Westinghouse Electric & Manufacturing Co. for use at Springfield, Mass., with the call letters WBZ. It should be mentioned, however, that the East Pittsburgh station, KDKA, of the Westinghouse Electric Co., is generally known as the "pioneer broadcasting station," because of its experiments while it was acting under an experimental license. The second license was issued to the Radio Corporation of America September 19, 1921, for operation of a station at Roselle Park, Aldene, N. J., with the call letters WDY. On September 30, 1921, the third license was issued to the Westinghouse Co. for a station at Newark, N. J., with the call letters WJZ, and on November 7, 1921, the regular license was issued for KDKA at East Pittsburgh.

SCIENTIFIC THEORY REGARDING RADIO

In order to make more clear the reasons for the problems of radio regulation, I desire now to discuss for a few minutes the scientific theory as to how radio communications are carried through the ether. Scientists tell us that light waves, heat waves, and radio waves all travel at the same speed, namely, 186,000 miles, or 300,000,000 meters per second. The light waves are exceedingly short, the heat waves slightly longer than the light waves, and the radio waves still longer than the heat waves.

The waves that can be used for radio purposes range from 1 meter to 33,000 meters in length.

LENGTH OF A WAVE LENGTH

The length of a wave length is the distance from the crest of one radio wave to the crest of the next radio wave. The mechanical instruments used in broadcasting send impulses out into the ether, and the results are termed "wave lengths." The

faster these impulses are sent out the shorter the distance between the resulting waves in the ether, and thus the shorter the wave length.

When a transmitter sends 100,000 impulses per second, which travel at the speed of light—namely, 300,000,000 meters per second—the length of the wave lengths is found by dividing 300,000,000 meters, the distance traveled, by 100,000 impulses, which gives 3,000 meters. In other words, there are 100,000 impulses or waves when a 3,000-meter wave length is used.

If the wave length be reduced from 3,000 meters to 300 meters then the transmitter must send out ten times as many impulses, or 1,000,000 impulses or waves per second. If the wave length be reduced to 30 meters, the transmitter must send out 10,000,000 impulses per second. If the wave length be reduced to 3 meters, 100,000,000 impulses per second, and if to 1 meter, 300,000,000 impulses per second.

Of course, such figures are entirely beyond human conception, and can only be suggested to the human mind by saying they are a part of infinity.

WHY THERE ARE ONLY 95 CHANNELS IN BROADCASTING BAND

At the present the mechanical instruments used for broadcasting and receiving are still so imperfect that wave lengths which may be used for broadcasting without causing interference with one another must be separated by what is termed "10 kilocycles," or 10,000 impulses per second. That means that the rates of speed at which these impulses or waves are emitted into the ether by two different transmitters must be at least 10,000 per second apart. One transmitter must send out radio waves 10,000 faster per second than the other, a difference of 10 kilocycles.

Up to this time I have used the word "impulses" for the radio waves in order not to confuse the minds of Senators who have not studied this question. These impulses or waves are sometimes termed "frequencies," sometimes "vibrations," and sometimes "cycles," so that when we speak of a difference of 1 kilocycle, we mean a difference of 1,000 impulses or cycles, and when of 10 kilocycles, we mean a difference of 10,000 impulses or cycles per second.

You will recall that a few moments ago I stated that the length of waves in the ether that could be used for radio communication range from 1 meter to 33,000 meters. Of these wave lengths only the wave lengths between 200 meters and 550 meters have been set aside for broadcasting purposes, and as a result there are only 95 broadcasting channels in the United States available for broadcasting purposes. Now, let me explain, if I can, how it happens that there are only 95 broadcasting channels. Using 200 meters as the wave length, and dividing 300,000,000 meters by 200 meters, as I did a moment ago, a transmitter must send out 1,500,000 waves or cycles; that is 1,500 kilocycles per second.

Using 550 meters as the wave length, and dividing it into 300,000,000 meters, we have 545,000 waves or cycles, which is 545 kilocycles. In other words, the wave band from 200 meters to 550 meters equals 350 meters, or the difference between 1,500 kilocycles and 545 kilocycles, which is 955 kilocycles. Since every broadcasting channel must be separated from every other broadcasting channel by 10 kilocycles, this 955 kilocycles furnishes 95 channels for broadcasting.

In order to avoid interference with Canadian broadcasters the Department of Commerce has made a tacit agreement with Canadian Government officials that the United States will not grant licenses for six of these 95-wave lengths, and Canada will not grant licenses for 89 of these 95 channels.

HOW THE BROADCASTING BAND WAS SELECTED

The question that naturally arises now is: Why has the Department of Commerce limited the broadcasting band from 200 meters to 550 meters? To answer that question, let me remind you that up to this time radiobroadcasting is like Topsy, it has "just growed." By that I mean that broadcasting has come upon us with such a rush that Congress has not provided adequate laws and regulations to meet the situation that has developed.

As I stated a few moments ago, broadcasting really began with the broadcasting of the election returns by the Westinghouse Electric Co. at East Pittsburgh in November, 1920. The Westinghouse Co. at that time was acting under an experimental license. When it was decided to enter upon broadcasting as a business the Westinghouse Co. applied to the Secretary of Commerce for a broadcasting license, but the Department of Commerce had not yet assigned any wave lengths to be licensed for that purpose.

Until then allocation of wave lengths had been made only for different kinds of wireless telegraphy, such as ship to ship, shore to ship, and ship to shore, transoceanic, experimental, and Army and Navy purposes. In fact, Congress in passing the law of 1912 did not contemplate radiobroadcasting as we now know it. It was not merely unknown but undreamed of at that time.

Although there was no provision regarding broadcasting in the law, the Secretary of Commerce issued broadcasting licenses for use of the 360 and 400 meter wave lengths, and all broadcasting continued on those two wave lengths until the second radio conference in 1923. Secretary Hoover called the situation to the attention of those attending the conference, and it was recommended that they allocate a certain band of wave lengths for broadcasting. The band recommended was between 222 and 545 meters, and this was later enlarged to cover wave lengths between 200 and 550 meters, as at present. In this way the wave lengths between 200 and 550 meters became known as the broadcasting band.

530 STATIONS ON 89 BROADCASTING CHANNELS

As I have stated previously, in the broadcasting band between 200 and 550 meters there are only 95 available broadcasting channels, 6 of which are reserved for Canada. Yet by separating the stations a sufficient distance geographically and assigning a considerable number of stations of low power to the same wave length and by a division of hours of use between different stations the Department of Commerce has managed to assign 528 stations to these 89 wave lengths. Although there is considerable interference in some instances between various stations, the demand for broadcasting licenses has continuously increased until at this time there are approximately 650 applications for wave lengths on file with the Department of Commerce which have not been granted.

WHY NOT ENLARGE BROADCASTING BAND?

Much consideration has been given to the proposal to enlarge the wave band for broadcasting, above 550 meters and below 200 meters, in order to provide additional channels for broadcasting purposes. This subject has been before the last two or three radio conferences and very carefully considered, and in each case the conference has recommended against enlarging the band. There are a number of reasons given for this action. In the first place, when manufacturers began to construct receiving sets they were all so built as to receive broadcasting signals only on wave lengths between 200 meters and 500 meters. Should a license be granted to broadcast on some other wave length none of the present receiving sets would be able to receive the communication, and since there are now about 5,000,000 sets in the hands of citizens, all of them would have to be changed or replaced by new sets to be able to receive broadcasting on additional wave lengths. However, this is not an expensive or difficult change to make, and it is my opinion that some enlargement of this band should be made. But that is a problem to be discussed and settled by a commission such as provided in this bill.

At present not all of the available channels for broadcasting are being utilized. The Department of Commerce officials inform me that they have licensed 641 channels and that there are probably 1,200 to 1,500 channels still available, although the number of unused channels may not exceed 1,000. Much depends upon the kind of apparatus that is used in transmitting and receiving, but regardless of the present imperfect state of radio mechanical devices there is undoubtedly a large number of unused channels still available, and by changing the allocation of wave bands from the different services no doubt a much larger number of stations can be licensed for broadcasting without seriously limiting the use of radio for other necessary purposes.

UNLIMITED CHANNELS IN SHORT WAVE LENGTHS

As yet radio engineers have not been able to master the use of extremely short wave lengths, probably because of the tremendous number of impulses or waves that must be sent out by the transmitter each second. If radio engineers ever do master these short wave lengths there will be literally thousands and thousands of broadcasting channels in these short wave lengths, and the chief difficulties which arise now because of a scarcity of broadcasting channels will be entirely removed, because in the 1-meter length alone there are 30,000 broadcasting channels.

SUPREME USE OF RADIO IS FOR SHIPS

It must be remembered, however, that there is one use for radio that is supreme, namely, its use in connection with ships at sea. This use is indispensable. Before the advent of radio ships sailed away and were completely lost to all the world until they arrived at some other port. On January 1, 1901, the bark *Medora* made the first use of wireless in an emergency at sea when it reported itself water-logged on Ratel Bank and was saved by the coming of immediate assistance by another ship. There are numerous other instances of its early use in emergencies at sea, but it was not until 1909, when the *Florida*

and *Republic* collided and used their wireless calls to bring other ships that rescued the passengers and crews, that nations were awakened to the invaluable and absolutely essential service that radio renders in navigation.

LOST STORIES OF SEA TRAGEDIES

The rescues of passengers and crews of many ships since that time only feebly suggests the tales that might have been told back through the centuries of the ships that have been swallowed up in the sea. How many other *Titanics* have gone down beside great icebergs with all their tales of heroism and fortitude forever lost because wireless was unknown to the world! How many ships have struggled with the sea for days, vainly looking for a sail that never came, but which wireless now brings from every angle of the compass when the S. O. S. call is given!

So I say no use of radio can be conceived that is sufficiently important to interfere with its use by ships at sea for messages from shore to ship, and ship to shore, and ship to ship. In 1913, 479 American vessels were equipped with radio; in 1923, 2,960; in 1924, 2,741; and in 1925, 1,901.

OTHER USES OF RADIO

The transoceanic wireless service is another use of radio which has become equally as reliable and equally as widely used as the cable service. This annihilation of time and space for the transmission of communications between continents is the next most important use of radio.

The Navy needs, uses, and must have a sufficient number of wave lengths for actual communication, as well as for experimental purposes. The Army Signal Corps constantly demands numerous wave lengths for use both in practice and experimental work, as well as for communication purposes.

The amateurs who constantly experiment must have a reasonable number of wave lengths. It should be remembered that the amateurs have made most of the important discoveries in the development of radio.

ALLOCATIONS OF WAVE LENGTHS

At this point I desire to insert in the RECORD the table showing the allocation of wave-length bands for the different uses such as I have just described:

Table of allocations of wave lengths

Kilocycles	Meters	Type of transmission	Service	Remarks
95-120	3,156-2,499	CW and ICW	Government only	
120-153	2,499-1,960	CW and ICW	Marine and aircraft only	
125	2,399	CW	Government	Nonexclusive.
153-165	1,960-1,817	CW and ICW	Point to point, marine, and aircraft, only	
155	1,934	CW and ICW	Government	Do.
165-190	1,817-1,578	CW and ICW	Point to point and marine only	
175	1,713	CW and ICW	Government	Do.[1]
190-230	1,578-1,304	CW and ICW	Government only	
230-235	1,304-1,276	CW and ICW	University and college experimental only	
235-285	1,276-1,052	Phone	Marine only	
245	1,224	CW and ICW	Government	Do.
275	1,090	CW and ICW	do	Do.
285-500	1,052-600		Marine and coastal only	
300	1,000	CW and ICW	Beacons only	
315	952	CW and ICW	Government only	
343	874	CW and ICW	Marine only	
375	800	CW and ICW	Radio compass only	
410	731	CW, ICW, spark	Marine only	
425	706	CW, ICW, spark	do	
445	674	CW and ICW	Government	Do.
454	660	CW, ICW, spark	Marine only	
500	600	CW, ICW, spark, phone	Calling and distress, and messages relating thereto, only.	
500-550	600-545	CW, ICW, phone	Aircraft and fixed safety of life stations	Do.
550-1,500	545-200	Phone	Broadcasting only	
1,500-2,000	200-150	CW, ICW, phone	Amateur only	
2,000-2,250	150-133		Point to point	Do.
2,250-2,300	133-130		Aircraft only	
2,300-2,750	130-109		Mobile and Government mobile only	
2,750-2,850	109-105		Relay broadcasting only	
2,850-3,500	105-85.7		Public toll service, Government mobile, and point-to-point communication by electric power supply utilities, and point-to-point and multiple-address message service by press organizations, only.	
3,500-4,000	85.7-75.0		Amateur, Army mobile, naval aircraft, and naval vessels working aircraft, only.	
4,000-4,525	75.0-66.3		Public toll service, mobile, Government point to point, and point-to-point public utilities.	Do.
4,525-5,000	66.3-60.0		Relay broadcasting only	
5,000-5,500	60.0-54.5		Public toll service only	
5,500-5,700	54.5-52.6		Relay broadcasting only	
5,700-7,000	52.6-42.8		Point to point only	
7,000-8,000	42.8-37.5		Amateur and Army mobile only	
8,000-9,050	37.5-33.1		Public toll service, mobile, Government point to point, and point-to-point public utilities.	Do.
9,050-10,000	33.1-30.0		Relay broadcasting only	
10,000-11,000	30.0-27.3		Public toll service only	
11,000-11,400	27.3-26.3		Relay broadcasting only	
11,400-14,000	26.3-21.4		Public service, mobile, and Government point to point.	Do.
14,000-16,000	21.4-18.7		Amateur only	
16,000-18,100	18.7-16.6		Public toll service, mobile, and Government point to point.	Do.
18,100-56,000	16.6-5.35		Experimental	
56,000-64,000	5.35-4.69		Amateur	
64,000-400,000	4.69-0.7496		Experimental	
400,000-401,000	0.7496-0.7477		Amateur	

[1] Ice patrol, broadcast, etc.

These allocations of wave-length bands are made by a voluntary committee representing the three departments, the Navy, the Army, and the Commerce Department. They are arrived at each year by agreement. If this bill should become a law, a similar method will no doubt continue to be followed by the commission and the Army and Navy.

HISTORY OF INTERNATIONAL RADIO LEGISLATION

This brings me to the discussion of the legislation to be enacted at this time. At this point it is appropriate to review briefly the history of radio legislation, both national and international.

I speak of international radio legislation because international radio law is the most nearly universal in its application and observance of any attempted international agreements yet made by the human family. There are two reasons for this. First, interference between stations of various nations has forced them to work out international rules for control of the use of radio. Without international regulation of some kind, effective use of radio beyond, or even within, the boundaries of States and nations is impossible. Second, there is as yet no known method of preventing a radio communication sent into the ether from being received by the people of any part of the world, and thus there can be no monopoly or secrecy in the transmission and reception of radio messages. So each government finds it advisable to adhere to these international radio rules.

BEGINNINGS IN INTERNATIONAL TELEGRAPH CONFERENCES

The beginnings of international radio law are found in the results of the first conference on international telegraphy

held in Paris in 1865. The next telegraph conference was in Vienna in 1868, the next in Rome in 1872, and the next at St. Petersburg in 1875. It was not until 1875 at St. Petersburg that the representatives of the principal countries were able to agree upon an international telegraph convention.

Although the United States has never been a party signatory to this convention, both the Government and the private companies of the United States have found it advantageous to observe the rules and regulations of this agreement. In addition to agreeing upon rules and regulations, the St. Petersburg convention set up a permanent international telegraph bureau at Berne, Switzerland, and this bureau has been in continuous operation ever since. While this telegraph bureau has few, if any, powers, it performs several highly important duties, and since the advent of radio its powers and duties have been enlarged to include radio communication as well.

It keeps records of telegraphic data concerning all telegraph systems operated by governments, companies, and individuals in every part of the world. It lists accurate information about various stations, collects and tabulates it all, and then distributes this information to each of the member governments.

TELEGRAPH CONFERENCES

The St. Petersburg convention provided for the calling of subsequent conferences to amend and change the rules and regulations from time to time. As a result conferences have been held as follows: London, 1879; Berlin, 1885; Budapest, 1896; Paris, 1900; London, 1903; Lisbon, 1908; and Paris, 1925. Under the rules of the telegraph convention each government submits its proposals for changes to the Berne Bureau. The bureau compiles these proposals in a book and sends the book to each of the countries. The conferences are held on invitation of a government that thinks it has sufficiently important new proposals to be considered by an international conference. These invitations are extended through the Berne Bureau, and all administrative business of the conference is handled in that way.

THE BERNE BUREAU

This bureau is the one efficient international bureau that operates in the world to-day. It has been functioning successfully for more than 50 years with entire satisfaction. There have been no changes in the convention since the St. Petersburg conference, but the latest revision of the rules and regulations of the Berne Telegraph Convention, as amended and ratified down to 1908 at Lisbon, covers the following subjects:

1. International system of telegraph set up.
2. Rules governing the duration of service.
3. Certain general traffic arrangements.
4. Rules governing the writing and handing in of telegrams.
5. Rules concerning government telegrams.
6. Special provisions for service telegrams (telegrams relating to the international telegraph service are transmitted free).
7. Regulations concerning the counting of words.
8. Established bases for tariffs and charges.
9. Provisions for the collection of charges.
10. Rules regulating the transmission of telegrams.
11. Certain provisions for special telegrams (including radio telegrams).
12. Rules regulating delivery at destination.
13. Rules governing the transmission of telegraph money orders.
14. Special rules governing press telegrams.
15. Rules covering telephone service.
16. Rules requiring keeping of records of all messages.
17. Rules concerning refunds.
18. Rules governing the keeping of accounts.
19. Reservations to make special arrangements between different parties to the convention.

RADIO IS THE CHILD OF THE TELEGRAPH

I have reviewed the history of international telegraph law because radio is after all the child of the telegraph, and radio international law has been much more readily accepted because of the International Telegraph Convention adopted at St. Petersburg and the regulations since revised at various succeeding conferences down to and including the Lisbon conference of 1908.

The problems of the telegraph interests and of the radio interests are much the same, and so far as practicable the same remedies have been applied. Of course the problems resulting from interference in radio between stations of various countries have made necessary certain additional agreements and regulations.

The International Telegraph Conference recognized radio for the first time in Lisbon in 1908, when it included a provision in the rules and regulations providing that the collection of tolls and tariffs for radio messages handled in part by telegraph lines should be handled by the telegraph offices.

While the telegraph conference recognized radio at Lisbon, no further changes or additions regarding radio have been made in the telegraph rules, largely because radio has been having its own international conferences since 1903. The Paris conference of 1925 approved a proposal for joint international conferences with radio interests hereafter. This will be brought before the Washington wireless conference in 1927.

INTERNATIONAL RADIO CONFERENCES

In 1903 the German Emperor called the first international radio conference at Berlin. The purpose of this conference was to consider the making of an international agreement compelling all wireless stations to exchange signals with ships at sea, regardless of the kind of equipment carried by the ships. At that time the Marconi Co. owned and operated all land stations and had repeatedly refused to answer calls from ships using equipment other than the Marconi equipment.

One of the principal manufacturing companies supplying wireless equipment different from the Marconi equipment was located in Germany, although there were other companies supplying such equipment located in other countries. As a result the suggestions for an international wireless conference were most favorably received by the other countries, and practically all the nations sent representatives to Berlin in 1903.

The conference took no action other than to formulate the questions and make a tentative agreement for a later conference at Berlin in 1906. The representatives also agreed to urge their respective governments to send delegates to the 1906 conference with definite instructions and authority for them to act.

FORCED RADIO COMMUNICATIONS

At the 1906 conference the United States, through its delegates, proposed even more stringent requirements as to forced communication than Germany. Our delegates insisted that not only all shore stations should be compelled to exchange signals with ships at sea regardless of the kind of equipment used but a similar requirement should be made governing communications between ships at sea.

Our Navy Department was especially insistent upon the adoption of this provision. Admiral Manney testified before the Senate Committee on Foreign Relations in 1908 that on one occasion a ship equipped with Marconi instruments refused to communicate with an American ship which sent out a distress call. Some of our ships had Marconi sets and some did not, and the American representatives insisted that the forced-communication provision should apply to ships at sea as well as to shore stations.

PROVISIONS OF BERLIN CONVENTION

On November 3, 1906, the first International Radio Convention was signed by all the governments officially represented at the Berlin conference. The principal provisions of the convention were as follows:

(1) Provisions for compulsory intercommunication.
(2) Provisions for preventing interference and confusion, whether caused by accident or design.
(3) Provisions prescribing uniform rules of operation.
(4) Provisions for the distribution of information necessary for intercommunication.
(5) Provisions defining rates to be charged, fixing a maximum, and establishing rules for the collection of charges and the settlement of accounts.
(6) Provisions for the acceptance and transmission of telegrams.

England and Italy reserved agreement to the compulsory communication provisions. Both of these countries had contracts with the Marconi Co., which bound them to protect that company's interests. Italy expressed its reservation to run until the contracts with Mr. Marconi had expired. England fought the compulsory communication provisions throughout the convention and finally reserved acceptance of their terms.

WIRELESS BUREAU AT BERNE

In addition to the provisions enumerated above, the Berlin convention provided for the calling of subsequent conferences in a manner similar to conferences called under the telegraph convention. The Berlin convention incorporated articles 1, 2, 3, 5, 6, 7, 8, 11, 12, and 17 of the International Telegraph Convention, and also provided for an international wireless bureau at Berne as a division of the telegraph bureau there. Each government bears its proportionate share of the expenses of this telegraph bureau, and the share of the United States ranges from $2,000 to $5,000 annually.

WAVE LENGTHS FOR SHIPS

The most important provision of the wireless convention, as it relates to radio law at this time, is the allocation of 300 and

600 meter wave lengths for the use of ships at sea and the reservation of all wave lengths between 600 and 1,600 meters for governmental use. This allocation still exists, except that the United States has abandoned the 300-meter wave length for ship purposes, it being included in the present broadcasting band.

The Berlin convention was to go into effect July 1, 1908, it being expected that all the countries would have ratified it by that time. Italy and England had made reservations as to delay in ratification, and since the delegates of the United States had been so insistent upon the forced communication provisions most all other countries waited for this Government to act, although some South American countries ratified at once.

DELAY IN RATIFICATION

The Foreign Relations Committee of the Senate held hearings on the treaty during the first session of the Sixtieth Congress and the War, Navy, and Commerce and Labor Departments urged ratification, but the Marconi Co. opposed it. The committee never reported the treaty, but in the meantime England, France, Germany, and Italy having ratified, the terms of the treaty were observed and thus American ships were able to enjoy all the benefits of the treaty even though this Government had not ratified it.

The Wireless Bureau at Berne proceeded to make plans for another international radio conference at London. It was realized then that unless the United States ratified the Berlin convention, American delegates to the London conference would have no voice whatsoever.

THE LONDON CONFERENCE

This argument brought ratification of the Berlin convention on April 3, 1912, and entitled the United States delegates to sit in the London meeting. The London conference changed several provisions of the Berlin convention and revised and extended the regulations. This convention was signed July 5, 1912, and practically every government in the world having anything to do with radio at all, including many that were not parties to the conference, has either signed or adhered to this wireless convention. It is safe to say that it is the most universally observed international law that has ever been written.

The United States ratified it January 22, 1913, less than a year after it had ratified the 1906 convention.

The London convention is rather lengthy, but nevertheless I ask permission to have it inserted in the RECORD, as it will be of great interest.

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

The London convention is as follows:

[Translation.]

International Radiotelegraph Convention concluded between Germany and the German Protectorates, the United States of America and the Possessions of the United States of America, the Argentine Republic, Austria, Hungary, Bosnia-Herzegovina, Belgium, the Belgian Congo, Brazil, Bulgaria, Chile, Denmark, Egypt, Spain and the Spanish Colonies, France and Algeria, French West Africa, French Equatorial Africa, Indo-China, Madagascar, Tunis, Great Britain and the various British Colonies and Protectorates, the Union of South Africa, the Australian Federation, Canada, British India, New Zealand, Greece, Italy and the Italian Colonies, Japan and Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung, Morocco, Monaco, Norway, the Netherlands, the Dutch Indies and the Colony of Curacao, Persia, Portugal and the Portuguese Colonies, Roumania, Russia and the Russian Possessions and Protectorates, The Republic of San Marino, Siam, Sweden, Turkey, and Uruguay.

The undersigned, plenipotentiaries of the Governments of the countries enumerated above, having met in conference at London, have agreed on the following Convention, subject to ratification:

ARTICLE 1.

The High Contracting Parties bind themselves to apply the provisions of the present Convention to all radio stations (both coastal stations and stations on shipboard) which are established or worked by the Contracting Parties and open to public service between the coast and vessels at sea.

They further bind themselves to make the observance of these provisions obligatory upon private enterprises authorized either to establish or work coastal stations for radiotelegraphy open to public service between the coast and vessels at sea, or to establish or work radio stations, whether open to general public service or not, on board of vessels flying their flag.

ARTICLE 2.

By "coastal stations" is to be understood every radio station established on shore or on board a permanently moored vessel used for the exchange of correspondence with ships at sea.

Every radio station established on board any vessel not permanently moored is called a "station on shipboard."

ARTICLE 3.

The coastal stations and the stations on shipboard shall be bound to exchange radiograms without distinction of the radio system adopted by such stations.

Every station on shipboard shall be bound to exchange radiograms with every other station on shipboard without distinction of the radio system adopted by such stations.

However, in order not to impede scientific progress, the provisions of the present Article shall not prevent the eventual employment of a radio system incapable of communicating with other systems, provided that such incapacity shall be due to the specific nature of such system and that it shall not be the result of devices adopted for the sole purpose of preventing intercommunication.

ARTICLE 4.

Notwithstanding the provisions of Article 3, a station may be reserved for a limited public service determined by the object of the correspondence or by other circumstances independent of the system employed.

ARTICLE 5.

Each of the High Contracting Parties undertakes to connect the coastal stations to the telegraph system by special wires, or, at least, to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system.

ARTICLE 6.

The High Contracting Parties shall notify one another of the names of coastal stations and stations on shipboard referred to in Article 1, and also of all data, necessary to facilitate and accelerate the exchange of radiograms, as specified in the Regulations.

ARTICLE 7.

Each of the High Contracting Parties reserves the right to prescribe or permit at the stations referred to in Article 1, apart from the installation the data of which are to be published in conformity with Article 6, the installation and working of other devices for the purpose of establishing special radio communication without publishing the details of such devices.

ARTICLE 8.

The working of the radio stations shall be organized as far as possible in such manner as not to disturb the service of other radio stations.

ARTICLE 9.

Radio stations are bound to give absolutely priority to calls of distress from whatever source, to similarly answer such calls and to take such action with regard thereto as may be required.

ARTICLE 10.

The charge for a radiogram shall comprise, according to the circumstances:

1. (a) The coastal rate, which shall fall to the coastal station;

(b) The shipboard rate, which shall fall to the shipboard station.

2. The charge for transmission over the telegraph lines, to be computed according to the ordinary rules.

3. The charges for transit through the intermediate coastal or shipboard stations and the charges for special services requested by the sender.

The coastal rate shall be subject to the approval of the Government of which the coastal station is dependent, and the shipboard rate to the approval of the Government of which the ship is dependent.

ARTICLE 11.

The provisions of the present Convention are supplemented by Regulations, which shall have the same force and go into effect at the same time as the Convention.

The provisions of the present Convention and of the Regulations relating thereto may at any time be modified by the High Contracting Parties by common consent. Conferences of plenipotentiaries having power to modify the Convention and the Regulations, shall take place from time to time; each conference shall fix the time and place of the next meeting.

ARTICLE 12.

Such conferences shall be composed of delegates of the Government of the contracting countries.

In the deliberations each country shall have but one vote.

If a Government adheres to the Convention for its colonies, possessions or protectorates, subsequent conferences may decide that such colonies, possessions or protectorates, or a part thereof, shall be considered as forming a country as regards the application of the preceding paragraph. But the number of votes at the disposal of one Government, including its colonies, possessions or protectorates, shall in no case exceed six.

The following shall be considered as forming a single country for the application of the present Article;

German East Africa
German Southwest Africa
Kamerun
Togo Land
German Protectorates in the Pacific
Alaska
Hawaii and the other American possessions in Polynesia
The Philippine Islands
Porto Rico and the American possessions in the Antilles
The Panama Canal Zone
The Belgian Congo
The Spanish Colony of the Gulf of Guinea
French East Africa
French Equatorial Africa
Indo-China
Madagascar
Tunis
The Union of South Africa
The Australian Federation
Canada
British India
New Zealand
Eritrea
Italian Somaliland
Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung.
The Dutch Indies
The Colony of Curacao
Portuguese West Africa
Portuguese East Africa and the Portuguese possessions in Asia
Russian Central Asia (littoral of the Caspian Sea)
Bokhara
Khiva
Western Siberia (littoral of the Arctic Ocean)
Eastern Siberia (littoral of the Pacific Ocean).

ARTICLE 13.

The International Bureau of the Telegraph Union shall be charged with collecting, coordinating and publishing information of every kind relating to radiotelegraphy, examining the applications for changes in the Convention or Regulations, promulgating the amendments adopted, and generally performing all administrative work referred to it in the interest of international radiotelegraphy.

The expense of such institution shall be borne by all the contracting countries.

ARTICLE 14.

Each of the High Contracting Parties reserves to itself the right of fixing the terms on which it will receive radiograms proceeding from or intended for any station, whether on shipboard or coastal, which is not subject to the provisions of the present Convention.

If a radiogram is received the ordinary rates shall be applicable to it.

Any radiogram proceeding from a station on shipboard and received by a coastal station of a contracting country, or accepted in transit by the administration of a contracting country, shall be forwarded.

Any radiogram intended for a vessel shall also be forwarded if the administration of the contracting country has accepted it originally or in transit from a non-contracting country, the coastal station reserving the right to refuse transmission to a station on shipboard subject to a non-contracting country.

ARTICLE 15.

The provisions of Articles 8 and 9 of this Convention are also applicable to radio installation other than those referred to in Article 1.

ARTICLE 16.

Governments which are not parties to the present Convention shall be permitted to adhere to it upon their request. Such adherence shall be communicated through diplomatic channels to the contracting Government in whose territory the last conference shall have been held, and by the latter to the remaining Governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of this Convention and admission to all the advantages stipulated therein.

The adherence to the Convention by the Government of a country having colonies, possessions or protectorates shall not carry with it the adherence of its colonies, possessions or protectorates unless a declaration to that effect is made by such Government. Such colonies, possessions and protectorates, as a whole or each of them, separately, may form the subject of a separate adherence or a separate denunciation within the provisions of the present Article and of Article 22.

ARTICLE 17

The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12, and 17 of the International Telegraph Convention of St. Petersburg of July 10–22, 1875, shall be applicable to international radiotelegraphy.

ARTICLE 18

In case of disagreement between two or more contracting Governments regarding the interpretation or execution of the present Convention or of the Regulations referred to in Article 11, the question in dispute may, by mutual agreement, be submitted to arbitration. In such case each of the Governments concerned shall choose another Government not interested in the question at issue.

The decision of the arbiters shall be arrived at by the absolute majority of votes.

In case of a division of votes, the arbiters shall choose, for the purpose of settling the disagreement, another contracting Government which is likewise a stranger to the question at issue. In case of failure to agree on a choice, each arbiter shall propose a disinterested contracting Government and lots shall be drawn between the Governments proposed. The drawing of the lots shall fall to the Government within whose territory the international bureau provided for in Article 13 shall be located.

ARTICLE 19.

The High Contracting Parties bind themselves to take, or propose to their respective legislatures, the necessary measures for insuring the execution of the present Convention.

ARTICLE 20

The High Contracting Parties shall communicate to one another any laws already framed, or which may be framed, in their respective countries relative to the object of the present Convention.

ARTICLE 21.

The High Contracting Parties shall preserve their entire liberty as regards radio installations other than provided for in Article 1, especially naval and military installations, and stations used for communications between fixed points. All such installations and stations shall be subject only to the obligations provided for in Articles 8 and 9 of the present Convention.

However, when such installations and stations are used for public maritime service they shall conform, in the execution of such service, to the provisions of the Regulations as regards the mode of transmission and rates.

On the other hand, if coastal stations are used for general public service with ships at sea and also for communication between fixed points, such stations shall not be subject, in the execution of the last named service, to the provisions of the Convention except for the observance of Articles 8 and 9 of this Convention.

Nevertheless, fixed stations used for correspondence between land and land shall not refuse the exchange of radiograms with another fixed station on account of the system adopted by such station; the liberty of each country shall, however, be complete as regards the organization of the service for correspondence between fixed points and the nature of the correspondence to be effected by the stations reserved for such service.

ARTICLE 22.

The present Convention shall go into effect on the 1st day of July, 1913, and shall remain in force for an indefinite period or until the expiration of one year from the day when it shall be denounced by any of the contracting parties.

Such denunciation shall effect only the Government in whose name it shall have been made. As regards the other Contracting Powers, the Convention shall remain in force.

ARTICLE 23.

The present Convention shall be ratified and the ratifications exchanged at London with the least possible delay.

In case one or several of the High Contracting Parties shall not ratify the Convention, it shall nevertheless be valid as to the Parties which shall have ratified it.

In witness whereof the respective plenipotentiaries have signed one copy of the Convention, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each Party.

Done at London, July 5, 1912.

For Germany and the German Protectorates:

B. KOEHLER
O. WACHENFELD
DR. KARL STRECKER
SCHRADER
GOETSCH
DR. EMIL KRAUSS
FIELITZ

For the United States and the possessions of the United States:
JOHN R. EDWARDS
JNO. Q. WALTON
WILLIS L. MOORE
LOUIS W. AUSTIN
GEORGE OWEN SQUIER
EDGAR RUSSEL
C. McK. SALTZMAN
DAVID WOOSTER TODD
JOHN HAYS HAMMOND, Jr.
WEBSTER
W. D. TERRELL
JOHN I. WATERBURY.

For Argentine Republic:
VICENTE J. DOMINGUEZ

For Austria:
Dr. FRITZ RITTER WAGNER VON JAUREGG.
Dr. RUDOLPH RITTER SPEIL V. OSTHEIM.

For Hungary:
CHARLES FOLLERT
Dr. DE HENNYEY

For Bosnia-Herzegovina:
H. GOIGINGER, G. M.
ADOLF DENINGER
A. CICOLI
ROMEO VIO.

For Belgium:
J. BANNEUX
DELDIME

For Belgium Congo:
ROBERT B. GOLDSCHMIDT.

For Brazil:
Dr. FRANCISCO BHERING.

For Bulgaria:
IV. STOYANOVITCH.

For Chile:
C. E. RICKARD.

For Denmark:
N. MEYER
J. A. VÖHTZ
R. N. A. FABER
T. F. KRARUP.

For Egypt:
J. S. LIDDELL

For Spain and the Spanish Colonies:
JACOBO GARCIA ROURE
JUAN DE CARRANZA Y GARRIDO
JACÍNTO LABRADOR
ANTONIO NIETO
TOMÁS FERNANDEZ QUINTANA
JAIME JANER ROBINSON.

For France and Algeria:
A. FROUIN.

For French West Africa:
A. DUCHÊNE.

For French Equatorial Africa:
A. DUCHÊNE.

For Indo-China:
A. DUCHÊNE.

For Madagascar:
A. DUCHÊNE.

For Tunis:
ET. DE FELCOURT.

For Great Britain and the various British Colonies and Protectorates:
H. BABINGTON SMITH
E. W. FARNALL
E. CHARLTON
G. M. W. MACDONOGH.

For Union of South Africa:
RICHARD SOLOMON.

For Australian Federation:
CHARLES BRIGHT.

For Canada:
G. J. DESBARATS.

For British India:
H. A. KIRK
F. E. DEMPSTER.

For New Zealand:
C. WRAY PALLISER.

For Greece:
C. DOSIOS.

For Italy and the Italian Colonies:
Prof. A. BATTELLI.

For Japan and for Chosen, Formosa, Japanese Sakhalin, and the leased territory of Kwangtung:
TETSUJIRO SAKANO
KENJI IDE
RIUJI NAKAYAMA
SEIICHI KUROSE

For Morocco:
MOHAMMED EL KABADJ
U. ASENSIO

For Monaco:
FR. ROUSSEL

For Norway:
HEFTYE
K. A. KNUDSSÖN

For Netherlands:
G. J. C. A. POP.
J. P. GUÉPIN

For Dutch Indies and the Colony of Curacao:
PERK
F. VAN DER GOOT.

For Persia:
MIRZA ABDUL GHAFFAR KHAN.

For Portugal and the Portuguese Colonies:
ANTONIO MARIA DA SILVA.

For Rumania:
C. BORRESCU.

For Russia and the Russian possessions and Protectorates:
N. DE ETTER
P. OSSADTCHY
A. EULER
SERGUEIEVITCH
V. DMITRIEFF
D. SOKOLTSOW
A. STCHASTNYI
BARON A. WYNEKEN.

For Republic of San Marino:
ARTURO SERENA.

For Siam:
LUANG SANPAKITCH PREECHA
WM. J. ARCHER

For Sweden:
RYDIN
HAMILTON.

For Turkey:
M. EMIN
M. FAHRY.
OSMAN SADI

For Uruguay:
FED. R. VIDIELLA.

[Translation.]

FINAL PROTOCOL

At the moment of signing the Convention adopted by the International Radiotelegraph Conference of London, the undersigned plenipotentiaries have agreed as follows:

I.

The exact nature of the adherence notified on the part of Bosnia-Herzegovina not yet being determined, it is recognized that one vote shall be assigned to Bosnia-Herzegovina but that a decision will be necessary at a later date as to whether this vote belongs to Bosnia-Herzegovina in virtue of the second paragraph of Article 12 of the Convention, or whether this vote is accorded to it in conformity with the provisions of the third paragraph of that Article.

II.

Note is taken of the following declaration:

The Delegation of the United States declares that its government is under the necessity of abstaining from all action with regard to rates, because the transmission of radiograms as well as of ordinary telegrams in the United States is carried on, wholly or in part, by commercial or private companies.

III.

Note is likewise taken of the following declaration:

The Government of Canada reserves the right to fix separately, for each of its coastal stations, a total maritime rate for radiograms proceeding from North America and destined for any ship whatever, the coastal rate amounting to three-fifths and the shipboard rate to two-fifths of the total rate.

In witness whereof the respective plenipotentiaries have drawn up the present Final Protocol, which shall be of the same force and effect as though the provisions thereof had been embodied in the text of the Convention itself to which it has reference, and they have signed one copy of the same, which shall be deposited in the archives

of the British Government, and a copy of which shall be transmitted to each of the Parties.

Done at London, July 5, 1912.

For Germany and the German Protectorates:
B. KOEHLER
O. WACHENFELD
DR. KARL STRECKER
SCHRADER
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DR. EMIL KRAUSS
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RYDIN.
HAMILTON.

For Turkey:
M. EMIN.
M. FAHRY.
OSMAN SADI.

For Uruguay:
FED. R. VIDIELLA.

SERVICE REGULATIONS AFFIXED TO THE INTERNATIONAL RADIOTELEGRAPH CONVENTION, LONDON, 1912.

[Translation.]

1. ORGANIZATION OF RADIO STATIONS.

ARTICLE I.

The choice of radio apparatus and devices to be used by the coastal stations and stations on shipboard shall be unrestricted. The installation of such stations shall as far a possible keep pace with scientific and technical progress.

ARTICLE II.

Two wave lengths, one of 600 meters and the other of 300 meters, are authorized for general public service. Every coastal station opened to such service shall be equipped in such manner as to be able to use these two wave lengths, one of which shall be designated as the normal wave length of the station. During the whole time that a coastal station is open it shall be in condition to receive calls according to its normal wave length. For the correspondence specified under paragraph 2 of Article XXXV, however, a wave length of 1,800 meters shall be used. In addition, each Government may authorize in coastal stations the employment of other wave lengths designed to insure long-range service or any service other than for general public correspondence established in conformity with the provisions of the Convention under the reservation that such wave lengths do not exceed 600 meters or that they do exceed 1,600 meters.

In particular, stations used exclusively for sending signals designed to determine the position of ships shall not employ wave lengths exceeding 150 meters.

ARTICLE III.

1. Every station on shipboard shall be equipped in such manner as to be able to use wave lengths of 600 meters and of 300 meters. The first shall be the normal wave length and may not be exceeded for transmission except in the case referred to under Article XXXV (paragraph 2).

Other wave lengths, less than 600 meters, may be used in special cases and under the approval of the managements to which the coastal and shipboard stations concerned are subject.

2. During the whole time that a station on shipboard is open it shall be able to receive calls according to its normal wave length.

3. Vessels of small tonnage which are unable to use a wave length of 600 meters for transmission, may be authorized to employ exclusively the wave length of 300; they must be able to receive a wave length of 600 meters.

ARTICLE IV.

Communication between a coastal station and a station on shipboard shall be exchanged on the part of both by means of the same wave length. If, in a particular case, communication is difficult, the two stations may, by mutual consent, pass from the wave length with which they are communicating to the other regulation wave length. Both stations shall resume their normal wave length when the exchange of radiograms is finished.

ARTICLE V.

1. The International Bureau shall draw up, publish, and revise from time to time an official chart showing the coastal stations, their normal ranges, the principal lines of navigation, and the time normally taken by ships for the voyage between the different ports of call.

2. It shall draw up and publish a list of radio stations of the class referred to in Article I of the Convention, and from time to time supplements covering additions and modifications. Such list shall contain for each station the following data:

(1) In the case of coastal stations; name, nationality and geographical location indicated by the territorial subdivision and the latitude and longitude of the place; in the case of stations on shipboard; name and nationality of the ship; when the case arises, the name and address of the party working the station;

(2) The call letters (the calls shall be distinguishable from one another and each must be formed of a group of three letters);

(3) The normal range;

(4) The radio system with the characteristics of the transmitting system (musical sparks, tonality expressed by the number of double vibrations, etc.);

(5) The wave lengths used (the normal wave length to be underscored);

(6) The nature of the services carried on;

(7) The hours during which the station is open;

(8) When the case arises, the hour and method of transmitting time signals and meteorological telegrams;

(9) The coastal rate or shipboard rate.

3. The list shall also contain such data relating to radio stations other than those specified in Article I of the Convention as may be communicated to the International Bureau by the management of the Radio Service ("administration") to which such stations are subject, provided that such managements are either adherents to the Convention or, if not adherents, have made the declaration referred to in Article XLVIII.

4. The following notations shall be adopted in documents for use by the International Service to designate radio stations:

PG Station open to general public correspondence.
PR Station open to limited public correspondence.
P Station of private interest.
O Station open exclusively to official correspondence.
N Station having continuous service.
X Station having no fixed working hours.

5. The name of a station on shipboard appearing in the first column of the list shall be followed, in case there are two or more vessels of the same name, by the call letters of such station.

ARTICLE VI.

The exchange of superfluous signals and words is prohibited to stations of the class referred to in Article I of the Convention. Experiments and practice will be permitted in such stations in so far as they do not interfere with the service of other stations.

Practice shall be carried on with wave lengths different from those authorized for public correspondence, and with the minimum of power necessary.

ARTICLE VII.

1. All stations are bound to carry on the service with the minimum of energy necessary to insure safe communication.

2. Every coastal or shipboard station shall comply with the following requirements:

(a) The waves sent out shall be as pure and as little damped as possible;

In particular, the use of transmitting devices in which the waves sent out are obtained by means of sparks directly in the aerial (plain aerial) shall not be authorized except in cases of distress.

It may, however, be permitted in the case of certain special stations (those of small vessels for example) in which the primary power does not exceed 50 watts.

(b) The apparatus shall be able to transmit and receive at a speed equal to at least 20 words a minute, words to be counted at the rate of 5 letters each.

New installations using more than 50 watts shall be equipped in such a way as to make it possible to obtain with ease several ranges less than the normal range, the shortest being approximately 15 nautical miles. Existing installations using more than 50 watts shall be remodeled, wherever possible, so as to comply with the foregoing provisions.

(c) Receiving apparatus shall be able to receive, with the greatest possible protection against interference, transmissions of the wave lengths specified in the present Regulations, up to 600 meters.

3. Stations serving solely for determining the position of ships (radiophares) shall not operate over a radius greater than 30 nautical miles.

ARTICLE VIII.

Independently of the general requirements specified under Article VII, stations on shipboard shall likewise comply with the following requirements:

(a) The power transmitted to the radio apparatus, measured at the terminals of the generator of the station, shall not, under normal conditions, exceed one kilowatt.

(b) Subject to the provisions of Article XXXV, paragraph 2, power exceeding one kilowatt may be employed when the vessel finds it necessary to correspond while more than 200 nautical miles distant from the nearest coastal station, or when, owing to unusual circumstances, communication can be established only by means of an increase of power.

ARTICLE IX.

1. No station on shipboard shall be established or worked by private enterprise without a license issued by the Government to which the vessel is subject.

Stations on board of ships having their port of registry in a colony, possession, or protectorate may be described as subject to the authority of such colony, possession, or protectorate.

2. Every shipboard station holding a license issued by one of the contracting Governments shall be considered by the other Governments as having an installation fulfilling the requirements stipulated in the present Regulations.

Competent authorities of the countries at which the ship calls may demand the production of the license. In default of such production, these authorities may satisfy themselves as to whether the radio installations of the ship fulfill the requirements imposed by the present regulations.

When the management of the radio service of a country is convinced by its working that a station on shipboard does not fulfill the requirements, it shall, in every case, address a complaint to the management of the radio service of the country to which such ship is a subject. The subsequent procedure, when necessary, shall be the same as that prescribed in Article XII, paragraph 2.

ARTICLE X.

1. The service of the station on shipboard shall be carried on by a telegraph operator holding a certificate issued by the Government to which the vessel is subject, or, in case of necessity and for one voyage only, by some other adhering Government.

2. There shall be two classes of certificates:

The first class certificate shall attest the professional efficiency of the operator as regards:

(a) Adjustment of the apparatus and knowledge of its functioning;

(b) Transmission and acoustic reception at the rate of not less than 20 words a minute;

(c) Knowledge of the regulations governing the exchange of radio correspondence.

The second class certificate may be issued to operators who are able to transmit and receive at a rate of only 12 to 19 words a minute but who, in other respects, fulfill the requirements mentioned above. Operators holding second class certificates may be permitted on:

(a) Vessels which use radiotelegraphy only in their own service and in the correspondence of their crews, fishing vessels in particular;

(b) All vessels, as substitutes, provided such vessels have on board at least *one* operator holding a first-class certificate. However, on vessels classed under the first category indicated in Article XIII, the service shall be carried on by at least two telegraph operators holding first-class certificates.

In the stations on shipboard, transmissions shall be made only by operators holding first or second-class certificates except in cases of necessity where it would be impossible to conform to this provision.

(3) The certificate shall furthermore state that the Government has bound the operator to secrecy with regard to the correspondence.

4. The radio service of the station on shipboard shall be under the superior authority of the commanding officer of the ship.

ARTICLE XI.

Ships provided with radio installations and classed under the first two categories indicated in Article XIII are bound to have radio installations for distress calls all the elements of which shall be kept under conditions of the greatest possible safety to be determined by the Government issuing the license. Such emergency installations shall have their own source of energy, be capable of quickly being set into operation, of functioning for at least six hours, and have a minimum range of 80 nautical miles for ships of the first category and 50 miles for those of the second. Such emergency installations shall not be required in the case of vessels the regular installations of which fulfill the requirements of the present Article.

ARTICLE XII.

If the management of the radio service of a country has knowledge of any infraction of the Convention or of the Regulations committed in any of the stations authorized by it, it shall ascertain the facts and fix the responsibility.

In the case of stations on shipboard, if the operator is responsible for such infraction, the management of the radio service shall take the necessary measures, and, if the necessity should arise, withdraw the certificate. If it is ascertained that the infraction is the result of the condition of the apparatus or of instructions given the operator, the same method shall be pursued with regard to the license issued to the vessel.

2. In cases of repeated infractions chargeable to the same vessel, if the representations made to the management of the country to which the vessel is subject by that of another country remain without effect, the latter shall be at liberty, after giving due notice, to authorize its coastal stations not to accept communications proceeding from the vessel at fault. In case of disagreement between the managements of the radio service of two countries, the question shall be submitted to arbitration at the request of either of the two Governments concerned. The procedure is indicated in Article 18 of the Convention.

2. HOURS OF SERVICE OF STATIONS.

ARTICLE XIII.

(a) Coastal stations:

1. The service of coastal stations shall, as far as possible, be constant, day and night, without interruption.

Certain coastal stations, however, may have a service of limited duration. The management of the radio service of each country shall fix the hours of service.

2. The coastal stations whose service is not constant shall not close before having transmitted all their radiograms to the vessels which are within their radius of action, nor before having received from such vessels all the radiograms of which notice has been given. This provision is likewise applicable when vessels signal their presence before the actual cessation of work.

(b) Stations on shipboard:

3. Stations on shipboard shall be classed under three categories:

(1) Stations having constant service;

(2) Stations having a service of limited duration;

(3) Stations having no fixed working hours.

When the ship is under way, the following shipboard stations shall have an operator constantly listening in; 1st, Stations of the first category; 2nd, Those of the second category during the hours in which they are open to service. During the remaining hours, the last named stations shall have an operator at the radio instrument listening in during the first ten minutes of each hour. Stations of the third category are not bound to perform any regular service of listening in.

It shall fall to the Governments issuing the licenses specified in Article IX to fix the category in which the ship shall be classed as regards its obligations in the matter of listening in. Mention shall be made of such classification in the license.

3. FORM AND POSTING OF RADIOGRAMS.

ARTICLE XIV.

1. Radiograms shall show, as the first word of the preamble, that the service is "radio."

2. In the transmission of radiograms proceeding from a ship at sea, the date and hour of posting at the shipboard station shall be stated in the preamble.

3. Upon forwarding a radiogram over the telegraph system, the coastal station shall show thereon as the office of origin, the name of the ship of origin as it appears in the list, and also when the case arises, that of the last ship which acted as intermediary. These data shall be followed by the name of the coastal station.

ARTICLE XV.

The address of radiograms intended for ships shall be as complete as possible.

It shall embrace the following:

(a) The name or title of the addressee, with additional designations, if any;

(b) The name of the vessel as it appears in the first column of the list;

(c) The name of the coastal station as it appears in the list.

The name of the ship, however, may be replaced, at the sender's risk, by the designation of the route to be followed by such vessel, as determined by the names of the ports of departure and destination or by any other equivalent information.

2. In the address, the name of the ship as it appears in the first column of the list, shall, in all cases and independently of its length, be counted as one word.

3. Radiograms framed with the aid of the International Code of Signals shall be transmitted to their destination without being translated.

4. RATES.

ARTICLE XVI.

1. The coastal rate and the shipboard rate shall be fixed in accordance with the tariff per word, pure and simple, on the basis of an equitable remuneration for the radio work, with an optional minimum rate per radiogram.

The coastal rate shall not exceed 60 centimes (11.6 cents) a word, and the shipboard rate shall not exceed 40 centimes (7.7 cents) a word. However, each management shall be at liberty to authorize coastal and shipboard rates higher than such maximum in the case of stations of ranges exceeding 400 nautical miles, or of stations whose work is exceptionally difficult owing to physical conditions in connection with the installation or working of the same.

The optional minimum rate per radiogram shall not be higher than the coastal rate or shipboard rate for a radiogram of ten words.

2. In the case of radiograms proceeding from or destined for a country and exchanged directly with the coastal stations of such country, the rate applicable to the transmission over the telegraph lines shall not, on the average, exceed the inland rate of such country.

Such rate shall be computed per word, pure and simple, with an optional minimum rate which shall not exceed the rate for ten words. It shall be stated in francs by the management of the radio service of the country to which the coastal station is subject.

In the case of countries of the European system, with the exception of Russia and Turkey, there shall be but one rate for the territory of each country.

ARTICLE XVII.

1. When a radiogram proceeding from a ship and intended for the coast passes through one or two shipboard stations, the charges shall comprise, in addition to the rates of the shipboard station of origin, the coastal station and the telegraph lines, the shipboard rate of each of the ships which have participated in the transmission.

2. The sender of a radiogram proceeding from the coast and intended for a ship may require that his message be transmitted by way of one or two stations on shipboard; he shall deposit for this purpose an amount equal to the radio and telegraph rates and, in addition, a sum to be fixed by the office of origin, as surety for the payment to the intermediary shipboard stations of the transit rates fixed by paragraph 1. He shall further pay, at his option, either the rate for a telegram of five words or the price of the postage on a letter to be sent by the coastal station to the office of origin giving the necessary information for the liquidation of the amounts deposited.

The radiogram shall then be accepted at the sender's risk; it shall show before the address the prepaid instruction, to wit: "X retransmissions telegraph" or "X retransmissions letter" according to whether the sender desired the information necessary for the liquidation of the deposits to be furnished by telegraph or by letter.

3. The rate for radiograms proceeding from a ship intended for another ship, and forwarded through one or two intermediary coastal stations, shall comprise:

The shipboard rates of the two ships, the coastal rate of the coastal station or two coastal stations, as the case may be, and the telegraph rate, when necessary, applicable to the transmission between the two coastal stations.

4. The rate for radiograms exchanged between ships without the intervention of a coastal station shall comprise the shipboard rates of the vessels of origin and destination, together with the shipboard rates of the intermediary stations.

5. The coastal and shipboard rates accruing to the stations of transit shall be the same as those fixed for such stations when they are stations of origin or destination. In no case shall they be collected more than once.

6. In the case of every coastal station acting as intermediary, the rate to be collected for the service of transit shall be the highest

coastal rate applicable to direct communication with the two ships concerned.

ARTICLE XVIII.

The country within whose territory a coastal station is established which serves as intermediary for the exchange of radiograms between a station on board ship and another country shall be considered, so far as the application of telegraph rates is concerned, as the country of origin or of destination of such radiograms, and not as the country of transit.

5. COLLECTION OF CHARGES.

ARTICLE XIX.

The total charge for radiograms shall be collected of the sender, with the exception of:

(1) Charges for special delivery (Art. LVIII, Par. 1, of the Telegraph Regulations); (2) Charges applicable to inadmissible combinations or alterations of words noted by the office or station of destination (Art. XIX, par. 9 of the Telegraph Regulations) such charges being collected of the addressee.

Stations on shipboard shall to that end have the necessary tariffs. They shall be at liberty, however, to obtain information from coastal stations on the subject of rates for radiograms for which they do not possess all the necessary data.

2. The counting of words by the office of origin shall be conclusive in the case of radiograms intended for ships and that of the shipboard station of origin shall be conclusive in the case of radiograms proceeding from ships, both for purposes of transmission and of the international accounts. However, when the radiogram is worded wholly or in part, either in one of the languages of the country of destination, in the case of radiograms proceeding from ships, or in one of the languages of the country to which the ship is subject, in the case of radiograms intended for ships, and contains combinations or alterations of words contrary to the usage of such language, the bureau or shipboard station of destination, as the case may be, shall have the right to recover from the addressee the amount of charge not collected. In case of refusal to pay, the radiogram may be withheld.

6. TRANSMISSION OF RADIOGRAMS.

(*a*) *Signals of transmission.*

ARTICLE XX.

The signals to be employed are those of the Morse International Code.

ARTICLE XXI.

Ships in distress shall use the following signal:

· · · — — — · · ·

repeated at brief intervals, followed by the necessary particulars.

As soon as a station hears the signal of distress it shall cease all correspondence and not resume it until after it has made sure that the correspondence to which the call for assistance has given rise is terminated.

Stations which hear a signal of distress shall conform to the instructions given by the ship making such signal as regards the order of the messages or their cessation.

In case the call letters of a particular station are added at the end of the series of calls for assistance, the answer to the call shall be incumbent upon that station alone unless such station fails to reply. If the call for assistance does not specify any particular station, every station hearing such call shall be bound to answer it.

ARTICLE XXII.

For the purpose of giving or requesting information concerning the radio service, stations shall make use of the signals contained in the list appended to the present Regulations.

(B) ORDER OF TRANSMISSION

ARTICLE XXIII.

Between two stations radiograms of the same order shall be transmitted one by one, by the two stations alternately, or in series of several radiograms, as the coastal station may indicate, provided the duration of the transmission of each series does not exceed fifteen minutes.

(C.) METHOD OF CALLING RADIO STATIONS AND TRANSMISSION OF RADIOGRAMS.

ARTICLE XXIV.

1. As a general rule, it shall be the shipboard station that calls the coastal station whether it has radiograms to transmit or not.

2. In waters where the radio traffic is very great (British Channel, etc.), a coastal station should not, as a general rule, be called by a shipboard station unless the former is within normal range of the shipboard station and not until the distance of the vessel from the coastal station is less than 75 per cent of the normal range of the latter.

3. Before proceeding to call, the coastal station or the station on shipboard shall adjust its receiving apparatus to its maximum sensibility and make sure that no other correspondence is being carried on within its radius of action; if it finds otherwise, it shall wait for the first pause, unless it is convinced that its call will not be likely to disturb the correspondence in progress. The same applies in case the station desires to answer a call.

4. For calling, every station shall use the normal wave of the station it wishes to call.

5. If in spite of these precautions the transmission of a radiogram is impeded at any place, the call shall cease upon the first request from a coastal station open to public correspondence. The latter station shall in such case indicate the approximate length of time it will be necessary to wait.

6. The station on shipboard shall make known to every coastal station to which it has signaled its presence the moment at which it proposes to cease its operations and the probable duration of the interruption.

ARTICLE XXV.

1. The call shall comprise the signal

— · — · —,

the call letters of the station called transmitted three times, the word "from" (de) followed by the call letters of the sending station transmitted three times.

2. The called station shall answer by making the signal

— · — · —,

followed by the call letters of the corresponding station transmitted three times, the word "from," its own call letters, and the signal

— · —.

3. Stations desiring to enter into communication with ships, without, however, knowing the names of the ships within their radius of action, may employ the signal — · — · — — · — (signal of inquiry). The provisions of paragraphs 1 and 2 are likewise applicable to the transmission of a signal of inquiry and to the answer to such signal.

ARTICLE XXVI.

If a station called does not answer the call (Article XXV) transmitted three times at intervals of two minutes, the call shall not be resumed until after an interval of fifteen minutes, the station issuing the call having first made sure of the fact that no radio correspondence is in progress.

ARTICLE XXVII.

Every station which has occasion to transmit a radiogram requiring the use of high power shall first send out three times the signal of warning — — · · — —, with the minimum of power necessary to reach the neighboring stations. It shall not begin to transmit with high power until 30 seconds after sending the signal of warning.

ARTICLE XXVIII.

1. As soon as the coastal station has answered, the shipboard station shall furnish it with the following data in case it has messages to transmit; such data shall likewise be furnished upon request from the coastal station:

(a) The approximate distance, in nautical miles, of the vessel from the coastal station;

(b) The position of the vessel indicated in a concise form and adapted to the circumstances of the case;

(c) Her next port of call;

(d) The number of radiograms, if they are of normal length, or the number of words, if the messages are unusually long.

The speed of the ship in nautical miles shall also be given if specially requested by the coastal station.

2. The coastal station shall answer stating, as provided in paragraph 1, either the number of radiograms or the number of words to be transmitted to the ship, and also the order of transmission.

3. If the transmission can not take place immediately, the coastal station shall inform the station on shipboard of the approximate length of time that it will be necessary to wait.

4. If a shipboard station called can not receive for the moment, it shall inform the station calling of the approximate length of time that it will be necessary to wait.

5. In the exchange of messages between two stations on shipboard, it shall fall to the station called to fix the order of transmission.

ARTICLE XXIX.

When a coastal station receives calls from several shipboard stations, it shall decide the order in which such stations shall be admitted to exchange their messages.

In fixing this order the coastal station shall be guided exclusively by the necessity of permitting each station concerned to exchange the greatest possible number of radiograms.

ARTICLE XXX.

Before beginning the exchange of correspondence the coastal station shall advise the shipboard station whether the transmission is to be effected in the alternate order or by series (Article XXIII); it shall

then begin the transmission or follow up the preliminaries with the signal

— · —.

ARTICLE XXXI.

The transmission of the radiogram shall be preceded by the signal

— · — · —

and terminated by the signal

· — · — ·

followed by the name of the sending station and by the signal

— · —.

In the case of a series of radiograms, the name of the sending station and the signal — · — shall only be given at the end of the series.

ARTICLE XXXII.

When a radiogram to be transmitted contains more than 40 words, the sending station shall interrupt the transmission by the signal · · — — · · after each series of about 20 words and shall not resume it until after it has obtained from the receiving station a repetition of the last word duly received, followed by the said signal, or, if the reception is good, by the signal — · —.

In the case of transmission by series, acknowledgment of receipt shall be made after each radiogram.

Coastal stations engaged in the transmission of long radiograms shall suspend the transmission at the end of each period of 15 minutes, and remain silent for a period of three minutes before resuming the transmission.

Coastal and shipboard stations working under the conditions specified in Article XXXV, par. 2, shall suspend work at the end of each period of 15 minutes and listen in with a wave length of 600 meters during a period of three minutes before resuming the transmission.

ARTICLE XXXIII.

1. When the signals become doubtful every possible means shall be resorted to to finish the transmission. To this end the radiogram shall be transmitted three times at most at the request of the receiving station. If in spite of such triple repetition the signals are still unreadable the radiogram shall be canceled.

If no acknowledgment of receipt is received the transmitting station shall again call up the receiving station. If no reply is made after three calls the transmission shall not be followed up any further. In such case the sending station shall have the privilege of obtaining the acknowledgment of receipt through the medium of another radio station, using, when necessary, the lines of the telegraph system.

2. If in the opinion of the receiving station the radiogram, although imperfectly received, is nevertheless capable of transmission, said station shall enter the words "reception doubtful" at the end of the preamble and let the radiogram follow. In such case the management of the radio service of the country to which the coastal station is subject shall claim the charges in conformity with Article XLII of the present Regulations. If, however, the shipboard station subsequently transmits the radiogram to another coastal station of the same management, the latter can claim only the rates applicable to a single transmission.

(D) ACKNOWLEDGMENT OF RECEIPT AND CONCLUSION OF WORK.

ARTICLE XXXIV.

1. Receipt shall be acknowledged in the form prescribed by the International Telegraph Regulations; it shall be preceded by the call letters of the transmitting station and followed by those of the receiving station.

2. The conclusion of a correspondence between two stations shall be indicated by each of the two stations by means of the signal

· · · — · —.

followed by its own call letters.

(E) DIRECTIONS TO BE FOLLOWED IN SENDING RADIOGRAMS.

ARTICLE XXXV.

1. In general, the shipboard stations shall transmit their radiograms to the nearest coastal station.

Nevertheless, if a shipboard station has the choice between several coastal stations at equal or nearly equal distances, it shall give the preference to the one established on the territory of the country of destination or normal transit for its radiograms.

2. A sender on board a vessel shall, however, have the right to designate the coastal station through which he desires to have his radiogram transmitted. The station on shipboard shall then wait until such coastal station shall be the nearest.

In exceptional cases transmission may be made to a more distant coastal station, provided that:

(a) The radiogram is intended for the country in which such coastal station is situated and emanates from a ship subject to that country;

(b) Both stations use for calling and transmission a wave length of 1,800 meters;

(c) Transmission with this wave length does not interfere with a transmission made by means of the same wave length by a nearer coastal station;

(d) The station on shipboard is more than 50 nautical miles distant from any coastal station given in the list. The distance of 50 miles may be reduced to 25 miles provided the maximum power at the terminals of the generator does not exceed 5 kilowatts and that the stations on shipboard are established in conformity with Articles VII and VIII. This reduction in the distance shall not be admissible in the seas, bays or gulfs of which the shores belong to one country only and of which the opening to the high sea is less than 100 miles wide.

7. DELIVERY OF RADIOGRAMS AT THEIR DESTINATION.

ARTICLE XXXVI.

When for any cause whatever a radiogram proceeding from a vessel at sea and intended for the coast can not be delivered to the addressee, a notice of nondelivery shall be issued. Such notice shall be transmitted to the coastal station which received the original radiogram. The latter, after verifying the address, shall forward the notice to the ship, if possible, by the intervention, if need be, of another coastal station of the same country or of a neighboring country.

When a radiogram received by a shipboard station can not be delivered, the station shall notify the office of the origin by official notice. In the case of radiograms emanating from the coast, such notice shall be transmitted, whenever practicable, to the coastal station through which the radiogram has passed in transit; otherwise, to another coastal station of the same country or of a neighboring country.

ARTICLE XXXVII.

If the ship for which a radiogram is intended has not signalled her presence to the coastal station within the period designated by the sender, or, in the absence of such designation, by the morning of the 8th day following, the coastal station shall so notify the office of origin which shall in turn inform the sender.

The latter shall have the right to ask, by a paid official notice, sent by either telegraph or mail and addressed to the coastal station, that his radiogram be held for a further period of 9 days for transmission to the vessel, and so on. In the absence of such request, the radiogram shall be put aside as not transmissible at the end of the 9th day (exclusive of the day of posting).

Nevertheless, if the coastal station is certain that the vessel has left its radius of action before it has been able to transmit the radiogram to her, such station shall immediately so notify the office of origin which shall without delay inform the sender of the cancellation of the message. The sender may, however, by a paid official notice, request the coastal station to transmit the radiogram the next time the vessel shall pass.

8. SPECIAL RADIOGRAMS.

ARTICLE XXXVIII.

The following radiograms only shall be accepted for transmission:

(1) Radiograms with answer prepaid. Such radiograms shall show before the address the indication "Answer prepaid" or "R P" supplemented by a statement of the amount paid in advance for the answer, thus: "Response Payee fr. x", or "R P fr. x";

The reply voucher issued by a station on shipboard shall carry with it the right to send, within the limits of its value, a radiogram to any destination whatever from the station on shipboard which has issued such voucher.

(2) Radiograms calling for repetition of message (for purposes of verification);

(3) Special delivery radiograms. Only, however, in cases where the amount of the charges for special delivery collected of the addressee. Countries which can not accept such radiograms shall make a declaration to this effect to the International Bureau. Special delivery radiograms with charges collected of the sender may be accepted when they are intended for the country within whose territory the corresponding station is located.

(4) Radiograms to be delivered by mail;

(5) Multiple radiograms;

(6) Radiograms calling for acknowledgment of receipt. But only as regards notification of the date and hour at which the coastal station shall have transmitted to the station on shipboard the radiogram addressed to the latter.

(7) Paid service notices. Except those requesting a repetition or information. Nevertheless all paid service notices shall be accepted in transmission over the telegraph lines.

(8) Urgent radiograms. But only in transmission over the telegraph lines and subject to the application of the International Telegraph Regulations.

ARTICLE XXXIX.

Radiograms may be transmitted by a coastal station to a ship, or by a ship to another ship, with a view to being forwarded by mail from a port of call of the ship receiving the radiogram.

Such radiogram shall not be entitled to any radio retransmission.

The address of such radiogram shall embrace the following:

(1) The paid designation "mail" followed by the name of the port at which the radiogram is to be mailed;

(2) The name and complete address of the addressee;

(3) The name of the station on shipboard by which the radiogram is to be mailed;

(4) When necessary, the name of the coastal station.

Example: Mail Buenosaires 14 Calle Prat Valparaiso Avon Lizard.

The rate shall comprise, in addition to the radio and telegraph rates, a sum of 25 centimes (.048 cents) for the postage on the radiogram.

9. FILES.

ARTICLE XL.

The originals of radiograms together with the documents relating thereto retained by the managements of the radio service shall be kept, with all the necessary precautions as regards secrecy, for a period of at least fifteen months beginning with the month following that of the posting of the radiogram.

Such originals and documents shall, as far as practicable, be sent at least once a month by the shipboard stations to the management of the radio service to which they are subject.

10. REBATES AND REIMBURSEMENTS.

ARTICLE XLI.

1. With regard to rebates and reimbursements, the International Telegraph Regulations shall be applicable, taking into account the restrictions specified in Article XXXVIII and XXXIX of the present Regulations and subject to the following reservations:

The time employed in the transmission of radiograms and the time that radiograms remain in a coastal station in the case of radiograms intended for ships, or in the station on shipboard in the case of radiograms proceeding from ships, shall not be counted as delays as regards rebates or reimbursements.

If the coastal station notifies the office of origin that a radiogram can not be transmitted to the ship addressed, the management of the radio service of the country of origin shall immediately instigate reimbursement to the sender of the coastal and shipboard rates relating to the radiogram. In such case, the refunded charges shall not enter into the accounts provided for by Article XLII, but the radiogram shall be mentioned therein as a memorandum.

Reimbursements shall be borne by the different managements of the radio service and private enterprises which have taken part in the transmission of the radiogram, each management or private enterprise relinquishing its share of the rate. Radiograms to which Articles 7 and 8 of the Convention of St. Petersburg are applicable shall remain subject, however, to the provisions of the International Telegraph Regulations, except when the acceptance of such radiograms is the result of an error made by the telegraph service.

2. When the acknowledgment of receipt of a radiogram has not reached the station which has transmitted the message, the charges shall be refunded only if the fact has been established that the radiogram is entitled to reimbursement.

11. ACCOUNTS AND PAYMENTS OF CHARGES.

1. The coastal and shipboard charges shall not enter into the accounts provided for by the International Telegraph Regulations.

The accounts regarding such charges shall be liquidated by the managements of the radio service of the countries concerned. They shall be drawn up by the radio managements to which the coastal stations are subject, and communicated by them to the radio managements concerned. In cases where the working of the coastal stations is independent of the management of the radio service of the country, the party working such stations may be substituted, as regards the accounts, for the radio management of such country.

2. For transmission over the telegraph lines radiograms shall be treated, so far as the payment of rates is concerned, in conformity with the International Telegraph Regulations.

3. For radiograms proceeding from ships, the radio management to which the coastal station is subject shall charge the radio management to which the shipboard station of origin is subject with the coastal and ordinary telegraph rates, the total charges collected for answers prepaid, the coastal and telegraph rates collected for repetition of message (for purposes of verification), charges relating to special delivery (in the case provided for in Article XXXVIII), or delivery by mail, and those collected for additional copies (TM). The radio management to which the coastal station is subject shall credit, when the case arises, through the channel of the telegraph accounts and through the medium of the offices which have participated in the transmission of the radiograms, the radio management to which the office of destination is subject with the total charges relating to answers prepaid. With respect to the telegraph rates and the charges relating to special delivery or delivery by mail, and to additional copies, the procedure shall be as prescribed in the Telegraph Regulations, the coastal station being considered as the telegraph office of origin.

For radiograms intended for a country lying beyond the country to which the coastal station belongs, the telegraph charges to be liquidated in conformity with the above provisions shall be those which result either from tables "A" and "B" annexed to the International Telegraph Regulations, or from special arrangements concluded between the radio managements of adjacent countries and published by such managements, and not the charges which might be collected in accordance with the special provisions of Articles XXIII, par. 1, and XXVII, par. 1, of the Telegraph Regulations.

For radiograms and paid service notices intended for ships, the radio management to which the office of origin is subject shall be charged directly by that to which the coastal station is subject with the coastal and shipboard rates. However, the total charges relating to answers prepaid shall be credited, if there is occasion, from country to country, through the channel of the telegraph accounts, until they reach the radio management to which the coastal station is subject. As regards the telegraph charges and the charges relating to delivery by mail and additional copies, the procedure shall be as prescribed in the Telegraph Regulations. The radio management to which the coastal station is subject shall credit that to which the ship of destination is subject with the shipboard rate, if there is occasion, with the rates accruing to the intermediary shipboard stations, the total charge collected for answers prepaid, the shipboard rates for repetition of message (for purposes of verification), and the charges collected for the preparation of additional copies and for delivery by mail.

Paid service notices and answers prepaid shall be treated in the radio accounts in all respects the same as other radiograms.

For radiograms transmitted by means of one or two intermediary stations on shipboard, each one of such stations shall charge the shipboard station of origin, in the case of a radiogram proceeding from a ship, or that of destination, in the case of a radiogram intended for a ship, with the shipboard rate accruing to it for transit.

4. In general, the liquidation of accounts relating to correspondence between stations on shipboard shall be effected directly between the companies working such stations, the station of origin being charged by the station of destination.

5. The monthly accounts serving as a basis for the special accounts of radiograms shall be made out for each radiogram separately with all the necessary data within a period of six months from the month to which they refer.

6. The Governments reserve the right to enter into special agreements among themselves and with private companies (parties operating radio stations, shipping companies, etc.) with a view of adopting other provisions with regard to accounts.

12. INTERNATIONAL BUREAU.

ARTICLE XLIII.

The additional expenses resulting from the work of the International Bureau so far as radio telegraphy is concerned shall not exceed 80,000 francs a year, exclusive of the special expenses arising from the convening of the International Conference.

The managements of the radio service of the contracting states shall, so far as contribution to the expenses is concerned, be divided into six classes, as follows:

1st Class:

Union of South Africa; Germany, United States of America; Alaska; Hawaii and the other American possessions in Polynesia; Philippine Islands; Porto Rico and the American possessions in the Antilles; Panama Canal Zone; Argentine Republic; Australia; Austria; Brazil; Canada; France; Great Britain; Hungary; British India; Italy; Japan; New Zealand; Russia; Turkey.

2nd Class:

Spain.

3rd Class:

Russian Central Asia (littoral of the Caspian Sea); Belgium; Chile, Chosen, formosa, Japanese Sakhalin and the leased territory of Kwantung; Dutch Indies; Norway; Netherlands; Portugal; Roumania; Western Siberia (littoral of the Arctic Ocean); Eastern Siberia (littoral of the Pacific Ocean); Sweden.

4th Class:

German East Africa; German Southwest Africa; Kamerun; Togo Land; German Protectorates in the Pacific; Denmark; Egypt; Indo-China; Mexico; Siam; Uruguay.

5th Class:

French West Africa; Bosnia-Herzegovina; Bulgaria; Greece, Madagascar; Tunis.

6th Class:

French Equatorial Africa; Portuguese West Africa; Portuguese East Africa and the Portuguese possessions in Asia; Bokhara; Belgian Congo; Colony of Curacao; Spanish Colony of the Gulf of Guinea; Eritrea; Khiva; Morocco; Monaco; Persia; San Marino; Italian Somaliland.

ARTICLE XLIV.

The management of the radio service of the different countries shall forward to the International Bureau a table in conformity with the annexed blank, containing the data enumerated in said table for stations such as referred to in Article V of the Regulations. Changes occurring and additional data shall be forwarded by the radio managements to the International Bureau between the 1st and 10th day of each month. With the aid of such data the International Bureau shall draw up the list provided for in Article V. The list shall be distributed to the radio managements concerned. The list and the supplements thereto may also be sold to the public at the cost price.

The International Bureau shall see to it that the same call letters for several radio stations shall not be adopted.

13. METEOROLOGICAL RADIOGRAMS, TIME SIGNALS AND OTHER RADIOGRAMS.

ARTICLE XLV.

1. The managements of the radio service shall take the necessary steps to supply their costal stations with meteorological radiograms containing indications concerning the district of such stations. Such radiograms, the text of which shall not exceed 20 words, shall be transmitted to ships upon request. The rate for such meteorological radiograms shall be carried to the account of the ships to which they are addressed.

2. Meteorological observations made by certain vessels designated for this purpose by the country to which they are subject, may be transmitted once a day, as paid service notices, to the coastal stations authorized to receive the same by the managements concerned, who shall likewise designate the meteorological offices to which such observations shall be addressed by the coastal stations.

3. Time signals and meteorological radiograms shall be transmitted one after the other in such a way that the total time occupied in their transmission shall not exceed ten minutes. As a general rule, all radio stations whose transmissions might interfere with the reception of such signals and radiograms, shall remain silent during their transmission in order that all stations desiring it may be able to receive the same. Exceptions shall be made in cases of distress calls and of state telegrams.

4. The managements of the radio service shall give to agencies of maritime information such data regarding losses and casualties at sea or other information of general interest to navigation, as the coastal stations may properly report.

14. MISCELLANEOUS PROVISIONS.

ARTICLE XLVI.

The exchange of correspondence between shipboard stations shall be carried on in such a manner as not to interfere with the service of the coastal stations, the latter, as a general rule, being accorded the right of priority for the public service.

ARTICLE XLVII.

Coastal stations and stations on shipboard shall not be bound to participate in the retransmission of radiograms except in cases where direct communication cannot be established between the stations of origin and destination.

The number of such retransmissions shall, however, be limited to two.

In the case of radiograms intended for the coast, retransmission shall take place only for the purpose of reaching the nearest coastal station.

Retransmission shall in every case be subject to the condition that the intermediate station which receives the radiogram in transit is in a position to forward it.

ARTICLE XLVIII.

If the route of a radiogram is partly over telegraph lines, or through radio stations subject to a non-contracting Government, such radiograms may be transmitted provided the management of the radio service to which such lines or stations are subject have declared that, if the occasion should arise, they will comply with such provisions of the Convention and of the Regulations as are indispensable to the regular transmission of radiograms and that the payment of charges is insured. Such declaration shall be made to the International Bureau and communicated to the offices of the Telegraph Union.

ARTICLE XLIX.

Modifications of the present regulations which may be rendered necessary in consequence of the decisions of subsequent Telegraph Conferences shall go into effect on the date fixed for the application of the provisions adopted by each one of such conferences.

ARTICLE L.

The provisions of the International Telegraph Regulations shall be applicable analogously to radio correspondence in so far as they are not contrary to the provisions of the present regulations. The following provisions of the Telegraph Regulations, in particular, shall be applicable to radio correspondence: Article XXVII, paragraphs 3 to 6, relating to the collection of charges; Articles XXVI and XLI relating to the indication of the route to be followed; Article LXXV, paragraph 1, LXXVIII, paragraphs 2 to 4, and LXXIX, paragraphs 2 and 4, relating to the preparation of accounts. However:—(1) The period of six months provided by paragraph 2 of Article LXXIX of the Telegraph Regulations for the verification of accounts shall be extended to nine months in the case of radiograms; (2) The provisions of Article XVI, paragraph 2, shall not be considered as authorizing gratuitous transmission, through radio stations, of service telegrams relating exclusively to the telegraph service, nor the free transmission over the telegraph lines of service telegrams relating exclusively to the radio service; (3) The provisions of Article LXXIX, paragraphs 3 and 5, shall not be applicable to radio accounts. As regards the application of the provisions of the Telegraph Regulations, coastal stations shall be considered as offices of transit except when the Radio Regulations expressly stipulate that such stations shall be considered as offices of origin or of destination.

In conformity with Article 11 of the Convention of London, the present Regulations shall go into effect on the first day of July, 1913.

In witness whereof the respective plenipotentiaries have signed one copy of these Regulations, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each of the Parties.

For Germany and the German Protectorates:
B. KOEHLER
O. WACHENFELD
DR. KARL STRECKER
SCHRADER
GOETSCH
DR. EMIL KRAUSS
FIELITZ

For the United States and the possessions of the United States:
JOHN R. EDWARDS
JNO. Q. WALTON
WILLIS L. MOORE
LOUIS W. AUSTIN
GEORGE OWEN SQUIER
EDGAR RUSSEL
C. MCK. SALTZMAN
DAVID WOOSTER TODD
JOHN HAYS HAMMOND, Jr.
WEBSTER
W. D. TERRELL
JOHN I. WATERBURY

For Argentine Republic:
VINCENTE J. DOMINGUEZ

For Austria:
DR. FRITZ RITTER WAGNER VON JAUREGG
DR. RUDOLPH RITTER SPEIL V. OSTHEIM

For Hungary:
CHARLES FOLLÉRT
DR. DE HENNYEY

For Bosnia-Herzegovina:
H. GOIGINGER, G. M.
ADOLF DANINGER
A. CICOLI
ROMEO VIO

For Belgium:
J. BANNEUX
DELDIME

For Belgian Congo:
ROBERT B. GOLDSCHMIDT

For Brazil:
DR. FRANCISCO BHERING

For Bulgaria:
IV. STOYANOVITCH

For Chile:
C. E. RICKARD

For Denmark:

N. MEYER
J. A. VÖHTZ
R. N. A. FABER
T. F. KRARUP

For Egypt:

J. S. LIDDELL

For Spain and the Spanish Colonies:

JACOBO GARCIA ROURE
JUAN DE CARRANZA Y GARRIDO
JACINTO LABORADOR
ANTONIO NIETO
TOMÁS FERNANDEZ QUINTANA
JAIME JANER ROBINSON

For France and Algeria:

A. FROUIN

For French West Africa:

A. DUCHÊNE

For French Equatorial Africa:

A. DUCHÊNE

For Indo-China:

A. DUCHÊNE

For Madagascar:

A. DUCHÊNE

For Tunis:

ET. DE FELCOURT

For Great Britain and the various British Colonies and Protectorates:

H. BABINGTON SMITH
E. W. FARNALL
E. CHARLTON
G. M. W. MACDONOGH.

For Union of South Africa:

RICHARD SOLOMON.

For Australian Federation:

CHARLES BRIGHT.

For Canada:

G. J. DESBARATS.

For British India:

H. A. KIRK
DEMPSTER.

For New Zealand:

C. WRAY PALLISER.

For Greece:

C. DOSIOS

For Italy and the Italian Colonies:

PROF. A. BATTELLI

For Japan and for Chosen, Formosa, Japanese Sakhalin, and the leased territory of Kwantung:

TETSUJIRO SAKANO
KENJI IDE
RIUJI NAKAYAMA
SEIICHI KUROSE

For Morocco:

MOHAMMED EL KABADJ
U. ASENSIO

For Monaco:

FR. ROUSSEL

For Norway:

HEFTYE
K. A. KNUDSSÖN

For Netherlands:

G. J. C. A. POP
J. P. GUÉPIN

For Dutch Indies and the Colony of Curaçao:

PERK
F. VAN DER GOOT

For Persia:

MIRZA ABDUL GHAFFAR KHAN

For Portugal and the Portuguese Colonies:

ANTONIO MARIA DA SILVA

For Roumania:

C. BOERESCU

For Russia and the Russian possessions and Protectorates:

N. DE ETTER
P. OSSADTCHY
A. EULER
SERGUEIEVITCH
V. DMITRIEFF
D. SOKOLTSOW
A. STCHASTNYI
BARON A. WYNEKEN

For Republic of San Marino:

ARTURO SERENA

For Siam:

LUANG SANPAKITCH PREECHA
WM. J. ARCHER

For Sweden:

RYDIN
HAMILTON

For Turkey:

M. EMIN
M. FAHRY
OSMAN SADI

For Uruguay:

FED. R. VIDIELLA

[Supplement to Article XLIV of the Regulations]

Radio management of ——. Service particulars of Radio stations

(a) COASTAL STATIONS

Name	Nationality	Geographical location: E. East longitude; O. West longitude; N. North latitude. S. South latitude. Territorial subdivisions	Call letters	Normal range in nautical miles	Radio system with the characteristics of the transmitting system	Wave lengths in meters (the normal wave length to be underscored)	Nature of service furnished	Hours during which station is open (local standard time)	Coastal rate, per word in francs, minimum rate per radiogram, in francs	Remarks. (When necessary hour and manner of sending time signals and meteorological radiograms)

(b) SHIPBOARD STATIONS

Name	Nationality	Call letters	Normal range. In nautical miles	Radio system with the characteristics of the transmitting system	Wave lengths in meters	Nature of service furnished	Hours during which the station is open	Shipboard rate per word in francs, minimum rate per radiogram in francs (1) War vessels (2) Merchant vessels	Remarks. (When necessary name and address of the party working the station)

[Supplement to Article XXII of the Regulations.]

List of abbreviations to be used in radio communications.

Abbreviation	Question	Answer or notice
1	2	3
— • — • — — • — (C Q)		Signal of enquiry made by a station desiring to communicate.
— • — • (T R)		Signal announcing the sending of particulars concerning a station on shipboard (Art. XXII).
— — — • • — — (!)		Signal indicating that a station is about to send at high power.
PRB	Do you wish to communicate by means of the International Signal Code?	I wish to communicate by means of the International Signal Code.
QRA	What ship or coast station is that?	This is ------
QRB	What is your distance?	My distance is ------
QRC	What is your true bearing?	My true bearing is ------ degrees.
QRD	Where are you bound for?	I am bound for ------
QRF	Where are you bound from?	I am bound from ------
QRG	What line do you belong to?	I belong to the ------ Line.
QRH	What is your wave length in meters?	My wave length is ------ meters.
QRJ	How many words have you to send?	I have ------ words to send.
QRK	How do you receive me?	I am receiving well.
QRL	Are you receiving badly? Shall I send 20? • • • — • for adjustment?	I am receiving badly. Please send 20 • • • — • for adjustment.
QRM	Are you being interfered with?	I am being interfered with.
QRN	Are the atmospherics strong?	Atmospherics are very strong.
QRO	Shall I increase power?	Increase power.
QRP	Shall I decrease power?	Decrease power.
QRQ	Shall I send faster?	Send faster.
QRS	Shall I send slower?	Send slower.
QRT	Shall I stop sending?	Stop sending.
QRU	Have you anything for me?	I have nothing for you.
QRV	Are you ready?	I am ready. All right now.
QRW	Are you busy?	I am busy (or, I am busy with------). Please do not interfere.
QRX	Shall I stand by?	Stand by. I will call you when required.
QRY	When will be my turn?	Your turn will be No. ------
QRZ	Are my signals weak?	Your signals are weak.
QSA	Are my signals strong?	Your signals are strong.
QSB	Is my tone bad? Is my spark bad?	The tone is bad. The spark is bad.
QSC	Is my spacing bad?	Your spacing is bad.
QSD	What is your time?	My time is ------
QSF	Is transmission to be in alternate order or in series?	Transmission will be in alternate order.
QSG	----------------------------------	Transmission will be in series of 5 messages.
QSH	----------------------------------	Transmission will be in series of 10 messages.
QSJ	What rate shall I collect for------?	Collect------
QSK	Is the last radiogram canceled?	The last radiogram is cancelled.
QSL	Did you get my receipt?	Please acknowledge.
QSM	What is your true course?	My true course is------degrees.
QSN	Are you in communication with land?	I am not in communication with land.
QSO	Are you in communication with any ship or station (or: with------)?	I am in communication with------ (through ------).
QSP	Shall I inform ------ that you are calling him?	Inform ------ that I am calling him.
QSQ	Is ------ calling me?	You are being called by ------
QSR	Will you forward the radiogram?	I will forward the radiogram.
QST	Have you received the general call?	General call to all stations.
QSU	Please call me when you have finished (or: at ---- o'clock)?	Will call when I have finished.
QSV	Is public correspondence being handled?	Public correspondence is being handled. Please do not interfere.
QSW	Shall I increase my spark frequency?	Increase your spark frequency.
QSY	Shall I send on a wave length of ------ meters?	Let us change to the wave length of ------ meters.
QSX	Shall I decrease my spark frequency?	Decrease your spark frequency.

Public correspondence is any radio work, official or private, handled on commercial wave lengths.

When an abbreviation is followed by a mark of interrogation, it refers to the question indicated for that abbreviation.

EXAMPLES

Stations	
A Q R A?	What is the name of your station?
B Q R A Campania	This is the Campania.
A Q R G?	To what line do you belong?
B Q R G Cunard Q R Z	I belong to the Cunard Line. Your signals are weak.

Station A then increases the power of its transmitter and sends:

A Q R K?	How are you receiving?
B Q R K	I am receiving well.
Q R B 80	The distance between our stations is 80 nautical miles.
Q R C 62	My true bearing is 62 degrees, etc.

SAFETY OF LIFE AT SEA

Mr. DILL. No international radio conferences have been held since 1912, but in 1913, at the suggestion of the German Emperor, the British Government called the International Conference on Safety of Life at Sea. One chapter of the sonvention which that conference drew up related to radio, the provisions of which briefly are as follows:

Article 31. All ships carrying 50 or more persons must be equipped with radio.
Article 32. Certain exceptions to the above requirement.
Article 33. Classification of ships for radio purposes.
Article 34. Continuous watch required on all ships.
Article 35. Radio equipment must have range of 100 miles.
Article 36. Reaffirming the International Radio Convention.
Article 37. All ships bound to answer calls for assistance.
Article 38. Provisions for ratification of these articles.

Although the United States ratified this convention, the passage of the La Follette Seaman's Act shortly afterwards practically nullified its provisions with exception of the provisions relating to radio, which still control.

RADIO LEGISLATION IN THE UNITED STATES

While the United States did not ratify the Berlin Wireless Convention immediately after its submission in 1906, the discussion brought about by it caused Congress to consider several radio bills.

In 1910 the House seriously considered H. J. Res. 95, which provided for the creation of a radio board of seven members with general powers. It held hearings and the legislation was strongly urged from some quarters, but the Marconi interests opposed it and the bill was never reported from the Naval Affairs Committee.

In the same year the Senate Committee on Commerce held hearings on S. 7243, to give control of radio to the Secretary of Commerce and Labor, but this bill too failed to get action.

FIRST UNITED STATES RADIO LAW

However, in 1910 Congress passed the first radio law. It was short and simply required that all ships carrying 50 or more persons should be equipped with radio, but there was no provision for radio regulation. This act was later amended so that certain parts of it did not go into effect until October 1, 1912, and by that time Congress had passed the radio law of 1912, which has remained the law from that time until now.

The law of 1912 was designed to give the Secretary of Commerce power to control the use of wave lengths for radio telegraph purposes in connection with navigation, and at that time there was no provision for wave lengths for broadcasting or any regulations to govern broadcasting as it now exists.

THE UNITED STATES RADIO CONFERENCES

When broadcasting developed and the Secretary of Commerce found he was without power to regulate it he began calling annual conferences of those interested in radio broadcasting, including broadcasters, manufacturers, and distributers of radio apparatus. The first conference was held in 1922 to consider the problems that had already developed in connection with broadcasting. The Secretary asked the conference to make recommendations to solve the difficulties. It recommended that Congress give the Secretary of Commerce the power to control transmitting stations and advised the Secretary to arrange bands of 16 wave lengths each for different kinds of radio transmission. It also recommended two bands for broadcasting, namely, 285 to 315 meters and 425 to 475 meters. While the Secretary carried out some of the recommendations, he did not adopt the broadcasting band recommended and stations continued to operate on 360 meters and 400 meters.

The second radio conference in 1923 allocated wave lengths for all classes of wireless service from 130 meters to 3,000 meters, and recommended 222 to 545 meters as the broadcasting band. It also classified stations and limited the power of each class. Class B stations, which were the high-powered stations, were limited to 1,000 watts.

RADIO CONFERENCES RECOMMEND LEGISLATION

The third conference in 1924 considered many new questions which had arisen. The most difficult of these was the rearrangement of wave lengths and the distribution of stations so that the new stations could be licensed without interference. The conference abolished the class C stations, broadened the broadcasting band from 200 to 550 meters, and raised the limitation on power above 1,000 watts. To use this broadcasting band it was necessary to abandon the use of the 300 and 450 meter wave lengths for ships, and in order to do that the State Department exchanged notes with certain foreign countries and secured an agreement with them so that could be done.

The conference adopted resolutions opposing censorship by the Department of Commerce and encouraged chain broadcasting. The Secretary of Commerce adopted practically all of the recommendations of the third conference, and they have continued in effect until this time.

The fourth radio conference in 1925 made some minor changes in the allocation of wave lengths in the high and low frequencies and passed a number of resolutions urging certain provisions of legislation, especially as to advertising and fees, and recommended that no more licenses be issued until the number of stations had been reduced. It also considered the use

of copyrighted music and made certain recommendations regarding that question.

RADIO LEGISLATION NOW IMPERATIVE

As a result of these conferences, radio broadcasters themselves, by voluntary agreement have controlled broadcasting by permitting the Secretary of Commerce to exercise most of the power he does exercise. There is no finer example of the cooperative spirit in a great and developing industry to be found anywhere in the world than the radio broadcasters of the United States have shown. It is to be regretted that additional legislation has become necessary, but present conditions make legislation imperative if the Government is to retain jurisdiction over radio transmission in its many present and developing forms.

In the case of Hoover *v.* Intercity Radio Co. (286 Fed. 1003) the court declared that under the law the Secretary of Commerce has no discretionary power in the issuance of licenses when application is made. In that case the Secretary of Commerce had refused to renew the license, because he said there was no available wave length that could be used without interfering with existing radio service.

The Intercity Co. brought an action in court for a writ of mandamus and the court granted the writ. Nevertheless, in the face of this decision the Secretary has refused to grant licenses for the 639 applications now on file in the department. To do so, he declares, would mean chaos in radio broadcasting.

The only other case of testing the law in court developed a few weeks ago when the Secretary of Commerce refused to grant a license to the Zenith Radio Corporation of Chicago for use of a wave length more than two hours per week. That company then decided to use another wave length without the authority of the Secretary of Commerce, and proceeded to broadcast on a wave length reserved for Canadian broadcasters.

PIRATES OF THE AIR

This was termed "pirating a wave length." The Department of Commerce brought a criminal prosecution against the Zenith Radio Corporation in the District Court of the United States for the Northern District of Illinois. The case was argued at great length, and Judge Wilkerson, of Chicago, considered it for several weeks.

The opinion dismissing the action is rather long and labored, but in effect it declared that owing to the ambiguity of the statute and the further fact that in deciding a criminal case the statute must be construed strictly, the defendant company must be found not guilty.

Immediately it was predicted in the newspapers that radio broadcasting stations would pirate wave lengths in all parts of the country. But the same self-control that the broadcasters had previously shown, they have manifested again. So far as I know, there have been no serious cases of wave piracy, but it should be added that broadcasters, and especially those that can not secure a license but desire to broadcast, can not be expected to restrain themselves indefinitely. There is a general understanding that Congress will pass legislation before adjournment, and if it does not, the Government will almost certainly lose control of radio broadcasting altogether.

CONGRESS MUST LIMIT LENGTH OF LICENSES

There is another feature of the law that makes the need of legislation even more imperative than the conditions I have just described. I refer to the fact that the present law places no limit on the length of time for which the Secretary of Commerce may grant licenses. He may grant a license for 1 year, for 10 years, for 50 years, or for 100 years. The fact is that up to this time Secretary Hoover has limited all broadcasting licenses to a period of 90 days, but he is under no requirement to do this.

The result of his refusal to issue licenses for broadcasting for more than 90 days is that no individual, firm, or corporation in the United States has any vested right or any long-time lease on any wave length for radio purposes. This leaves Congress free to legislate in such a manner as to protect the interest of the people as a whole and to retain permanently the control of wave lengths for radio purposes.

Mr. President, the very first paragraph of the bill is intended to cover the situation. It is very similar to the House provision. I want to read the opening section of the bill because it states so clearly what I think the House intended to state, but in a little different language. The first section of the bill reads as follows:

(A) That the Congress hereby declares, asserts, and reaffirms that it is the policy of the United States to exercise jurisdiction over all forms of interstate and foreign transmission of energy, communications, or signals by radio within the United States, its Territories and possessions; that the Federal Government intends forever to preserve and maintain the channels of radio transmission as perpetual mediums under the control and for the people of the United States; that such channels are not to be subject to acquisition by any individual, firm, or corporation, and only the use, but not the ownership thereof, may be allowed, for limited periods, under licenses in that behalf, granted by Federal authority, and no such license, whether heretofore or hereafter issued, shall be construed to create any right, title, or interest, proprietary or usufructuary, in or to any such channel, beyond the terms, conditions, and periods of such licenses.

If that provision is enacted into law it absolutely settles the question of the ownership and control of the various wave-length channels. I want to remind Senators that under this legislation it is proposed that the Government shall control the "rights of way" of all the radio stations of the United States now or hereafter constructed. That is a Federal authority and must be exercised by the Federal Government, because if there is anything that is interstate it is radio. There is no known method by which, when a radio signal is once put into the air, it can be stopped in any manner whatsoever. It will cross State boundary lines, pass through mountains, cross oceans, and go around the world. It seems to me that provision is one of the most important, if not the most important, in the bill.

Having completed the preliminary discussion of the bill now, if any Senator has any question he would like to propound on the general subject I shall be very glad to try to answer. I appreciate the fact that no questions have been asked while I have tried to state the situation.

Mr. ASHURST. Mr. President, my attention was diverted for a moment. I really ask the Senator's pardon, but I would like to have him repeat the explanation about the kilocycle. It may be simple to the Senator, but I did not understand it.

Mr. DILL. It is not simple to me. A kilocycle is a thousand cycles. A cycle is another name for a wave or vibration or frequency or whatever we want to call it. These waves are caused by disturbances set up by an electric machine called a transmitter. A cycle is the same as a frequency or a vibration or an impulse. As I tried to explain, if the transmitter sending out its impulses sends out 100,000 per second, that is the same as 100 kilocycles, because that is 100,000 cycles or 100 kilocycles. We get a 3,000-meter wave length because using 300,000,000 meters, and dividing that by 100,000 we get 3,000. But if we use a shorter wave length, then we get more of the kilocycles or waves or whatever we want to call them. I do not wish to mystify the Senator or seem to be wise in my attempt to explain it, but the radio engineers say that if we use 1 meter as a wave length, the transmitter will send out 300,000,000 impulses per second. I think no human mind can even conceive how fast that is, but that is the theory. A kilocycle is one ten-thousandth of those 300,000,000 impulses or cycles, which would be 30,000 kilocycles. In that wave length we have a large number of broadcasting channels, but as yet the radio engineers have not been able to master such short wave lengths so as to be able to rely upon their use. I am afraid I have not made it entirely clear to the Senator.

Mr. ASHURST. Yes; and I thank the Senator. I think the Senator has made it all quite clear. I congratulate the Senator on his very illuminating and most interesting speech.

Mr. DILL. I thank the Senator. I am afraid the speech has not been very interesting. I have had to cover a large amount of ground.

Mr. NORRIS. I suggest to the Senator from Arizona that he should not yet congratulate the Senator from Washington, for he may make a mistake before he gets through.

Mr. ASHURST. Should the Senator from Washington do that, I would not know it.

Mr. DILL. It is now my intention, Mr. President, to take up the bill and explain it paragraph by paragraph. I should be glad if Senators would ask me any question as to matters which they may not understand as I go along. I know of no other way to explain the differences between the House and the Senate bill than to take the bill up by paragraphs.

As I stated a moment ago, section (A), on page 31, which is the beginning of the Senate bill, is very similar to the corresponding House provision. The corresponding section of the House bill contains the declaration that the United States owns the ether. The Senate committee thought that a better statement was that the Congress intended to control the rights of way for radio stations, and rewrote the provision accordingly; but the purpose of the two sections is identical; there is no other difference.

The second paragraph of subsection (A), on page 31, is the same as the House provision on that subject, with the exception, it may be, of two or three slight changes; in other words, it provides that no station shall be erected or used in the

United States or any of its possessions for radio purposes unless a license shall have been granted by Federal authority.

Subsection (B) of section 1 provides for the creation of a radio commission. This is the real important difference between the House and the Senate bill.

Mr. BRATTON. Mr. President——

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

Mr. DILL. I yield to the Senator.

Mr. BRATTON. Beginning in line 25, on page 31, it is provided that no one shall communicate from one place in any territory or possession to another place in the same territory. Is it intended by Federal legislation to control radio communication between two or more points within the same State?

Mr. DILL. Yes, I will say to the Senator, that is the purpose, for the reason that unless there shall be such control from a place in one State to another place in the same State there would be interference with radio communication outside of that State. The radio signals that are sent from one station to another do not stop with the station to which they are sent, but go on through the ether until they travel around the world. In order to protect the channels against interference the Federal authority must control intrastate as well as interstate broadcasting.

Mr. BRATTON. The operation of radio intrastate under State authority would interfere with the operation of radio interstate under Federal authority.

Mr. DILL. Exactly.

Mr. BRATTON. Thereby justifying the control by Federal legislation of intrastate communication?

Mr. DILL. That is exactly correct, because of the nature of radio.

Mr. BRATTON. That is the theory.

Mr. DILL. Yes.

Mr. BRATTON. I can readily understand how it can be justified upon that theory, but upon no other.

Mr. DILL. It can be justified upon no other; I agree. The committee discussed that matter at some length and felt that that was a necessary provision.

Mr. KING. Mr. President, will the Senator from Washington permit me to make an inquiry?

Mr. DILL. Yes.

Mr. KING. I have not had the benefit of the Senator's able speech, of which Senators are speaking in complimentary terms, so my question may have been fully answered. May not the development be possible by two or more persons of a system of their own within State boundaries which would not interfere with what the Senator has denominated interstate or world-round channels?

Mr. DILL. I will say to the Senator that it is entirely possible that some such system may be developed, but there is no such system now known, and we are compelled to legislate for conditions which are now known. If such a system shall be developed, I think Congress would have to meet that contingency, but there has yet been no method discovered by which a radio signal emitted into the ether can be stopped.

Mr. KING. This bill is predicated upon the assumption that the only method of radio activity or of radio transmission is the wave lengths to which the Senator has been referring?

Mr. DILL. Yes; so far as is now known.

Mr. KING. And this bill deals only with the known lengths?

Mr. DILL. That is true; but we have tried, so far as possible, to make the bill broad enough to take care of future developments. However, I will say to the Senator from Utah that, so far as I know, nobody has ever suggested that we should be able to stop radio signals going through the ether at a State line. Such a method may be developed, but it has never yet been suggested, so far as I know.

Mr. KING. Did the Senator discuss—I ask the question because I have been in the committee and did not hear his address—the method by which foreign nations deal with this subject?

Mr. DILL. In the beginning of my address, I explained that we in the United States are pioneering the way as to radio legislation, for the reason that in practically every foreign country conditions are different; in practically every foreign country the government either directly broadcasts through its own government stations or so completely controls the broadcasting stations that it amounts to the same thing; and because of the further fact that in practically every foreign country the receiving sets are taxed to raise money to be used to pay for the broadcasting. In the United States we have kept all taxes off receiving stations and made receiving free to everybody, and we have, so far as possible, left the broadcasting stations free and we want to retain that freedom if we can.

Mr. KING. Then, this bill is directed toward preventing a monopoly in the radio business?

Mr. DILL. Yes; so far as possible. Under this bill we do not conceive there can be a monopoly unless the commission should determine to lease a wave length to some one organization for a certain length of time. We have, however, limited the leases to two years, so they would never tie it up very long at most, and we do not believe there is any possibility of monopoly under the proposed legislation, for every safeguard has been placed around it which we thought could be placed around it without hampering the industry. Radio has made such marvelous development in the United States, largely because it has been unhampered, that the committee hesitated to impose even the restrictions that are contained in the bill for fear we might hamper its future development; but, on the other hand, the public interest was such that some restriction seemed necessary.

Mr. KING. Does the Senator think that this bill reduces to a minimum the imperatively required restrictions?

Mr. DILL. I think so. It may be that we have gone a little too far in some instances in our restrictions.

Mr. KING. The Senator knows that many complaints have been made by persons against those who now control or attempt to control the radio wave lengths, and there is a feeling that some person or persons or some Federal authority have been trying to establish a monopoly.

Mr. DILL. I think there is some truth in what the Senator says, especially there is the charge that certain wave lengths have been granted to certain corporations or organizations to be used entirely by them, while other organizations less influential have not been given such broad privileges. However, I wish to say to the Senator that up to the present time the law has been indefinite and has been enforced largely through the cooperation of broadcasters, so that I feel not too much criticism ought to be leveled at the present control.

Mr. HOWELL. Mr. President——

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

Mr. DILL. I yield to the Senator.

Mr. HOWELL. The question asked by the Senator from Utah respecting the possibility of using radio within a State and the answer given might mislead. It is wholly impossible to use radio within a State without materially affecting broadcasting. The whole question is a matter of power. For instance, a high-powered station, one using, we will say, 5 killowatts, can drown out a station 500 miles or a thousand miles away; but it is possible to broadcast and to communicate with a station with only 10 watts—not with 10,000 watts—and it is wholly possible within a State to communicate over distances of 4 or 5 miles without materially affecting broadcasting without that State. It is true that in theory a radio wave never ceases; it goes on forever into infinity, but practically the low-powered stations can communicate between stations in a State without materially affecting receiving stations without the State, and certainly the present law provides that if a station does not interfere without a State it is not illegal to use that station. I know, for instance, of one Senator here who in connection with his establishment is now communicating backward and forward between his office and the mine by radio, although, as I understand, no license whatever has been granted.

Mr. KING. And it interferes with no one?

Mr. HOWELL. It practically interferes with no one. In theory there is interference whenever a radio pulsation is sent out, but in practice whether the interference is effective wholly depends upon the power that is used.

Mr. KING. Theoretically, when one speaks he interferes with every particle of matter in all the universe because of the mobility of the atmosphere. However, I was about to inquire, in view of the statement made by the Senator, if that be true, would it not be wise to amend this bill so as to provide, perhaps, that prima facie all stations or all movements might be deemed to be interstate in character, but if any person claiming that his station was purely intrastate could demonstrate that fact, he would not come within the operation of the bill; in other words, put the burden upon the one so claiming.

Mr. DILL. I would have no serious objection to such an amendment, but in practice I think the Senator will agree that there is but little possibility of stations being located in a State so as not to interfere by crossing State lines, to say the least.

Mr. HOWELL. Take a State with an area such as the State of Nebraska, which is nearly 200 miles across and about 450 miles in length. In the interior of that State innumerable stations could be operated with low power without reaching beyond the confines of the State so as to affect anyone; and especially is that true of such a State as Texas.

Mr. DILL. If I may interrupt the Senator, that power would have to be quite low, on a night when reception is good, if it did not interfere in other States outside of the State line.

Mr. HOWELL. You can use a very low power. I have used a very low power myself. I am near a State line, and I have used a very low power, and you can get remarkable results within the limits of your city in communicating from one point to another.

Mr. WATSON. But, after all, does the Senator think that is a matter that can be regulated by legislation?

Mr. HOWELL. I think legislation should not be enacted that would make that sort of use of radio illegal unless the person has a license.

Mr. WATSON. I do not think this bill makes it illegal.

Mr. DILL. I think that is an academic question rather than a practical one. I feel that if the power of a station is so low that it is not going to interfere across a State line, that station will never have any trouble in getting a license. The trouble is caused by the stations that reach out across State lines.

Mr. HOWELL. Yes; they might have trouble just in this way: You might send out your impulses, and you might interfere with some neighborhood use of a receiving set—at least, they might feel that you interfered—and therefore they could complain, we will say, to the national control of radio, and ask that you be prohibited from using your radio set, even if you used only 10 watts.

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

Mr. DILL. Yes.

Mr. WHEELER. Let me say to the Senator that I do not think this bill will interfere at all with such a man as the Senator has suggested. I do not think Congress has any power at all to do that; and if they attempted anything of the kind, all he would have to do would be to set up that he was engaged purely in broadcasting intrastate, and that would be the end of it, in my judgment, if he could prove it.

Mr. HOWELL. The impression seemed to prevail that no radio transmission could be used within a State without affecting areas without the State, and I do not think that is true. I know it is not, as a matter of fact.

Mr. KING. Would the Senator have any objection to an amendment to this effect—and I am speaking without due consideration of the subject: Providing it shall be established by any person that the operation of his radio apparatus will not be interstate, then he shall not be required to take out a license?

Mr. DILL. I would have no objection to it if it provided also that it should not interfere with other interstate broadcasting. I think it would be of very little practical benefit, but I should not quarrel with the Senator about it. If he wants to offer such an amendment, I shall be perfectly willing to accept it, because I think there would be very few such cases, and in fact I think that practically every broadcaster prefers to have a license in order to protect his own rights; but I have no objection if the Senator wants to offer such an amendment.

I was about to take up the discussion of the creation of the commission provided for in this bill; and I may say to the Senate that the principal difference between this bill and what is known as the White bill, the House bill, is in the establishment of this radio commission by the Senate bill.

There is a general impression that the House bill has no radio commission, and that the Senate committee created something entirely new. The fact is that the House bill provides for a commission of five members to be chosen according to location from different regions of the country. That commission is an appellate body to which the Secretary of Commerce may refer any question over which he is given authority, and to which any person aggrieved by his rulings may make appeal. The decisions of that commission under the House bill are to be final so far as the Secretary is concerned. An appeal to the courts is permitted, however.

The Senate bill strikes out all of the powers of the Secretary of Commerce and grants all of these powers to the commission in the first instance, so that instead of the divided authority of the Secretary in the first instance and a provision that an appeal may be taken from his action to this commission, the Senate bill provides that the commission shall act upon these questions de novo.

I may say that this commission is to consist of five members, two to be appointed for two years, two for three years, and one for five years. After that all of them are to be reappointed for five years each. The House commission consists of five members, to be appointed for seven years, beginning with two, three, and five years, respectively, as I remember. The House commission is to meet on the call of the chairman, or when a majority of the commission so decides, or when the Secretary shall refer a matter to them, but they shall not sit to exceed 120 days. The commission provided by the Senate bill is a permanent body. That means that the House commission will meet and give only the attention that such meetings require to the subjects of radio, and will necessarily be dependent upon the information furnished them as to the subjects upon which they pass, upon the employees of the Department of Commerce. The commission provided by the Senate bill will be an independent body, will have its own experts, its own engineers, and will study these questions independently of any other governmental body.

The commission provided for in this bill is not an investigating commission, such as the Tariff Commission or the Federal Trade Commission. It could be more nearly likened to the Interstate Commerce Commission, because it is given control over a kind of interstate commerce, namely, radio communication.

The committee recognized that there was a great deal of justifiable opposition to the establishment of any more Government commissions. That is due, in my judgment, to the establishment of commissions when they were not needed.

[At this point Mr. DILL yielded to Mr. JONES of Washington, who submitted a proposed unanimous-consent agreement for the consideration of the river and harbor bill.]

Mr. DILL. Mr. President, before I pass from the first section of the bill, there is a committee amendment involving two words, omitted by oversight, that I should like to have adopted at this time. I will ask the clerk to read the amendment.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. On page 31, line 9, after the word "interstate," insert the words "and foreign," so as to read "over all forms of interstate and foreign transmission."

The amendment to the amendment was agreed to.

Mr. DILL. Mr. President, when I was interrupted by the request for unanimous consent, I had just entered upon the discussion of the reasons for this commission.

I want to call particular attention to the situation that exists in the country to-day regarding radio stations. There are to-day 528 stations, with a request for 650 more to be established. There are literally millions of dollars invested in the stations now in existence. Those stations are in existence largely because they came to the Department of Commerce with their applications, and, when nobody else was making applications, their applications were granted. As a result there is a great deal of injustice being done in the distribution of radio stations to-day.

If I may use an illustration to show the problem that confronts whoever is to have charge of the issuing of these licenses for stations in the future—and I pick this illustration not with any malice or any purpose to criticize: An insurance company in Des Moines, Iowa, has a broadcasting station. I think it is the Bankers Life. That station continually puts on programs. It does not advertise the insurance business, except by using its own name. A very natural and proper question is, Why should not the Metropolitan Life Insurance Co. of New York, which has an office in Des Moines, have a broadcasting station? Why should not the Iowa Mutual Insurance Co. have a broadcasting station? Why should not every insurance company in Des Moines have a broadcasting station? The answer is that they can not have, because there are not enough wave lengths, and the Bankers Life came in first and got the wave length. I am not criticizing the Department of Commerce for having issued a license under those conditions. But when we stop to consider that we are limited in the number of stations we can have, that somebody must determine who can and who can not broadcast, it is manifest that the present condition should not continue, but should be thoroughly reviewed and considered from the point of justice both to the public and to the various applicants.

The Senate committee did not feel that any one man, however good and however wise he might be, ought to be intrusted with the discretion of saying who shall and who shall not have a monopoly of the air in a particular community. In other words, either all the insurance companies in Des Moines should be given equal rights to broadcast from a station or none should be permitted; or they should go and buy time from an independent station.

It may be asked how I would solve the problem. I am not prepared to say. But I do say that a problem of this kind is the most common of radio problems.

In the city of Portland, Oreg., the Oregonian has a station. Why should not the Journal have a station? Why should not the News have a station? Why should not all the newspapers there have stations?

I make these suggestions to call attention to the fact that there are decisions to be made regarding radio stations that

require a careful consideration by men of big ability and big vision. So long as we have the control of radio stations under a governmental department these questions are decided by clerks. I speak not against clerks, but Mr. Hoover is at the head of a great department. I note that he wants more floor space in his new building than any other department of the Government does, and properly so, because there is so much business for his department to consider. He does not and he can not give consideration to these great problems affecting the economic and social life of the country, as radio is more and more affecting them, and the committee believes that problems of this kind should be considered not by clerks but by men chosen to study the questions, to consider them from every angle, and then to provide, as the bill provides, fair, efficient, and equitable radio service.

Mr. BRATTON. Mr. President——

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

Mr. DILL. I yield.

Mr. BRATTON. While the Senator is on that particular feature of the bill I desire to ask him a question. I assume that the members of the commission will render proper and just decisions. But assume that through error or a mistake of judgment the commission should discontinue the license of a given concern that had a vast sum of money invested. As I understand, under the bill as it passed the House the licensee would have a right to appeal to the courts and have a judicial determination, thereby avoiding having its entire investment wiped out by a department of the Government, with no opportunity for review.

The Senate committee bill does not seem to carry that provision. Under the Senate committee bill a concern might have a million dollars invested and be operating under its license. At the expiration of the license the commission might decline to renew it or extend it, and apparently under the bill the licensee would have no way to secure redress, no way to get a judicial determination of its rights, but inevitably, if a thing of that kind should happen, its property would be junked and would become worthless.

I am interested in that matter, and, frankly, I think we should be careful in all legislation to grant the right of review from any decision of governmental departments, especially where such large sums might be involved.

Mr. DILL. Mr. President, I want to say to the Senator that such provision for court review was in the bill that I presented to the committee. The committee, by a divided vote, struck it out, and I feel called upon myself to support the committee's action, having charge of the bill. I may say that the Senator from Arkansas [Mr. ROBINSON] has offered an amendment, which is printed, I think, to put into the bill a court provision similar to what was in the bill as it passed the House.

Mr. BRATTON. That satisfies my inquiry, because conceding every good purpose to the members of the commission, I am unwilling to put it within their power to dispose of a matter involving millions of dollars and deprive citizens or corporations of any way to secure redress through judicial proceedings. I think it is a dangerous policy and might lead to extremely bad results.

Mr. DILL. I may say to the Senator that the Senator from Iowa [Mr. CUMMINS] is, I think, the strongest advocate of striking out the court provision, and I would rather he would present the committee's reasons for striking out the provision for court review than for me to attempt to do it.

Mr. GERRY. Mr. President, I would like to ask the Senator whether any appeal from any of the commission's decisions is provided for.

Mr. DILL. Not in the bill as it now stands.

Mr. GERRY. The commission's decisions, then, would be final?

Mr. DILL. Except in case of constitutional questions, of course.

Mr. GERRY. That is what I thought from a reading of the bill.

Mr. CUMMINS. Mr. President, does the Senator yield to me?

Mr. DILL. I yield to the Senator.

Mr. CUMMINS. I do not know that I can satisfy the Senator from New Mexico, but I can give him my reasons.

Mr. BRATTON. If there is anyone in this body who can satisfy me, it is the distinguished Senator from Iowa.

Mr. CUMMINS. The first objection I have to a provision for an appeal to a court from a decision of the commission is that we are just at the beginning of this great enterprise.

No one has any right to use any wave length or wave band. There will be hundreds of applications beyond the capacity of the commission to grant or beyond the bearing capacity of the air or ether so far as we have now developed it. If every man dissatisfied with the action of the commission in assigning a wave length or in fixing the hours during which a particular wave length may be used were to appeal, we would suspend the practical operation of broadcasting and other radio service almost indefinitely. I can not conceive of anything that more requires speedy, prompt disposition than the applications which would be before the commission for the various wave lengths.

Then my further objection is that I do not believe the proposal which is contained in the amendment which will be offered, as I understand it, can be constitutionally carried into effect. I have been contending for a long time that we can not appeal from an administrative body to a judicial body. We must find some other way than by a mere appeal to review the action of the administrative body. I know of but one instance in which we have attempted to do it, and that is in the case of the Board of Tax Appeals. I made the same objection with regard to the composition or constitution of that board and its relation to the courts that I make to this one. It can not be done. We can appeal from one judicial body to another on any other terms than the legislative assembly or branch of the Government may determine. But when we appeal from the action of the radio commission to a court where is the record? From what do we appeal? There is no provision—and I suppose there could not be any provision—that all the circumstances or hearings upon which the commission should decide are to be taken down in writing and preserved and exceptions filed, as they are in the case of a trial before a court. There is a way, of course, to attack the order of any administrative body. That is the way pointed out in the orders of the Interstate Commerce Commission or of the Federal Trade Commission or other commissions or boards to which I might refer.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I have not the floor, but with the permission of the Senator from Washington I yield to the Senator from Arkansas.

Mr. DILL. Certainly.

Mr. ROBINSON of Arkansas. The Senator from Iowa has suggested the difficulty of giving an effective right of appeal from a decision of the commission to the court. I point out to him that in the amendment which has been referred to by the Senator from Washington as having been offered by myself is this language and other language, but this pertains to the point which the Senator from Iowa was discussing:

> The commission shall be notified of said appeal by service upon it, prior to the filing thereof, of a certified copy of said appeal and of the reasons therefor. Within 20 days after the filing of said appeal the commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the original application for a permit or license or in the hearing upon said order of revocation, and also a like copy of its decision thereon and a full statement in writing of the facts and the grounds for its decision as found and given by it. Within 20 days after the filing of said statement by the commission either party may give notice to the court of his desire to adduce additional evidence. Said notice shall be in the form of a verified petition stating the nature and character of said additional evidence, and the court may thereupon order such evidence to be taken in such manner and upon such terms and conditions as it may deem proper.

I did not prepare that provision, and therefore my approval of it can not be regarded as the result of admiration for my own efforts.

Mr. CUMMINS. I should never accuse the Senator from Arkansas of that.

Mr. ROBINSON of Arkansas. The Senator from Iowa is very generous. I think the question of the Senator from Iowa is completely answered by the provision which I have just read. The party who feels aggrieved by the decision of the commission may notify the commission of his desire to appeal, and thereupon it becomes the duty of the commission to file what is in the nature of a certified record of the proceedings, including all evidence heard by the commission. Then if either party to the controversy desires to adduce additional evidence, they may be permitted to do it under conditions fixed by the commission. I think that gives a substantial and effective right of appeal. I think it gives a hearing in the courts. I think that legislation of this character ought to secure the right of a court hearing to the individual who feels aggrieved by reason of a decision of the commission.

I know that most Federal commissions consist of very able, learned, and just persons. The discussions which have gone on in this Chamber concerning Federal commissions do not

perhaps justify the statement which I am making. Nevertheless, it frequently happens that commissions act arbitrarily and when they do so there is nothing better to be done, from the standpoint of the lawmaker, the man who wants to put himself in the position of enabling citizens to secure justice, than to provide for a hearing in a court. That is exactly what this provision does. It is true that it is somewhat anomalous in the fact that it is an appeal from a commission to a court, but we have the same practical condition with respect to decisions of the Interstate Commerce Commission, State railway commissions, and other commissions. Nearly all of the States provide some process by which a decision of a State commission may be reviewed by a court. I think it has usually proved wholesome. It is a satisfying thing to the citizen to know that when he is convinced that he has been, or is being, deprived of his rights by the arbitrary action of a governmental agency, he may have his case heard and his right determined finally by a court created under the laws of his State or his Nation. I believe that the provision is not only a just one but that it is a practicable one.

Mr. CUMMINS. Mr. President, I suggest to the Senator from Arkansas if it is accompanied with another amendment it would answer the objection which I made that there is no record upon which to appeal. There is nothing in the bill which compels the commission to preserve all the evidence which may be submitted, but that is a small matter. Let me suggest a query to the Senator from Arkansas, who has a keen comprehensive sense of the law, What right can one be deprived of? No one has any right to the use of the air above any other person. The bill starts out by declaring that there is no right now in existence with regard to the use of what we ordinarily call the air. There is no rule laid down in the bill which would enable a court or a commission to determine who ought to have a broadcasting privilege as distinguished from any other person or corporation. Am I not right about that? It is committed to the commission purely as a matter of discretion.

Mr. DILL. We have tried to write a policy in the bill, as the Senator will recall.

Mr. CUMMINS. Yes; there is a policy, but there is no fixed and determinate right.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield just at that point?

Mr. CUMMINS. With the permission of the Senator from Washington.

Mr. DILL. Certainly.

Mr. ROBINSON of Arkansas. Assuming that there is a policy of procedure to regulate the conduct of the commission and the commission violates or disregards the plain policy of the law, then, of course, an appeal to a court would be effective to preserve the rights and safeguard the interests of the citizen.

Mr. CUMMINS. I agree with that; not an appeal, but, in harmony with every other proceeding we have ever authorized for that purpose, the commission can be enjoined from completing or continuing the action which it has proposed.

Mr. ROBINSON of Arkansas. It matters not whether we call it an appeal or describe the remedy carried in the statute by some other name. The amendment which I have proposed provides a remedy for the person who feels that he has been aggrieved by a decision of the commission.

Mr. CUMMINS. Let me ask the Senator from Arkansas a question. Here are two persons or corporations appearing before the commission, each asking a license for a certain wave length. How is the commission to determine which should have the license? There is absolutely no law, no regulation; there is nothing that would indicate to the commission how it ought to decide the matter unless it be inferred that it is to be decided in the public interest. It must be given to the broadcasting station which can best serve the public, and even that is not provided for in the bill. I can not conceive of what will be tried in an appeal even if it were constitutional, possibly. What can be tried in an appeal from the commission to the court?

Mr. ROBINSON of Arkansas. The question is whether the commission has complied with the policy of the law and has performed its duty in the manner prescribed by the law as it relates to the right and claim of the citizen. That is all the question that could be tried under the provision, as I understand it.

Mr. CUMMINS. No citizen has such a right, and it is simply a matter of choice, but I agree it ought to be guided by the public interest, and it ought to be guided by the public policy; but, as a lawyer, I am utterly unable to see how an appeal can be prosecuted from this commission, which is bound by no rule, which does not administer any law.

Mr. DILL. Mr. President, I think the Senator is making a broader statement than he really intends to make when he says there is no rule and no law.

Mr. CUMMINS. The Senator will correct me, because he understands it. I wish the Senator would read that part of the bill which governs the commission in determining who shall have the license.

Mr. DILL. There are two provisions: One is that they shall grant licenses unless public convenience and interest forbids, and the other is that they shall give fair, efficient, and equitable radio service to each community. Those are the two things which really govern the commission, I should say.

Mr. CUMMINS. I instanced both of them when I said they were controlled only by what they regarded to be the public interest.

Mr. ROBINSON of Arkansas. Suppose the commission arbitrarily and manifestly disregards its duty in that particular?

Mr. CUMMINS. Then I say there ought to be an injunction issued against them.

Mr. ROBINSON of Arkansas. There is no reason why a remedy by appeal might not affect the same thing.

Mr. BRATTON. Mr. President, if the Senator will pardon me——

Mr. DILL. Certainly.

Mr. BRATTON. As I understand, the Senator from Iowa argues from the assumption that no person has any right to the use of the air. If that is true, he could not maintain an injunction, because he would have no interest in the subject matter. I am perfectly willing to forego a further discussion of this particular feature of the bill until the amendment dealing with it is reached. At that time I would be glad to discuss the matter with the Senator from Iowa and listen to him with great interest.

Mr. CUMMINS. I may not be here. I really do not care a snap whether it goes in or out. It will be of no value whatever, being only an alleged appeal, and it is not very material to me. I want to see the bill pass and get into conference, because if we do not pass it immediately and get it into conference we will have no radio legislation at this session, and I have infinitely more interest in having the bill pass than I have in any particular amendment.

Mr. ROBINSON of Arkansas. Mr. President, with the indulgence of the Senator from Washington [Mr. DILL] for just a moment, it seems to me pertinent to say that it had not been my expectation to participate in the discussion at this juncture or to interrupt the very remarkable and, I think everyone who has heard it agrees, unusually informative speech that is being made by the Senator from Washington; but, inasmuch as the question had been raised, it seemed to me proper to answer the challenge or attempt to answer——

Mr. CURTIS. It was not a challenge.

Mr. ROBINSON of Arkansas. What the Senator from Iowa has said as to the merits of the provision authorizing a hearing in court.

Mr. BRATTON. Mr. President, I apologize to the Senator from Washington for having provoked the interruption.

Mr. DILL. I think the interruption was very helpful, and I think these matters must be discussed fully.

Mr. CUMMINS. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. I yield.

Mr. CUMMINS. I simply desire to give notice that if there remains any time after the pending bill shall have been laid aside for the day I intend to move to take up the motion to concur in the House amendments to the so-called corn sugar bill, and I intend to have a vote on that question before there is very much more business done in the Senate, I will tell Senators that.

Mr. DILL. Mr. President, I should like to proceed.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. I yield.

Mr. ROBINSON of Arkansas. Does the Senator from Iowa mean to imply that at this late day he is going to enter upon a filibuster?

Mr. CUMMINS. I never entered upon a filibuster in my life.

Mr. ROBINSON of Arkansas. Just what does the Senator from Iowa mean when he states that he is going to have a vote on the matter to which he refers or that there will not be much business done?

Mr. CUMMINS. I am just trying to employ a little coercive force on some of my friends.

Mr. ROBINSON of Arkansas. I take it the Senator is going to discuss sucrose and dextrose.

Mr. DILL. Mr. President, I was in the midst of a discussion on the subject of the proposed commission when the interrup-

tion came regarding the court review. That is a very important subject, and I was glad to yield for that discussion, because I think it was helpful and will probably result in saving time. There is another phase of the situation which I wish to discuss in connection with the need of a commission.

Under the present circumstances every radio station owner goes to the Department of Commerce every 90 days to secure a renewal of his license. That results in the radio station owners feeling themselves under obligation to the Department of Commerce. A few weeks ago a gentleman in New York asked permission to broadcast over a certain station. He was requested to furnish a copy of his speech in order that the owners of the station might read it and know what he would say. When he submitted a copy of his address to the station managers they explained to him there were certain things in the speech which they could not consent to have him deliver over the radio. Those statements to which consent could not be given constituted an attack upon the present administration. The gentleman explained that his attack was purely a matter of opinion; that he was not intending to say anything that anyone else might not say or that any newspaper might not print; but the managers explained to him that while that was true yet they were compelled to go to Washington to get their license renewed and they could not afford to take the chance of displeasing the administration in Washington.

I want to be fair and say that I do not believe that the administration authorities in the Department of Commerce would hold that against any station in considering the renewal of a license, but the feeling of the owners of the station was most natural; you would have had the same feeling, Mr. President, and I would have had it if we had a large sum of money invested in a station. So the committee thought that the control ought to be as independent and as free from partisan interference as possible, and, accordingly, believed it was wise and in the interest of the public to place the control in a bipartisan independent body. I can not make it too clear that there was no feeling on the part of the Senate committee against the present officer in charge of the Department of Commerce, but simply that the questions arising were such that we believed that these problems could not properly be decided by any one man and that the stations ought not to be under the fear which they must necessarily feel, regardless of which party may be in power, when the control is placed in the hands of an administrative branch of the Government.

Mr. HEFLIN. Mr. President——

Mr. DILL. I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I am in hearty agreement with the Senator from Washington, and I trust that we may pass this bill. If it needs to be amended, let us amend it in such a way as to strengthen it.

The Senator referred a moment ago to a station owner calling upon some one who wanted to speak to audiences within a certain territory to furnish a copy of his speech in order that it might be read in advance to ascertain whether or not the remarks could be approved and permission could be given to make the speech. I wish to say that I think that is a piece of tyranny that ought not to be countenanced in this country.

What business is it of one to censor a speech and say whether or not it can be made, unless it is of such a character that it ought not to be made anywhere because of obscene language or something of that kind, any more than it is the business of the Postmaster General to say what a man shall write in a letter which he puts in a sealed envelope and sends to another person somewhere in the United States?

I have in my hand an article from the New York Herald of June 27 setting forth that a Democratic candidate for office complained about favoritism being shown to the Republicans. When he talked to the station master he was informed that complaint had been made by the Republicans that favors were being shown to the Democrats. The conditions ought to be absolutely fair. If a Republican has a speech he wants to broadcast, let him do it and say what he pleases, and let a Democrat do likewise. The danger is—and the Senator from Washington is on the right line—that there may be a monopoly of radio so that only those who have large sums of money will control it. That ought not to be. We ought not to let anyone have a monopoly of the air.

Mr. DILL. Mr. President, there is one other argument——

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

Mr. DILL. I yield to the Senator from Ohio.

Mr. FESS. The subject referred to by the Senator from Alabama [Mr. HEFLIN] gave us a great deal of concern and was considered very carefully. There must be some responsibility, because there may be damage suits, and if anything like censoring should be permitted it would interfere with just what the Senator from Alabama does not want to happen and what none of us want to happen. We do not want to interfere; but at the same time there is danger that a broadcasting station will refuse to allow a person to talk at all, because that will be the only defense the owners of such station will have against damage suits. On the other hand, we can not very well make them common carriers and require them to broadcast everything that anyone might offer. The Senator has opened up one of the most difficult problems that we have to deal with, and, if we can work it out, it will be highly desirable.

Mr. DILL. I may say that I will discuss that question a little later when I come to the bill. At this time there is one other consideration which I wish to bring to the attention of the Senate in connection with the subject of granting licenses for stations in the future.

Mr. FESS. Mr. President, will the Senator yield to me again before he leaves the subject of the commission?

Mr. DILL. I yield.

Mr. FESS. There has been a contention that, instead of the creation of an independent commission such as is provided in the bill, we ought to transfer control to the Interstate Commerce Commission. There has been considerable contention along that line. I wish the Senator would mention it.

Mr. DILL. The proposal that the control of radio should be placed in the Interstate Commerce Commission was taken up by the Senate committee and considered at two separate meetings and considered very fully. The committee is of the opinion that if that were done, if the control were transferred to the Interstate Commerce Commission, it would result in possibly two but probably one member of the commission being designated to take charge of radio. Then, if his actions were not satisfactory, an appeal would be taken to the other 10 or 11 members of the commission; and they, so busy in handling the problems of interstate commerce in connection with the railroads, would be practically helpless to decide these questions intelligently. It was felt that the work of the Interstate Commerce Commission already is more than it can handle, and that there is so little connection, if any at all, between the problems of radio, in their effects at least upon the public, and the problems of railroad transportation, that it would be an unwise thing to do.

I remind you again that the House bill, the White bill, which is the product of long consideration in the House—I think they passed a bill of this kind three times previously—itself provides for a commission with power to override the Secretary. What the Senate committee did was to take away the intermediate power of the Secretary of Commerce and, instead of having a commission that would meet occasionally and give a cursory consideration to these problems from time to time and be dependent largely upon the advice of these clerks of the Department of Commerce, to have this commission meet all the time, in order that it might become an authoritative body on the great problems of radio.

It is sometimes said that radio has not yet affected our people in a vital way. That is true to a certain extent, but it is a developing art, and the progress that has been made during the past five years opens the possibilities of what it may do in the future. It was believed that there ought to be in this Government somewhere a body of men who would keep in touch with the development of radio, with its relation to the social and economic life of our people, and that the best way to have such a body was to establish a commission of this kind.

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

Mr. DILL. Yes.

Mr. KING. It occurs to me that the personnel is entirely too large. I see no reason why three men, experts—and they should be experts—could not perform the duty as well as five. It seems to me that the Senator ought to consent to a reduction to three; and I think the salaries are too large, and the salaries of some of the personnel.

Mr. DILL. That is a matter, I will say to the Senator, of a difference of opinion. The Senator can offer his amendment, and I am willing to take the vote of the Senate on it. I do not think it is a controlling matter. If the Senate decides that three are enough I shall feel perfectly satisfied; or if it retains the five. I am not inclined to quarrel with the Senator about the matter; but the committee decided upon five, and decided upon these salaries, and I feel that I should support the committee's action.

Mr. KING. Mr. President, may I ask the Senator another question?

Mr. DILL. Certainly.

Mr. KING. I have a sort of inherent objection to the creation of more commissions. I presume there is no subject that has received so much attention by public speakers and in the

press during the past two or three years as the subject of bureaucracy, growing paternalism, the creation of more bureaus and executive organizations until we have become top-heavy with Federal organizations. We have nearly a million Federal employees. This Congress has created a number of bureaus already. I was wondering if the committee, in their obviously very comprehensive examination of this subject, did not attempt to find some other organization which might have lodged with it the power and the authority which are lodged with this organization. If it could be done, it seems to me it would be wise rather than to create another commission, because this commission will be the parent of another commission, and that of still more, and we will wind more and more the red tape of officialdom and bureaucracy around the people, to their discomfort if not their ultimate death.

Mr. WATSON. Mr. President——

Mr. DILL. I yield to the Senator from Indiana.

Mr. WATSON. I will say to the Senator from Utah, by the courtesy of the Senator from Washington, that the members of the committee about me here gave long and earnest consideration to this very problem, and we finally decided that the only solution of the problem was the creation of an independent commission.

At the present time radio transmission is under the control of the Department of Commerce, and if the Senator will read the bill passed by the House he will see the enormous power conferred on the head of that department. If it is to be in any department, it may as well remain in that department, because there are various divisions of the department that have to do with radio—that is to say, the Bureau of Navigation and the Bureau of Standards, where they go to have the technical questions relating to radio transmission discussed and tested, and other bureaus—but if it is to be in any department it places in the head of that department autocratic power over this tremendous agency, the greatest that could ever be conceived by the mind of man for the creation of public opinion and the formulation of public thought.

This is not a drive at Secretary Hoover. Everybody understands that he is a man of remarkable ability; that he is almost uncanny in the knowledge he has of public questions here and elsewhere; but the stronger a man is, if he wants to use his power, the more dangerous he becomes; and we are opposed to any one man, whether his name be Hoover or Smith or Jones or Brown, having absolute control of this tremendous agency in our modern civilization.

Mr. FESS. Mr. President, if the Senator will yield, the chairman of the committee, I am sure, will say to the Senate that Secretary Hoover is very much averse to the one-man power.

Mr. WATSON. I was going to read his testimony, if my friend will permit me.

Mr. FESS. I wish the Senator would.

Mr. DILL. Yes; certainly, Mr. President.

Mr. BINGHAM. Mr. President——

Mr. WATSON. I yield to my friend from Connecticut.

The PRESIDING OFFICER. Let it be understood that the Senator from Washington has the floor, and he alone can yield.

Mr. DILL. I am yielding for the discussion.

Mr. BINGHAM. Mr. President, will the Senator from Indiana before he gets through tell us whether the committee considered the possible division of powers between the Commerce Department, handling the technical side of radio, as it does now, and making regulations for its use, and so forth, and the Post Office Department, handling the proper use of this means of communication, just as the Post Office Department does now in regard to improper, untrue, and so forth, solicitations, attacks on people, and so forth?

In other words, the Postmaster General now controls the means of communication of thought by ruling out all improper matter; and why should not the Postmaster General have that power in connection with radio? If the committee has considered that subject, will the Chairman tell us?

Mr. WATSON. Yes. With the permission of the Senator——

Mr. DILL. Yes; I yield to the Senator from Indiana.

Mr. WATSON. First let me take up the line suggested by the Senator from Ohio [Mr. FESS].

Secretary Hoover appeared before the Committee on Merchant Marine and Fisheries of the House, and, when questioned as to one-man authority, be it said to his credit, he made the following statement:

> I have always taken the position that unlimited authority to control the granting of radio privileges was too great a power to be placed in the hands of any one administrative officer. I am glad to see the checks and reviews which are placed upon that power in this bill.

He went before the Senate committee and made substantially similar statements; and Judge Davis—who knows more about this subject than any other man with whom I have come in contact, he being the solicitor of that department—stated that he was opposed to bestowing this great power upon any one man.

It was the unanimous decision of the committee, without a single dissenting voice, that there was no other way out of this difficulty, and yet there is not a member of the committee who does not deplore the fact that it really is a necessity placed upon us by existing conditions to create another independent commission, which should be, of course, the last resort in our form of Government at this time and under present conditions; but there seems to be no other way out of the difficulty.

Now, let me answer my friend from Connecticut [Mr. BINGHAM].

The Navy Department, of course, has to do with radio. It is a tremendous agency in modern naval warfare as well as in the merchant marine. All ships upon the ocean must have their radio communication. We could not have a commission to look after each particular branch of radio service. Therefore, we thought it best to leave all the power in the hands of one commission, and then let the Navy and the merchant marine and the Post Office Department each have its particular individual to have charge of radio within that sphere, and then deal with the whole commission having charge of the whole subject.

Mr. DILL. Let me interrupt the Senator right there and remind him that the next paragraph of the bill gives the President authority to take any wave lengths that he may want to take for the Army and the Navy.

Mr. WATSON. That is true. I was going to make that statement.

Mr. DILL. So that he is the superior authority, and there is not any possibility of the commission overriding the needs of the Army and Navy.

Mr. WATSON. That is the point. I will say to my friend from Connecticut that we have lodged final power in the President, in case of emergency or great peril, to have absolute charge over that situation. I think if the Senator will thoroughly familiarize himself with the bill, he will see the wisdom of the provisions reported by the Senate committee. I am not saying that he has not read it, but it is a technical matter that requires the closest scrutiny and the most careful consideration in order to get all of the details. Our committee spent six days in executive session considering the various problems that we are now discussing in the Senate; and it was only after the most earnest and careful consideration that we came to the conclusions that are here being announced.

I want to reiterate, for I think it worthy of reiteration, that this is not a drive at Secretary Hoover or any one individual. There is nobody on the committee, and so far as I know, there is not anybody anywhere but that has the highest respect for Secretary Hoover for his commanding ability and for the great service he has rendered the country; but I would not be willing to place this power in the hands of any man within the broad domain of the Republic of the United States. It is an unwarranted bestowal of power and authority in our form of Government, and our committee was unanimous in regard to it; and I trust the Senate will vote with the same degree of unanimity upon that proposition.

Mr. WILLIS. Mr. President, I should like to ask the Senator some questions.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. DILL. If the Senator will wait a little bit, I want to make one of the statements that have been in my mind.

Mr. WILLIS. Certainly.

The PRESIDING OFFICER. The Senator declines to yield at this time.

Mr. DILL. There is one other phase of this situation that it seems to me is worthy of consideration in connection with the proposal to place in new hands the power to issue licenses.

Radio broadcasting has come upon the Department of Commerce without any warning, and the present allocation of wave lengths and the granting of licenses has grown out of the necessities of the situation. As a result of that those in charge of radio see no way by which additional stations can be licensed on the present number of wave lengths. Those in charge of radio in the Department of Commerce are naturally inclined to follow their own judgment heretofore registered. That is no criticism of them. I think we would be in exactly their frame of mind. In fact, the Department of Commerce officials

have stated that if the legislation that is now being considered should be enacted in the form in which it passed the House they would reduce the number of radio stations in this country rather than enlarge that number. Those who have made a study of the situation inform me that a larger number of stations can be allocated, even on the present number of wave lengths, and especially do they believe that a larger number of wave lengths can be granted. I think there is a distinct advantage in having a body of men new to this situation to take it up and consider it and act upon it from the standpoint of the good of the public and the rights of those concerned.

I say that without any criticism of those who have thus far administered radio. I want to disagree with my good friend from Utah, who said a while ago that this commission should be composed of experts. I do not think so. I think it should be composed of men who have an understanding of the public needs, men of vision and great ability, who will depend upon experts in radio for the necessary technical information, but who will administer this law from the standpoint of the public's interest, and particularly with a view to the future development of the radio art for the social and economic good of our people. I may be wrong, but that is my conception of this situation.

Now I yield to the Senator from Ohio for any questions he may want to ask.

Mr. WILLIS. Mr. President, I have been out of the Chamber and it is possible the Senator has answered this question. If so, I do not ask him to repeat his statement. However, his answers are so illuminating that I think the Senate is grateful to him as I am.

First I want to ask him particularly about a provision on page 33. Has the Senator discussed that page yet?

Mr. DILL. Yes; I have.

Mr. WILLIS. Has he particularly discussed the matter as to the qualifications prescribed?

Mr. DILL. No; I have not. I would be very glad to.

Mr. WILLIS. I wanted to ask the Senator about this. I will read the whole section. It is as follows:

The commission shall be composed of citizens of the United States, and no person shall be eligible to appointment who is or has been at any time within a period of one year preceding financially interested in or an officer of a corporation financially interested in the manufacture or sale of radio apparatus or the transmission or operation of radio communications or the transmission of radio energy in any form whatsoever.

The purpose in view is quite apparent and altogether praiseworthy. What occurs to me is this: If we say that no one shall be on this commission who, within this period of time, has had any connection whatever with this business, I am wondering whether it will be possible to find men who have the technical information they ought to have.

Mr. DILL. I was really answering that question a moment ago, before the Senator asked it. I believe, for instance, that the Senator himself—and I would say this about any Senator here—would make an excellent member of the radio commission. Take my own case, for example. I know nothing about science as such, or the technical side of radio. Yet I have found nothing in my study of radio that is appalling to the human mind. In fact, I have found it simple, and the problems that will confront the commission are problems involving the social and economic good of people primarily. In fact, I do not think it would be wise to have a commission made up of technical experts, because technical experts would not take the big view and the broad view and have the vision which I think the members of this commission ought to have.

I think this commission ought to be composed of men who will lift themselves above the technicalities, but who will hire experts and engineers to give them the information that they need, to be considered along with other information they have. The committee put in the provision that not within one year preceding the appointment should a man be financially connected with any such interest, because the committee did not want some man now a member of some great radio organization to resign and be eligible to such an appointment within a year of the time he resigned. This would not forever prohibit them; but, of course, we come back again to the difference of opinion. If the Senate believes that this commission should be composed of technical radio experts, then, of course, this provision is bad; but if the Senate believes this commission should be composed of men who will look at this question from the big viewpoint, from the viewpoint of the national good, and hire experts, then I believe the provision is perfectly proper.

Mr. WILLIS. It is the feeling of the Senator, then, that the commission, so far as its qualifications are concerned, should have the same relation to the personnel that the Secretary of War does to the military men who are under him?

Mr. DILL. Exactly; I think that. I want to say to the Senator that a questionnaire has been sent to the broadcasters and to the manufacturers, and most of them have answered in opposition to this provision. That is a very natural thing, because they think, and properly from their angle, that the commission ought to be composed of men of their own line. Yet, I might answer by recalling the fact that they have been entirely satisfied with the way radio has been administered by Secretary Hoover, and Secretary Hoover never knew anything about radio, he never was connected with any organization having to do with radio. Yet his broad judgment, his big ability, his vision as to radio, have made him a reasonably satisfactory man, even to these men who object to this provision on the theory that it will shut out radio experts.

Mr. WILLIS. The Senator's answer leads me to ask another question as to a provision found on page 50. Perhaps the Senator has discussed that.

Mr. DILL. I have not.

Mr. WILLIS. That relates to the control that the law provides the commission shall have over the rights of persons who are to broadcast. The Senator was saying something a bit ago about a political speech, for example.

Mr. DILL. I think I can answer that for the Senator, if he will allow me. I know what he is getting at.

Mr. WILLIS. It is particularly in regard to lines 12 and 13.

Mr. DILL. I have consulted with members of the committee regarding that provision, and I think I am entitled to say that at least most of the committee are agreed that lines 10 to 17 should be stricken out and an amendment inserted which I will read to the Senator at this time.

I may say that this is a provision that has caused more objection to the bill than probably all the other provisions combined. It is a provision to which the committee gave more consideration, and on which the committee spent more time, than on probably any other provision. We finally agreed to it in order, I think, to get the bill out of the committee. After we got it out we realized that the "common carrier" phrase was an unwise phrase, to say the least, at this time. So the proposed amendment will read, beginning at the end of line 9, on page 50:

And there shall be no discrimination as to charges, terms, or service to advertisers.

If a station permits one man to buy time for advertising purposes, it shall charge the same rate, on the same terms, and give the same service, to anyone else to whom it may sell the time of the station. Then the amendment continues:

If any licensee shall permit a broadcasting station to be used by a candidate or candidates for any public office he shall afford equal opportunities to all candidates for such public office in the use of such broadcasting station: *Provided*, That such licensee shall have no power to censor the material broadcast under the provisions of this paragraph and shall not be liable to criminal or civil action by reason of any uncensored utterances thus broadcast.

So that we take out the objectionable feature. I may say to the Senator that I have consulted with a number of the leading broadcasters, and the officers of the broadcasting organizations, and while they do not like any sort of limitation, they do agree that this will not be objectionable.

Mr. WILLIS. I think that remedies one serious objection I had in mind, as to line 12, particularly, which is proposed to be stricken out, where it says "or for the discussion of any question affecting the public."

Mr. DILL. That is a rather broad statement.

Mr. WILLIS. Yes.

Mr. DILL. I may say that the provision the Senate committee adopted is all right theoretically, but under the practice which we have in the United States regarding radio, it would be very destructive to the reputations which the radio stations desire to build for themselves. The development of the art is still so new that it seemed to us that it would be better to make a more general provision.

I want to say, in justice to the Senator from Nebraska, that he does not approve of this particular language. He thinks that the provision should be more detailed than we have it here.

Mr. FESS. Of the amendment?

Mr. DILL. Yes; of the amendment. It should be more detailed than what is written here. He may want to offer an amendment to this, which, of course, is his privilege. The committee thought that the more detailed provision could be

provided for by regulations, which are provided in lines 18 to 20 on page 50.

Mr. WILLIS. May I ask the Senator this: Is it his purpose to finish his statement about the bill to-day?

Mr. DILL. I think not.

Mr. WILLIS. I have several matters I want to present.

Mr. DILL. There will be time to-morrow, I think.

Mr. WILLIS. Very well.

Mr. McKELLAR. Before the Senator concludes for the afternoon, I would like to call his attention to a statement made by a broadcaster who is an editor of a paper in my own city of Memphis. I will read it, as it is comparatively brief, and I would like to have the Senator state whether or not it is provided for in the bill. This newspaper man writes me as follows:

However, there is one thing that is murderous. The Association of Authors and Composers is an organization of a lot of sharp fellows got up in New York. They claim lordship over all the copyrighted music. They seek to make every broadcasting station, no matter if it doesn't charge for broadcasting, pay an enormous license to broadcast any of their alleged copyrighted music. Then they want the musicians who play to have a license. For instance, we have a license, and the Peabody Hotel has a license, but they want the Peabody to have an extra license if broadcasting is done from another part of the hotel.

* * * * * * *

The penalties for violating copyright are so great that the average station doesn't feel like taking a chance. We therefore pay and pay. But now they are coming back for more. They are putting regulation on regulation. If you will look into this phase of it a little you will find what is threatening to be a colossal monopoly and an oppression.

The big radio concerns do not seem to care, but the newspapers with broadcasting stations do care.

Let me say to you that we have never directly or indirectly received a cent for broadcasting. We have never broadcasted an advertisement. We have never broadcasted anything for hire. We have never rented our station. We have never paid out a cent for musicians. And yet the station costs us about $1,000 a month.

* * * * * * *

It is hard for us to get a hearing—

And so forth.

Mr. President, the question I want to ask the Senator is this: Is my friend in Memphis right in his statement? I have no reason to doubt it at all.

There seems to be a monopoly growing up, a monopoly that is being enlarged so far as the use of copyrighted music is concerned at least. Does not any provision of the bill regulate or tend to regulate that matter?

Mr. DILL. Mr. President, I shall not take time to go into detail as regards that question. I only want to say to the Senator that I have a bill before the Committee on Patents, Senate bill 2338, in the consideration of which hearings were held on this subject. It is a very important subject to the radio broadcasters and to the public. The Senate Committee on Interstate Commerce did not take it up, because it is a matter coming within the jurisdiction of the Committee on Patents, as it affects copyrights.

According to the decisions of the Supreme Court, one can not interfere with the rights copyright holders have in music already copyrighted. The attorneys for the American Society of Composers and Authors maintain that we can not even put such a provision on as to future copyrighted music. I differ in that regard. But that subject did not come before our committee and is not cared for in the bill. This organization, concerning which the writer of the letter complains, controls 90 per cent of the best popular copyrighted music, and they have been increasing their charges for the use of their music by radio stations very rapidly. It is a monopoly that must be dealt with sooner or later, I am certain.

Mr. McKELLAR. Should not the bill take care of questions affecting the use of copyrighted music, for instance, and providing how far they can go in the matter of musicians, and the kind of musicians to be employed, and how long they shall use the music, and when they shall use it?

Mr. DILL. The committee did not attempt to cover those matters. Of course, such a subject is germane, I admit, but the committee did not attempt to cover that subject.

Mr. McKELLAR. I will be glad to go over the Senator's bill pending before the Committee on Patents, and I think I will offer an amendment to-morrow which I hope will have the Senator's approval.

Mr. CURTIS. If the Senator does not want to go on, I would like to have a short executive session.

Mr. DILL. I am perfectly willing to yield at this time.

RIVER AND HARBOR BILL

During the delivery of Mr. DILL's speech,

Mr. JONES of Washington. Mr. President, may I interrupt the Senator?

Mr. DILL. Yes.

Mr. JONES of Washington. I submit a proposed unanimous-consent agreement, which I ask to have read.

The PRESIDING OFFICER (Mr. McNARY in the chair). The Secretary will state the proposed agreement.

The Chief Clerk read as follows:

SPECIAL ORDER

Ordered, by unanimous consent, That the bill H. R. 11616, the river and harbor bill, be made a special order for December 14, 1926, at 2 o'clock p. m., and that after the hour of 2 p. m. on the calendar day of December 20, 1926, no Senator shall speak more than once or longer than 1 hour upon the bill, or more than once or longer than 30 minutes upon any amendment; and that after 3 o'clock p. m. on December 21, 1926, no Senator shall speak more than once or longer than 15 minutes on the bill or any amendment. The bill shall not be laid aside except by unanimous consent.

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

Mr. HEFLIN. Mr. President, what is the purpose of putting it off until the 14th of December?

Mr. ROBINSON of Arkansas. Mr. President, it is well known that efforts are being made to arrange for an adjournment of the Congress on next Saturday. Many of the friends and opponents of the rivers and harbors bill have been consulted about the proposed agreement. It would, of course, probably be impossible to arrange for an early adjournment unless this or some similar arrangement is entered into. I feel, as a supporter of the river and harbor bill, that the arrangement, if agreed to by the Senate, will not detrimentally affect any interest or right that ought to be conserved, and that it will enable the Congress to adjourn in the early future, probably on Saturday. For that reason I hope the unanimous-consent order submitted by the Senator from Washington will be agreed to.

Mr. SIMMONS. Mr. President, I do not believe there is a Senator in this Chamber who is more deeply interested in the passage of the river and harbor measure than I am. I had thought that I never would consent to any arrangement for a vote at the next session of Congress, and it had been my purpose to insist upon Congress remaining in session as long as was necessary in order to pass the bill. I am satisfied, however, after investigation, that even though Congress should stay here as long as it would be possible for us to hold a quorum, in present conditions the opposition to certain items in the bill is of such a determined character that it would be quite a while before it would be possible to secure a vote, and very likely before that time arrived we would not be able to command a quorum in both Houses of the Congress.

This unanimous-consent proposition does provide for a vote at the next session of Congress, at an early date in that session, and it does provide that after this matter is taken up it shall be kept continuously before the Senate until there is a final passage, with limitation of debate. It safeguards the interests of those who want to see the bill become law, and it makes it certain that we shall secure within a reasonable time after the bill is taken up, on the 14th of December, final action upon this important measure. The last sentence of the unanimous-consent agreement providing that after being taken up the bill shall not be laid aside except by unanimous consent, insures its passage before the Christmas holidays and in ample time for the authorizations to be appropriated for in the appropriation bill which will be enacted at the session which convenes next December.

Under the circumstances I am, therefore, constrained to forego the efforts which I had proposed to make to keep the Congress in session until there was action upon this bill.

Mr. HEFLIN. Mr. President, I am greatly interested in the river and harbor bill, and of course I do not want to do anything that will hurt the measure. If we can not pass it now, I want to see it passed at the next session. The friends of the measure generally seem to think this is the best course to pursue with regard to it, and I am not going to object to this request.

I want to say a word in that connection, however.

It seems that we are not going to have an opportunity of getting up the Muscle Shoals matter at this session. I have talked to a good many Senators on both sides who are willing to help get the matter up and dispose of it at the next session of Congress. I am going to do all in my power to that end, because, as I said yesterday, I am tired of the grafters and

propagandists in Washington collecting money out the people of the Tennessee valley, New York, and other places to carry on their work here to prevent action on Muscle Shoals.

When we dispose of Muscle Shoals we will put about 15 gentlemen out of jobs in Washington who are financial blood-suckers. They are sucking the substance out of the purses of a great many people down in my State, and one reason why I want to dispose of Muscle Shoals is that I want to protect the contributors from further annoyance. But the main reason is to put that property to work, so as to get cheaper fertilizer at the earliest possible moment for our farmers, to make certain the distribution of cheap power for the benefit of the consumers, and to secure some recompense to the Government.

Mr. TRAMMELL. Mr. President, I am very much disappointed that a majority of the friends of the river and harbor bill seem to be disposed to have this measure go over until December; but I have canvassed the situation, and it appears to me at the present time that the matter of considering the bill and making an effort to pass it at the present session has not only the opposition of those who are opposed to the bill, but also has the opposition of a considerable number of those who are in favor of the measure. The combined force of the enemies of the bill with at least half of the friends of the bill would carry it over until the December session of Congress.

I have been very much in hope that instead of an effort being made to get an agreement to pass the bill over until December, equally as persistent an effort would be made to have it considered at this session. But I have found that those who have been working for its consideration at this particular session are in all probability in the minority, and that a combination of those who are opposed to the bill with about half of those who are in favor of the bill insist on carrying it over to December. Although I am opposed to such action on the part of the Senate, I rather believe that I am helpless in the matter of getting the bill considered at this session. I do think, however, that it should have been considered at this session, and that the projects covered by the provisions of the measure should have the benefit that would be derived from action at this time.

Mr. WILLIS. Mr. President, I agree with what has been stated by the Senator from Arkansas, and after extensive negotiations and consideration of this matter I believe the conclusion arrived at, the unanimous consent proposed, is fair to all, and will give ample opportunity for debate and consideration of the bill upon its merits. As far as I am concerned, I am agreeable to the proposition, and hope there will be no objection to it.

Mr. JONES of Washington. Mr. President, I merely want to say this, that I have been ready to proceed to the consideration of the rivers and harbors bill until it shall be disposed of, but I have not been willing to take the bill up for a day or two, and waste that time, and then lay the bill aside and adjourn. In my judgment we have accomplished everything by this agreement that we would accomplish by the passage of the bill at this session. This bill will pass, under the agreement we have made, in ample time to take care of projects under the provisions that will be made at the next session.

Mr. RANSDELL. Mr. President, as an ardent friend of the rivers and harbors—and I believe everybody knows that I am; as one who has worked strenuously in and out of season to get this bill passed upon at the present session—I think the arrangement suggested by the chairman of the Commerce Committee is the best that can be made, and I for one am willing to accept it.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

SECOND DEFICIENCY APPROPRIATION BILL

Mr. WARREN. Mr. President, I report back with amendments from the Committee on Appropriations the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, and I submit a report (No. 1172) thereon. I will state that this is the second deficiency appropriation bill. There is a good deal of printing to be done in connection with the bill, but I shall endeavor to have the bill taken up by the Senate when we meet to-morrow.

ORDER FOR EVENING SESSIONS

Mr. CURTIS. Mr. President, with the consent of the Senator from Washington, I should like to submit two proposed unanimous-consent agreements. I will state that one of them is for a meeting to-morrow night to consider unobjected bills on the calendar, and the other is for an evening session Friday night for the consideration of bills on the calendar under Rule VIII.

Mr. DILL. I yield to the Senator from Kansas for that purpose.

The PRESIDING OFFICER. The first request for unanimous consent preferred by the Senator from Kansas will be read.

The legislative clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

It is agreed by unanimous consent that on Thursday, July 1, 1926, at not later than 5.30 p. m. on said day, the Senate take a recess until 8 p. m., and that at the evening session the Senate shall consider unobjected bills on the calendar, and that the evening session shall last not later than 11 p. m. on said day.

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

Mr. McKELLAR. Mr. President, are we to understand by the agreement that we shall begin the consideration of the calendar where it was last left off?

Mr. CURTIS. That is not stated in the first agreement; but in view of the point reached when the calendar was last called at a night session under a unanimous-consent agreement I think we had better begin at the beginning, as it will not take long to get to that point.

Mr. KING. Mr. President, I inquire of the Senator from Kansas whether he understands that his request for unanimous consent involves the proposition that no motion may be made to take up a bill to the consideration of which objection has been made?

Mr. CURTIS. That is true as to the session to-morrow night, but on Friday night bills may be taken up on motion.

Mr. KING. But on to-morrow night an objection carries the bill over, and no motion may be made to take it up, notwithstanding the objection?

The PRESIDING OFFICER. That is the understanding of the occupant of the chair. Is there objection to the proposed unanimous-consent agreement of the Senator from Kansas? The Chair hears none, and it is so ordered. The second unanimous-consent agreement proposed by the Senator from Kansas will be read.

The legislative clerk read as follows:

UNANIMOUS CONSENT AGREEMENT

It is agreed by unanimous consent that on Friday, July 2, 1926, at not later than 5.30 p. m., on said day, the Senate take a recess until 8 p. m., and that at the evening session the Senate shall consider bills on the calendar under Rule VIII, and that the evening session shall last not later than 11 p. m. on said day.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

After Mr. DILL yielded the floor for the day,

GRANT OF EASEMENT TO TUSKEGEE RAILROAD CO.

Mr. SMOOT. Mr. President, from the Committee on Finance I report back favorably without amendment the bill (H. R. 10361) to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co., and I ask for immediate consideration.

Mr. BRATTON. Let the bill be read.

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized to grant on behalf of the United States over such strip of land 50 feet in width as the director may designate in the tract now occupied in part by the United States Veterans' Hospital No. 91, Tuskegee, Ala.; such easement to be subject to such reasonable requirements as the director may impose for the protection of the hospital and the interests of the United States, and to continue as long as such strip of land is actually occupied and used by the grantee, its successors or assigns, for the construction or operation and maintenance of an extension of its railroad.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

ESTATE OF J. A. GALLOWAY

Mr. OVERMAN. I ask unanimous consent for the present consideration of Calendar No. 1207, the bill (H. R. 5789) for the relief of the estate of J. A. Galloway.

Mr. KING. Let the bill be read.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of J. A. Galloway, late of Brevard, Transylvania County, N. C., the sum of $2,040 in full compensation and final settlement of all claims or demands for injuries sustained by the said J. A. Galloway on or about the 25th day of November, 1915, in Jackson County, N. C., while in the active discharge of his duties as revenue officer of the United States Government in destroying illicit distilleries, when he was shot from ambush by persons he was seeking to arrest, resulting in his serious personal injury, including the permanent loss of one of his eyes and great physical suffering.

Mr. KING. I think the bill had better go over.

Mr. OVERMAN. Mr. President, I hope the Senator will not object. The man is dead. He was shot in the back with a load of buckshot, his eye was shot out, he went to the hospital for two months, and eventually died. He ought to have had $10,000, but the House only allowed him $2,000.

Mr. KING. But it was 11 years ago.

Mr. OVERMAN. But the man had been suffering for all that length of time. The Secretary of the Treasury recommends it and everybody recommends it.

Mr. KING. Very well; I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

SALE OF LOT 2, SQUARE 1113, DISTRICT OF COLUMBIA

Mr. JONES of Washington. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 10309) authorizing the sale of lot 2 in square 1113 in the District of Columbia, and the deposit of the net proceeds in the Treasury. This is a piece of property which belongs to the District of Columbia. In some way it got on the tax rolls and was sold for the tax and bought in by Mr. Cole. In subsequent years and until his death Mr. Cole paid the taxes, and then Mrs. Cole paid them, until it was found that it really belonged to the District. It is merely a provision to repay the amount paid out by them.

Mr. KING. With interest?

Mr. JONES of Washington. At 6 per cent.

Mr. KING. I want to ask the Senator why, if it belongs to the District, it should be sold?

Mr. JONES of Washington. In the report it is stated that it is not needed for municipal purposes.

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

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized to sell and convey the title of the United States of America to lot No. 2, in square 1113, in the District of Columbia, at private sale, at the best price obtainable, at not less than the assessed value of the said lot, and to pay, out of the proceeds of the said sale, to Julia F. Cole a sum equal to the total amount which has been paid by said Julia F. Cole and by her deceased husband Beverly F. Cole as taxes and redemption from tax sales of said property, together with 6 per cent interest on all such payments from the date of their respective payments to the date of the passage of this act, and to deposit the balance received from said sale in the general funds of the Treasury of the United States.

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

INVESTIGATION OF GRAIN EXPORTING AND SPECULATIVE INTERESTS

Mr. WHEELER. Mr. President, I send to the desk and ask to have read a resolution, which I then ask may go over under the rule.

The PRESIDING OFFICER. The resolution will be read for information.

The Chief Clerk read the resolution (S. Res. 269), as follows:

Mr. WHEELER submitted the following resolution, which was ordered to lie over under the rule:

Resolution 269

Whereas the activities of certain grain exporters, grain speculators, dealers in grain, and associations of such speculators and dealers in opposition to effective legislation for the American farmer have been reported to Congress and its committees; and

Whereas statements pointing toward secret relations between the Secretary of Commerce and the Secretary of Agriculture with these grain exporting and speculative interests have been made in the Senate; and

Whereas the Secretary of Agriculture and the Secretary of Commerce are charged with duties of tremendous importance to agriculture, having direct bearing on its economic welfare, which duties are such as to demand unbiased and impartial administration free from all entanglements of any sort whatsoever; and

Whereas if relations of the Secretary of Commerce, past or present, with certain grain exporters; of the Secretary of Agriculture with associations, firms, institutions, or schools devoted to practicing or teaching speculation in grain; or the relations of both of them to a movement having for its purpose the sale of certain terminal elevator properties now owned by private grain firms and banks, either to the Government or to the farmers, are such as to make impossible the fair and impartial administration of all their duties by the Secretary of Agriculture and the Secretary of Commerce, the Congress of the United States should be informed of such relations:

Resolved, That a special committee be appointed by the President of the Senate to make a thorough investigation of the nature of such relations; that said special committee shall consist of three Republicans, of whom at least one shall be a Progressive Republican, and two minority Senators; that said special committee be, and hereby is, specifically empowered and directed immediately to undertake and carry out a complete investigation and fully report the facts to the Senate as soon as possible, stressing those instances in which positions of political and governmental power have been employed to serve the selfish interests opposed to agricultural rehabilitation. In this connection said special committee is hereby directed to investigate particularly into the connections and relationships, past and present, between present Government officials and such concerns as are, or have been, predatorially opposed to legislation dealing with the exportable surplus of agricultural products.

Resolved further, That said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents; and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The PRESIDING OFFICER. The resolution will go over under the rule.

STATUE OF JOHN ERICSSON

Mr. FESS, from the Committee on Printing, reported a concurrent resolution (S. Con. Res. 25), which was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, 12,200 copies of the proceedings, and such other matter as may be relevant thereto, in connection with the unveiling of the statue of John Ericsson, in Washington, D. C., May 29, 1926, of which 3,000 copies shall be for the use of the Senate, 7,000 copies for the use of the House of Representatives, 2,000 copies to be delivered to the John Ericsson Memorial Committee, and the remaining 200 copies shall be bound in full morocco and delivered to the John Ericsson Memorial Committee for distribution to the descendants of John Ericsson and such other persons as said committee may designate.

CORN SUGAR

Mr. CUMMINS. Mr. President, I ask unanimous consent that at the close of routine morning business to-morrow the Senate proceed to the consideration of my motion in connection with the corn sugar bill.

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

Mr. NEELY. What is the request?

Mr. CUMMINS. That at the close of the routine morning business to-morrow the Senate consider my motion in connection with the corn sugar bill.

Mr. DILL. Mr. President, I shall have to object. It would displace the radio bill, as I understand it.

The PRESIDING OFFICER. Objection is made.

Subsequently, in executive session, while the doors were closed, on motion of Mr. CUMMINS, it was—

Ordered, by unanimous consent, That immediately after the conclusion of the routine morning business on July 1, 1926, the Senate proceed to the consideration of the House amendment to the bill S. 481, the so-called corn sugar bill.

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 50 minutes spent in executive session, the doors were reopened.

CONSULAR CONVENTION WITH CUBA

In executive session this day, the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a consular convention between the United States and the Republic of Cuba, signed at Habana on April 22, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *Washington.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a consular convention between the United States and the Republic of Cuba, signed at Habana on April 22, 1926.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE, *Washington.*

CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CUBA.

The United States of America and the Republic of Cuba, being desirous of defining the duties, rights, privileges and immunities of consular officers of the two countries have agreed to conclude a Convention for that purpose and to that end have named as their respective plenipotentiaries:

The President of the United States of America, Mr. Enoch H. Crowder, Ambassador Extraordinary and Plenipotentiary of the United States of America in Cuba, and

The President of the Republic of Cuba, Mr. Carlos Manuel de Céspedes y de Quesada, Secretary of State of the Republic of Cuba, who, having communicated their full powers found in good and due form, have agreed upon the following Articles:

ARTICLE I.

The High Contracting Parties agree to receive from each other, consular officers, at the places of their respective territories that they may consider convenient and which are open to consular representatives of any foreign country.

ARTICLE II.

Consular officers may not take up the discharge of their duties nor enjoy the corresponding privileges, until after the Government to which they have been appointed shall have granted them their exequatur, except in the case that said Government, at the request of the Embassy of the other, shall have granted them provisional recognition.

The Government of each of the High Contracting Parties shall furnish free of charge the exequatur of such consular officers of the other High Contracting Party as present a regular commission signed by the chief executive of the appointing state and under its Great Seal, and shall issue to a subordinate or substitute consular officer appointed by a superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function.

ARTICLE III.

Consular officers to whom the exequatur or other documents referred to in the foregoing article have been issued shall enjoy all the rights, immunities, privileges and exemptions granted by this Convention and those enjoyed by officers of the same grade of the most favored Nation.

ARTICLE IV.

As official agents of the State which appoints them, such consular officers shall be entitled to the high consideration of the officials of the Government and of the local authorities of the State which receives them, they being subject, in so far as regards ceremonial, to the provisions or practices in force in said country.

The consular officers shall exercise their functions obeying the laws and respecting the authorities of the Nation which receives them, and they shall be subject to said authorities in all matters which do not come under the exercise of their functions and within the limits of their jurisdiction, except as otherwise provided in this Convention.

ARTICLE V.

Consular officers, nationals of the State by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office, and there shall be compliance on the part of the consular officer.

In civil cases consular officers shall be subject to the jurisdiction of the courts, provided, however, that when the officer is a national of the State which appoints him and is engaged in no private occupation for gain his testimony shall be taken orally or in writing at his residence or office and with the consideration due him. The officer must, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

ARTICLE VI.

Consular officers, including employees in a consulate, nationals of the State by which they are appointed, other than those engaged in private occupations for gain within the State where they exercise their functions, shall be exempt from all taxes, national, state, provincial and municipal levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. Consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services, as well as from every class of requisitions, billetings or services of a military, naval, administrative or police character.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, state, provincial, and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE VII.

Consular officers may place over the outer part of their respective offices the arms of their State with an appropriate inscription designating the consular office. Such officers may also hoist the flag of their country on their offices, including those situated in the capital of the country which receives them and over any boat employed in the exercise of the consular function.

The consular offices and archives are inviolable at all times and in no event may the local authorities enter them without the permission of the consular officers, nor examine or seize, under any pretext, any of the documents or objects found within a consular office. Neither shall any consular office be required to produce official archives in court or testify as to their contents.

When a consular officer is engaged in business of any kind within the country which receives him, the archives of the consulate and the documents relative to the same shall be kept in a place entirely apart from his private or business papers.

ARTICLE VIII.

Consular offices shall not be used as places of asylum. Consular officers are under the obligation of surrendering to the proper local authorities, which may claim them, persons prosecuted for crime in accordance with the domestic laws of the country which receives them, who have taken refuge in the building occupied by the consular offices.

ARTICLE IX.

Upon the death, incapacity or absence of all the consular officers, any of the chancellors or auxiliary employees, whose official character may have previously been made known to the Secretary of State, may temporarily exercise the consular functions, and while so acting shall enjoy all the rights, prerogatives, immunities and exemptions belonging to the incumbent.

ARTICLE X.

Consular officers, nationals of the state by which they are appointed, may, within their respective consular districts, address the authorities, national, state, provincial or municipal, for purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint

may be made for the infraction of those rights. Failure upon the part of the appropriate authorities to grant redress or to accord protection may justify recourse to the diplomatic channel.

ARTICLE XI.

Consular officers may, in pursuance of the laws of their own country, take at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the state by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions, and contracts relating to property situated, or business to be transacted, within the territories of the state by which they are appointed embracing unilateral acts, deeds, testamentary dispositions or contracts executed solely by nationals of the state within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated and bearing the official seal of the consular office, shall be received as evidence in the territories of the High Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized therefor in the country by which the consular officer was appointed, provided always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE XII.

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, including controversies which may arise at sea or in port, between the captain, the officers and the crew concerning the enforcement of discipline, provided the vessels and the persons charged with wrongdoing shall have entered a port within his consular district. Such officer shall also have jurisdiction in controversies involving the settlement of wages and the performance of the stipulations reciprocally agreed upon provided the local laws so permit.

When an act committed on board of a merchant vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of the last named State, the consular officer shall not exercise jurisdiction.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed for the purpose of observing the proceedings and rendering assistance.

ARTICLE XIII.

In case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of his death, may take charge of the protection or conservation of the property left by the decedent, pending the appointment of an administrator who may be the consular officer himself, in the discretion of the court competent to take cognizance of the case, provided the laws of the place where the estate is administered permit such action by the consular officer and appointment by the court.

Whenever a consular officer accepts the office of administrator of the estate of a national of the country he represents, he subjects himself as such to the jurisdiction of the tribunal making the appointment for all pertinent purposes to the same extent as a national of the State where he is appointed.

ARTICLE XIV.

A consular officer of either High Contracting Party may in behalf of the non-resident nationals of the country he represents, receipt for the shares coming to them in estates or in indemnities accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

ARTICLE XV.

A consular officer of either High Contracting Party shall have the right to inspect, within the ports of the other High Contracting Party within his consular district, the merchant vessels of any flag destined or about to clear for ports of the country which he represents in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the manner in which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

ARTICLE XVI.

The High Contracting Parties agree to permit the entry free of all customs duty and without examination of any kind of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post, or imported at any time during his incumbency thereof; provided nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

The above mentioned privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to supplies.

ARTICLE XVII.

All operations relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred.

The local authorities will apprise the consular officers of the occurrence and pending the arrival of the said officers will take the measures that may be necessary for the protection of the persons and the preservation of the effects that were wrecked. The local authorities shall not interfere otherwise than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved which shall not be subjected to the payment of any customhouse duties, unless it be intended for consumption in the country where the wreck took place.

The intervention of the local authorities in these cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XVIII.

Consular officers shall cease in the discharge of their functions:

1. By virtue of an official communication from the Government which appointed him addressed to the Government which received him, advising that his functions have ceased, or

2. By virtue of a request of the Government which appointed him that an exequatur be issued to a successor, or

3. By withdrawal of the exequatur granted him by the Government of the Nation in which he discharges his duties.

ARTICLE XIX.

The present convention shall be ratified by the High Contracting Parties in accordance with their respective laws, and the ratifications thereof shall be exchanged in the City of Havana as soon as possible. It shall take effect from the day of the exchange of ratifications and shall thereafter remain in force until one year after either of the High Contracting Parties has given notice to the other of its desire to terminate it.

In witness whereof, the above mentioned Plenipotentiaries have signed the two originals of the present Convention and have thereunto affixed their seals.

Done in two copies of the same text and legal force, in the English and Spanish languages, in the City of Havana, this twenty second day of April in the year one thousand nine hundred and twenty-six.

[SEAL] ENOCH H. CROWDER
[SEAL] CARLOS MANUEL DE CÉSPEDES

ARBITRATION CONVENTION WITH LIBERIA

In executive session this day, the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to its ratification, I transmit herewith an arbitration convention between the United States and Liberia, signed at Monrovia on February 10, 1926. Copies of notes exchanged between the American chargé d'affaires ad interim at Monrovia and the Liberian Secretary of State at the time of the signature of the convention accompanying the convention for the Senate's information.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, June 24, 1926.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, an arbitration convention between the United States and Liberia, signed at Monrovia, on February 10, 1926.

There are also inclosed, for the information of the Senate, copies of notes exchanged between the American chargé d'affaires ad interim and the Liberian Secretary of State at the time of the signature of the convention.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, June 22, 1926.

ARBITRATION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND LIBERIA

The Government of the United States of America and the Government of the Republic of Liberia, being desirous of establishing a means for referring to arbitration questions arising between them which they shall consider possible to submit to such treatment, have named as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America:
Clifton R. Wharton, Chargé d'Affaires ad interim of the United States at Monrovia; and

The President of the Republic of Liberia:
Edwin Barclay, Secretary of State of the Republic of Liberia;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Conventions of July 29, 1899 and October 18, 1907, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special arrangements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and that on the part of Liberia they shall be subject to the procedure required by its laws.

ARTICLE III.

The present Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional methods. It shall come into force on the day of the exchange of the ratifications, which shall take place at Monrovia as soon as possible, and shall remain in force for a period of five years. In case neither Contracting Party should give notice, six months before the expiration of that period of its intention to terminate the Convention, it will continue binding until the expiration of six months from the day when either Contracting Party shall have denounced it.

Done in duplicate at Monrovia, this tenth day of February in the year one thousand nine hundred twenty-six.

[SEAL] CLIFTON R. WHARTON
[SEAL] EDWIN BARCLAY

EXCHANGE OF NOTES

LEGATION OF THE UNITED STATES OF AMERICA,
Monrovia, Liberia, February 10, 1926.

EXCELLENCY:

In connection with the signing today of a Convention of Arbitration between the United States of America and the Republic of Liberia, providing for the submission of differences of certain classes which may arise between the two Governments to the Permanent Court of Arbitration established at The Hague under the Convention for the Pacific Settlement of International Disputes concluded in 1899 and 1907, I have the honor to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

I understand that in the event of the adhesion by the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice was created at The Hague, the Government of Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

Accept, Excellency, the renewed assurances of my highest consideration.

CLIFTON R. WHARTON,
Chargé d'Affaires ad interim.

Honorable EDWIN BARCLAY,
Secretary of State, Monrovia, Liberia.

DEPARTMENT OF STATE,
Monrovia, Liberia, February 10, 1926.

SIR: I have the honour to acknowledge the receipt of your note of today's date, in which you were so good as to inform me, in connection with the signing of a Convention of Arbitration between the Republic of Liberia and the United States of America, that you understand that in the event of the adhesion by the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice was created at The Hague, the Government of Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

I have the Honour to confirm your understanding of the attitude of the Government of Liberia on this point and to state that if the United States adheres to the Protocol, Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

Accept, Sir, the renewed assurances of my highest consideration.

I have the Honour to be, Sir,
Your obedient servant,

EDWIN BARCLAY,
Secretary of State.

The AMERICAN CHARGÉ D'AFFAIRES A. I.,
American Legation, Monrovia, Liberia.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, July 1, 1926, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate June 30, 1926

ASSISTANT SECRETARY OF THE NAVY

Edward P. Warner, of Massachusetts, to be Assistant Secretary of the Navy.

COLLECTOR OF REVENUE

Wallace S. Handy, of Dover, Del., to be collector of internal revenue for the district of Delaware, in place of John W. Hering, resigned.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenant

First Lieut. Dwight Moody Young, Medical Corps Reserve, with rank from June 25, 1926.

DENTAL CORPS

To be first lieutenants

First Lieut. Marvin Edward Kennebeck, Dental Corps Reserve, with rank from June 25, 1926.

First Lieut. Hugh David Phillips, Dental Corps Reserve, with rank from June 25, 1926.

First Lieut. Frank Elwyn Patterson, Dental Corps Reserve, with rank from June 25, 1926.

First Lieut. Arthur Letcher Irons, Dental Corps Reserve, with rank from June 25, 1926.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. Samuel Wheelan Noyes, Infantry, from June 27, 1926.

TO BE LIEUTENANT COLONEL

Maj. Henry Wyatt Fleet, Infantry, from June 27, 1926.

TO BE MAJOR

Capt. Stanley Eric Reinhart, Field Artillery, from June 27, 1926.

Capt. Notley Young DuHamel, Corps of Engineers, from June 27, 1926.

TO BE CAPTAIN

First Lieut. Shiras Alexander Blair, Air Service, from June 27, 1926.

TO BE FIRST LIEUTENANTS

Second Lieut. Joseph Warren Huntress, jr., Quartermaster Corps, from June 27, 1926.

Second Lieut. Louis Beman Rapp, Cavalry, from June 25, 1926.

Second Lieut. Edwards Matthews Quigley, Field Artillery, from June 26, 1926.

Second Lieut. James Breckenridge Clearwater, Field Artillery, from June 27, 1926.

PROMOTION IN THE PHILIPPINE SCOUTS

TO BE CAPTAIN

First Lieut. James Denison Carter, Philippine Scouts, from June 27, 1926.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

Second Lieut. John William Black, Air Service, with rank from June 12, 1925.

PROMOTIONS IN THE NAVY

The following-named captains to be rear admirals in the Navy from the 4th day of June, 1926:

Charles L. Hussey.
John R. Y. Blakely.

Paymaster Herbert E. Stevens to be a pay inspector in the Navy, with the rank of commander, from the 11th day of January, 1918.

MARINE CORPS

The following-named second lieutenants to be second lieutenants in the Marine Corps from the 3d day of June, 1926, to correct the date from which they take rank as previously nominated and confirmed:

Francis J. McQuillen.
Edward W. Snedeker.
Kenneth W. Benner.
John S. E. Young, jr.
Richard S. Burr.
Kenneth H. Cornell.
Arthur H. Butler.
Earl J. Ashton.
Hartnoll J. Withers.
Nels H. Nelson.
Lofton R. Henderson.
Russell N. Jordahl.
Chester B. Graham.
Mortimer S. Crawford.
Frank P. Pyzick.
Benjamin F. Kaiser, jr.
Elmer H. Salzman.
Thomas A. Wornham.
Thomas B. Jordan.
Earle S. Davis.
Roy M. Gulick.
Charles G. Wadbrook.
Con D. Silard.
Ward E. Dickey.
Joseph L. Wolfe.

POSTMASTERS

ALABAMA

Sanford M. Dawsey to be postmaster at Dothan, Ala., in place of M. J. Fritts. Incumbent's commission expired February 24, 1926.

John F. Frazer to be postmaster at Lafayette, Ala., in place of J. F. Frazer. Incumbent's commission expired April 20, 1926.

ARKANSAS

Jesse H. Crosswhite to be postmaster at Lead Hill, Ark. Office becomes presidential July 1, 1926.

CALIFORNIA

Roscoe E. Watts to be postmaster at Rialto, Calif., in place of R. E. Watts. Incumbent's commission expires July 31, 1926.

James E. Pharr to be postmaster at Scotia, Calif., in place of J. E. Pharr. Incumbent's commission expires July 31, 1926.

Seth A. Frank to be postmaster at Alderpoint, Calif. Office becomes presidential July 1, 1926.

Willis H. Stokes to be postmaster at Applegate, Calif. Office becomes presidential July 1, 1926.

Louis C. De Armond to be postmaster at Blairsden, Calif. Office becomes presidential July 1, 1926.

Herbert A. Barber to be postmaster at Blue Lake, Calif. Office becomes presidential July 1, 1926.

Homer M. Dorland to be postmaster at Copco, Calif. Office becomes presidential July 1, 1926.

Edith C. Thomas to be postmaster at Garberville, Calif. Office becomes presidential July 1, 1926.

Maggie J. Wimer to be postmaster at Lake City, Calif. Office becomes presidential July 1, 1926.

John K. Scammell to be postmaster at Mar Vista, Calif. Office becomes presidential July 1, 1926.

Lena M. Burris to be postmaster at Meridian, Calif. Office becomes presidential July 1, 1926.

Marjorie E. Stover to be postmaster at Crannell, Calif., in place of C. S. Sharp, resigned.

COLORADO

Will J. Wood to be postmaster at Crawford, Colo., in place of W. J. Wood. Incumbent's commission expires July 17, 1926.

Frank E. Stewart to be postmaster at Golden, Colo., in place of J. E. Dennis. Incumbent's commission expired March 14, 1926.

Julian P. Tatum to be postmaster at Berwind, Colo. Office becomes presidential July 1, 1926.

James Amber to be postmaster at Buckingham, Colo. Office becomes presidential July 1, 1926.

Robert L. Vinyard to be postmaster at Eureka, Colo. Office becomes presidential July 1, 1926.

CONNECTICUT

Carleton W. Tyler to be postmaster at Southbury, Conn., in place of C. W. Tyler. Incumbent's commission expires July 21, 1926.

Willis C. Chidsey to be postmaster at Avon, Conn. Office becomes presidential July 1, 1926.

Michael M. Olie to be postmaster at Pepuabuck, Conn. Office becomes presidential July 1, 1926.

FLORIDA

Owen W. Pittman to be postmaster at Miami, Fla., in place of J. D. Gardner. Incumbent's commission expired January 27, 1926.

Elia B. Thomas to be postmaster at Deerfield, Fla. Office becomes presidential July 1, 1926.

GEORGIA

Paul L. Smith to be postmaster at Athens, Ga., in place of P. L. Smith. Incumbent's commission expires July 18, 1926.

Minnie P. Abt to be postmaster at Mount Vernon, Ga., in place of F. G. Brewton. Incumbent's commission expired March 4, 1926.

Joe B. Crane to be postmaster at Dixie, Ga. Office becomes presidential July 1, 1926.

Allen E. Pettitt to be postmaster at Nelson, Ga. Office becomes presidential July 1, 1926.

IDAHO

William C. Quarles to be postmaster at Gibbs, Idaho. Office becomes presidential July 1, 1926.

Homer S. Brown to be postmaster at Reubens, Idaho. Office becomes presidential July 1, 1926.

Spencer H. Lawson to be postmaster at Spencer, Idaho. Office becomes presidential July 1, 1926.

ILLINOIS

Hugo L. Schneider to be postmaster at Highland Park, Ill., in place of H. L. Schneider. Incumbent's commission expires July 31, 1926.

Bert R. Johnson to be postmaster at Kewanee, Ill., in place of B. R. Johnson. Incumbent's commission expires July 31, 1926.

Fred A. Griggs to be postmaster at Kirkland, Ill., in place of F. A. Griggs. Incumbent's commission expired June 28, 1926.

Samuel J. Davis to be postmaster at Mooseheart, Ill., in place of S. J. Davis. Incumbent's commission expires July 31, 1926.

Raymond W. Peters to be postmaster at St. Joseph, Ill., in place of R. W. Peters. Incumbent's commission expires July 31, 1926.

Ulysses G. Dennison to be postmaster at Winnebago, Ill., in place of U. G. Dennison. Incumbent's commission expires July 31, 1926.

Walter B. Dunlap to be postmaster at Bath, Ill. Office becomes presidential July 1, 1926.

R. Dunn Cook to be postmaster at Belle Rive, Ill. Office becomes presidential July 1, 1926.

John E. Holcomb to be postmaster at Butler, Ill. Office becomes presidential July 1, 1926.

Samuel A. McCullough to be postmaster at Irvington, Ill. Office becomes presidential July 1, 1926.

Walter H. Prehm to be postmaster at Lake Zurich, Ill. Office becomes presidential July 1, 1926.

Clarence O. Greeson to be postmaster at Lerna, Ill. Office becomes presidential July 1, 1926.

Jacob A. Hirsbrunner to be postmaster at Olivet, Ill. Office becomes presidential July 1, 1926.

William A. Rush to be postmaster at Christopher, Ill., in place of J. W. Dye, deceased.

William S. Blanchard to be postmaster at Kenilworth, Ill., in place of John Gukeisen, resigned.

William A. Graham to be postmaster at Wapella, Ill. Office becomes presidential July 1, 1926.

John Giachetto to be postmaster at Wilsonville, Ill. Office becomes presidential July 1, 1926.

INDIANA

Shad R. Young to be postmaster at Cicero, Ind., in place of S. R. Young. Incumbent's commission expires July 17, 1926.

Robert P. White to be postmaster at Sullivan, Ind., in place of R. P. White. Incumbent's commission expired March 2, 1926.

IOWA

Phillip T. Serrurier to be postmaster at Sabula, Iowa, in place of P. T. Serrurier. Incumbent's commission expires July 24, 1926.

Frank M. Hood to be postmaster at Sergeant Bluff, Iowa, in place of F. M. Hood. Incumbent's commission expires July 24, 1926.

Flossie K. Pfeiff to be postmaster at West Burlington, in place of F. K. Pfeiff. Incumbent's commission expires July 24, 1926.

Myrtle B. Stark to be postmaster at Boxholm, Iowa. Office becomes presidential July 1, 1926.

Cora B. Peck to be postmaster at Colesburg, Iowa. Office becomes presidential July 1, 1926.

Cora M. Lamer to be postmaster at Goodell, Iowa. Office becomes presidential July 1, 1926.

Flossie H. Casebolt to be postmaster at Henderson, Iowa. Office becomes presidential July 1, 1926.

John L. Eichacker to be postmaster at Homestead, Iowa. Office became presidential July 1, 1926.

Harvey S. Bliss to be postmaster at Kensett, Iowa. Office becomes presidential July 1, 1926.

Ferdinand J. Ruff to be postmaster at South Amana, Iowa. Office becomes presidential July 1, 1926.

Estella M. Hauser to be postmaster at Varina, Iowa. Office becomes presidential July 1, 1926.

KANSAS

John H. O'Connor to be postmaster at Winfield, Kans., in place of J. H. O'Connor. Incumbent's commission expires July 20, 1926.

Francis M. Smith to be postmaster at Ford, Kans. Office becomes presidential July 1, 1926.

Jessie I. Cramer to be postmaster at Galva, Kans. Office becomes presidential July 1, 1926.

Louise M. Pfortmiller to be postmaster at Gorham, Kans. Office becomes presidential July 1, 1926.

Lewis E. Glasco to be postmaster at Piedmont, Kans. Office becomes presidential July 1, 1926.

Lou E. Cochran to be postmaster at Windom, Kans. Office becomes presidential July 1, 1926.

KENTUCKY

Phoebe Howard to be postmaster at Salyersville, Ky., in place of Phoebe Howard. Incumbent's commission expired May 6, 1926.

Austin R. Edwards to be postmaster at Walton, Ky., in place of A. R. Edwards. Incumbent's commission expired February 15, 1926.

Bertha L. Hutchinson to be postmaster at Wheelwright, Ky., in place of Sadie Ryan, resigned.

A. Fay Solomon to be postmaster at Calvert City, Ky. Office becomes presidential July 1, 1926.

Milton A. Wettstain to be postmaster at Chambers, Ky. Office becomes presidential July 1, 1926.

J. Whit Wingo to be postmaster at Lynnville, Ky. Office becomes presidential July 1, 1926.

Martin Van Allen to be postmaster at Martin, Ky. Office becomes presidential July 1, 1926.

Sister Marie M. Le Bray to be postmaster at Nazareth, Ky. Office becomes presidential July 1, 1926.

Joseph P. Poole to be postmaster at Rochester, Ky. Office becomes presidential July 1, 1926.

Myrtle Latta to be postmaster at Water Valley, Ky. Office becomes presidential July 1, 1926.

Flora Carroll to be postmaster at West Paducah, Ky. Office becomes presidential July 1, 1926.

LOUISIANA

Samuel E. Rankin to be postmaster at Haynesville, La., in place of C. C. Brown. Incumbent's commission expired March 29, 1926.

George M. Tannehill to be postmaster at Urania, La. Office becomes presidential July 1, 1926.

MAINE

Addie E. Cram to be postmaster at Dryden, Me. Office becomes presidential July 1, 1926.

Thomas Hebert to be postmaster at Madawaska, Me. Office becomes presidential July 1, 1926.

Mertland L. Carroll to be postmaster at New Harbor, Me. Office becomes presidential July 1, 1926.

Reginald B. Bartlett to be postmaster at Portage, Me. Office becomes presidential July 1, 1926.

MARYLAND

Edwin L. Shaw to be postmaster at Cumberland, Md., in place of P. G. Cowden. Incumbent's commission expired April 4, 1926.

MASSACHUSETTS

John P. Brown to be postmaster at Bass River, Mass., in place of J. P. Brown. Incumbent's commission expires July 17, 1926.

Burton D. Webber to be postmaster at Fiskdale, Mass., in place of B. D. Webber. Incumbent's commission expires July 17, 1926.

Francis K. Irwin to be postmaster at Cataumet, Mass. Office becomes presidential July 1, 1926.

Alice M. Lincoln to be postmaster at Raynham, Mass. Office becomes presidential July 1, 1926.

John H. Fletcher to be postmaster at Westford, Mass. Office becomes presidential July 1, 1926.

MICHIGAN

Andrew W. Reinhard to be postmaster at Brimley, Mich., in place of A. W. Reinhard. Incumbent's commission expires July 31, 1926.

Natalie G. Marker to be postmaster at Elk Rapids, Mich., in place of N. G. Marker. Incumbent's commission expires July 17, 1926.

Ward R. Rice to be postmaster at Galesburg, Mich., in place of W. R. Rice. Incumbent's commission expires July 17, 1926.

Hance Briley to be postmaster at Atlanta, Mich., in place of Foster Cameron, resigned.

Clifford W. Tooker to be postmaster at Muir, Mich., in place of Hercules Rice, removed.

James G. Gilday to be postmaster at Erie, Mich. Office becomes presidential July 1, 1926.

Elfreda L. Mulligan to be postmaster at Grand Marais, Mich. Office becomes presidential July 1, 1926.

Alfred Endsley to be postmaster at Ida, Mich. Office becomes presidential July 1, 1926.

Frederick P. Claflin to be postmaster at Keego Harbor, Mich. Office becomes presidential July 1, 1926.

Eugene J. Richardson to be postmaster at Temperance, Mich. Office becomes presidential July 1, 1926.

MINNESOTA

Edward Lende to be postmaster at Appleton, Minn., in place of Edward Lende. Incumbent's commission expired May 3, 1926.

Jacob P. Soes to be postmaster at Climax, Minn., in place of J. P. Soes. Incumbent's commission expired October 6, 1925.

Fritz Von Ohlen to be postmaster at Henning, Minn., in place of Fritz Von Ohlen. Incumbent's commission expires July 17, 1926.

Charles A. Allen to be postmaster at Milaca, Minn., in place of C. A. Allen. Incumbent's commission expires July 17, 1926.

Anna O. Rokke to be postmaster at Strandquist, Minn., in place of A. O. Rokke. Incumbent's commission expired May 18, 1926.

Peter G. Peterson to be postmaster at Villard, Minn., in place of P. G. Peterson. Incumbent's commission expires July 17, 1926.

Gustave Backer to be postmaster at Clements, Minn. Office becomes presidential July 1, 1926.

John C. Diekmann to be postmaster at Collegeville, Minn. Office becomes presidential July 1, 1926.

Henry J. Widenhoefer to be postmaster at Fisher, Minn., in place of Christian Widenhoefer, deceased.

MISSISSIPPI

Bertie A. Hallmark to be postmaster at Belmont, Miss., in place of J. L. Hallmark. Incumbent's commission expired March 21, 1926.

Matthew T. Patton to be postmaster at Alcorn, Miss. Office becomes presidential July 1, 1926.

Nettie E. Shelby to be postmaster at Beulah, Miss. Office becomes presidential July 1, 1926.

Ida M. Turnage to be postmaster at Zama, Miss. Office becomes presidential July 1, 1926.

Andrew McD. Patterson to be postmaster at Como, Miss., in place of A. McD. Patterson. Incumbent's commission expired February 17, 1926.

Benjamin C. Feigler to be postmaster at Philipp, Miss., in place of B. C. Feigler. Incumbent's commission expired March 21, 1926.

MISSOURI

Joe P. Stiles to be postmaster at Keytesville, Mo., in place of G. H. Applegate. Incumbent's commission expired November 8, 1925.

George E. Richars to be postmaster at Lilbourn, Mo., in place of G. E. Richars. Incumbent's commission expires July 26, 1926.

Ruby O. Church to be postmaster at Winona, Mo., in place of Minerva Norton. Incumbent's commission expired August 4, 1925.

Albert W. Mueller to be postmaster at Altenburg, Mo. Office becomes presidential July 1, 1926.

Gertrude Redding to be postmaster at Englewood, Mo. Office becomes presidential July 1, 1926.

MONTANA

T. Lester Morris to be postmaster at Corvallis, Mont., in place of T. L. Morris. Incumbent's commission expires July 31, 1926.

Samuel C. Brock to be postmaster at Belton, Mont. Office becomes presidential July 1, 1926.

Ernest M. Goodell to be postmaster at Dutton, Mont. Office becomes presidential July 1, 1926.

NEBRASKA

William H. Willis to be postmaster at Bridgeport, Nebr., in place of W. H. Willis. Incumbent's commission expired June 6, 1926.

NEVADA

Louis H. Ulrich to be postmaster at Hawthorne, Nev. Office becomes presidential July 1, 1926.

NEW HAMPSHIRE

Charles H. Tarbell to be postmaster at South Lyndeboro, N. H. Office becomes presidential July 1, 1926.

Byron J. L. Eaton to be postmaster at Seabrook, N. H. Office becomes presidential July 1, 1926.

NEW JERSEY

Walter A. Smith to be postmaster at Avalon, N. J. Office becomes presidential July 1, 1926.

Florence N. Watson to be postmaster at Edgewater Park, N. J. Office becomes presidential July 1, 1926.

Mary E. Helmuth to be postmaster at Lavallette, N. J. Office becomes presidential July 1, 1926.

John Comly to be postmaster at Lincoln Park, N. J. Office becomes presidential July 1, 1926.

Robert T. Lentz to be postmaster at National Park, N. J. Office becomes presidential July 1, 1926.

Frank J. Allen to be postmaster at Delair, N. J., in place of W. C. Joseph, resigned.

Charles B. Sprague to be postmaster at Manahawkin, N. J., in place of T. S. Sprague, deceased.

Charles H. Wilson to be postmaster at Swedesboro, N. J., in place of W. K. Sloan, resigned.

NEW YORK

Ruth M. Marleau to be postmaster at Big Moose, N. Y., in place of R. M. Marleau. Incumbent's commission expires July 20, 1926.

Jay E. Davis to be postmaster at Deansboro, N. Y., in place of J. E. Davis. Incumbent's commission expires July 20, 1926.

Harry M. Barrett to be postmaster at Mahopac, N. Y., in place of H. M. Barrett. Incumbent's commission expires July 26, 1926.

Ella E. Lewis to be postmaster at Clarkson, N. Y. Office becomes presidential July 1, 1926.

Mary E. Redman to be postmaster at Hamlin, N. Y. Office becomes presidential July 1, 1926.

Arthur H. Wyatt to be postmaster at Huletts Landing, N. Y. Office becomes presidential July 1, 1926.

Beatrice V. Edwards to be postmaster at Montauk, N. Y. Office becomes presidential July 1, 1926.

Clifford L. Tuthill to be postmaster at Eastport, N. Y., in place of E. W. Penney, resigned.

John A. Campbell to be postmaster at Mumford, N. Y. Office becomes presidential July 1, 1926.

William J. Schonger to be postmaster at North Branch, N. Y. Office becomes presidential July 1, 1926.

Bernard A. Marzolf to be postmaster at North Java, N. Y. Office becomes presidential July 1, 1926.

Jennie Mitchell to be postmaster at White Lake, N. Y. Office becomes presidential July 1, 1926.

Chalmers W. Joyner to be postmaster at White Sulphur Springs, N. Y. Office becomes presidential July 1, 1926.

NORTH CAROLINA

Claude S. Rowland to be postmaster at Pinetown, N. C., in place of C. S. Rowland. Incumbent's commission expires July 31, 1926.

Walter F. Long, jr., to be postmaster at Rockingham, N. C., in place of W. F. Long, jr. Incumbent's commission expires July 31, 1926.

Byron W. Graybeal to be postmaster at Lansing, N. C. Office becomes presidential July 1, 1926.

NORTH DAKOTA

Florian M. Pezalla to be postmaster at Cayuga, N. Dak. Office becomes presidential July 1, 1926.

Seburn J. Cox to be postmaster at Clifford, N. Dak. Office becomes presidential July 1, 1926.

OHIO

Albert D. Owen to be postmaster at Austinburg, Ohio. Office becomes presidential July 1, 1926.

James C. Kelley to be postmaster at Clarksville, Ohio. Office becomes presidential July 1, 1926.

George F. Burford to be postmaster at Farmdale, Ohio. Office becomes presidential July 1, 1926.

Oscar A. Fisher to be postmaster at Hannibal, Ohio. Office becomes presidential July 1, 1926.

Walter Fletcher to be postmaster at Lucas, Ohio. Office becomes presidential July 1, 1926.

Thomas G. Thomas to be postmaster at Mineral Ridge, Ohio. Office becomes presidential July 1, 1926.

Mary A. McCann to be postmaster at Mount St. Joseph, Ohio. Office becomes presidential July 1, 1926.

Nora Kearns to be postmaster at Russellville, Ohio. Office becomes presidential July 1, 1926.

John W. Gorrell to be postmaster at Malvern, Ohio, in place of W. A. Cunningham, resigned.

OKLAHOMA

Thomas M. Elliott to be postmaster at Salina, Okla., in place of C. E. Lindsey. Incumbent's commission expired August 24, 1925.

Thomas J. Ott to be postmaster at Bearden, Okla. Office becomes presidential July 1, 1926.

Gail E. Wing to be postmaster at Camargo, Okla. Office becomes presidential July 1, 1926.

Floyd Clark to be postmaster at Freedom, Okla. Office becomes presidential July 1, 1926.

James F. Lacey to be postmaster at Warner, Okla. Office becomes presidential July 1, 1926.

Clell M. Hudspeth to be postmaster at Afton, Okla., in place of Frank Victor, resigned.

OREGON

Amanda E. Bones to be postmaster at Carlton, Oreg., in place of A. E. Bones. Incumbent's commission expires July 31, 1926.

Lucius L. Hurd to be postmaster at Glendale, Oreg., in place of L. L. Hurd. Incumbent's commission expires July 31, 1926.

Flora B. Thompson to be postmaster at Jacksonville, Oreg., in place of F. B. Thompson. Incumbent's commission expires July 31, 1926.

Bernhard L. Hagemann to be postmaster at Milwaukie, Oreg., in place of B. L. Hagemann. Incumbent's commission expires July 31, 1926.

Etta M. Davidson to be postmaster at Oswego, Oreg., in place of E. M. Davidson. Incumbent's commission expires July 31, 1926.

Henrietta Sandry to be postmaster at Rogue River, Oreg., in place of Henrietta Sandry. Incumbent's commission expires July 31, 1926.

Glenn D. Withrow to be postmaster at Talent, Oreg., in place of G. D. Withrow. Incumbent's commission expires July 31, 1926.

Charles H. Watzek to be postmaster at Wauna, Oreg., in place of C. H. Watzek. Incumbent's commission expires July 31, 1926.

Florence Root to be postmaster at Boardman, Oreg. Office becomes presidential July 1, 1926.

Teresa H. McComb to be postmaster at Malin, Oreg. Office becomes presidential July 1, 1926.

Nettie J. Neil to be postmaster at Marcola, Oreg. Office becomes presidential July 1, 1926.

PENNSYLVANIA

Elmer H. Heydt to be postmaster at Abington, Pa., in place of Nellie Smith. Incumbent's commission expired May 19, 1926.

Benard Peters to be postmaster at Brackenridge, Pa., in place of Benard Peters. Incumbent's commission expires July 21, 1926.

Malcolm F. Clark to be postmaster at Coudersport, Pa., in place of M. F. Clark. Incumbent's commission expires July 19, 1926.

Elmer G. Cornwell to be postmaster at Mansfield, Pa., in place of E. G. Cornwell. Incumbent's commission expires July 19, 1926.

William S. Tomlinson to be postmaster at Newtown, Pa., in place of W. S. Tomlinson. Incumbent's commission expires July 21, 1926.

Harry R. Tomlinson to be postmaster at Andalusia, Pa. Office becomes presidential July 1, 1926.

David P. Stokes to be postmaster at Blain, Pa. Office becomes presidential July 1, 1926.

Emma J. Coleman to be postmaster at Braeburn, Pa. Office becomes presidential July 1, 1926.

George E. Gray to be postmaster at Erdenheim, Pa. Office becomes presidential July 1, 1926.

Mary G. Wilson to be postmaster at George School, Pa. Office becomes presidential July 1, 1926.

Walter Carrell to be postmaster at Ivyland, Pa. Office becomes presidential July 1, 1926.

Frank E. Tiffany to be postmaster at Kingsley, Pa. Office becomes presidential July 1, 1926.

Robert T. Barton to be postmaster at Meadowbrook, Pa. Office becomes presidential July 1, 1926.

Barbara E. Snyder to be postmaster at New Tripoli, Pa. Office becomes presidential July 1, 1926.

David R. Hoover to be postmaster at Pleasant Hall, Pa. Office becomes presidential July 1, 1926.

Lester L. Lyons to be postmaster at Pocono, Pa. Office becomes presidential July 1, 1926.

John A. Baker to be postmaster at Pocopson, Pa. Office becomes presidential July 1, 1926.

Victor D. Crum to be postmaster at Sinnamahoning, Pa. Office becomes presidential July 1, 1926.

Katherine Summers to be postmaster at Tullytown, Pa. Office becomes presidential July 1, 1926.

Clay E. Houck to be postmaster at Warriors Mark, Pa. Office becomes presidential July 1, 1926.

SOUTH CAROLINA

James L. McCown to be postmaster at Cheraw, S. C., in place of C. F. Pendleton. Incumbent's commission expired May 9, 1926.

SOUTH DAKOTA

Adolph C. Koch to be postmaster at Harrold, S. Dak., in place of G. M. Hall. Incumbent's commission expired February 9, 1926.

Thomas J. Dolan to be postmaster at Camp Crook, S. Dak. Office became presidential July 1, 1926.

Jennie Geddes to be postmaster at Forestburg, S. Dak. Office becomes presidential July 1, 1926.

Ethel C. Kinyon to be postmaster at Harrisburg, S. Dak. Office becomes presidential July 1, 1926.

TENNESSEE

Ella V. Lewis to be postmaster at Daisy, Tenn. Office becomes presidential July 1, 1926.

Alonzo P. Johnson to be postmaster at Doyle, Tenn. Office becomes presidential July 1, 1926.

D. Garfield Chambers to be postmaster at Huntsville, Tenn. Office becomes presidential July 1, 1926.

Charles E. Sexton to be postmaster at Maynardville, Tenn. Office becomes presidential July 1, 1926.

TEXAS

Edson E. King to be postmaster at Follett, Tex., in place of M. S. Johnson. Incumbent's commission expired March 23, 1926.

Wallace C. Wilson to be postmaster at McKinney, Tex., in place of W. C. Wilson. Incumbent's commission expires July 21, 1926.

Robert E. Johnson to be postmaster at Pecos, Tex., in place of R. E. Johnson. Incumbent's commission expires July 21, 1926.

Lotta E. Turney to be postmaster at Smithville, Tex., in place of L. E. Turney. Incumbent's commission expires July 21, 1926.

Ida S. McWilliams to be postmaster at Anahuac, Tex. Office becomes presidential July 1, 1926.

William M. Riddle to be postmaster at Dale, Tex. Office becomes presidential July 1, 1926.

Birdie Duree to be postmaster at Dimmitt, Tex. Office becomes presidential July 1, 1926.

Arthur B. Rook to be postmaster at Harrold, Tex. Office becomes presidential July 1, 1926.

Samuel A. West to be postmaster at Joshua, Tex. Office becomes presidential July 1, 1926.

Louis Waldvogel to be postmaster at Columbus, Tex., in place of L. I. Steiner, resigned.

VERMONT

Edward N. Aldrich to be postmaster at Graniteville, Vt. Office becomes presidential July 1, 1926.

John S. Wheeler to be postmaster at North Ferrisburg, Vt. Office becomes presidential July 1, 1926.

George D. Burnham to be postmaster at Reading, Vt. Office becomes presidential July 1, 1926.

Sherrie C. Mead to be postmaster at Shoreham, Vt. Office becomes presidential July 1, 1926.

VIRGINIA

William R. Connor to be postmaster at Dillwyn, Va., in place of W. E. Hardiman. Incumbent's commission expired April 10, 1926.

Lula E. Northington to be postmaster at Lacrosse, Va., in place of L. E. Northington. Incumbent's commission expires July 26, 1926.

Willam A. Wine to be postmaster at Quicksburg, Va. Office becomes presidential July 1, 1926.

Ida Triplett to be postmaster at Rectortown, Va. Office becomes presidential July 1, 1926.

Clementine M. Wright to be postmaster at Sharps, Va. Office becomes presidential July 1, 1926.

Harry S. Shuey to be postmaster at Craigsville, Va. Office becomes presidential July 1, 1926.

William J. Sutherland to be postmaster at Penhook, Va. Office becomes presidential July 1, 1926.

Asher Brinson to be postmaster at Stonega, Va., in place of Maud Duffy, resigned.

WASHINGTON

Herman S. Reed to be postmaster at Redmond, Wash., in place of H. S. Reed. Incumbent's commission expires July 24, 1926.

Otto F. Reinig to be postmaster at Snoqualmie, Wash., in place of O. F. Reinig. Incumbent's commission expires July 24, 1926.

Phillip Abbey to be postmaster at Hoodsport, Wash. Office becomes presidential July 1, 1926.

Stella F. Fix to be postmaster at Kapowsin, Wash. Office becomes presidential July 1, 1926.

Clarence V. Lotz to be postmaster at McKenna, Wash. Office becomes presidential July 1, 1926.

WEST VIRGINIA

Hallie A. Overholt to be postmaster at Thurmond, W. Va., in place of H. A. Overholt. Incumbent's commission expires July 31, 1926.

Floyd V. Chambers to be postmaster at Glen Dale, W. Va. Office becomes presidential July 1, 1926.

Lorene V. Shuttleworth to be postmaster at Nutter Fort, W. Va. Office becomes presidential July 1, 1926.

Ballard G. Worrell to be postmaster at Wilcoe, W. Va. Office becomes presidential July 1, 1926.

WISCONSIN

Floyd B. Hesler to be postmaster at Glenbeulah, Wis., in place of F. B. Hesler. Incumbent's commission expires July 26, 1926.

Carson J. Lawrence to be postmaster at La Farge., Wis., in place of C. J. Lawrence. Incumbent's commission expired April 13, 1926.

Fred J. Marty to be postmaster at New Glarus, Wis., in place of F. J. Marty. Incumbent's commission expires July 26, 1926.

Bessie E. Miller to be postmaster at Genesee Depot, Wis. Office becomes presidential July 1, 1926.

James W. Squire to be postmaster at Soperton, Wis. Office becomes presidential July 1, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 30, 1926

MEMBERS OF THE BOARD OF MEDIATION

Samuel E. Winslow to be a member for five years.
Edwin P. Morrow to be a member for four years.
Carl Williams to be a member for three years.
G. Wallace W. Hanger to be a member for two years.
Hywel Davies to be a member for one year.

UNITED STATES MARSHAL

Thomas J. Kennamer to be United States marshal, northern district of Alabama.

Charles D. Jones to be United States marshal, second division, district of Alaska.

Joseph F. Tondre to be United States marshal, district of New Mexico.

PROMOTIONS IN THE NAVY

TO BE LIEUTENANT COMMANDERS

Thomas G. Peyton.
Armit C. Thomas.
Julius C. Delpino.
Romeo J. Jondreau.
Alexander S. Wotherspoon.
Philip C. Morgan.
Nathaniel M. Pigman.
Homer H. H. Harrison.
John H. Campman.

TO BE LIEUTENANTS

Dennis B. Boykin.
Daniel F. Worth, jr.
Thomas T. Craven.
Arthur S. Billings.
Herbert C. Behner.
Frank A. Davis.
Richard F. Whitehead.
Arthur F. Blasiar.
William S. Grooch.
Adolph H. Bamberger.
William N. Crofford, jr.
Vincent W. Grady.
Dolph C. Allen.
Roy S. Knox.
Samuel E. Kenney.
Satolli W. Hanns.
Castle J. Voris.
Joseph G. Pomeroy.
William H. Healey.
Phil L. Haynes.
Franklin B. Kohrs.
Arthur DeL. Ayrault, jr.
Bern Anderson.
Edward J. Milner.
Wendell G. Switzer.
Jesse H. Carter.
Harold L. Meadow.

TO BE LIEUTENANTS (JUNIOR GRADE)

Gus R. Berner, jr.
Frank T. Ward, jr.
John W. King, 3d.
Laurence E. Hurd.
Edward C. Loughead.
Kenneth D. McCracken.
Thomas C. Evans.
William H. Reddington.
Albert C. Murdaugh.
William V. O'Regan.
John G. Crommelin, jr.
William B. Ammon.
Charles J. Nager.
Roland N. Smoot.
William P. E. Wadbrook.
Morris Smellow.
Alfred C. Olney, jr.
Joseph T. Sheehan.
Harry H. Keith.
Harry T. Chase.
Richard Hight.
Harold D. Krick.
Edward S. Pearce.
Church A. Chappell.
Harold N. Williams.
Gordon J. Crosby.
Robert L. Dennison.
Daniel F. J. Shea.
Stanhope C. Ring.
Charles T. Coe.
Claude H. Bennett, jr.
Paul F. Dugan.
Louis H. Brendel.
Aaron P. Storrs, 3d.
Frank H. Bond.
Thomas L. Turner.
William L. Hoffheins, jr.
William K. Mendenhall, jr.
Kenneth D. Ringle.
John C. Goodnough.
James H. Willett.
Fred W. Walton.
Thomas B. Birtley, jr.
Harry D. Felt.
Edward Rembert.
Robert A. Cook.
Curtis S. Smiley.
Josephus A. Briggs.
Richard M. Oliver.
James E. Fuller.
Harold H. Connelley.
William M. Haynsworth, jr.
Albin R. Sodergren.
Joseph J. Rooney.
Charles R. Pickell.
Philip H. Ryan.
Louis N. Miller.
Joseph L. Schwaninger.
Marion J. Duncan.
John V. Peterson.
John L. Brown.
Richard P. McDonough.
Alvin D. Chandler.
William H. Hamilton.
William D. Anderson.
Murr E. Arnold.
Matthias M. Marple, jr.
William P. Burford.
Philip R. Coffin.
George W. Lehman.
Donald Weller.
Joseph H. Foley.
Marvin P. Kingsley.
Herbert M. Wescoat.
Samuel G. Fuqua.
Francis M. Hughes.
William R. Thayer.
Charles R. Ensey, jr.
William T. Pearce.
Stanley Leith.
Edwin R. Peck.
Frank W. Parsons.
Dominic J. Tortorich, jr.
James R. Bell.
John D. Shaw.
Ralph B. McRight.
Zeus Souceck.
Edward S. Mulheron.
John P. B. Barrett.

TO BE NAVAL CONSTRUCTORS

Frederick W. Pennoyer, jr.
Melville W. Powers.
Charles F. Osborn.
Claude O. Kell.
Howard L. Vickery.
Glenn H. Easton.

TO BE ENSIGNS

Claude W. Haman.
Roy B. Stratton.

MARINE CORPS

John Griebel to be second lieutenant.

POSTMASTERS

ALABAMA

James W. Maddox, Elba.
Alberta Owen, Geneva.
Harvey P. Houk, Gurley.

ARIZONA

Charles W. Hicks, Bisbee.

CALIFORNIA

Celine M. McCoy, Pismo Beach.

COLORADO

Annie Hurlburt, Norwood.

FLORIDA

Alvin L. Durrance, Frostproof.

GEORGIA

John H. Pullen, Meigs.
Baxter Sutton, Rochelle.

ILLINOIS

Charles H. Collins, Casey.
William L. McKenzie, Elizabeth.
Mancel Talcott, Waukegan.

IOWA

Arthur W. Liston, Coin.
Elsie Sierck, Everly.
James P. Hulet, Le Claire.
Charles E. Lovett, Volga.

KANSAS

Charles B. Doolittle, Centerville.

MAINE

Roger S. McGown, Carmel.
Carroll M. Richardson, Westbrook.

MARYLAND

Mary Stevens, Hurlock.
Charles R. Day, Marion Station.
John H. Dean, North East.

MASSACHUSETTS

Edward L. Diamond, Easthampton.
Edgar T. Brickett, North Cohasset.

NEW JERSEY

Jennie Madden, Tuckahoe.

NEW MEXICO

Ira Allmon, Estancia.

NEW YORK

Edward J. Weidner, Bellport.
George M. Edsall, Nanuet.

NORTH CAROLINA

Sadie M. Mullen, Huntersville.

PENNSYLVANIA

Myles D. Hippensteel, Nescopeck.
James T. Patterson, Williamsburg.

OHIO

Katherine S. Bauer, Mogadore.

TENNESSEE

William S. Tune, Shelbyville.

TEXAS

Arthur R. Franke, Goliad.
Milton S. Fenner, Karnes City.
John Thomman, Levelland.
Myrtle L. Hurley, Robert Lee.

VIRGINIA

Robert L. Grubb, Lovettsville.
William W. Middleton, Mount Jackson.
Jack F. Fick, Quantico.
Ernest H. Croshaw, Stony Creek.

WEST VIRGINIA

Archie N. Cook, Cameron.
Wesley A. King, Coalwood.
Henry W. Rawson, McDowell.
Clarence E. Brazeal, Maybeury.
Florence Bills, Williamstown.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *June 30, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed heavenly Father—in a changing world, Thou art a God who changeth not; Thy anchorage is our stay. Encourage us in all our ways to acknowledge Thee. Always help us to trust our Father's love and our Savior's ransom. We breathe our confessions; with considerate pity forgive us and always direct us in the most acceptable way of life. Help us to accept Thy claims and may we conform our conduct to them. Mercifully grant that Thy Holy Spirit may in all things rule our hearts, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes to-morrow morning after the reading of the Journal and the disposition of business on the Speaker's table.

The SPEAKER. The gentleman from New York ask unanimous consent to address the House for 15 minutes to-morrow after the reading of the Journal and the disposition of business on the Speaker's table. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 12467. An act granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and operate a railroad bridge across the Pearl River in the State of Mississippi.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 5810. An act granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State; and

H. R. 7893. An act to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11378. An act for the relief of Herbert A. Wilson;

H. R. 12311. An act granting the consent of Congress to the State of Minnesota or Dakota County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.; and

H. R. 12536. An act to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State for highway purposes.

QUALIFICATIONS OF VOTERS IN ALASKA

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 9211) to prescribe certain of the qualifications of voters in the Territory of Alaska, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. SUTHERLAND. Mr. Speaker, this bill (H. R. 9211) "To prescribe certain of the qualifications of voters in the Territory of Alaska, and for other purposes," introduced by the gentleman from Maine [Mr. WHITE] by request, is identical with a bill passed by the last Legislature of the Territory of Alaska, except that this measure disfranchises all uneducated electors of the Territory who have exercised the voting privilege in the past, while the Territorial act carries this provision, which I submit as an amendment to H. R. 9211, on page 2, line 8, after the word "only":

And provided further, That this act shall not apply to any person who has legally voted at any such general or primary election previous to the passage of this act.

This provision for the protection of old voters was adopted by 7 of the 20 States that have enacted educational tests for voters, and among them the State of New York, which not only protects former illiterate voters but all who were eligible to vote prior to the passage of the literacy test, and the State of Maine, from whence comes the sponsor for this bill.

When the literacy test, which protected former voters, was passed by the Alaska Legislature there were only two dissenting votes, and those two dissented on the grounds that the legislature had no authority to amend the election laws of Congress for the election of a delegate to Congress. In the Alaska Senate, composed of eight members, a motion to strike out the provision which protects former voters was lost by a tie vote and the bill passed the senate unanimously. The question of an educational test for voters was an important issue in the Alaska political campaign of 1924, and a large majority of the members of the 1925 legislature were committed to the enactment of a literacy test. It is fair to assume that the act of the Alaska Legislature was the expression of the will of the people of Alaska, and Congress should confirm that act rather than give consideration to the request of a minority of the electors of the Territory.

ORIGIN OF THE BILL H. R. 9211

The request for the introduction of this bill, H. R. 9211, was made to the gentleman from Maine [Mr. WHITE] by Mr. Anthony J. Diamond, a member of the Alaska Territorial Senate, and incidentally the attorney of record for the Alaska Packers' Association, a subsidiary of the California Packing Corporation, and the largest unit of the Fish Trust that dominates the salmon-packing industry in Alaska. This Fish Trust is always at variance with the people of the Territory, and it can always employ resident attorneys who are willing to accept retainers for service to the trust in nullifying the will of the voters of the Territory.

THE PROPOSED EDUCATIONAL TEST

The educational test provided for in this bill, namely—

to read in the English language publicly and in the presence of the election officers, or some one of them, a passage of not less than 10 lines chosen at random by the election officers, or some one of them, from the Constitution of the United States, and to legibly write in the English language a passage of not fewer than 10 consecutive words chosen at random by the election officers, or some one of them, from the Constitution of the United States, and dictated by one of the election officers to such proposed voter—

would permit any election officer to compel a former uneducated voter to read from any part of the Constitution that the election officer may select, without limitation to the number of words, lines, or paragraphs to be read. Nor is there any limi-