3201. By Mr. SWOOPE: Petition of citizens of Berwindale, Jordan Township, Pa., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3202. By Mr. THURSTON: Petition signed by citizens of Appanoose County, Iowa, requesting the enactment of the bill proposing increase of pensions for veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

3203. Also, petition signed by citizens of Union County, Iowa, requesting the enactment of the bill proposing increase of pensions for veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

3204. By Mr. TINCHER: Petition of sundry citizens of Stevens County, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3205. By Mr. VINSON of Kentucky: Petition of voters who reside in Lawrence County, in the ninth congressional district of Kentucky, urging the passage before adjournment of Congress of a bill for the relief of veterans of the Civil War, their widows, and children; to the Committee on Invalid Pensions.

3206. By Mr. WYANT: Petition of the residents of New Kensington, Pa., urging immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

SENATE

SATURDAY, *July 3, 1926*

The Senate met at 10 o'clock a. m.

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

Our Father, we recognize constantly our dependence upon Thee, and on this day of adjournment we want to commit ourselves into Thy gracious keeping. May no life suffer any sorrow during these months. Grant, we beseech Thee, to each one as he returns to his home abundance of blessing and journeying mercies. May we all realize that our God keeps us and that we are kept by His power even unto the end of life's journeyings. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RESIGNATION FROM CHAIRMANSHIP OF AGRICULTURAL COMMITTEE

Mr. NORRIS. Mr. President, I ask unanimous consent for the present consideration of the order which I send to the desk.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

Ordered, That Mr. NORRIS, at his own request, be relieved of the chairmanship of the Committee on Agriculture and Forestry.

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

CALL OF THE ROLL

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

The VICE PRESIDENT. Seventy-two Senators having answered to their names, a quorum is present.

FINAL ADJOURNMENT

Mr. CURTIS. Mr. President, from the Committee on Appropriations I report back with an amendment the concurrent resolution (H. Con. Res. 39), for which I ask immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Sixty-ninth Congress by adjourning their respective Houses on the 3d day of July, 1926, at 3 o'clock p. m.

The VICE PRESIDENT. The clerk will read the amendment of the committee.

The CHIEF CLERK. Strike out all after the resolving clause and insert in lieu thereof:

That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized, at the hour of 3 o'clock p. m. on Saturday, July 3, 1926, to adjourn their Houses, respectively, the House of Representatives sine die, and the Senate to reconvene at the hour of 12.30 p. m. on November 10, 1926.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10662. An act authorizing an appropriation for the construction of a roadway and walk leading to and around the Chalmette Monument, Chalmette, La.;

H. R. 11284. An act to provide for an aircraft procurement board, and for other purposes;

H. R. 12065. An act to amend the interstate commerce act and the transportation act, 1920, and for other purposes;

H. R. 12592. An act to provide for the inspection of the battle field of Kings Mountain, S. C.;

H. R. 12732. An act to extend the time for the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois;

H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga.;

H. R. 12890. An act to amend an act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926; and

H. R. 12952. An act granting the consent of Congress to the village of Decatur, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution; and they were thereupon signed by the Vice President:

S. 569. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department;

S. 1344. An act to amend pargraph (11), section 20, of the interstate commerce act;

S. 1472. An act to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.;

S. 2042. An act relating to the office of Public Buildings and Public Parks of the National Capital;

S. 2516. An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States;

S. 3148. An act to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia;

S. 3405. An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys;

S. 3453. An act to provide for the construction of a bridge to replace the M Street bridge over Rock Creek, in the District of Columbia;

S. 3999. An act to provide a parole commission for the District of Columbia, and for other purposes;

S. 4033. An act to authorize the Secretary of War to grant easements in and upon the public lands and properties at Canal Bridge, on the Fox River, in Kaukauna, Wis., in the city of Kaukauna for public-road purposes;

S. 4408. An act to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927;

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S. 4419. An act authorizing the Shipping Board to give a preference rate to alien veterans and their families;

S. 4430. An act authorizing the Department of State to deliver to Hon. WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France;

S. 4431. An act to authorize the sale of a parcel of land in the town of Westport, Conn.;

S. J. Res. 25. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam;

H. R. 818. An act for the relief of William A. Glasson;

H. R. 2531. An act for the relief of Edward Johnston;

H. R. 4001. An act to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud;

H. R. 4119. An act for the relief of Edward R. Ledwell;

H. R. 5105. An act for the relief of Maude J. Booth;

H. R. 5701. An act to designate the times and places of holding terms of the United States District Court for the District of Montana;

H. R. 6149. An act for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps;

H. R. 7678. An act for the relief of the New York Canal and Great Lakes Corporation, owners of the steamer *Monroe* and barge *209;*

H. R. 7817. An act to establish a national military park at the battle fields of the siege of Petersburg, Va.;

H. R. 8903. An act to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes;

H. R. 9387. An act to revise the boundary of the Sequoia National Park, Calif.;

H. R. 10052. An act to authorize the sale of the Mesa Target Range, Ariz.;

H. R. 10226. An act to correct the military record of John P. Daley;

H. R. 10661. An act to amend the immigration act of 1924;

H. R. 10973. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;

H. R. 11203. An act to amend subsection (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;

H. R. 11446. An act 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;

H. R. 12596. An act to authorize the leasing of unallotted irrigable land on Indian reservations;

H. R. 12703. An act granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex.; and

H. R. 13040. An act 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, June 30, 1927, and for other purposes.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. OVERMAN. Mr. President, I move to reconsider the vote by which Calendar No. 628, the bill (H. R. 9039) to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," was passed on yesterday. It was evidently a great mistake to let the bill pass. It was understood and agreed between the author of the bill and myself that it should not pass at this session.

The VICE PRESIDENT. The Chair is informed that the bill has gone to the House.

Mr. OVERMAN. I move to reconsider the vote by which the bill was passed and that the House be requested to return the bill. It was understood between the author of the bill and myself that it should go over until the next session. It was passed by some mistake.

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

SAMUEL A. ASHE ON NORTH CAROLINA'S PART IN INITIATING DECLARATION OF INDEPENDENCE AND IN SUPPLYING WASHINGTON'S ARMY AT VALLEY FORGE

Mr. SIMMONS. Mr. President, I ask unanimous consent to insert in the RECORD at this point, without reading, a letter which came to me on yesterday from one of the ablest and most remarkable men in my State, Capt. Samuel A. Ashe. Captain Ashe is an historian of high repute, and has just completed, although in age he is far advanced beyond 80, a splendid history of North Carolina in two volumes. The subject upon which he has written me, the letter I propose to insert, is one of special interest at this time in relation to the Sesquicentennial Exposition now being held in the city of Philadelphia. In this letter Captain Ashe very interestingly recounts the important part which the State of North Carolina took in the Revolution and in initiating the proceedings which led up to the American Declaration of Independence and in supplying Washington's Army with sorely needed clothes and food during the trying winter of 1777–78 at Valley Forge. It is a very interesting letter historically, and I ask that it be inserted in the RECORD at this point.

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

The letter is as follows:

RALEIGH, N. C., *July 1, 1926.*

MY DEAR SENATOR SIMMONS: I fear I am too late in offering a suggestion, but maybe you may find an opportunity to act on it should you deem it worth while.

Everybody is thinking of Philadelphia and the sesquicentennial.

The record is that on April 12, 1776, North Carolina directed her delegates in the Continental Congress to concur in declaring independence (see p. 518, Ashe's History of North Carolina, vol. 1, referring to the North Carolina Halifax convention of April 12, 1776):

"On the night before, Friday, April 12, the committee brought in its report, reciting the acts of the British ministry and of the King and Parliament, and authorizing the delegates to the Continental Congress to concur in declaring independence. They reported as follows:

"'It appears to your committee that pursuant to the plan concerted by the British ministry for subjugating America the King and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontrolled; and disregarding their humble petitions for peace, liberty, and safety, have made divers legislative acts denouncing war, famine, and every species of calamity against the continent in general; the British fleets and armies have been and still are daily employed in destroying the people and committing the most horrid devastations on the country; that governors in different Colonies have declared protection to slaves who should imbrue their hands in the blood of their masters; that the ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which multitudes of the people have been destroyed and from easy circumstances reduced to the most lamentable distress.

"'And whereas the moderation hitherto manifested by the united Colonies and their sincere desire to be reconciled to the mother country on constitutional principles have procured no mitigation of the aforesaid wrongs * * * and no hopes remain of obtaining redress by those means along which have been hitherto tried, your committee are of the opinion that the house should enter into the following resolve, to wit:

"*Resolved,* That the delegates of this colony in the Continental Congress be empowered to concur with the delegates of the other colonies in declaring independency, and forming foreign alliance, reserving to this colony the sole and exclusive right of forming a constitution and laws for this colony, and of appointing delegates from time to time (under the direction of a general representation thereof) to meet the delegates of the other colonies for such purposes as shall be hereafter pointed out."

That necessarily carried the direction to purpose. How else? What else?

(See p. 540, Ashe, History of North Carolina, vol. 1, as follows:)

"Some three weeks after North Carolina had instructed her deputies to concur in declaring independence the Virginia convention met, and on May 15 adopted a resolution directing her deputies to propose independence. In the same day Boston and a majority of the other towns in Massachusetts, in their town meetings, instructed their local representatives to the same effect. On May 27 Joseph Hewes, then the only North Carolina deputy in attendance on the Continental Congress, presented the North Carolina resolution and immediately the Virginia instructions were also presented. These resolves and the action of the Continental Congress on May 15, declaring that it was irreconcilable with good conscience for the people to take oaths to support government under the Crown, and that the powers of government should be exerted under the authority of the people, brought the subject of independence sharply to the attention of the other colonies, and the leaven had begun to work. Yet nearly two weeks elapsed before

there was any movement. Then, on June 7, Richard Henry Lee offered in Congress a resolution, 'That these united colonies are and of right ought to be free and independent States.' This resolution, so fraught with momentous consequences, was not considered that day, but postponed until the next morning. It was debated until the 10th. Hewes, speaking for North Carolina, was unalterably fixed and urged in favor of immediate action.

"A bare majority of the colonies favored Lee's resolution. New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina were not prepared to support it, and its further consideration was, by a vote of 7 to 5, postponed until July 1, Hewes casting the vote of North Carolina against the postponement. By that date it was hoped that new instructions might be received from the Provinces that still held back. To lose no time, a committee was appointed to prepare a declaration of independence, and another committee was directed to draft a plan of confederation, Hewes being a member of the latter.

"Seventeen days slowly passed, and then, on June 28, a draft of the Declaration was reported to the House, where it lay on the table awaiting the decision on Lee's resolution. At length July 1 arrived, and that resolution was again taken up for consideration. Maryland and New Jersey had in the meanwhile given in their adherence. From Delaware only two members were present, and they divided, so the voice of that colony could not be recorded. The delegates from New York, having no instructions, asked leave to retire. Pennsylvania and South Carolina alone voted in the negative. At the request of Rutledge, of South Carolina, hoping for unanimity, the decision was postponed until the next day.

"When the Congress met the following morning a third Member had arrived from Delaware, casting the vote of that Province for the resolution, changes had been made in the Pennsylvania delegation with a like result, and the South Carolina Delegates no longer withheld their assent. New York still preferred to remain silent, awaiting instructions, which, however, were freely given on the 9th of the month.

"Thus, on July 2, was finally determined, by virtually the unanimous voice of all the Colonies, the great question which North Carolina had proposed on April 12."

So, on May 27, Joseph Hewes, in obedience to this resolve and direction, spoke the first word for independence.

He introduced the North Carolina resolve. Whatever followed was after North Carolina's Delegate first spoke the word "independence."

This is the more desirable to be presented at the present moment, because not a word has been said that I know of about North Carolina's supplying Washington's Army at Valley Forge in the winter of 1777–78, allowing it to preserve and maintain its organization there, and, fortunately, permitting that collection of raw men to be drilled and trained by Baron Steuben, so that it emerged next spring an army of disciplined veterans.

(See p. 586, Ashe, History of North Carolina, vol. 1.)

Speaking of Washington at Valley Forge, this work says:

"The only communication was to the southward, and except such provision and clothing as could be obtained from the unwilling Pennsylvanians, the Army had to be furnished from Virginia and North Carolina, and Governor Caswell was unremitting in his endeavors to provide needed supplies. Now the value of Ocracoke became still more apparent. Governor Martin wrote in January from New York to Lord Germain:

"'The contemptible port of Ocracoke * * * has become a great channel of supply to the rebels. * * * They have received through it very * * * considerable importations.' To close that inlet, a British ship of war, two sloops, a brig, and a privateersman from New York and England hovered along the coast, charged with the duty of capturing American vessels. But, on the other hand, efforts were made to drive them off, and in addition to the fortifications and State vessels the New Bern merchants fitted out the *Bellona*, carrying 18 guns, and the *Chatham* to make reprisals. To pay for imported goods, tobacco was shipped to foreign countries, the State purchasing and sending out large quantities of that commodity. Salt brought in by the State was exchanged for pork, and Caswell employed men in every section packing pork for Washington's Army. All sorts of skins and leathers and all cloths fit for blankets were likewise obtained for the soldiers, sometimes resort being had to impressment. In the Albemarle section, where there were so many industrious Quakers, large quantities of shoes were manufactured, and these were purchased not only for the Army but by northern merchants, who paid high prices for them. Importations were also made on account of the Continental Congress, and these supplies were stored at South Quay, on the Blackwater. From there they were moved by wagons to Valley Forge. Means of transportation were limited, and at length four brigades of wagons were sent from Pennsylvania to haul stores from Edenton and South Quay for the use of the Army, and these supplies contributed to relieve the sufferings which the soldiers had so unmurmuringly endured. On February 15 Caswell wrote: 'I find our nine regiments * * * very far short of their complement of men, and those in camp almost destitute of clothing. The officers of the Sixth Battalion are sent home as supernumeraries. * * * I am to buy leather, skins, shoes, and other clothing, procure manufacturers, set them to work, purchase salt and provisions, and produce boats and wagons for sending those articles on. All this I am constantly, almost busily, employed about myself, receiving very little assistance.'"

You will observe that in December Caswell was packing pork, etc., for Valley Forge, and that later, in February, he was still at work.

We started independence and then preserved the army at Valley Forge.

We struck the final blow for independence.

In 1780–81 Washington had things good at the North, but Cornwallis with his fine regulars was subduing the South. Lincoln allowed himself to be surrounded at Charleston and could not escape—had to surrender.

Then a new army had to be created. We fought at Camden, Cowpens, Kings Mountain, and finally at Guilford Courthouse. At Guilford Courthouse Cornwallis was so badly used up that he had to go to Wilmington and there he was in a distressing condition. See his letter to Clinton of April 23, page 665, Ashe's History of North Carolina, volume 1, and page 666, ibid. (the latter Cornwallis's letter to Phillips):

Cornwallis wrote to Clinton:

"Neither my cavalry or infantry are in readiness to move; the former are in want of everything, the latter of every necessary but shoes; * * * I must, however, begin my march to-morrow. * * * My present undertaking sits heavy on my mind; I have experienced the distresses and dangers of marching some hundreds of miles in a country chiefly hostile, without one active or useful friend, without intelligence and without communication with any part of the country. The situation in which I leave South Carolina adds much to my anxiety, yet I am under the necessity of adopting this hazardous enterprise hastily and with the appearance of precipitation, as I find there is no prospect of speedy reinforcement from Europe and that the return of General Greene to North Carolina * * * would put a junction with General Phillips out of my power."

And to Phillips he wrote, page 666, ibid., above:

"My situation here is very distressing. Greene took advantage of my being obliged to come to this place and has marched to South Carolina."

He was so beaten that when he got to Phillips in Virginia his Regulars could not make a battle with Washington. He had to surrender at Yorktown.

The South had destroyed his army. It had won the victory. It had won independence.

Such was the end of Hewes's first proposition for the Colonies to unite for independence.

The opportunity for the State to tell of these matters was when the other day the North Carolina cloister at Valley Forge was dedicated; and our press was as silent as the grave. There is some talk about that.

If you will get the proceedings of the Congress, you will see the record.

Others seem to think it of interest to have it proclaimed that Virginia lead the way!

They start in with June 7, when Lee introduced the resolve. It took a fortnight for the leaven to work—for the proposal of North Carolina that the Colonies should join and concur in independence and for the proposition of Virginia to be considered—and then three days elapsed—and on the 10th Hewes, of North Carolina, urged its immediate passage—but no! only a bare majority could vote for it, and certainly unanimity was necessary. If you can get an opportunity to present this matter, the whole State will thank you.

Very cordially, S. A. ASHE.

RECORD AND PROCEEDINGS OF THE PRESENT SESSION OF CONGRESS

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent to have printed in the RECORD an illuminating statement prepared by Mr. C. W. Jurney, relating to the record and proceedings of the present session of Congress and discussing some of the issues that have arisen and been determined by Congress.

The VICE PRESIDENT. Without objection, it is so ordered. The statement is as follows:

RECORD AND PROCEEDINGS OF PRESENT SESSION OF CONGRESS

(Prepared by C. W. Jurney)

Part I. Record of the Democratic Party.
Part II. The Harding and Coolidge administrations.
Part III. Investigation of the last Democratic administration.
Part IV. Scandals of the Republican Party.
Part V. The real issue between Jefferson and Hamilton.
Part VI. Farm relief by lowering the tariff.
Part VII. G. O. P. blamed by farmers.
Part VIII. One hundred and twenty-ninth birthday of the Democratic Party.
Part IX. The voice of the people is being heard.

The record made by the Democratic Party in the Sixty-ninth Congress, and in previous Congresses, completely refutes the old charge of the Republican press that the Democratic Party is a mere party of opposition—that it neither originates nor supports great constructive measures.

PART I. THE SIXTY-NINTH CONGRESS

During the sessions of this Congress the Democratic Party has supported the following measures:

1. THE 1926 TAX CUT

(Supported by Democrats)

This bill, the 1926 act, carries the largest reductions in income taxes of any bill that has ever been enacted into law.

It carries reductions in income taxes to the extent of $212,000,000.

It relieves more small taxpayers than any bill we have ever passed (2,500,000 in number).

This bill is as good a Democratic bill as the 1924 act was.

The Senator from Missouri [Mr. REED] has said we wrote the bill in 1924.

We did write the bill so far as surtaxes were concerned, but we did not write it in any other respect. It was our bill that far and no further.

The present bill is a more distinctly Democratic bill than the other was. The minority Members on this side of the Chamber have succeeded in incorporating into the bill everything that we asked and no more.

What did we demand in our original proposal, read to the Senate and made a public document the day before the committee began action upon the bill, as the Democratic minority demands?

We demanded these reductions in the surtaxes. We have practically gotten them.

We demanded the repeal of the capital-stock tax. We have secured its repeal.

We demanded the repeal of the admissions and dues taxes. We have secured their repeal, so far as Senate action can do so.

Those were our three great demands. We have accomplished them all, but we do not stop there.

The Democratic Party, in the committee and upon the floor of the Senate, has stood for the abolition of the tax upon trucks imposed in the committee by the majority vote, and we have secured the removal of that tax.

The Democratic Party, through its representatives upon the Committee on Finance, demanded a repeal of the tax imposed in the House bill upon automobiles, and we have secured it.

Does any Senator on this side of the Chamber know of anything that the Democratic members of the committee stood for that we have not written into the bill?

We stood solid, with one exception, for a repeal of the inheritance tax, and we have repealed it.

Who has written this bill? The Democratic Party wrote one section of the bill in 1924, but the Democratic Party has written practically the whole of this bill in its major particulars.

The public sentiment of America to-day stands behind the action of the Democratic Party in connection with this bill and realizes what a great victory we have won. (Excerpts from the speech of Senator F. M. SIMMONS, of North Carolina, the ranking Democratic member of the Senate Committee on Finance, delivered in the Senate of the United States on February 12, 1926.)

2. THE WORLD COURT

(Supported by Democrats)

It is known to everyone that the immortal Woodrow Wilson was the author of this great world tribunal.

It is universally conceded that the imperative need of the world to-day is to determine how the nations of the earth can live together in amity.

In other words, the statesmen of the world must find a remedy for war.

It is admitted that peace depends upon two fundamentals—first, the will to peace, and, second, the machinery of justice.

No sort of machinery which human ingenuity can set up will of itself secure peace. The desire for peace will not of itself produce peace. We must not only desire peace, but we must have at hand the means of securing justice without war.

Just as in the earlier days the courts afforded a refuge for men to which they could resort to settle their differences upon the basis of justice, so the larger machinery of international courts must be established, to which nations may repair in like emergency.

Fortunately article 14 of the covenant of the League of Nations contained a provision for the adoption of plans for the establishment of a permanent court of internatibnal justice.

Pursuant to this mandate the council of the league appointed a committee, consisting of distinguished internationl lawyers from 10 different nations, to whom was committed the duty of formulating plans for such a court. Mr. Elihu Root was a member of this committee, which met at The Hague in June, 1920.

The Hague plan of 1907, which had failed through the inability to agree upon the method of electing judges, was revived, elaborated, and improved; and it is to the credit of our country that an American, Mr. Elihu Root, acting upon a suggestion made by Professor Law, of Harvard, submitted a plan which solved the problem of the election of judges.

He suggested that the judges be elected by the council and the assembly of the league, each acting separately, a majority in both cases being necessary to a choice, and that the elections be made from a list of names submitted by the members of the Permanent Court of Arbitration at The Hague. It will be seen at a glance that this removed the one great obstacle to the successful establishment of a World Court.

The World Court has been approved by 48 nations. The only nations of international consequence remaining outside are Mexico, Russia, Turkey, and the United States of America.

Like the Supreme Court of the United States it is destined to grow in dignity and power as the years go by, and in the fullness of time to become the most useful, the most majestic judicial tribunal in all the history of the human race.

It is the only international court in existence. And there it sits—at The Hague—in the Peace Palace built by an American, Andrew Carnegie.

This World Court has been studied by and has received the unanimous indorsement of the American Bar Association. It has behind it the judgment of every prominent authority on international law at home and abroad. It has been indorsed in practically every forum where enlightened public opinion has had an opportunity to be heard.

And fortunately, in the matter of the World Court, the element of partisanship does not enter. Not only has the project been indorsed by all of the responsible political leaders of both parties; but it has been unanimously indorsed in the national platforms of both the Democratic and the Republican Parties.

On March 3, 1925, the House of Representatives in a special resolution expressed its approval of American adherence to the court by an overwhelming majority of 301 to 28—a vote of more than 10 to 1. (Excerpts from an address delivered at Yale University, December 3, 1925, by Mr. Homer Cummings, former chairman of the Democratic National Committee.)

On January 27, 1926, the Senate of the United States, by a vote of 76 to 17, gave its assent to American adherence to the court, after adopting five reservations drafted by a Democrat, Senator Claude A. Swanson, of Virginia, ranking Democratic member of the Senate Committee on Foreign Relations.

Cloture in the Senate by two-thirds vote

(Passed by Democrats)

But the vote in the Senate on the World Court was not arrived at without resort to cloture. There were Members of the Senate, some in the Republican Party and two in the Democratic Party, whose pride of opinion was more important to them than the unanimous verdict of mankind, and who declined to agree to a date for a final vote.

Fortunately for the American people, the Senate of the United States on March 8, 1917, during Democratic control of that body, passed a two-thirds cloture rule, drafted by that distinguished Democrat, former Senator Hoke Smith, of Georgia. It is known as Rule 22, and reads as follows:

If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?

"And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer shall be decided without debate."

Under this rule a cloture was sought on January 25, 1926, and in less than 48 hours a final vote was had, as will always be the case when any measure can command a two-thirds vote and the Senators back of that vote feel a fair and reasonable opportunity for debate has been afforded.

8. PUBLIC BUILDINGS BILL

(Supported by Democrats)

A public buildings bill to take care of emergency needs where the present Government-owned Federal buildings, and rented space, is inadequate to take care of Government needs; which bill includes a $50,000,000 authorization for new buildings in the District of Columbia, including one for the Supreme Court of the United States, which has long needed more space than was available in its quarters in the Capitol Building which has housed it for more than a century.

4. BUILDINGS FOR EMBASSIES AND LEGATIONS

(Supported by Democrats)

A bill providing for the construction of buildings to house American embassies and legations and other agencies of the Government abroad.

Plans made public by the Department of State, under this $10,000,000 appropriation, include the building of six embassies, Buenos Aires, Brussels, Berlin, Lima, Rome, and Madrid; and 29 legations in the other capitals of the world. In London and Paris, the United States already owns embassies.

5. THE M'FADDEN NATIONAL BANKING BILL

(Supported by Democrats. In conference)

This bill is to give national banks the right to compete on a fair basis with State banks, and thus prevent the disintegration of the national banking system, which is the backbone of the Federal reserve system. Nothing in the proposed law affects the rights or powers of State banks, nor is any advantage given to national banks; but some of the services which may be performed by State banks, such as branches, are allowed to national banks, in harmony with the trend of commercial and industrial development. This amendment to the national bank act brings the system up to the needs of American business.

6. THE WALSH BILL AMENDING THE BANKRUPTCY ACT

(Supported by Democrats)

The purpose of this bill is:

1. To increase the maximum penalty for bankruptcy crimes from two to five years.

2. To place the burden of proof upon the bankrupt to prove that he is entitled to a discharge.

3. To strike a blow at fraudulent compositions.

4. To eliminate the excuse for the filing of collusive petitions.

5. To penalize the concealment of assets from the receiver.

When it is remembered that to-day business is done almost entirely on credit, and since credit has become a secondary form of currency, it is patent that everything must be done to safeguard its use in order that the country may have sound and honest credits.

The bill represents considerable work on the part of the American Bar Association, the National Association of Credit Men, and other representative business organizations, who were in agreement upon the terms of the bill in the form in which it became a law.

7. BILL TO INCREASE SALARIES OF FEDERAL JUDGES

(Supported by Democrats. Passed the Senate and now on House Calendar)

The inadequate pay of Federal judges has long been recognized by the bar, by the Congress, and by the American people generally. It is believed the provisions of this act will meet instant and universal approval.

The salary of the Chief Justice of the Supreme Court of the United States is raised to $20,500 per year, the salary of the associate justices thereof to $20,000 per year, the salary of the judges on the circuit court to $12,500, and the salary of district judges to $10,000 per year.

The above constitute the principal acts of the Sixty-ninth Congress.

PART II. THE HARDING AND COOLIDGE ADMINISTRATIONS, 1921–1926

The first act of the Harding administration was to enact the emergency tariff, which increased the rates on farm products, and under which their price continued to slump.

The Harding administration then passed the Fordney-McCumber bill on September 3, 1922, which is commonly known as the "Robber tariff act of 1922," for it embodies the highest rates in the history of the Government.

The purpose of that act was not to give to American industries and to American labor the benefit of the difference in the cost of production at home and abroad.

Its purpose was to erect a tariff wall so high that it amounted to an embargo, thereby giving to the tariff barons of the Republican Party a complete monopoly of the American market by shutting out all competition.

The purpose of that act was to use the taxing power of the Federal Government as the means of robbery of the American consumer for the benefit of the tariff barons.

Its purpose was to compel every American consumer, every time he bought anything, to pay in excess of the real value of the article; to compel him to pay a subsidy to the legislative favorites of the Republican Party.

Passed by the Harding administration, the Coolidge administration has made no effort to repeal this iniquitous measure.

PART III. INVESTIGATION OF THE LAST DEMOCRATIC ADMINISTRATION

The next act of the Harding administration was to investigate the preceding Democratic administration. After wasting a million dollars of the people's money in this way, that administration was reluctantly compelled to admit there had been no "embalmed-beef" scandals, as in the Spanish-American War, no dishonesty or malfeasance in office.

In truth, during the first four years of its administration the Democratic Party solved every domestic problem which had arisen to tax the ingenuity of the American people, and during the second four years of its administration, devoted largely to foreign affairs, it wrote the noblest page in American diplomacy, and its great leader, Woodrow Wilson, became one of the world's immortals.

PART IV. SCANDALS OF THE REPUBLICAN PARTY

(Alphabetically arranged)

The Harding administration was in its infancy when the malfeasance and incompetency of men high in the Republican Party became publicly known. (The Coolidge administration retained these officials.)

No. 1. Harry M. Daugherty (Republican), Attorney General of the United States in the Cabinets of both Presidents Harding and Coolidge.

March 1, 1924: The Senate of the United States adopted the following resolution by a vote of 66 to 1:

"*Resolved*, That a committee of five Senators, consisting of three members of the majority and two of the minority, be authorized and directed to investigate circumstances and facts, and report the same to the Senate, concerning the alleged failure of Harry M. Daugherty, Attorney General of the United States, to prosecute properly violators of the Sherman Antitrust Act and the Clayton Act against monopolies and unlawful restraints of trade; the alleged neglect and failure of the said Harry M. Daugherty, Attorney General of the United States, to arrest and prosecute Albert B. Fall, Harry F. Sinclair, E. L. Doheny, C. R. Forbes, and their coconspirators in defrauding the Government, as well as the alleged neglect and failure of the said Attorney General to arrest and prosecute many others for violations of Federal statutes, and his alleged failure to prosecute properly, efficiently, and promptly, and defend all manner of civil and criminal actions wherein the Government of the United States is interested as a party plaintiff or defendant. And said committee is further directed to inquire into, investigate, and report to the Senate the activities of the said Harry M. Daugherty, Attorney General, and any of his assistants in the Department of Justice which would in any manner tend to impair their efficiency or influence as representatives of the Government of the United States.

"That said committee above referred to and the chairman thereof shall be elected by the Senate of the United States."

March 28, 1924 (27 days later): President Coolidge asks Daugherty for his resignation as Attorney General of the United States.

[Two years later]

"DAUGHERTY ENTERS NOT GUILTY PLEA—COUNSEL FOR THOMAS W. MILLER CITES STATUTE OF LIMITATIONS IN MOTIONS DELAYING TRIAL—THIRD INDICTED MAN DEAD—JUDGE GODDARD, DAUGHERTY APPOINTEE, EXCUSES SELF

"Harry M. Daugherty came here yesterday from Washington Courthouse, Ohio, to plead not guilty in the $7,000,000 American Metal Co. case. Of the other two men named in the indictment with him, one, Thomas W. Miller, former Alien Property Custodian, is recovering from blood poisoning in Wilmington, Del., and the other, John T. King, Republican boss of Bridgeport, died the other day.

"Daugherty was in town less than 24 hours. Technically, there was no need for him to have made the journey at all. But he insisted upon coming. He stopped at the Waldorf-Astoria, where six years before almost to a day he prophesized that 15 men, bleary-eyed from lack of sleep, would meet in a smoke-filled room during the Republican National Convention and nominate Senator Warren G. Harding for President.

JOSTLED BY BOOTLEGGERS

"Yesterday, as he sat in court waiting for his case to be called, he was jostled and stepped on by bootleggers and their bondsmen while Federal Judge Henry W. Goddard disposed of minor prohibition cases. Daugherty complained of a cold. He invited sympathy. He showed he felt himself a much aggrieved man.

"He was still the tall, physically powerful man of the days when he was Attorney General of the United States. He was dressed in blue, suit, socks, necktie, and handkerchief. But his face looked worn, he seemed almost ill, and he stooped as he walked.

"He had one small triumph. Thomas W. Miller's attorney, Robert S. Johnstone, presented three motions to invalidate the indictment. Judge Goddard smiled.

"'I was appointed by the Attorney General,' he said, bowing to Daugherty. 'I feel I could not consider any motions which concern him. They will need to be made to the senior judge, Mr. Augustus N. Hand.'

"Mr. Johnstone contended that the facts set forth in the indictment constituted no crime even if true, and that, if a crime had been committed, it had been nullified by the statute of limitations. These motions automatically hold up the case until argued.

$5,000 BAIL FURNISHED

"Max D. Steuer, representing Daugherty, announced his willingness to go on with the trial without further delay.

"Bail was set at $5,000 and promptly furnished by Daugherty. Throughout the proceedings, which altogether took about 45 minutes, Daugherty did not speak except once. A relative of John T. King approached him and wished him luck.

"'How is Mrs. King taking it?' Daugherty asked. He was told Mrs. King had been prostrated by the sudden death of her husband. Daugherty's face grew still grimmer and he turned away.

"By the time Daugherty had entered his plea of not guilty the courtroom had filled to the doors. The crowd had come to see the trial of Earl Carroll and to hear Joyce Hawley testify that she had bathed, if that is what she did, in a bathtub of wine on the stage of the theater housing the 'Vanities.' The crowd seemed unaware that a former Cabinet officer was worming his way out through the room.

$391,000 BOND DIVISION CHARGED

"The indictment to which Mr. Johnstone strenuously objected charges that Daugherty, Miller, and King conspired to deprive the Government of Daugherty's best services while he was called on to decide whether $7,000,000 worth of American Metal Co. securities should be returned to a Swiss holding company which claimed them. It tells of the division of $391,000 in Liberty bonds in the Waldorf-Astoria between King and Jesse Smith, Daugherty's shadow, who shared his apartment at the time he suddenly committed suicide.

"United States Attorney Buckner and Kenneth F. Simpson, his assistant, represented the Government." (The World, Friday, May 21, 1926.)

"DAUGHERTY TREED AT LAST

"It is more than two years since Harry M. Daugherty was forced to resign as Attorney General of the United States. Many people have felt that while he was unfit to be a member of the Cabinet, no specific charge against him was substantial enough to justify his virtual dismissal. In some circles Daugherty was believed to have been a victim of 'public clamor'; the Wheeler committee had 'got nothing on him.' * * *

"When Harry Daugherty was summoned last winter to testify before the Federal grand jury in New York he refused to answer questions concerning the disappearance and burning of the bank's records, because 'the answer I might give or make and the testimony I might give might tend to incriminate me.'

"The indictment of Harry Daugherty has been long in coming. The Government had serious obstacles to overcome. The former Attorney General of the United States was not easily cornered with loot. Miller was first indicted months ago. It was only after an assistant of District Attorney Buckner, of New York, went to Europe and dug up new evidence that the case against Daugherty was made strong enough to justify grand jury action.

"The Department of Justice, over which Daugherty once presided, deserves congratulations on having finally treed a peculiarly ingratiating yet insolent scalawag who has hitherto successfully defied all efforts to uncover his operations while in office. (From the Springfield Republican. Reprinted in the World, May, 1926.)

No. 2. Edwin Denby (Republican) Secretary of the Navy in the Cabinets of both Presidents Harding and Coolidge.

February 11, 1924: The Senate of the United States adopted the following resolution by a vote of 47 to 34:

"Whereas the United States Senate did on January 31, 1924, by a unanimous vote adopt Senate Joint Resolution No. 54, to procure the annulment of certain leases in the naval oil reserves of the United States; and

"Whereas the said resolution, among other things, declared as follows:

"'Whereas it appears from evidence taken by the Committee on Public Lands and Surveys of the United States Senate that certain lease of naval reserve No. 3, in the State of Wyoming, bearing date April 7, 1922, made in form by the Government of the United States, through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Mammoth Oil Co., as lessee, and that certain contract between the Government of the United States and the Pan American Petroleum & Transport Co., dated April 25, 1922, signed by Edward C. Finney, Acting Secretary of the Interior, and Edwin Denby, Secretary of the Navy, relating, among other things, to the construction of oil tanks at Pearl Harbor, Territory of Hawaii, and that certain lease of naval reserve No. 1, in the State of California, bearing date December 11, 1922, made in form by the Government of the United States through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Pan American Petroleum Co., as lessee, were executed under circumstances indicating fraud and corruption; and

"'Whereas the said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress; and

"'Whereas such leases and contract were made in defiance of the settled policy of the Government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security': Therefore be it

"*Resolved*, That it is the sense of the United States Senate that the President of the United States immediately request the resignation of Edwin Denby as Secretary of the Navy."

February 17, 1924 (6 days later): Denby resigns as Secretary of the Navy.

No. 3. Albert B. Fall (Republican), Secretary of the Interior in the Cabinet of President Harding and previously a United States Senator from New Mexico.

March 4, 1921: Appointed Secretary of the Interior.

May 31, 1921: President Harding signs an Executive order transferring the naval oil reserves from the Navy Department to the Interior Department.

November 30, 1921: The California oil magnate, E. L. Doheny, loans Fall $100,000 on Fall's unsecured note. Doheny later testified that he sent the $100,000 in cash by his son in a black satchel from New York to Washington, where it was delivered at Fall's office in the Interior Building. The proof also disclosed that Fall took the $100,000 in a tin box to El Paso, Tex., where he made the initial purchase of additional ranch property in bills taken from the box.

April 7, 1922: Fall, as Secretary of the Interior, leased the whole of the Teapot Dome (naval oil reserves), in secret and without bids, to Harry F. Sinclair.

April 25, 1922: Fall, as Secretary of the Interior, leased a large part of the Elk Hills (naval oil reserve) to Doheny without bids.

February 17, 1923: Fall resigns as Secretary of the Interior and shortly thereafter took employment from Harry F. Sinclair, who about the same time "loaned" him $25,000 in Liberty bonds, together with $10,000 expense money when Fall made a trip to Europe with Sinclair in 1923.

July 1, 1924: Albert B. Fall indicted by Federal grand jury of District of Columbia on charge of accepting bribe to influence his official decision and conspiracy to defraud the United States in leasing of Teapot Dome naval oil reserves in Wyoming to Sinclair interests.

December 8, 1925: Court of Appeals of the District of Columbia reverses decision of the Supreme Court of the District of Columbia, quashing bribery indictments against Fall and Doheny.

December 16, 1925: Counsel for Fall and Dohenys seek rehearing on bribery indictments.

December 20, 1925: Court of Appeals (District of Columbia) refuses to reconsider decision on bribery indictments.

February 16, 1926: Justice Stafford (Supreme Court, District of Columbia), upholds indictments of A. B. Fall, E. L. Doheny, and Harry F. Sinclair on charges of conspiracy in leases.

February 17, 1926: Fall and Doheny file demurrers to reinstated indictments.

February 24, 1926: Fall and Doheny seek special appeal from decision which overruled their demurrers to indictment.

CANCELLATION OF LEASES

February 2, 1926: Federal Circuit Court of Appeals in San Francisco denies Doheny's appeal to prevent cancellation of leases.

February 25, 1926: Doheny appeals to United States Supreme Court to review decision of Court of Appeals of San Francisco which ordered cancellation of California leases.

March 16, 1926: Doheny appeals to United States Supreme Court to review decision of lower Federal courts canceling Elk Hill release.

STATEMENT OF JOSEPHUS DANIELS, SECRETARY OF THE NAVY IN THE WILSON ADMINISTRATION

I devoted much time during my term of office to procuring new naval oil reserves; to opposing the persistent attempts to obtain control of them by oil vandals; and refused every proposition to lease any of these reserves.

No. 4. Charles R. Forbes (Republican), Director of the United States Veterans' Bureau under Presidents Harding and Coolidge.

January 31, 1925: Convicted of fraud against the Government and irregularities in connection with hospital contracts.

February 12, 1926: Asks Supreme Court of the United States to review conviction.

March 16, 1926: Loses appeal.

March 19, 1926: Anxious to begin prison term; visits Leavenworth.

March 21, 1926: Begins prison term.

No. 5. Thomas W. Miller (Republican), of Wilmington, Del., former secretary of state of Delaware, former Republican Member of Congress from that State in the Sixty-fourth Con-

gress, and Alien Property Custodian in the administrations of Presidents Harding and Coolidge.

HIGH REPUBLICAN OFFICIAL PLEADS THE STATUTE OF LIMITATIONS

"Col. Thomas W. Miller was recently given an opportunity to go before a jury to tell how he came into possession of $47,500 in Liberty bonds traced to him from a part of the American Metal Co. assets after the $6,453,979.97 assets of that company had been returned.

"Robert S. Johnstone, Colonel Miller's counsel, asked for a bill of particulars to show that the statute of limitations had outlawed the case.

"He said he did not think the court should be burdened with a trial that would last at least two months, when there was no chance of it being proved a legal prosecution.

"He said the indictment had been drawn so as to conceal the fact that more than three years had elapsed since the commission of the acts alleged in the indictment. Mr. Miller was held in $5,000 bail." (New York Times, Saturday, November 7, 1925.)

AN AMAZING PLEA

The $47,500 traced to Colonel Miller's pocket out of the American Metal Co. assets is only one Government case against him.

It is understood the enormous sum of $431,000 was traced to him in all the Government cases against him.

No. 6. Gov. Warren T. McCray (Republican), of Indiana.

April 29, 1924: Found guilty of using mails to defraud.

April 30, 1924: Resigns as Governor of Indiana.

April 30, 1924: Starts for Atlanta to serve 10-year term in Federal prison.

May 2, 1924: Begins prison term.

No. 7. John W. Langley (Republican), Member of Congress from Kentucky.

"John W. Langley, Republican, of Pikesville, was born in Floyd County, Ky.; served two terms in the Kentucky Legislature, receiving the caucus nomination of his party for speaker of the house; was thrice a delegate from his district to Republican National Conventions and a delegate at large to the Republican National Convention of 1916; was elected to the Sixtieth, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses, serving 20 years in all." (Congressional Directory.)

MOVE TO OUST LANGLEY BEGINS IN HOUSE SOON

"A movement to take the bit in the teeth and oust Representative John W. Langley from the House because of his conviction for violating the prohibition laws (accepting a bribe) will be launched as soon as the pending tax bill has been disposed of, it was learned yesterday.

"The committee of five, headed by Representative BURTON, of Ohio, which took the case under advisement, has virtually agreed to recommend his dismissal, or rather a denial of his seat in the present Congress, to which he was reelected in the face of his conviction. A meeting of the committee was held yesterday, but a formal report to the House will be withheld for the time being." (Washington Post, Wednesday, December 16, 1925.)

[Later]

"Langley to quit if appeal fails. The special House committee appointed to investigate charges against Representative John W. Langley, Republican, Kentucky, who was convicted of conspiracy to violate the national prohibition act, reported yesterday that it understood he would resign from the House in the event his appeal to the Supreme Court failed." (By the Associated Press. Washington Post, Wednesday, December 23, 1925.)

January 12, 1926: Sentenced to two years in Federal prison at Atlanta.

January 12, 1926: House of Representatives accepts his resignation as a Member of Congress.

January 16, 1926: Starts for prison.

January 17, 1926: Begins prison term.

No. 8. Gov. Len Small (Republican), Governor of Illinois, must account for cash. One million dollars involved.

"SPRINGFIELD, ILL., December 16, 1925 (A. P.).—Gov. Len Small must account for interest on State funds it is alleged he withheld while State treasurer, the Illinois Supreme Court ruled to-day.

"The decision, which sent the case back to the Sangamon County Court which indicted him, holds the governor guilty of depositing State moneys as State treasurer ($29,000,000) in the fictitious 'Grant Park Bank' of the late Senator Edward C. Curtis & Son at 2 per cent, and later splitting the profits accruing from reloans at 5 and 8 per cent.

"'A great mistake has been made,' said Governor Small at the executive mansion late this afternon when informed the supreme court had decided against him." (New York World, Thursday, December 17, 1925.)

RECAPITULATION

The list—all Republicans

No. 1. Daugherty, the Attorney General (on bond; awaiting trial).

No. 2. Denby, the Secretary of the Navy (incompetent; resigned).

No. 3. Fall, the Secretary of the Interior (on bond; awaiting trial).

No. 4. Forbes, Director Veterans' Bureau (in the penitentiary).

No. 5. Miller, Alien Property Custodian (on bond; awaiting trial).

No. 6. McCray, Governor of Indiana (in the penitentiary).

No. 7. Langley, Member of Congress (in the penitentiary).

No. 8. Small, Governor of Illinois (directed by the supreme court of his State to account for $1,000,000).

A PARTY OF TRADERS

The Republican Party long ago abandoned all of its principles, abandoned all political morality, and has become a mere party of traders, trading Government favors for campaign contributions and support. The domination of the Republican Party by "rapacious big business" will be one of the paramount issues in the fall campaign.

"THE LATEST REPUBLICAN SCANDAL

"WHAT IT COSTS TO BUY A PRIMARY NOMINATION FOR THE UNITED STATES SENATE IN PENNSYLVANIA—$1,087,295 FOR PEPPER MAKES PENNSYLVANIA'S SLUSH TOTAL $1,435,000—GRUNDY, MANUFACTURERS' CHIEF, TESTIFIES HE LENT $300,000 FOR SENATOR'S LOSING FIGHT AND WENT ON $90,000 NOTE WITH BANKER—WANTED MELLON TO HAVE THE MANTLE OF PENROSE—NEWBERRY FAR, FAR ECLIPSED BY PRIMARY REVELATIONS—VARE'S PITTSBURGH OUTLAY $81,000

"WASHINGTON, June 11.—Reference to the recent Republican primary contest in Pennsylvania as a 'million-dollar campaign' was a gross underestimate. Evidence so far given to the special Senate investigating committee shows an expenditure of approximately a million and a half dollars—and the figures are not yet complete.

"The salary attached to a United States Senatorship, the prize that caused all this outpouring of money, is $10,000 a year, or $60,000 for the full six-year term.

"A recapitulation after to-day's sessions shows the following:

Spent for Senator PEPPER, who lost:	
Cash loaned by Joseph R. Grundy	$300,000
Loan by Grundy and W. H. Folwell	90,000
Contributed to Grundy's committee	125,000
Deficit estimated by Grundy	100,000
W. L. Mellon's western expense	347,295
Spent by Pepper's Philadelphia committee	125,000
Total for PEPPER	1,087,295
Spent for Governor Pinchot, who also lost; expenses and deficit reported by his managers	195,000
Spent for Representative VARE, the winner:	
His personal expenditures	71,000
Expended by his Pittsburgh managers	79,918
Pittsburgh deficit	2,000
Total for VARE	152,918
Grand total with principal figures for VARE yet to come,	$1,435,213.

TERM "ANGEL" PLEASES GRUNDY

"Joseph R. Grundy, textile manufacturer, high-tariff exponent for 40 years, president of the Pennsylvania Manufacturers' Association, and eager to see Secretary of the Treasury Mellon wear the mantle of the late Boies Penrose, smiled with gratification to-day as Senator REED (Democrat of Missouri) called him the 'angel' of the recent Republican primary in Pennsylvania.

"For by that time the pleasant Mr. Grundy had told the Senate committee investigating the reputed 'slush funds,' that he had largely underwritten the ill-fated campaign of Senator PEPPER for renomination by advancing $300,000 of his own cash, and $90,000 more on a note which H. W. Folwell, who was treasurer of the Mellon forces in Philadelphia, also signed. Then the campaign committee which he headed had raised $125,000. And there was still a deficit which he 'conservatively estimated' at $100,000.

"Newberry spent $195,000. (The World, June 12, 1926.)

"GRUNDY WAS 1924 G. O. P. GO-GETTER; RAISED $500,000 TO ELECT COOLIDGE—HIS LETTER, 'PENNSYLVANIANS, YOU HAVE ENJOYED MUCH'; YOU MUST CONTRIBUTE LIBERALLY,' CAUSED SENATE INQUIRY—VIRTUAL BOSS OF EASTERN PART OF STATE

"Joseph R. Grundy, president of the Manufacturers' Association of Pennsylvania and member of the textile concern, William H. Grundy Co. of Philadelphia, was labeled the go-getter of the Republican campaign of 1924.

"His letter to manufacturers in Pennsylvania, in which he said it was time for them to make good as a matter of 'gratitude' and 'enlightened self-interest,' because of the results of the Fordney-McCumber tariff law, was what caused the Senate to investigate the collection of campaign contributions raised at that time.

"It was stated at the hearings held by Senator BORAH in Chicago in November, 1924, that Mr. Grundy raised more than $500,000 of the $3,000,000 Republican campaign fund.

"In his letter appealing for funds to save 'doubtful States for Coolidge,' Mr. Grundy wrote:

"'Pennsylvanians, because you have enjoyed much, you must contribute liberally in substance and energy.'

"Always a power in Republican politics in the Keystone State as spokesman for Boies Penrose, especially in Bucks County, Mr. Grundy

now is virtual boss of eastern Pennsylvania, outside of Philadelphia, and always has spoken and stood publicly for a high protective tariff for the textile industry." (The World, June 12, 1926.)

"HOW THREE SENATE CANDIDATES SPENT $1,886,436 IN PENNSYLVANIA POLL

"WASHINGTON, June 15.—Recapitulated expenditures in the Republican primary campaign in Pennsylvania, as computed after to-day's hearings, bring the record-breaking grand total to $1,886,436, based on the following figures testified to by the three candidates, VARE, PEPPER, and Pinchot, and their managers who have appeared so far before the special Senate committee:

PEPPER campaign:	
Joseph R. Grundy's committee expenses and deficit	$614,134
W. L. Mellon's estimate of Pittsburgh expenses	347,295
PEPPER's estimate of his separate committee	125,000
Total for PEPPER	1,086,429
VARE campaign:	
VARE's personal expenditures	71,435
Spent by Pittsburgh headquarters	40,216
Secret fund disbursed from Philadelphia	231,095
Audit of other Philadelphia expenses	253,659
Additional advertising estimate	8,500
Total for VARE	604,905
Pinchot campaign:	
Pinchot's personal contribution	43,767
Spent by his State committee	113,324
Additional Pittsburgh expenses	3,885
Estimated county expenditures	30,000
Unpaid bills	4,126
Total for Pinchot	195,102
Grand total	1,886,436

"Exact figures have yet to be furnished by many of the managers." (The World, June 16, 1926.)

[Later]

"Two Mellon banks lent $75,000 to PEPPER aid without indorsement—Eric Fisher Wood says that was far more than he ever had borrowed before—Mellon's total advances now $148,000—G. O. P. slush total is near $3,000,000." (The World, June 19, 1926.)

The disclosures in the Pennsylvania primary have shocked the sensibilities of the Nation.

When selfish interests will spend $3,000,000 to elect three men to office, one as United States Senator, one as governor, and one as chairman of a Republican State Committee, there must be a large "Mellon" to be cut later on.

It is well understood that as a result of this primary, Mr. Andrew W. Mellon, the present Secretary of the Treasury, the pet of the Coolidge administration, is to be the Republican boss in Pennsylvania, acting through one of the members of his family, his nephew, Mr. W. L. Mellon, the new chairman of the Republican State Committee.

"Boss" Quay and "Boss" Penrose were bad enough, but "Boss" Mellon is worse.

Senator Quay and Senator Penrose operated on a small scale compared to Secretary Mellon, yet their crimes were enormous.

It is generally believed that the Quay machine for years used funds from the State treasury at Harrisburg to speculate on sugar and other stocks, in the old days; and it is well remembered that when the recorder of wills opened the safety-deposit box of the late Senator Penrose at Washington he found $250,000 in cash, in addition to the Senator's liberty bonds, etc. No honest man keeps that much money in cash in a safety-deposit box.

The country values the services of that brilliant Democrat, Senator JAMES A. REED, of Missouri, chairman of the senatorial investigating committee, who has brought into the open the enormous amount of money used in this election, and who also uncovered the vicious and corrupt manner in which the slush fund was used.

PART V. THE REAL ISSUE BETWEEN JEFFERSON AND HAMILTON

The real issue between Jefferson and Hamilton was whether this should be not only a Republic but a democratic Republic.

Every American citizen whose highest aim is his country's welfare should read the story of that historic struggle, as told in Jefferson and Hamilton, by Claude G. Bowers, of the New York Evening World.

The works of Jefferson and Hamilton are not accessible to the individualistic mass, to the average man who is the backbone of democracy, but in this 500-page work is the whole story marvelously told.

The struggle then was aristocracy against democracy.

The struggle now is monopoly against democracy.

"MONOPOLY IN THE ASCENDANCY

"Monopoly, trust control of the necessities of life, special privileges under the law, are in the ascendancy. The fiscal affairs of the Government dominated by a Secretary of the Treasury whose chief claim to distinction when appointed was his relationship to the Aluminum Trust and other monopolies, and whose crowning achievement is the cancellation of approximately $10,000,000,000 due the United States from foreign governments at the expense of American taxpayers, and this without gaining even the respect or gratitude of our debtors! Foreign securities held by private citizens enhanced in value by improvident sacrifice of obligations due the National Treasury. Interest on private foreign loans enhanced and made secure by the remission of interest on undisputed claims due the Government. Hypocritical pretense of economy in measures of vital public interest, such as farm relief, and just provision for the disabled defenders of the Nation. Liberal treatment of debtors in the name of amity and the promotion of foreign trade, a pretense exposed and made ridiculous by excessive and prohibitive tariff duties, through the reduction of which alone foreign nations in debt to the United States could in reasonable time discharge in full their obligations and thus safeguard international credit and honor.

"Never before since the days of Jefferson and Hamilton has the issue been more sharply drawn." (Excerpt from the address of Senator JOSEPH T. ROBINSON, of Arkansas, before the Democratic Congressional District Convention, at Bristol, Va., June 15, 1926.)

PART VI. FARM RELIEF BY LOWERING THE TARIFF

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 25 minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, when Oliver Goldsmith after a long absence returned to his native village he found many of the farms and homes had been deserted and that the land had come into the possession of landed proprietors. It was a source of great remorse to Oliver Goldsmith, and he wrote that wonderful poem Deserted Village. In that poem are these lines which describe, to a certain extent, the agricultural situation to-day. The poet said:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.
Princes and lords may flourish or may fade—
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroy'd, can never be supplied."

This quotation describes the agricultural situation to-day. The farming class is fast becoming bankrupt. Serfdom is the prospect of the farmer. The homes are being deserted. The country folk are moving to the cities. In the 10 years from 1910 to 1920 mortgage indebtedness on the farms in America increased 300 per cent. Whereas it was formerly $4,320,000,000, the mortgage indebtedness grew to $12,250,000,000. This was the situation at the close of the war, due to expansion of prices and production, and still prevailed when deflation of values struck the farmer. This is one of the serious problems now confronting this Congress to attempt to bring relief to this great class of our citizens.

In this Congress searching for a method to legislate for the benefit of agriculture most of the thought has been directed to schemes that would raise the price of farm products. To dispose of the annual surplus of farm products has been the problem, and many novel proposals have been advanced. The way to remove this surplus is to adopt a more liberal trade policy with those who need these products. This calls for a modification of the tariff, and this will not meet with the approval of controlling element of the majority party. Not being willing to seek the correct economic solution of this problem, by lowering tariff duties, all other plans will bring only local and temporary relief. These reformers from the Corn Belt and agricultural sections, who claim to be friends of agriculture, why not be honest and approach this problem correctly. If you can not build stilts high enough to reach manufacturers' prices, then amputate and shorten the stilts of protective industries and bring them down on the level with the farmer's prices.

"I am convinced that this administration is not going to legislate to relieve agriculture. The President and his majority in Congress are affiliated with manufacturing and big business and love these more than they are interested in farming. For 50 years, under Republican administrations, the protective-tariff policy has been geared against the farmer. Under this program manufacturing and corporate business has been given a hothouse—artificial growth that has drained the farms of its wealth and its man power. To-day, as a direct result of that scheme of legislation, more than 50 per cent of our population dwell in cities and town, where crime, immorality, and various problems of congestion arise to vex our Nation. This is not a natural result that our farms should be depleted and abandoned, but rather is the result of a continued, erroneous policy of legislative favoritism. The error and injustice arising from the assumption that manufacturing is the basic industry of America and must be promoted by exorbitant tariff schedules that lay a tribute upon the whole body of consumers of our country for the benefit of the few is largely responsible for present farm conditions.

"It has always been emphatically declared by some political economists that high protective-tariff schedules spell prosperity. It is time for the farmer to come out of this deceptive delusion. For his benefit let him study this table, compiled by the Agricultural Department, as to the comparative purchasing power of the farmer's dollars

for the last 35 years and keep in mind which party was in power. The years and figures are from the department and the insertion of the party are my own. This table places political responsibility by administrations. It clearly demonstrates that agriculture is much the better off under a low, or Democratic, tariff:

	Cents		Cents
Republican Party:		Republican Party:	
1890	83	1908	93
1891	80	1909	100
1892	87	1910	96
Democratic Party:		1911	97
1893	87	1912	101
1894	85	Democratic Party:	
1895	85	1913	100
1896	81	1914	105
Republican Party:		1915	103
1897	86	1916	97
1898	88	1917	107
1899	83	1918	112
1900	86	1919	112
1901	92	1920	96
1902	95	Republican Party:	
1903	88	1921	84
1904	93	1922	89
1905	90	1923	61.3
1906	88	1924	62.4
1907	90	1925	60.3

I have no desire to discuss the theory of the tariff. Suffice to say that I am not a free trader, neither do I believe in using the taxing power of the Federal Government as means of robbery of the many for the benefit of the few. I do not care to talk about the ancient doctrine of infant industries that do not now exist. Nor to refute the argument about tariff for the benefit of labor, when the return goes into the pocket of the capitalist, who never renders an accounting to labor for this legislative trust fund. I merely want to show the farmer he is worse off under a high than under a low tariff, and for this purpose I am inserting another table showing relative costs of necessary articles on the farm, and how much more he is expected to pay now with a cheap farm dollar than he did in 1914 under a Democratic administration, when his dollar, as shown by the former table, was worth a dollar and more:

Implements	1914	1924
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hay rake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disks	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

While many of these finished articles are on the free list, yet the component parts are highly protected. The raw material is therefore controlled, the output is limited, and the price fixed at a fancy figure. Our great natural resources of raw material, our patent laws protecting inventions, the genius of American business, and the ability of the American workman to produce, in most instances should be sufficient protection. There is no necessity for the use of the Federal taxing power to permit the exploitation of the American consumer.

In this age of rampant commercialism I may appear a little old-fashioned, but I can not escape the conviction that the Federal taxing power has been perverted from its original constitutional purpose of raising revenue for the administration of a Government economically conducted. Instead of assisting beginning and undeveloped industries until they can stand alone, it continues to support the giants of industrialism. The excessive favoritism of the present tariff and its destructive influence to agriculture, I believe, is the most serious menace of the economic welfare of the American people.

If high tariffs are the touchstone of prosperity, why does not the administration increase the rate schedules? The farmers, I am sure, could stand more prosperity. Under the administration of the party now in power first was enacted the emergency tariff, which increased the rates on farm products, and their price continued to slump. Then came the passage of the Fordney-McCumber bill, which is now the law, and has been since September 3, 1922. How long does it take the law to begin to operate for the benefit of the farmer? We are in doubt concerning the merits of this highest tariff law, and, like John the Baptist, whose faith had wavered, we inquire, "Are you the promised One, or look we for another?" But my purpose is to give the farmer convincing facts that he is paying the freight on this high-tariff policy and should vote to change it.

According to the Federal farm census of 1920, agriculture had capital assets, invested in lands and buildings, of $63,000,000,000. By a similar census in 1925 these same assets had slumped to $46,000,000,000, a clear deflation loss of $17,000,000,000. We may talk about reasonable return for railroads and fix rates upon inflated values, we can provide rates for public utilities and put the governmental-tariff embrace and affection on manufacturing, but when it comes to farming the President informed them in his messages to Congress and in his Chicago speech that the Government has no favors for them.

Every farm plan which takes a Federal expenditure is tabooed as impractical and unscientific. The administration's heart and affection is with manufacturing and kindred industries, and where their heart is there will they be also. Likewise the deflation slump on livestock and personal property during the same five-year period was $3,000,000,000, and an annual similar loss on crops of $2,000,000,000, making a grand total loss of wealth of $30,000,000,000. No other industry has so suffered during that period. While the farmers sustained this loss, our national wealth on the whole increased $85,000,000,000; and this took place under a Republican administration, with the highest tariff that we have ever endured. Is the Republican administration alarmed about this bankruptcy on the farm? Not at all. What are they proposing to do about it? Reduce these high rates that the American consumer must pay for every necessity? Not at all. The tariff is the "Ark of the Covenant," against which no one shall lay his unholy hand.

In America under the present régime big corporate business is in the saddle. Protection is rampant, and farming and dependent lines are not within the inner circle.

I have endeavored to show by this discussion that while the country in many lines is prosperous the farmer does not share this prosperity. While the farmer is operating on a 60-cent dollar, the corporations, who are riding upon tariff protection, are distributing phenomenal dividends. The local taxes are very high, and those with visible tangible property like farm land and livestock have no chance of evasion, and hence are unjustly burdened. In addition to local taxation, the farmer pays 28 per cent of the Federal tax bill, and yet only shares 12 per cent of the country's annual income. This is in addition to the ever-increasing burden of tariff taxation, which does not to any extent find its way to the Federal Treasury but is lodged in the pockets of tariff beneficiaries. This is the item upon which I would extend relief to the farmer and equalize the value of his dollar by giving it greater purchasing power.

What are some of the commodities so essential to the farmers upon which the tariff rates are excessive? All the component parts of farm implements and machinery, viz, wagons, trucks, rakes, plows, binders, and all hardware. Also all cutlery and dishes for the table, as well as the tablecloth and the crockery and utensils of the kitchen. Shoes and clothing of all kinds, along with curtains and window shades. The pins, needles, hooks, eyes, umbrellas. The automobile, parts, and also all guns, fishing tackle, musical instruments, and sporting goods. If the farmer desires to build a home, then all brick, glass, slate, nails, and hardware. All surgical instruments and burial necessities. All toys that make the kiddies happy on Christmas are also on the padded list. Most of the necessities from the cradle to the grave. The one commodity above all used universally and upon which the Tariff Commission recommended a lowering of the duty is sugar. This item alone is costing the farmers, as well as other consumers, hundreds of millions annually.

I therefore make a plea for the consumers of America, that great forgotten class, that are trying to make their income meet these unjust burdens under a policy that taxes the many for the special benefit of the few. I can well understand why a manufacturer, or one whose investments lie in a protected industry that controls the production, and therefore fixes the price, would be for the Fordney-McCumber tariff, but it is beyond my understanding why any farmer, small business man, professional man, or laborer should as a consumer desire to sanction this system of inequality that pulls wealth and income from the farms and rural communities to the industrial centers of America.

There are those who claim the present tariff law benefits the farmer. It is a bold assertion, but one which the present deplorable condition of the farmer emphatically contradicts. What does investigation disclose? The American Farm Bureau Federation estimates the present tariff costs the farmers on necessities purchased an annual sum of $426,000,000 and that the farmers gain by the same law $125,000,000. Here is a clear loss of $301,000,000 in which the farmer contributes to the wealth of the manufacturer. Is it any wonder that New England and other manufacturing centers say, "Leave well enough alone; do not tamper with the tariff." The man always says "Leave well enough alone" when he has his hand in the other fellow's pocket. Under the present tariff law for every dollar the farmer gains it costs him $4. Also the Fair Tariff League indorsed by many leaders of farm organizations, such as the National Grange, Farm Bureau Federation, and Farmers' Union, in a statistical summary of the leading agricultural States estimates the present tariff in those States costs the farmers $15 of added costs to $1 gained to the farmer by the operation of this law.

Knowing these facts, will the farmers be contented to vote for extreme protection, when they are being deceived and mulcted by this so-called beneficial tariff?

High tariffs can not raise the price of commodities of which there is an exportable surplus. Agriculture every year produces such a surplus for export, which is thrown upon the foreign market, and this export price controls the domestic price. When goods are going out and not coming in what good is a tariff wall? This wall may repel some trader who would bring goods here and exchange them for our farm surplus. Thus the tariff wall raises the price of all manufactured goods that the farmer buys and keeps him from trading abroad his surplus for many needed commodities which the farmer could use if the price was not prohibitive. The farmer is therefore at an economic handicap, and no amount of advice, sympathy, or subterfuge will bring relief as long as the man who tills the soil is not treated with legislative equality or justice.

Will the farmer still be satisfied with three cheers and a slap on the back and continue to vote for tariffs that rob him and reduce him to bankruptcy or will he use his political influence to help his industrial condition by voting for a party who will readjust the tariff schedules so that economic equality and justice may prevail? [Applause.] (Speech of Hon. ARTHUR H. GREENWOOD, of Indiana, in the House of Representatives, Thursday, March 25, 1926.)

PART VII. G. O. P. BLAMED BY FARMERS

G. O. P. BLAMED BY FARMERS—IOWA FARM BUREAU HEAD SAYS VOTERS RESENT MAKESHIFT PROPOSALS

DES MOINES, June 28 (A. P.).—President Charles E. Hearst, of the Iowa Farm Bureau Federation, to-day informed President Coolidge that farmers of the midwest charged the administration "with full responsibility for failure to keep the promise made to our people" in 1924 when the Republican Party pledged itself to economic equality of agriculture and industry.

In a telegram sent to the President and a statement issued here, Mr. Hearst described farm-relief proposals still pending in Congress as makeshifts and proposals "to hand the farmers legislation that will be inadequate and in no way meet the requirements of the greatest present-day national problem." (Washington Star, June 28, 1926.)

PART VIII. ONE HUNDRED AND TWENTY-NINTH BIRTHDAY OF THE DEMOCRATIC PARTY

On March 4, 1926, the Democratic Party celebrated its one hundred and twenty-ninth birthday. It was on March 4, 1797, that the Democratic Party came into existence, when Thomas Jefferson, the greatest political philosopher of all time, who was its founder, took the oath of office as Vice President of the United States.

The historic party of the Nation, the incorruptible party of the masses, it is as imperishable as liberty itself.

Being a party of principles and not a party of "loaves and fishes," it has survived political famine; it has survived party splits of great magnitude; it has gone through the fire of a civil war; and has been torn by the strife of religious dissension; always to be reunited in the service of the people.

During more than half of its life it has been entrusted with the administration of our Government, and its accomplishments while in office constitute some of the most glorious chapters in American history.

Never during its long career has it been driven from power because of corruption, or because of malfeasance on the part of its high officials.

It has lived to see its ancient enemies, the Federalist and the Whig Parties, embalmed and forgotten.

It will live to see its present enemy, the Republican Party, driven from power and become a memory.

The Harding and Coolidge administrations have been such disappointing failures, so full of scandals, that the American people only await the November elections to cast forth disgracefully everything that is left of the Republican Party, in order that we may have honest elections and honest government.

PART IX. THE VOICE OF THE PEOPLE IS BEING HEARD

The Coolidge candidate in Illinois, Senator MCKINLEY, was badly defeated.

The Coolidge candidate in Oregon, Senator STANFIELD, was badly defeated.

The Coolidge candidate in Pennsylvania, Senator PEPPER, was badly defeated.

The Coolidge candidate in Iowa, Senator CUMMINS, was badly defeated.

The Coolidge candidate in North Dakota, Mr. L. B. Hanna, was badly defeated. Another bump for the Coolidge administration.

The stalwarts of the Republican Party, the leaders of the old guard, are falling. They are being cut down as fast as the primaries are held and the people have an opportunity to pass judgment upon them.

Verily, the voice of the people is being heard.

WATERS OF THE SNAKE RIVER AND OTHER STREAMS

The VICE PRESIDENT laid before the Senate amendments of the House of Representatives to the bill (S. 4348) granting the consent of Congress to compacts or agreements between the States of Idaho and Wyoming with respect to the division and apportionment of the waters of the Snake River and other streams in which such States are jointly interested, which were, on page 1, line 4, to strike out "and Wyoming" and insert a comma and "Wyoming, Washington, and Oregon"; on the same page, in line 6, to strike out "between" and insert "among"; on the same page, in line 7, to strike out all after "thereto" down to and including "interested" in line 9.

Amend the title so as to read: "An act granting the consent of Congress to compacts or agreements between the States of Idaho, Wyoming, Washington, and Oregon with respect to the division and apportionment of the waters of the Snake River and its tributaries."

Mr. KENDRICK. I move that the Senate concur in the House amendments.

The motion was agreed to.

ASSESSMENTS OF REAL ESTATE IN THE DISTRICT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3053) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, which were, on page 5, after line 10, to insert:

SEC. 10. That assessments of real estate in the District of Columbia for the purposes of taxation shall be made annually in the same manner and subject to the same limitations as now provided by law for making biennial assessments of real estate in said District: *Provided*, That to enable the assessor of the District of Columbia to make annual assessments of real estate there is authorized to be appropriated such sum as may be necessary for the employment of additional personal services.

And on page 5, line 11, to strike out "10" and insert "11."

Mr. CAPPER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. ASHURST. Mr. President, I demand the regular order. At the risk of incurring some unpopularity I must insist that we confine ourselves to the regular order strictly, because we have a large number of bills on the calendar, and the only chance an ordinary Senator has is to call for the regular order. I therefore demand it.

The VICE PRESIDENT. The regular order is demanded. Petitions and memorials are in order.

PETITIONS

Mr. ERNST presented petitions of sundry citizens of Augusta and Rush and of Monroe County, all in the State of Kentucky, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

REPORT OF PUBLIC LANDS COMMITTEE

Mr. WALSH, from the Committee on Public Lands and Surveys, to which was referred the 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 reported it without amendment and submitted a report (No. 1189) thereon.

TRAFFIC CONTROL IN THE DISTRICT—CONFERENCE REPORT

Mr. CAPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, and 11, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a comma and the words "pedestrians, and animals, of every description"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That in each case where a permit is revoked or suspended, the reasons therefor shall be set out in the order of revocation or suspension: *Provided further*, That such order shall take effect 10 days after its issuance unless the holder of the permit shall have filed within such period

written application with the Commissioners of the District of Columbia for a review of the order of the director or his assistant; if, upon such review, the commissioners shall sustain the order of the director or his assistant, such order shall become effective immediately; but if, upon such review, the commissioners shall reverse the order of the director or his assistant, such order shall thereupon be vacated"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "may, within 30 days after such denial, revocation, or suspension is ordered, if application for a review by the commissioners of an order for revocation or suspension has not been filed, or, in case such application has been filed, within 30 days after decision of the commissioners, apply to any justice of the Court of Appeals of the District of Columbia for a writ of error to review the order of the director of traffic (or his assistant) complained of or the decision of the commissioners. And said court is authorized to promulgate rules governing the application for the writ, and the record and proceedings thereon, and to affirm, modify, or reverse the order of the director of traffic (or his assistant) or the decision of the commissioners, where the writ is allowed pursuant hereto; and the decision of said court shall be final: *Provided further*, That the application to said court for a writ of error shall not operate as a stay of such order of the director or his assistant or the decision of the commissioners"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: After the word "assistants" at the end of said amendment insert a colon and the following: "*Provided*, That nothing herein contained shall deprive any person of the right of trial by jury"; and the Senate agree to the same.

ARTHUR CAPPER,
FREDERIC M. SACKETT,
WILLIAM H. KING,
Managers on the part of the Senate.

FREDERICK N. ZIHLMAN,
CHARLES L. UNDERHILL,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BLEASE. Mr. President, I merely wish to ask the Senator from Kansas if the amendments set forth in the conference report are those which were agreed on by the opponents and proponents of the previous report?

Mr. CAPPER. They are.

Mr. ASHURST. Mr. President, to what conference report does the Senator from South Carolina refer?

The VICE PRESIDENT. The conference report on the so-called traffic bill which has been presented by the Senator from Kansas.

Mr. BLEASE. There is no further objection to it, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. ROBINSON of Arkansas. Mr. President, I understand that the conference report as presented by the Senator from Kansas represents a unanimous agreement not only on the part of the conferees but upon the part of the proponents of the bill and of those who recently in the Senate raised some objection to its consideration. Am I correct in that statement?

Mr. CAPPER. The Senator from Arkansas is correct.

Mr. KING. Mr. President, I was one of those who signed this conference report. In so doing I do not want it to be understood that I agree to the original bill or to all of the modifications embraced in the conference report. However, as a conferee, it is my duty, of course, to carry out the instructions of the Senate, which I attempted to do, notwithstanding the fact that some of the provisions were not in harmony with my views.

I confess that I am not satisfied with the traffic act; I am not satisfied with its administration; I am not satisfied with Mr. Eldridge, who is head of the traffic organization, and particularly since the hearings in the House of Representatives over the Fenning matter, in which it was revealed that Mr. Eldridge has played a very sordid part in having removed from office Captain Headley, one of the most effective and efficient policemen in the city of Washington, I feel that I can not support the director. I do not indorse his act, and the committing to him of such great power, as does this bill, I think is a very great mistake. However, Congress has passed the law doing that, and, of course, it was my duty as a conferee to carry out the instructions of the Senate.

The VICE PRESIDENT. Without objection, the conference report is agreed to.

Mr. NORRIS. Mr. President, I wish to ask the Senator from Kansas a question about this conference report. I have read newspaper comments about the traffic regulations under this bill. I do not know whether the provision I have in mind is included in the conference report or not. I ask the Senator from Kansas whether there are any regulations in the bill as now agreed upon by the conferees in regard to the issuing of licenses for the operation of motor vehicles in the District of Columia?

Mr. CAPPER. The bill as now agreed upon provides for the renewal of licenses for three years for a charge of $3.

Mr. NORRIS. I am referring now to a license which gives its owner the right to drive an automobile or truck.

Mr. CAPPER. That is what I refer to.

Mr. NORRIS. And such persons have to pay a fee of $3.

Mr. CAPPER. Covering a period of three years.

Mr. NORRIS. There is not any means by which a person can get a license for a shorter term.

Mr. CAPPER. He can get a license for $2 for a single year and then it may be renewed.

Mr. NORRIS. In getting a license, or in getting a license renewed, does a person have to pass an examination or something of that kind?

Mr. CAPPER. He does in securing an original license.

Mr. NORRIS. Let me ask the Senator a question. Suppose some one comes here from a State—as thousands of people do—in his automobile; if he is here, as I understand, for more than 30 days he is required to take out a license. I do not know whether the collection of a fee in such a case is right. Is there not a regulation under which a man coming here from the State of Kanses, let us say, with his automobile, technically speaking, is not allowed to drive it on the streets of Washington unless he takes out a license? Would such a person have to take out a license for two years or three years?

Mr. CAPPER. No; he would not. That matter is not controlled by this act at all.

Mr. NORRIS. Oh, it is not?

Mr. CAPPER. No. I presume the traffic director of the District will establish some regulation to govern such a case. My understanding is that here in the District a license from another State is recognized for a period of 30 days without requiring a local license.

Mr. NORRIS. I desire to ask the Senator another question. If this proposed law shall go into effect, will every person in the District of Columbia who drives a car or an automobile truck be compelled to take out a new license and will he be required to pass an examination before he can obtain such a license?

Mr. CAPPER. Not at all. If he is holding a permit he can renew that permit without further examination.

Mr. NORRIS. Then, if there is no evidence required to secure another permit except the old permit, what is the use of requiring a new one?

Mr. CAPPER. All licenses, according to the traffic act of two years ago, automatically expired on March 31 of this year.

Mr. NORRIS. I understand the applicant will not have to submit any evidence except his old license in order to secure a new one. My question is, if that be true, why require him to take out a new license?

Mr. CAPPER. Because the traffic act which we passed not quite two years ago provided that all licenses should expire on March 31, 1926. This bill makes it possible for the holders of those licenses issued prior to March 31 to have them renewed without further examination for a period of three years for a charge of $3.

Mr. NORRIS. Then, really the only thing accomplished by it is that it brings in a fee?

Mr. CAPPER. As a matter of fact, those driving automobiles here now are doing so without any authority.

Mr. NORRIS. I suppose that is true under the law. They really are driving without a permit now.

Mr. CAPPER. That is correct.

Mr. NORRIS. The point that I am trying to emphasize is that if the traffic officials are going to look without any objection upon those who have licenses now and say nothing about it, but let them use their old licenses, in case of an accident, in case anything happens, although the driver may be entirely blameless, he could be arrested for violating the law on account of driving without a license, and that could be used as a leverage sometimes against persons who would be absolutely innocent of any wrong or even of any negligence.

Mr. CAPPER. The traffic director for the last four months has been pressing for the passage of this bill so that the holders of permits would have some status.

Mr. NORRIS. How much time will be given under this bill to secure new permits? Suppose a Member of Congress—I am not thinking of myself, because I am not going to do that; but suppose some Member of Congress who leaves the city to-day has a license now to drive in the District of Columbia and he comes back in December and drives his car without securing a new license, he would be violating the law for driving a car on the streets of Washington, would be not?

Mr. CAPPER. There is no limitation as to the time, so far as this bill is concerned.

Mr. NORRIS. But in the meantime people are violating the law if they drive their cars, are they not?

Mr. CAPPER. It might be so considered, but the traffic bureau has not up to this time taken that stand.

Mr. NORRIS. Technically speaking, if this bill were signed by the President and should become a law to-day, every person in the District of Columbia driving a car, although he had a license which was legal at the time it was issued and legal up to the date of March 31 last, as the Senator says, would be violating the law and would be subject to whatever penalties are set forth in this law, would he not?

Mr. CAPPER. I think, technically, probably he would.

Mr. NORRIS. The only hope the people who are driving cars here can have is that the enforcement officers will be lenient. I do not doubt their leniency, but the danger is in case a person should have an accident, although he might be blameless, he could be arrested under this proposed law, tried, and convicted because he would be technically a violator of the law.

Mr. CAPPER. The situation has been quite chaotic ever since March 31.

Mr. NORRIS. I think it has.

Mr. CAPPER. I will say for the traffic bureau that they have been doing their best to secure action by Congress.

Mr. NORRIS. I have no doubt of that. I am not criticizing anybody, I will say to the Senator; I realize that there are difficulties, and, perhaps, this is the right way to remedy them.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. I inquire if this is a personal conversation which is going on between Senators on the other side? Over here we can not hear them at all.

The VICE PRESIDENT. The Senators are discussing the conference report on the District of Columbia traffic bill.

Mr. NORRIS. We are having a very enlightening discussion, I will say to the Senator from New York.

Mr. COPELAND. We would be pleased to be enlightened over here.

Mr. NORRIS. Senators over there would be enlightened if they could only hear it, but because so many are talking we are not to blame that we can not be heard.

I will say to the Senator from Kansas that the difficulty is more or less a technical one, but I have often known such technicalities to be used and the law enforced for the purpose of accomplishing some other object. Everybody in the District driving a car will be a violator of the law to-morrow if this bill shall be signed to-day, as I understand.

Mr. CAPPER. No; I think not.

Mr. NORRIS. Will they not?

Mr. CAPPER. The passage of this bill is intended to clear up that very situation.

Mr. NORRIS. But everyone will have to get a license before he will have the right to drive a car.

Mr. CAPPER. They will have to renew their licenses, but there is no limitation.

Mr. NORRIS. It seems to me there ought to be some limitation here, some time fixed, so as to protect those who now have licenses and are driving cars from a technical violation of law when they are entirely innocent. They ought to be given a certain length of time in which to get these licenses.

Mr. CAPPER. I think the owner of the automobile has nothing to fear, because there is no limitation in this bill upon the time within which he can renew his permit.

PAN PACIFIC CONFERENCE OF EDUCATION, REHABILITATION, ETC.

The VICE PRESIDENT laid before the Senate the amendments of the House to the joint resolution (S. J. Res. 104) authorizing the Secretary of the Interior to call a Pan Pacific conference of education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii, which were to strike out all after the resolving clause and insert:

That the President is hereby authorized and requested to call a conference on education, rehabilitation, reclamation, and recreation to be held at Honolulu, Hawaii, in April or May of 1927, and to extend invitations to such Governments as in his judgment should be represented at the conference.

The Secretary of the Interior, subject to the approval of the President, is hereby given full authority for the inauguration and maintenance of such conference, the preparation of and sending necessary exhibits thereto, purchase of necessary supplies and equipment, for telephone, telegraph, or cable service, freight and express charges, for travel and subsistence of employees of the Interior Department or representatives thereof, and for other necessary expenses incident to the conference, including the employment of assistants in or outside of the District of Columbia, the sum of $20,000 is hereby authorized to be appropriated from any money in the Treasury not otherwise appropriated, to be immediately available, and to continue available until December 31, 1927.

The Secretary of the Interior shall make a report of the proceedings of the conference and a detailed statement of expenditures to the Congress of the United States at the session next following the conference.

And to amend the title so as to read: "Joint resolution authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii."

Mr. BINGHAM. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOW THE TARIFF HELPS THE FARMER

Mr. FESS. Mr. President, under date of June 26 the Nebraska Farmer published a very informing article by Representative WILL R. WOOD on "How the tariff helps the farmer." I ask unanimous consent to insert it in the RECORD.

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

The matter referred to is here printed, as follows:

HOW THE TARIFF HELPS THE FARMER—BROADER HOME MARKETS AND PROTECTION FROM CHEAPER FOREIGN PRODUCTION A BOON TO AGRICULTURE

By WILL R. WOOD, United States Representative from Indiana

It is a matter of record and common information that the agricultural interests and agricultural sections of our country had more to do with the drafting and the passage of the present tariff law than any other interest or section. As a result, the schedules of the present tariff afford protection to more agricultural commodities than any previous tariff in our Nation's history and the degree of protection afforded them is higher. On the other hand, special consideration was accorded the agricultural interests in that practically all manufactured articles which are essential in the prosecution of agriculture—such as farm implements, barbed wire, binder twine, all kinds of leather goods, etc.—were placed on the free list.

Some idea of the manner in which the present tariff law operates to the especial benefit of the farmer may be obtained from an analysis of the imports of the year 1925. Their total value was, in round numbers, $3,610,000,000, of which $2,080,000,000, or 57 per cent, was admitted wholly free. Of the $1,530,000,000 worth of goods which paid a duty, $780,000,000, or 50 per cent, were agricultural imports, and the duty levied upon them was levied for the express purpose of protecting American agricultural interests. This left $750,000,000 worth of imports other than agricultural upon which a tariff was collected, and of this amount $250,000,000 represented such luxuries as mahogany, cut glass, and diamonds. The tariff on these luxuries do not affect the farmer's prosperity.

HALF OF DUTIABLE IMPORTS ARE AGRICULTURAL

This eliminates $3,110,000,000 of imports from consideration in discussing what share of the tariff the farmer pays because imports in that sum were either admitted free, or were luxuries of the special character above enumerated, or were agricultural imports against which a tariff was levied to protect the farmer, not to tax him. The residue, $500,000,000, or approximately only 14 per cent of the total constitute the only portion of our imports upon which the agricultural industry pays any part of the tariff.

In spite of this, there persists the argument among opponents of the tariff that it is "lopsided" and particularly benefits the industrial sections and interests at the expense of the agricultural sections and interests. This viewpoint is most often expressed by the phrase, "the farmer buys in a protected market but must sell in an open market." This is an indictment which challenges those responsible for the enactment of the present tariff and those who defend it. The consideration of this charge must be approached from an economic angle rather than from a partisan or political one.

Exports of grain and grain-food preparations in 1925 were 19 per cent less than in 1924. A still closer analysis shows the exports of wheat in 1925 were 46 per cent and corn 31 per cent less than in 1924. Exports of other agricultural products showed a decided decline as compared with the previous years. According to the Department of Agriculture, in an announcement issued March 8:

"The foreign demand for most of the products of our farms in 1926 will be no better than for the products of 1925, if as good. * * * Although the purchasing power of consumers in most countries for the products which they will have to import may be as good or better than in the past year, recovering domestic production and the imposition of protective tariffs is reducing the demand in some countries for foreign products, and competition in all foreign markets will be as strong as last year."

This has been the trend for the past five years. Exports of farm products in 1921 amounted to 15.38 per cent of our total exports. Since that year they have steadily declined; in 1925 they amounted to only 6.6 per cent of our total exports and in value aggregated only $318,000,000 as against $674,000,000 in 1921.

This steady decline of exports of our farm products is due largely to two reasons. First, the European nations are gradually recovering their agricultural productive capacity; in point of fact, they are making greater efforts than ever before to stimulate agricultural production. The war taught them the important lesson of being as self-sustaining as possible. In addition, the necessity of their reducing imports in order to help balance their budget impels them, from an economic standpoint, to raise as much food at home as possible.

But the more important factor is the increasing competition to the United States farmer from agricultural producers of other countries. In commenting upon this the Secretary of Agriculture in his last annual report makes the following observation:

FOREIGN COMPETITION IS INCREASING

"In planning wheat production the situation both in the United States and in the whole world should be considered. Even with the same acreage as last year a good average yield would place the United States on an export basis for most, if not all, classes of wheat. The trend of production in many countries that compete with the United States is upward. Production in European countries affected by the war is rapidly approaching pre-war status. Russia, a large exporter before the war, is recovering. The wheat-producing areas of Argentine, Australia, and Canada are now 53 per cent above pre-war average, and these countries have not yet reached their limit. Under these conditions only poor crops in important foreign wheat-producing countries can result in a situation comparable to that of last year when the farmers of the United States had a good crop which they sold at high prices. * * *

"Foreign competition continues to grow stronger in some lines of farm production. The wheat area of Canada has increased from a pre-war average of 10,000,000 acres to 22,000,000 acres in 1925. There are still large areas in Canada suitable for wheat production. The Australian wheat area has increased from a pre-war average of 7,600,000 acres to 10,800,000. Argentine reports have shown a record acreage. The wheat area of these three countries together is now about 53 per cent above the pre-war average. Dairy production continues to expand in the Southern Hemisphere. New Zealand and Australia have just finished a season of record output. The production of these two countries has expanded greatly since the war. They still have room for expansion. Argentine dairy production has also increased considerably since the war. The further development of the western Provinces of Canada and the recovery of Europe are adding to the world's supply. Siberia, a large exporter of dairy products before the war, is also recovering."

UNITED STATES PRODUCTION COSTS ARE HIGHER

This is supplemented by the report of a survey made by a special commission under the direction of the Foodstuffs Division of the Department of Commerce in response to a resolution passed by the Sixty-seventh Congress. It is stated in this report that only one-tenth of the wheat land of the Argentine and only one-sixth of the wheat land of Canada is at present under cultivation, and that virgin soil in each country is being brought under cultivation in an increasing quantity each year. This report also shows that in both Canada and the Argentine there is a comparatively small population in relation to the area, which makes it possible for an abnormally large percentage of farm crops to be exported. This report also points out that because of the conditions of cheap land and other cheap production costs crops and livestock can be produced in these countries at a much lower figure than they can be produced in the United States.

Further evidence is furnished by the report of a special representative of the Bureau of Animal Industry of the United States Department of Agriculture covering the livestock industry in the Argentine. This report shows that after counting in all production costs, cattle in the Argentine can be produced ready for the market at 75 cents per 100 pounds.

The United States Tariff Commission in 1924 submitted the results of its study of the need of an increase in the duty on wheat. This study went exhaustively into the cost of production of wheat in this country and Canada. The report shows that the cost of producing a bushel of wheat in the United States averages 48 cents a bushel higher than the cost of producing similar wheat in Canada. It further shows this difference in cost is attributable to factors which the American farmer can neither control nor remedy, such as higher land values, higher labor costs, higher costs of fertilizer due to more impoverished soil, etc.

In April this year the United States Tariff Commission submitted a report upon the advisability of increasing the duty on butter. This report showed that butter can be and is produced in Denmark for 13 cents a pound less than it can be produced in this country and that butter can be and is produced in Canada and New Zealand at a lower cost than it is produced in Denmark. As in the case of wheat and livestock, the report shows that these lower production costs in New Zealand and Canada are largely the result of lower land values, lower feed, labor and shelter costs.

To sum up the situation, the great agricultural sections of the United States have been opened, settled, and brought to a high state of development, which has resulted in high land values and very high production costs. On the other hand, the agricultural competing countries, such as the Argentine, Canada, New Zealand, Australia, etc., are still comparatively unsettled and undeveloped agriculturally; the Argentine is comparable to conditions in the Mississippi Valley 50 years ago, in so far as land values and labor costs are concerned, while the conditions in the agricultural sections of Canada are comparable to conditions which existed in the United States 25 years ago.

This makes it possible for those countries to produce food at so much lower cost than the United States that their exports are driving the American farmer out of the European market by the simple and certain process of being able to always undersell him at a profit. Students of the agricultural economic situation have no hesitancy in predicting that the American farmer's foreign markets are rapidly and surely reaching the vanishing point because of these conditions.

This brings the American farmer face to face with the question of where he can market his product and what will be the effect on farm prices when he loses his foreign markets. Fortunately we are not without information upon this subject. In 1921 the Joint Commission of Agricultural Inquiry, composed of Members of Congress, representing both the Senate and the House and both political parties, made a report of studies of agriculture, which had been prosecuted under its direction in response to a resolution passed by Congress. Some idea of the fairness and representative character of this commission may be obtained by citing its personnel:

Senators Lenroot, of Wisconsin, Capper, of Kansas, and McNary, of Oregon, Republicans; Senators Robinson, of Arkansas, and Harrison, of Mississippi, Democrats.

Representatives Anderson, of Minnesota, Mills, of New York, and Funk, of Illinois, Republicans; and Sumners, of Texas, and Ten Eyck, of New York, Democrats.

The per capita consumption of meat in the United States in 1925 was 154 pounds. The next country to that was England, the nation of "beef eaters," where the per capita consumption of all kinds of meat was 103.5 pounds. In France the per capita consumption was 75 pounds; in Belgium, 68 pounds; and in Italy, 41.8 pounds.

The European workingman regards white bread as a luxury. In fact, it is well within the truth to say that in the majority of European countries the workers never see or eat white bread. The parallel might be extended to other food products. Suffice it to say that in the American wage earner, steadily employed at good wages, the American farmer has the best and the richest customer in the world, and if he is able to hold this market he need not worry.

The home market created and maintained by the buying power of the American wage earner is a protected market. It could not exist without a protective tariff. Every period under a protective tariff has been marked by great industrial activity and expansion, accompanied by the steady employment at good wages. Every period following the repeal of a protective tariff has been marked by widespread and serious industrial depression, with millions of idle wage earners deprived of their buying power. Naturally and inevitably during such periods per capita consumption of all sorts of food has decreased and farm prices have declined.

This is not the rehash of partisan argument. It is the plain statement of an economic fact which is indelibly written on the pages of American industrial history.

The American farmer sells to-day in a protected market, a market created by protective tariff, a market of industrial consumers whose buying power is dependent almost wholly on the maintenance of the policy of a protective tariff. Ninety per cent of all the American farmer produces is sold in this highly protected market. It is a market which, for him, is doubly protected. It protects his industrial urban consumers in their jobs, which pay the highest wages ever paid in any nation in times of peace, and it protects him from the cheaply produced agricultural products of Canada, New Zealand, the Argentine, and other agricultural competitive countries.

FREE IMPORTS RUINOUS

It prevents wheat produced at 48 cents less on the bushel than he can produce it from invading this market and taking it away from him. It prevents products of the Argentine packing houses from invading this market and utterly wiping out our livestock industry. It prevents the cheap butter products from northern Europe and from far-off New Zealand and Australia from invading this market and

destroying the tremendous dairy industry. It prevents the free importation of any and all agricultural products which can be produced, and are produced, in the United States.

Repeal the protective tariff and utter ruin, unspeakable catastrophe would overtake American agriculture. Such an act would at once throw the American wage earner out of employment and destroy his capacity to purchase the products of the American farmer. To make the blow doubly ruinous, it would also open up our customhouses to the free importation of the cheap farm products of other countries and deprive the American farmer of any market which might remain by reason of the purchasing power of those other than industrial wage earners.

The argument is advanced by opponents of the protective tariff that under its operation and because of it prices of commodities which the farmer must purchase have been unreasonably advanced. It is argued that because of this alleged advance the dollar of the American farmer will not buy as much to-day of such commodities as it did prior to the Fordney-McCumber tariff.

If the protected manufacturer has unreasonably advanced his price since the enactment of the present tariff, such an advance must be evidenced in wholesale prices of manufactured goods. The Bureau of Labor Statistics of the United States Department of Labor has just printed a report of wholesale prices of commodities month by month for the last two years. This report will prove very disconcerting to those advancing the above argument, for it shows that the wholesale prices of cotton textiles and woolen textiles have decreased during the last two years despite the fact that both branches of the textile industry are protected under the present tariff. It shows the wholesale prices of boots and shoes have increased in the last two years despite the fact that all leather and leather goods are on the free list. It shows the fact that were it not for silks, which have tremendously advanced during the last two years, the whole group of clothing and textile goods would show a very radical decline in the wholesale prices.

PRICES ARE LOWER REGARDLESS

However, it does not need the work of the statistician to convince the wife of the American farmer that she can buy cotton goods cheaper to-day than she could two and three and four years ago. Evidently then the argument that the protective tariff has increased the cost of clothing to the American farmer because of the protection it affords the American textile manufacturer is not founded on fact and can not be substantiated by any reliable evidence.

The report of the Bureau of Labor Statistics shows that the wholesale prices of iron and steel have steadily declined for the last two years. This effectually disposes of the argument that, due to the protective tariff, the iron and steel industry has profiteered at the expense of the farmer by reason of the increased price of raw material which enters into the manufacture of farm implements. Furthermore, inasmuch as farm implements are admitted free of duty, there is not a leg for the antiprotectionist argument to stand on.

The report of the Bureau of Labor Statistics shows there has been a steady decline in the wholesale prices of furniture and house furnishings.

Here, then, we have eliminated the item of clothing and textiles other than silks, the item of raw material which enters into the manufacture of implements and the item of household goods and furniture for which the farmer is alleged to pay more because of a protective tariff. This is not asserting that in some cases and in some places the prices of some of these commodities may have increased to the farmer, but it is stating that if such an increase has been demanded of him, it is not due to an increase in price at the mills and the factories which produce these articles, and therefore attributable to the tariff.

Of course, the American farmer in common with every other consumer of manufactured goods, could buy imported articles cheaper provided the protective tariff on everything were wiped out and the manufacturers of Europe could have free and unlimited access to the American market. There is truth in the statement of the opponents of a protective tariff that if we had no protective tariff the American farmer would be able to buy his lawn mower cheaper because he could purchase a foreign-made lawn mower at a price lower than the American manufacturer can produce it and maintain his present wage scale.

LABOR HAS BIG FOOD BILL

The American farmer can reduce the American wage earner to the level of the European if he so desires by assisting those who would tear down our tariff walls, and he should do this if he figures that by so doing he will be the gainer in the transaction. Any time the American farmer desires to exchange the American wage earner who eats beef and veal and pork and mutton and consumes 154 pounds of it a year for the European workingman with his poverty-stricken standard of living; any time the American farmer desires to exchange the American industrial worker, who eats white bread three times a day, for the European laborer, who eats it not at all, he can take a long step in that direction by assisting the enemies of protective-tariff system to tear down the tariff walls.

Any time the American farmer desires to buy all of his manufactured goods from foreign producers because he can get them for less money, he can realize his desire by voting to repeal the protective tariff now in force and effect. But when he does so, he not only throws his best customer out of work but he enables all American consumers to purchase the cheap wheat from Canada, cheap dairy products from all quarters of the globe, and cheap meat products from the pampas grass plains of Argentine.

American industry and American agriculture are interdependent. American industry can not injure or destroy American agriculture without striking at the agricultural people, who purchase, on the whole, 45 per cent of the products of American mills and factories. American agriculture can not injure or destroy American industry without striking at the workers in industry, who purchase 90 per cent of the output of the American farm.

The American farmer does pay more for his American-made lawn mower under a protective tariff than he would pay for a European-made lawn mower under free trade. But in return he thereby makes possible the steady employment of men at high wages in the lawn-mower industry, men who are the purchasers of the output of the American farm. The lawn mower is cited merely as an illustration and a symbol of all American industries which enjoy the benefit of a protective tariff. What is applicable to the lawn-mower industry is applicable to all American industries. In the aggregate, by reason of the protective tariff, the American industrial wage earner is expending over $5,000,000,000 a year with the American farmer.

It is not a one-sided arrangement wherein the farmer, to use the deceptive catch phrase which has become current, "buys in a protected market and sells in an open market." Under the present protective-tariff system the farmer sells in a protected market and he buys in a protected market. The American wage earner buys in a protected market and he sells in a protected market. By reason of this exchange of commodities between the protected farmer and the protected wage earner, the living standards in the city and on farms are maintained at a level which is the astonishment and the admiration of the civilized world.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. FERNALD:

A bill (S. 4547) granting a pension to Alfred E. Hustus (with accompanying papers); to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 4548) to provide more effectively for the national defense by authorizing an increase in the number of Reserve Officers' Training Corps units for the Air Corps of the United States Army, and for other purposes; to the Committee on Military Affairs.

By Mr. EDWARDS:

A bill (S. 4549) to remit the duty on a carillon of bells to be imported for Princeton University, Princeton, N. J.; to the Committee on Finance.

By Mr. SCHALL:

A joint resolution (S. J. Res. 124) to provide for the reimbursements to the Eastern and Emigrant Cherokees by blood for lands allotted to the negro freedmen (among the Cherokees) from the lands granted to the Eastern and Emigrant Cherokees by blood under treaty of 1835, and for other purposes; to the Committee on Indian Affairs.

By Mr. COPELAND:

A joint resolution (S. J. Res. 127) authorizing and directing the Postmaster General to investigate the facts regarding the use in the Postal Service of a certain invention, device, or instrument for the postmarking of mail packages and for the cancellation of postage stamps and to report on what would be an equitable compensation for such use during the life of the letters patent thereon; to the Committee on Post Offices and Post Roads.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 12065. An act to amend the interstate commerce act and the transportation act, 1920, and for other purposes; to the Committee on Interstate Commerce.

H. R. 10662. An act authorizing an appropriation for the construction of a roadway and walk leading to and around the Chalmette Monument, Chalmette, La.;

H. R. 11284. An act to provide for an aircraft procurement board, and for other purposes; and

H. R. 12592. An act to provide for the inspection of the battle field of Kings Mountain, S. C.; to the Committee on Military Affairs.

H. R. 12732. An act to extend the time for the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois;

H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga.; and

H. R. 12952. An act granting the consent of Congress to the village of Decatur, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa; to the Committee on Commerce.

RIO GRANDE BRIDGE NEAR HIDALGO, TEX.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, House bill 4033, granting consent of Congress to the Hidalgo & Reynosa Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.; and I submit a report (No. 1184) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there 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.

AMENDMENT OF DISTRICT OF COLUMBIA CODE

Mr. CAPPER. From the Committee on the District of Columbia I report back favorably without amendment House bill 13214, an emergency measure that was passed by the House yesterday. It is very important that we have action on it. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13214) to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

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

WILLIAM E. JONES

Mr. BINGHAM. From the Committee on Military Affairs I report back favorably, without amendment, House bill 8961, for the relief of William E. Jones, and I submit a report (No. 1185) thereon. I ask unanimous consent for its immediate consideration.

This is the case of a soldier of the Minnesota National Guard who, during the troubles on the Mexican border in 1916, died without having assigned his six months' pay to his father. The reason for his not having assigned it was that there were no assignment blanks in his organization. The bill is unanimously recommended by the Committee on Military Affairs.

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

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

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

AMENDMENT OF RULES—ELECTION EXPENDITURES

Mr. CURTIS. From the Committee on Rules I report back Senate Resolution 261 and ask that the Committee on Rules be discharged from its further consideration and that it be referred to the Committee on the Judiciary.

Mr. LA FOLLETTE. Mr. President, will the Senator from Kansas accept the substitution of the Select Committee Investigating Campaign Expenditures instead of the Judiciary Committee?

Mr. CURTIS. I have no objection to that; but I may state that eventually I think the resolution will have to go to the Committee on the Judiciary, because there is a constitutional question involved.

Mr. LA FOLLETTE. I realize that, but that can be done subsequently.

Mr. CURTIS. I have no objection to the suggestion of the Senator from Wisconsin, however.

Mr. ROBINSON of Arkansas. Mr. President, I think the suggestion of the Senator from Wisconsin is a very pertinent one. The committee to which he refers has been making inquiries into the subject matter of this resolution, and I believe it should first go to that committee.

Mr. CURTIS. I have no objection.

The VICE PRESIDENT. Without objection, the resolution will be so referred.

G. C. ALLEN—CONFERENCE REPORT

Mr. CARAWAY. I present the conference report on Senate bill 2188, for the relief of G. C. Allen, and ask for its immediate consideration.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2188) for the relief of G. C. Allen, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$2,000"; and the House agree to the same.

ARTHUR CAPPER,
T. H. CARAWAY,
Managers on the part of the Senate.

CHARLES L. UNDERHILL,
JOHN C. BOX,
BIRD J. VINCENT,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR ROBERT M. LA FOLLETTE (S. DOC. NO. 157)

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed as a public document the addresses in connection with the memorial services on the late Senator La Follette.

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

ARTICLE BY SENATOR NORRIS, "THE PATRIOT'S DUTY IN PENNSYLVANIA"

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD an article prepared by the senior Senator from Nebraska [Mr. NORRIS], entitled "The Patriot's Duty in Pennsylvania."

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

By GEORGE W. NORRIS, United States Senator from Nebraska

The perpetuity of our Government depends upon the independence of its citizens and the free and uncoerced exercise of such citizenship. A democracy can not exist where the people are too ignorant to intelligently exercise the right of franchise. Neither can such democracy endure if the citizen is either denied the right of suffrage or coerced in the wrongful use of it. If, through the manipulation of machine politicians and political bosses, by the use of immense quantities of money, our elections are controlled, the result is the same as though it were done by military force at the point of a bayonet. Self-government depends upon the free and untrammelled exercise of the elective franchise by the citizen. If the election is corrupt, the result is practically the same, regardless of the means used to bring about the corruption.

All honest men will admit that our Government can not remain free if our offices are disposed of on the auction block for cash. No one will deny that our Government must eventually perish if our elections are not free and our citizens are coerced in the casting of the ballot. A primary election is just as important as the general election. As a rule, it is more important, and that is true of Pennsylvania, where, under any ordinary circumstances, no one but a Republican stands any show of election. The conscience of the Nation was shocked at the disclosures of the corrupting influence of money in the last primary in that State. The total salary of the Senator to be elected at the next election in Pennsylvania will be $60,000, and yet in the Republican primary, to elect a nominee for that party, $3,000,000 was expended. Just a few years ago it was disclosed that a little less than $200,000 was spent in the famous Newberry case in the Michigan primary. The Senate, although seating Newberry, solemnly declared that the expenditure of such amounts of money was contrary to the fundamental principles of our Government and denounced it in the severest of terms. In the light of recent disclosures in Pennsylvania the machine behind Newberry in Michigan was a tightwad. The public sentiment of the Nation became so incensed in the Newberry case that, in obedience to its demands, Senator Newberry resigned from the Senate. And, after all, public sentiment is the strongest law and the most effective governmental force in civilization. When organized and crystallized in behalf of an honest, free citizenship it is sufficiently powerful to overcome the intrigue and the demoralizing evil influence of the greatest of political machines. Before its onward march the hosts of evil and corruption will disappear as the dew fades before the morning sun.

No free people will stand for the election of Members of the United States Senate by methods that were used in the Pennsylvania primary. Those methods shocked the national conscience. The evil results from

the expenditure of such huge sums in the election of a United States Senator are contrary to the fundamental principles that underlie every free government. If the Senate of the United States is to be controlled by men securing their right to serve in that body by such methods, the liberties of the people will disappear and the ultimate destruction of our Government will follow as surely and as naturally as the rising and the setting of the sun. If the special interests are willing to spend $3,000,000 to control one vote in the Senate, what can be expected from the highest lawmaking body in the land when its membership depends upon the wishes of those who expect to get financial favors from national legislation and are willing to pay for it in advance in cold cash? Does anyone expect that the manufacturers, represented by Mr. Grundy, or that the interests represented by Mr. Mellon, do not expect a valuable return for the investment of their cash? They not only expect a return of their money, but they expect to get a high rate of interest on their political investment. And who must pay the bill? The millions of consumers, the farmers, the wage earners, and the professional men of the Nation, must all contribute their proportionate share in the way of taxation. How much better it would be if the senatorship were openly placed upon the auction block and millionaires boldly and openly invited to bid for the coveted prize! If we are to sell public office as we do chattels, why not do it openly and let the contributions be paid into the Treasury of the United States instead of being distributed among a lot of greedy henchmen, who are slaves to a corrupt political machine?

What is the remedy? Are we helpless? Must we sit idly by and submit to the undermining of our liberties and our freedom? Are we who do not live in Pennsylvania going to say that after all it is a matter entirely under the control of that State, and that we have no honorable right to interfere? These men who have spent their money in Pennsylvania expect to get it back through favored legislation.

The taxpayers of the Pacific coast, of the great Middle West, of the South, of the North, of New England, must pay their part of the expense and must share their part of the burden with their fellow citizens of Pennsylvania. The expenditure of this huge sum of money must be returned by the taxpayers of the Nation, and we must remember that it is only an investment, and when it is returned we will be paying it back more than tenfold. The Senator elect from Pennsylvania will not only make laws for that State but he will help to make them for every other State in the Union. The function of his office will be national and not State, and the citizens of California or of Maine are just as much interested in the issues involved as are the people of Pennsylvania.

But what are we going to do about it? Are we going to permit the political ring in Pennsylvania to buy a seat in this national legislative body by the expenditure of cold cash? Do the people of Pennsylvania realize that in electing a Senator they are acting for the Nation rather than for their own State? Do they understand that if we permit them to buy a seat in the United States Senate we must extend the same privilege to every other State and to every other combination of millionaires? It has been said that the Senate can refuse to seat any man who has been nominated by the corrupt use of money. It seems to be taken for granted throughout the country that Mr. VARE, the beneficiary of this public sale of public office, is to be elected in the coming election, and that the only remedy the country has is to demand of the Senate that it refuse to seat him. If the public sentiment remains as it now is, there is no doubt but that if Mr. VARE is elected, the Senate will decline to permit him to occupy a seat in that body. This would be a rebuke, it is true, to the methods that obtained in the Pennsylvania primary. If no other or better way can be devised, it undoubtedly ought to be applied; and the Senate would not only be justified in refusing to seat any man who was nominated by such methods, but it ought not hesitate to do so. But will this be a remedy? Will this relieve the country of the domination of the Pennsylvania machines that shock the country by the expenditure of millions to gain a seat in the Senate? Will it enable the common people to be represented in Pennsylvania by a new Senator, or will it still leave the machine in power and in control to the same extent as though the nominee were admitted into the Senate?

It must be remembered that in the primary contest in Pennsylvania the governorship was likewise involved. The governorship of that great State was likewise on the auction block. The Vare machine and the Mellon machine were contending for supremacy. One machine won the senatorship, but the other machine won the governorship, and if Mr. VARE is elected and the Senate refuses to seat him, then the vacancy thus caused will be filled, by appointment, by the Governor of Pennsylvania. And is it not fair to presume that the governor will appoint a Senator to fill the vacancy who is satisfactory to the machine that gave him his own office? The result would then be that instead of having a Senator representing the Vare machine from Pennsylvania we would have one representing the Mellon machine. Is there any choice? Would we not be jumping out of the frying pan into the fire? There may be a strong preference in Pennsylvania between these two machines, but has the country at large any choice? It must be remembered, too, that in this primary the Mellon machine spent more money than the Vare machine. The people did not give the senatorship to the highest bidder. This suggested procedure has perhaps one doubtful merit to its credit. It will throw out the representative of the Vare machine and install the representative of the Mellon machine, thus giving the highest bidder the prize. But if we are to sell senatorial positions for money, there are many reasons why we should be square enough to let the highest bidder name the man.

What then is the remedy? Are the honest, patriotic citizens of Pennsylvania so hidebound in politics that they will never under any circumstances or conditions scratch their tickets? Why should not the patriotic people of that State vote for the Democratic nominee for Senator? If this condition confronted any Western State there would be no doubt whatever from now until election day as to what the result would be. The citizenship, regardless of party, would repudiate such corrupt methods in the primary and would gladly avail themselves of the opportunity on election day to elect some one who was free from such contamination. It just happens in this case that the Democratic nominee for United States Senator from Pennsylvania is a man of national reputation without a blemish. He has served in the House of Representative and made a remarkably fine record. He was the first Secretary of Labor, and in the handling of that great office gave to the country an administration that was eminently satisfactory and efficient, and in the coming campaign no word of criticism of his private or official life will ever be uttered.

It will be conceded that he is able, that he is honest, that he is patriotic and courageous. Only one charge will be made against him: He is a Democrat. And will Republicans heed that unreasonable cry? Will they refuse to put their seal of condemnation upon the corrupting influences that controlled the Pennsylvania primary simply because they do not want to vote for a Democrat? If the same two men were asking the suffrage of the people for any office where partisan politics was not involved, would they hesitate for a moment in selecting Mr. Wilson by such a unanimity that it would hurl into oblivion the millionaire host of corrupt politics? Are Pennsylvanians going to put partisan politics above the duty they owe to their country? Are they going to say to the Nation that their regularity of party stands higher than their love for the preservation of our liberties and the principles that underlie a free Government? Are they going to burden their patriotic fellow citizens of the balance of the Nation by demanding that they shall pay for the investment made by those who are attempting to buy with money an important Federal office? In the face of a shocked nation-wide citizenship, are they going to blindly carry out the partisan mandate of corrupt millionaire politicians? It is shocking to think that such means as obtained in the recent Pennsylvania primary could possibly succeed, but it is more shocking still to believe that the patriotic people of Pennsylvania are not only going to stand for it but to give it an affirmative seal of approval by carrying out this corrupt mandate in the coming election.

The election of Mr. Wilson would not only put a good man in the Senate from Pennsylvania but it would be the most severe rebuke that could possibly be administered to the corrupt Republican machine. And why should Republicans not inflict this deserved chastisement of their leaders? Is it the duty of a Republican to overlook corruption in his own party and expose it only when he finds it in the other party? If he is moved only by one idea of purifying his own party, how can he do it better than by refusing to carry out the mandate of corrupt partisan political leaders? He would not stand for such things in business. He would not stand for them in his lodge or in his own family. He chastises his own children when they commit wrong, and he does it because he has a sincere desire to improve their conduct.

The same rule will work and work to the same effect in politics, and therefore the Republican of Pennsylvania, if he wants to put the Republican Party of that State on a high moral basis, if he wants, in other words, to make it respectable, there is no more effective way to do it than to vote for the Democratic nominee for the United States Senate.

But do the Republicans of Pennsylvania want a precedent for such a contemplated action? Do they realize that this cry of regularity is only made for the purpose of getting their votes to pull the machine chestnuts out of the fire? Do they understand that these same leaders who cry "Vote the ticket straight, yellow dog and all," do not themselves practice what they preach? Do they not know that this cry of regularity, as a rule, only works one way, and that these same leaders refuse to follow it whenever it is to their interest to disobey it? They do not have to go far in recent history to have these partisan scales stricken from their eyes. What happened in Iowa just a little more than a year ago? Mr. Brookhart had been nominated as the Republican candidate for Senator. There was no question about the regularity or the honesty of his nomination. It was conceded and admitted by all. But he had shown an independence of action that displeased the party leaders, and in spite of the regularity of his nomination these leaders openly denounced him because he was not a "regular" and called upon the people of Iowa to vote for the Democratic nominee for United States Senator. They spread their literature over the State in the name of the Republican Party and boldly proclaimed their leadership of that party. They openly worked for the Democratic nominee.

The sacredness of a Republican nomination meant nothing to them when they had no strings on the nominee.

But that was not all. After the election was over and the Republican nominee had been elected and had received the certificate of election they still kept up the fight. In the name of the Republican State committee of Iowa, and acting as officers of that committee, they came to Washington and protested against the seating in the United States Senate of a Republican and asked their fellow Republicans in that body to vote for the seating of his Democratic opponent. The records of the Senate will show that the officers of the Republican State committee of Iowa, acting as such, filed objections to the seating of Brookhart because, in their judgment, he was not a good Republican. They asked the Senate, notwithstanding the election of the Republican nominee, to seat the Democratic candidate from that State.

Neither is that all. When this contest over the Iowa senatorship was pending in the Senate, the Assistant Secretary of War, with all the influence behind him of a Republican President, camped in the corridors of the Capitol, using every means in his power to induce Republican Senators to vote against the seating of Brookhart. He used the power of his influence, given him by his official position in a Republican administration, to bring Republican representatives from different parts of the country to urge and to threaten Members of the United States Senate, all for the purpose of throwing out a Republican and seating a Democrat. The arguments used in the main were not that the Democrat had been elected and a Republican defeated but almost universally to the effect that the Republican elected and having the regular Republican nomination was not "regular" and held views contrary to those held by the so-called alleged Republican leaders.

And neither is this all. The chairman of the Republican National Committee, himself being a Member of the Senate, threw the power of his great political influence in favor of these alleged Republicans who were fighting the regular Republican nominee.

The result was that this powerful partisan political combination brought about by Republican leaders nullified the voice of the voters of Iowa, threw out a Republican, and put in a Democrat.

I mention these things not in criticism of these alleged Republican leaders for the action they took but to show the inconsistency of such leadership when, in the face of such conduct, they are demanding regularity on the part of the Republican voters of Pennsylvania. If they can justify their conduct in refusing to support Brookhart, whose nomination was honest and unquestioned, then how can they consistently demand that Pennsylvania Republicans should overlook the contamination and disgraceful influences controlling the last Republican primary in Pennsylvania?

I speak for millions of patriotic people throughout the length and breadth of our land, who are earnestly hoping and praying that their brethren in Pennsylvania, regardless of partisan politics, will go to the polls on next election day and repudiate the Pennsylvania political machines that are a stench in the nostrils of liberty-loving people everywhere. It can not be that the great Keystone State, that has always been in the foremost ranks in defense of justice, liberty, and freedom, will now falter when it is called upon to settle this question not only for Pennsylvania but for the Nation.

POWER COMPANY MONOPOLIES—MUSCLE SHOALS

Mr. NORRIS. Mr. President, I wish to avail myself of this opportunity to ask unanimous consent of the Senate to insert as a part of my remarks an article from the Journal of Electrical Workers and Operators. The article is entitled "Electric Bond and Share, mother of monopoly."

I also wish to insert as a part of my remarks a chart showing the connection of the 13 power companies which have made a bid for Muscle Shoals, which bid is accepted by the special committee bill now pending on the calendar which I presume will be considered at the coming short session. I want to put this chart in the RECORD showing that every one of those 13 power companies named in this bill which made the bid for Muscle Shoals are owned, either directly or indirectly, by the General Electric Co.

The VICE PRESIDENT. Without objection the request of the Senator from Nebraska is granted.

The matter referred to is as follows:

[From the Journal of Electrical Workers and Operators]

ELECTRIC BOND AND SHARE, MOTHER OF MONOPOLY

In a western city of nearly half a million inhabitants a reporter was interviewing an executive of the electric company. Talk turned to city politics. The reporter—as reporters sometimes will—suddenly turned boldly frank.

"Come now, Mr. Park," he said, "how do you keep the city council from trying to regulate you to death?"

The executive smiled, stepped to the wall, and pulled down a map from a secret rack.

"I'll show you," he said.

The map was a map of the city, and it was dotted with black-headed pins.

"Each one of those pins," the executive said, "represents 20 stockholders in this company. See how many are in labor wards of the city. Do you think those aldermen are going to vote to reduce our rates when it will strike at the dividends of their own constituents—and in some cases at their own dividends? To put the thing flatly, not on your life!"

Six months later the electric company was involved in the bitterest rate struggle with the city in its life's history. The customer-ownership scheme did not head off this popular uprising. The company had to face the issue of public ownership despite its every effort to head it off by a form of bribery through stock ownership. And the power interests are facing the same struggle on a national scale despite the fact that there are now 1,183,410 customer stockholders in the United States.

STILL FACES OLD ISSUE

Why? Why does this doctrine of public ownership continue to harass the power interests? Why, when a huge counter-propaganda against public ownership is set in motion by the power interests 365 days of the year?

The truth is there is something in human nature that hates a monopoly. That monopoly may be beneficent and benevolent as the power magnates will have us believe the present monopoly is; still it is hateful, just as any unchecked power has been hateful since the days of the divine rights of kings. It is not unlikely that the tolerance with which Henry Ford is viewed by Americans rests in the belief that Henry Ford made his wealth in a keenly competitive field. Henry Ford appears to be a fair winner of a hotly contested race. But the Insulls, the Mitchells, the Youngs, the power consolidators, have not been able to inspire the same degree of tolerance in the public mind.

It is now generally admitted that a power monopoly of great dimensions, of more or less compact structure, exists in the United States. Legalistically speaking, this power monopoly appears not to exist; at least it has suffered no Government interference. The Sherman anti-trust law may not have been violated in any sense, yet for all practical purposes a monopoly exists.

B. C. Forbes, Wall Street financial reporter, writing in his own magazine for May 15, 1926, says:

"In the very nature of modern conditions, public utility corporations in most sections are largely monopolistic. In certain places there is competition between electric light and power companies and in other sections gas competition is keen. But the tendency is toward the elimination of all such competition."

The Electrical World for January, 1926, reports 151 mergers, involving 558 electric companies in 1925 alone.

FORBES WARNS UTILITY LEADERS

Forbes considers this problem so momentous that he issues a warning to utility leaders.

"The broadest and deepest and probably the most difficult problem of all will be to convince the voters all over the country that the innumerable consolidations were dictated less by a mercenary desire to render the homes and the farms and the workshops of the United States better service at lower cost."

He continues, "In their present frame of mind the public are disposed to accept the say so of utility leaders that the multifarious holding companies now being formed, the innumerable purchases of small companies, the rapid succession of big consolidations, together with the advent of superpower, are economically justifiable and advisable."

But he adds, "Remember that it is easier for local ownership to earn community good-will than for absentee ownership."

It is to describe the general outlines of this power monopoly that this article is being written.

II

Control is being exercised in the electrical field to-day through the dominating position and influence of one corporation, the Electric Bond & Share Co., 71 Broadway, New York, organized in 1905 by the General Electric Co. Whatever may have been the motive in inaugurating this corporation, there is little doubt that it is at present behind many of the great mergers and consolidations in the power field. It is the largest single corporation in the electrical industry, boasting a total capitalization of $900,000,000. Its ramifications extend into virtually every State of the Union and into several foreign countries. It has financial cooperation with the Insull interests and Byllesby interests, two other important, expanding power groups. Should the subsidiary companies of the Electric Bond & Share Co. be swept off the financial map to-day 1,700 towns and cities would be without light and power.

Its officers and directors: Sidney Z. Mitchell, is chairman of the board of directors, and president of the Electric Bond & Share Co. He has held this position since its organization.

Other directors are: H. C. Abell, A. C. Bedford, S. Reading Bertron, Frederick A. Farrar, C. E. Groesbeck, E. K. Hall, E. W. Hill, Edwin

G. Merrill, F. B. Odlum, L. H. Parkhurst, Lewis E. Pierson, William C. Potter, Felix T. Rosen, Frank Silliman, jr., and Frederick Strauss, Mr. Mitchell acts as director of many lesser corporations.

Its principal holdings: Besides having financial interrelations with the Insull & Byllesby interests, the Electric Bond & Share Co. exercises dominate influence in the affairs of the following huge interests:

American Gas & Electric Co.

American Power & Light Co.

Lehigh Power Securities Corporation.

Electric Power & Light Co.

National Power & Light Co.

Southeastern Power & Light Co., which controls the Alabama Power Co., seeking Muscle Shoals.

Montana Power Co.

These are huge regional combines that in turn control scores of great operating companies.

Its relation to the General Electric: Owen D. Young, chairman of the board of directors of the General Electric, was a director of the Electric Bond & Share Co. until 1925. The home offices of the Electric Bond & Share Co. were jointly Schenectady (home office of the General Electric) and New York City up until 1925. Up to 1925, the year when the public's indignation against the power monopoly reached its height, the General Electric owned all the common stock of the Electric Bond & Share Co.

DEVISES PLAN OF RIDDANCE

In 1925, the General Electric hit upon a scheme whereby it could rid itself of its embarrassing holdings in the Electric Bond & Share Co., enabling Gerard Swope, president of the General Electric, to send out a sweeping publicity statement, saying:

"It was stated (referring to statements in the United States Senate) General Electric still controls the Electric Bond & Share Co. On December 30, 1924, General Electric Co. authorized the distribution of all its interest in the Electric Bond & Share. This distribution was made to 27,086 stockholders. General Electric has no representation on the board of Electric Bond & Share and there are no directors common to the two companies."

It is to be noted that Mr. Swope was careful not to explain that the stockholders are common to the two companies.

The General Electric got rid of its embarrassing relations with the Electric Bond & Share Co. by creating a new corporation (The Electric Bond & Share Securities Corporation).

Poor's Utility Manual describes this riddance thus:

"Incorporated in January, 1925, in New York. The corporation received from the General Electric Co. 250,000 shares of common stock and 300 shares of preferred stock of the Electric Bond & Share Co., and issued all of its authorized shares to the holders of record January 15, 1925, of common stock of General Electric Co., the shares of common stock of Electric Bond & Share Securities Corporation to be issued to such holders of common stock of the General Electric Co. on the basis of one share of the common stock of Electric Bond & Share Securities Corporation for each one share of common stock of General Electric Co. respectively held by such holders of common stock of General Electric Co. at such time."

The Wall Street Iconoclast, a weekly paper for investors, describes it thus (February 26, 1926):

"Besides its manufacturing business and income, the General Electric Co. holds a large aggregate volume of investment securities in various public utility companies, Radio Corporation of America, and kindred electric lines, from which it draws some income and which have been made the basis of anti-trust suits by the United States Government now pending against this company. As a result of such action by the United States Government, the company has from time to time divested itself of some of these security holdings which it has distributed as a 'melon' to stockholders, by way of a stock dividend. A year ago at this time it so distributed its holding of the stock of the Electric Bond & Share Co. Those holdings it transferred to a new securities-holding corporation, the Electric Bond & Share Securities Corporation having the same number of shares as General Electric. Thereupon, General Electric issued on each of its shares a dividend of one share of the New Electric Bond & Share Securities, which latter stock sold up from $60 to a 'high' above $90 a share and closed yesterday at $80.50. Shortly after the distribution of that stock dividend of a share of Electric Bond & Share last year, General Electric, selling 'ex-dividend,' sold off from $320 to $227, but before the end of 1925 had recovered in full to its price before the dividend distribution, so that in effect the dividend distribution of Electric Bond & Share stock to General Electric shareholders amounted to an extra cash dividend of $60 to $90 a share so far as regards market appraisement. Intrinsically it amounted to no dividend at all for the General Electric stockholders thereby became owners of no greater equity than they owned before.

"They already owned the Electric Bond & Share through ownership of General Electric, but it is not deniable that market appraisements must be recognized and the stock market has appraised the value of Electric Bond & Share stock at $60 to $90 and currently at around $80, and the stock market has also appraised in stock market prices that this Electric Bond & Share stock dividend has been equivalent to an actual cash dividend amounting to that sum. In other words, General Electric recovered to the full predividend price. The Iconoclast repeatedly pointed out in the past year that the General Electric Co. has on repeated prior occasions since 1899 similarly distributed holdings of its securities in the form of a stock dividend, comparable with the distribution of the Electric Bond & Share early in 1925. The Iconoclast pointed out that on every such occasion General Electric successively recovered to the full market price predividend—and more. It predicted in the summer of 1925 that this would come to pass afain, and it did come to pass."

It will be left to the judgment of every American citizen whether the General Electric still exercises complete control over the Electric Bond & Share.

Its relations to other huge systems: The Insull interests are the dominate electric power group in the Middle West. Recently this combine has reached into New England. Its holdings are second only to the Electric Bond & Share Co.

SYSTEM LOCKED TO SYSTEM

The Electric Bond & Share owns the American Superpower Co., an investment and operating corporation.

The American Superpower cooperates financially with the Insull interests. It owns substantial interests among many others in the following: Middle West Utilities Co. (Insull), a large and growing holding and operating company.

The Byllesby interests are another dominant electric group operating in the northwest from Minnesota to Oregon.

The Electric Bond & Share Co. owns the Electric Investors (Inc.). The Electric Investors (Inc.) cooperates financially with the Byllesby interests, by owning a substantial share in the Northern States Power Co., a Byllesby system, dominant electric corporation of the Northwest.

Its relation to the public: The Electric Bond & Share Co. is very careful not to create the impression that it deserves the epithet "mother of monopoly," though, like all other monopolistic corporations, it sings one tune for the public and another for investors.

Recently Phil M. Tucker Co., Boston, a shareholder in the mother company, has published a complimentary notice of the Electric Bond & Share. The following extracts are of interest:

"The company maintains one of the world's largest engineering organizations devoted to public utilities problems, and recently has begun to reach out into foreign countries. These new fields promise great growth and profit in future years.

Electric Bond & Share Co.'s stockholders, since there are no bondholders, may enjoy the full benefit of revenues that flow into the company's coffers. The $25,000,000 of preferred stock and $25,000,000 of common thus benefit, each in its own way, from earnings derived from a very wide area and from a variety of services.

"Thus, in 1913, Electric Bond & Share Co. associated companies produced 4 per cent of the kw. h. in the United States. For year ending June 30, 1925, all Electric Bond & Share Co. had increased output to 6,560,737,445 kw. h., over tenfold greater than the 557,021,428 kw. h. of 1913, and their proportion of United States output had become 10 per cent. Two hundred and fifty per cent greater than the kw. h. growth of the country.

"Appreciation of value of securities owned amount to over twice the total earnings received.

"The earnings are large and have always shown tendency to increase.

"In brief the current market valuation of Electric Bond & Share Securities Corporation is $115,000,000 to $120,000,000. This has been practically the increase in value from the original $2,000,000 of 20 years ago.

"The increase in electrical output in the United States has doubled every 5 years for the last 20 years and is continuing to grow substantially as fast. Pertinent thereto, the output of electrical energy by companies associated with Electric Bond & Share Co. have increased at an even greater rate, over twice as great in fact.

"Electric Bond & Share is not a great power trust or holding company in control, through stock ownership, of a long list of utilities. Nothing could be further from the fact, and no one has been more careful than Electric Bond & Share Co. itself to correct such an impression. The company speaks frequently of its associated but never of its controlled companies, for the simple reason that no utilities associated with it (with one exception) actually are controlled, though substantial amounts of stock of certain companies, from 15 to 20 per cent, are owned."

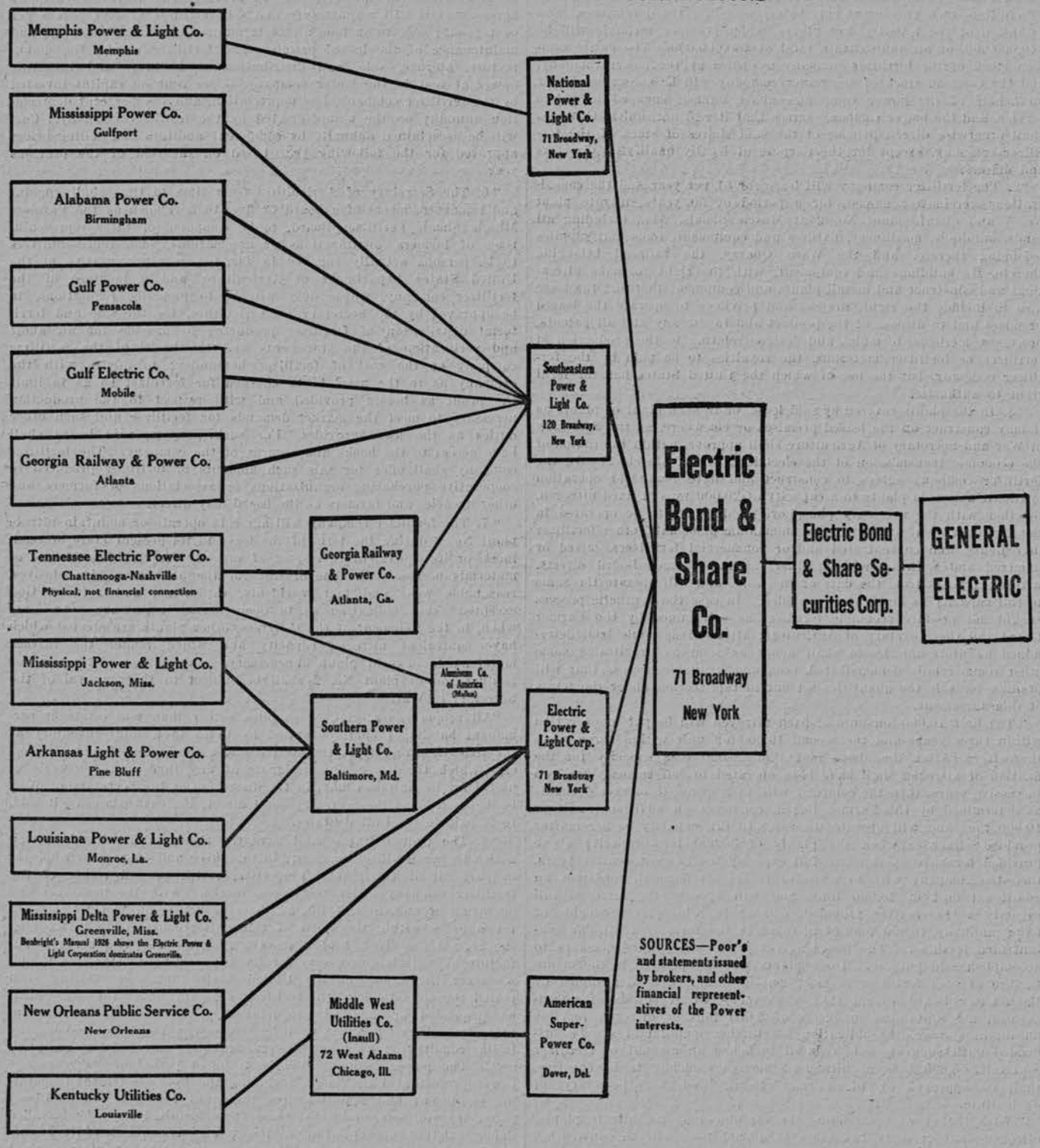
In view of the fact that it is common knowledge that full control of any corporation can be exercised by ownership of 20 per cent of the stock, the dominant influence of the Electric Bond & Share seems clearly established in the power field.

A bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes

Be it enacted, etc., That the Secretary of War is hereby authorized and directed, for and on behalf of the United States of America, to enter into with the Muscle Shoals Fertilizer Co., a corporation organized and existing under the laws of the State of Florida, and the Muscle Shoals Power Distributing Co., a corporation organized and existing under the laws of the State of Florida, a lease in accordance with the terms of the proposal submitted by such corporations to the Joint Committee on Muscle Shoals on April 26, 1926, which proposal reads as follows:

"1. Tennessee Electric Power Co., Chattanooga, Tenn.; Memphis Power & Light Co., Memphis, Tenn.; Mississippi Power Co., Gulfport, Miss.; Mississippi Power & Light Co., Jackson, Miss.; Mississippi Delta Power & Light Co., Greenville, Miss.; Alabama Power Co., Birmingham, Ala.; Gulf Power Co., Pensacola, Fla.; Kentucky Utilities Co., Louisville, Ky.; Gulf Electric Co., Mobile, Ala.; Georgia Railway & Power Co., Atlanta, Ga.; Louisiana Power & Light Co., Monroe, La.; Arkansas Light & Power Co., Pine Bluff, Ark.; and New Orleans Public Service (Inc.), New Orleans, La., have cause to be organized Muscle Shoals Fertilizer Co., hereinafter called the fertilizer company, and Muscle Shoals Power Distributing Co., hereinafter called the power company, for the purpose of making this proposal to lease the nitrate properties of the United States at Muscle Shoals, Ala., and to operate thereon plants for the production of nitrogen and other fertilizer ingredients; and to lease and operate the electric power generating plants of the United States at Muscle

MUSCLE SHOALS POWER DISTRIBUTING COMPANY AND CONNECTIONS



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Shoals, to provide power at Muscle Shoals for such use as the Government may from time to time require for national defense and as may be required for the production of fertilizer, and to sell surplus power from said power plants to the public through power-distribution companies under regulation of duly constituted public authorities in such a manner that the surplus power shall be equitably distributed between the communities and States to which it may be properly transported.

"The power company will provide $20,000,000 as needed for the construction and operation of the fertilizer plants and facilities, and, in addition, such amount as may be necessary for the development and extension of the leased power plants, which we now estimate will be $40,000,000, or an approximate total of $60,000,000. The entire common stock of the fertilizer company is owned by the power company, and the common stock of the power company will be subscribed by or on behalf of the power companies above named, engaged in public service, and the power company agrees that it will not, unless Congress shall otherwise direct, dispose of the said shares of stock of the fertilizer company, except for the purpose of legally qualifying directors and officers.

"2. The fertilizer company will lease for $1 per year and the considerations hereinafter named, for a period of 50 years, nitrate plant No. 1 and nitrate plant No. 2 at Muscle Shoals, Ala., including all lands, buildings, machinery, fixtures and equipment, tools and supplies belonging thereto, and the Waco Quarry, the railroad belonging thereto, its buildings and equipment, with the right to make alterations and construct and install plants and equipment thereon; the lease also to include the right, license, and privilege to operate the leased premises and to dispose of the product and to use any and all patents, processes, methods, formulæ, and designs relating to the production of fertilizer or fertilizer materials, the royalties to be paid by the fertilizer company, but the use of which the United States has the legal right to authorize.

"3. In the plants covered by said lease, or in such plant or plants as it may construct on the leased premises or elsewhere, as the Secretary of War and Secretary of Agriculture shall approve, within the radius of the economic transmission of the electric power of Muscle Shoals, the fertilizer company agrees to construct and have ready for operation synthetic ammonia plants to a capacity of 20,000 tons of fixed nitrogen, together with the necessary phosphoric acid plants to be operated in the manufacture of fixed nitrogen, ammonium phosphate, other fertilizer ingredients, and concentrated and/or commercial fertilizers, mixed or unmixed and with or without filler, as the Farmer Board directs, within six years from the date of the lease, and will operate the same to full capacity as hereinafter provided. In case the synthetic process should not produce economic fertilizer as determined by the Farmer Board and the Secretary of Agriculture after a reasonable trial determined as aforesaid, lessee shall adopt as soon as practicable some other commercially demonstrated, economic, available process that will produce for sale the quantities set out in this section under the terms of this agreement.

"The first 10,000-ton unit of fixed nitrogen will be put in operation within three years and the second 10,000-ton unit within three years thereafter. After the above plants of 20,000 tons capacity for the fixation of nitrogen shall have been operated to full capacity for two successive years, then the company will, in response to market demands as determined by the Farmer Board, construct an additional unit of 10,000 tons and will operate the same to full capacity as hereinafter provided; likewise when the plants of 30,000 tons capacity above provided for have operated to full capacity for two consecutive years, then the company will, in response to market demand, construct an additional unit of 10,000 tons, and will operate the same to full capacity as hereinafter provided, making in total plants capable of fixing annually 40,000 tons of nitrogen in the form of a suitable concentrated fertilizer. The lessee agrees to use all power necessary to accomplish said purpose. These plants will be operated in the manufacture of such fertilizer to meet market demands, as determined by the Farmer Board, except that whenever fertilizer suitable for agricultural use containing in excess of 5,000 tons of nitrogen remains unsold in storage, the obligation for further manufacture to be suspended until such stock is reduced to below an amount of fertilizer containing 5,000 tons of nitrogen. Such suspension, to be effective, shall be approved by the Farmer Board and the Secretary of Agriculture.

"With the view of extending the usefulness of the nitrate plants, nitrogen-plant capacity in excess of 40,000 tons will be constructed from time to time after request of the Farmer Board, when in the judgment of the board of directors of the fertilizer company it is reasonably necessary to meet market demands, having in view the power available from the leased plants and other pertinent conditions.

"Authority shall be granted to the Secretary of War and the Secretary of Agriculture jointly to grant to the power company a discount of 5 per cent or more, as in their judgment shall be appropriate, of the total annual rentals payable under its lease in return for the construction and operation of the plants for the manufacture of nitrogen to be used in fertilizer over and above the 40,000 tons of nitrogen hereinbefore provided for.

"4. The fertilizer company shall have the preferred use of all power from the leased power plants of the Government at Muscle Shoals for the production of nitrogen and other fertilizer ingredients; and all surplus power shall be sold with such reservations as will allow its gradual withdrawal and application to fertilizer manufacture.

"5. The fertilizer company will offer for sale the fertilizer so produced to farmers, cooperative purchasing organizations of farmers, or associations of farmers, and to others. The fertilizer company agrees that it will manufacture and sell fertilizer at cost plus 8 per cent profit; cost to include all costs entering into the operation and maintenance of the leased premises and fertilizer plants, the manufacture, storage, sale, and distribution of fertilizer and including power at cost to the power company, 6 per cent on capital invested by the fertilizer company, less depreciation, and 7½ per cent depreciation annually on the plants erected by the fertilizer company. Cost will be ascertained annually by competent auditors and selling prices approved for the following year based on the cost of the previous year.

"6. The Secretary of Agriculture from time to time shall appoint and remove members of a board of five, to be known as the Farmers Muscle Shoals Fertilizer Board, to be composed of three representatives of farmers' organizations or associations, such representatives to be persons actually engaged in farming, a representative of the United States Department of Agriculture, and a nominee of the fertilizer company, whose duty will be to prescribe regulations, to be approved by the Secretary of Agriculture, for the sale and territorial distribution of fertilizer products; to provide for an audit and verification of the statements and the books of the fertilizer company of the cost of fertilizer hereunder; to advise with the company as to the price to be charged for fertilizer so as to limit the profit as herein provided and with respect to the production necessary to meet the market demands for fertilizer and such other duties as the lease provides. For such purpose, said board shall have access to the books and records of the company. The fertilizer company shall offer for sale such amounts of fertilizer produced to cooperative purchasing organizations or associations of farmers and other agencies and farmers as the board may direct.

"7. The fertilizer company will agree to operate or maintain nitrate plant No. 2 during the term of the lease in its present state of readiness, or its equivalent in respect of capacity for the manufacture of materials necessary in time of war for the production of explosives, reasonable wear and tear, accidents, explosions, and acts of God excepted; such obligation as to operation or maintenance to cease when, in the judgment of the Congress, other plants are erected which have equivalent nitrogen capacity and which render the further maintenance of said plant unnecessary. Any change, alteration, or modification of plant No. 2 shall be subject to the approval of the Secretary of War.

"All property, material, or supplies (other than real estate or permanent buildings) shall be stated by items in a joint inventory at the time the property is transferred under the lease. Any such property which the lessee may designate at any time as not usuable or useful for its purposes may, in the discretion of the Secretary of War, be disposed of as the Secretary shall direct, the cash proceeds, if sold, to be paid to the United States.

"8. The United States shall have the right, on five days' written notice to the fertilizer company, to take over and operate in whole or in part all of the plants, properties, facilities, and rights of the fertilizer company under this lease, together with the personnel and operating organization of the fertilizer company, on just terms, such terms to be within the spirit of this entire contract, to be fixed by the Secretary of War, subject to review by the courts, for the manufacture of materials necessary for the production of explosives if and whenever the safety of the United States demands. During such period the obligations of the fertilizer company under this lease shall be suspended or modified proportionately, and at the termination thereof the leased premises shall be returned to the fertilizer company in like condition as when surrendered, ordinary wear and tear excepted.

"9. The power company will lease for a period of 50 years the power project at Dam No. 2, including the hydroelectric and operating equipment and appurtenances thereunto belonging, the spillway gates, transformers, and substations (now installed or to be installed under existing appropriations), the power transmission lines connecting the hydroelectric and steam power plant at nitrate plant No. 2 with the lines of the Alabama Power Co. the steam power plant at nitrate plant No. 2, and the lands and buildings owned by the United States in connection with the hydro and steam plant, except the locks and other navigation facilities and the highway over said dam and the approaches thereto; the lease period to begin when possession of the above-mentioned properties is given to the power company, ready for service capable of delivering 100,000 horsepower from the hydroelectric plant.

"10. The power company, at its own expense, during the lease period will make all necessary renewals and repairs incident to efficient maintenance of the steam plant and of Dam No. 2 and Dam No. 3 if constructed by the United States under the terms of the lease, the spillway gates and transformers and substations, substructures, superstructures, machinery, and equipment appurtenant to the power houses at Dam No. 2 and Dam No. 3, and shall maintain the same in efficient operating condition as required of licensees of the Federal Power Commission, except that repairs and maintenance of the locks and other navigation facilities and the highway over the dams shall be made by and at the expense of the United States.

"The power company will insure and keep the said hydroelectric and steam plants insured to their full insurable value in the manner and to the extent it is customary to insure such plants of like kind, as may be approved by the Secretary of War, all remuneration for loss or damage to be payable to the United States and the power company as their interests may apepar and applied to restoring the property injured; and upon the termination of the lease to surrender the properties included in said lease in as good condition as when received, reasonable wear and tear from use, loss or damage resulting from inherent defects of design or construction, earth or rock movements and acts of God or the public enemy excepted. All insurance policies shall be subject to the approval of the Secretary of War. The cost of such insurance shall be borne by the company.

"In the event said plants should become inoperative for 30 days or more through no fault of the power company, the rental payment for such period shall be reduced in direct proportion to the reduction in generating capacity resulting from such interruption.

"11. In the interest of national defense, the production of nitrates and other materials essential in time of war and to provide power for the production of fertilizer, the power company will operate or cause to be operated, the power plants leased in a manner to secure the greatest efficiency and maximum power output through interconnection with auxiliary storage, steam reserve, and other power plants operated by interconnected power companies; will deliver to the fertilizer company or to the United States in the event such power is required for national defense, at Dam No. 2, or at the steam plant, from the power plants leased hereunder, 3-phase, alternating-current, 60-cycle power required for the production of nitrogen and other fertilizer ingredients by it for such periods, at such reasonable voltage and in such amounts as may be desired, the quantity of power to be delivered not to exceed the total output of the leased plants; and all contracts or agreements between the power company and others for the sale of power from the leased plants shall contain a proviso that said power may be withdrawn on reasonable notice at any time during the lease period if and when said power is needed for the manufacture of fertilizer.

"12. The power company will pay to the United States annually for the existing power properties leased as follows: $600,000 per year for the first 6 years; $1,200,000 per year for the next 6 years; $1,500,000 per year for the next 6 years; $2,000,000 per year for the remaining 32 years.

"And at the option of the United States, to be determined by the Secretary of War and Secretary of Agriculture acting jointly the foregoing annual rentals shall be reduced by 5 per cent in each year following any year in which the fertilizer company sells fertilizer to the capacity of the nitrate plants, which under section 3 it agrees to construct and operate. Said reduction in rentals to be effective for a five-year period, renewable by the Secretary of War and Secretary of Agriculture acting jointly for five-year periods.

"In addition to the above payments, the power company will pay $20 per horsepower-year for each additional horsepower of primary power in excess of the present 80,000 horsepower created at Dam No. 2 by headwater storage, such payments to be paid annually as the benefits accrue, not to exceed $1,200,000 per year.

"13. If the United States constructs Dam No. 3 and its hydroelectric plant, the power company shall on its completion lease for a period to terminate with the lease of Dam No. 2, the hydroelectric and operating equipment and appurtenances thereunto belonging, including the spillway gates, transformers, and power-transmission lines, together with the lands and buildings owned or acquired by the United States in connection with said Dam No. 3 and its hydroelectric plant, except the locks and other navigation facilities. The period of the lease of said Dam No. 3 shall begin when possession is given to the power company of the above-mentioned properties, ready for service, capable of delivering 80,000 horsepower.

"14. The power company will pay, as rental for the lease of Dam No. 3, 4 per cent annually of the total cost thereof, the rental not to exceed $1,200,000 per annum, payable at the end of each year, except that for the first three years of operation payments shall be made as follows: For the first year during which 80,000 horsepower is installed and made ready for service, $500,000, or the proper proportion thereof if 80,000 horsepower is not ready for the whole of the first year; $750,000 at the end of each of the two succeeding years; and thereafter increasing to the maximum rental.

"15. In addition to the above payments the power company will pay $20 per horsepower-year for each additional horsepower of primary power in excess of 40,000 horsepower, created at Dam No. 3 by headwater storage, such payments to be paid annually as the benefits accrue, not to exceed $600,000 per year.

"16. The United States may install additional generating, transformer, and switching equipment in the power plants at Dams Nos. 2 and 3 and the steam plant at nitrate plant No. 2, and such additions shall be included under this lease and annual payments to the United States shall be increased by an amount equal to 4 per cent on the cost of the additions: *Provided,* That if the United States does not make such additions the power company may do so at any time at its expense in accordance with plans and specifications to be prepared by the power company and approved by the Secretary of War; and in case such additional units are installed by the power company at Dam No. 2 and at its expense it will pay to the United States $10,000 per year on each unit installed by it in Dam No. 2; and similarly in case additional units are installed by the company at Dam No. 3 at its expense, it will pay to the United States $10,000 per year on each unit so installed of like capacity to those installed in Dam No. 2, or in the event the units installed in Dam No. 3 are of different capacity than those installed in Dam No. 2, then the payment shall be adjusted proportionately. The power company shall also have the right to erect, operate, and maintain additional power lines, substations, and other facilities on lands of the United States necessary for the efficient operation of the power plants and for the transmission of power therefrom.

"17. Operation of the power plants at Dam No. 2 and Dam No. 3, in so far as they affect navigation, and of the locks and other navigation facilities, to be at all times controlled by such reasonable rules and regulations in the interest of navigation and the production of power, including the control of the level of the pool caused by said dam, as may be made from time to time by the Secretary of War.

"The power company shall furnish free of charge necessary power and light for operation of the locks and other navigation facilities at Dam No. 2 and Dam No. 3 and for such lighting facilities as the United States may maintain for the highways over the dams and approaches thereto.

"18. At the end of the lease period, the additional power generating units and other improvements or additions made by the power company shall be taken over by the United States under the terms provided for the recapture of similar facilities under the Federal water power act; all fertilizer plants and buildings and additions to buildings erected on the lands of the United States to revert to the United States on the termination of the lease without compensation.

"19. The power company shall agree that during the period of the lease the officers and directors of the company shall, at all times, be citizens of the United States, and that it will not be owned or controlled by persons who are not citizens of the United States of America.

"20. Whenever the safety of the United States demands, the United States shall have the right, in accordance with the Federal water power act, to take over and operate the projects covered by the lease for any purpose involving the safety of the United States, for such length of time as may appear to the President necessary for such purposes.

"21. The fertilizer company will establish a research and laboratory bureau in connection with its fertilizer operations for the study of methods and processes of producing fertilizer materials and cooperate in such work with State and Federal agencies; from time to time reasonably employ improved methods and processes in its operations; and will agree to take out patents and dedicate to public use such methods, processes, and patents as it may develop in the production of nitrogen or other fertilizer ingredients or compounds without compensation.

"22. The power company will abide by such reasonable regulation of the service to be rendered to customers or consumers of power, and of the rates and charges in payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged and in case of development, transmission, distribution, sale, or use of power in public service by the power company or its customers engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the service to be rendered by the power company, or by its customers engaged in public service, or the rates of payment therefor, or the amount or character of securities to be issued by any of said parties, the power company agrees that as a condition of this lease, jurisdiction be conferred upon the Federal Power Commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control, provided that the jurisdiction of the Federal Power Commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

"23. The power company to also agree that when said power or any part thereof shall enter into interstate or foreign commerce, the rates charged and the service rendered by the power company or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by the power company, or by any person, corporation, or association purchasing power from the power company for sale and distribution or use in public service, shall be reasonable, nondiscriminatory, and just to the customer; and whenever any of the States directly concerned have not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties, or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, that jurisdiction be conferred upon the Federal Power Commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative, to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce, and to regulate the issuance of securities by the parties included within this section, and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of the lessees.

"24. In addition to any other remedies that may be possessed by the United States, the power company and the fertilizer company agree that the respective leases shall contain provisions to the effect that the Attorney General may on request of the Secretary of War or of the Secretary of Agriculture institute proceedings as provided in the Federal water power act for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of any of the terms of the lease or any provisions of the Federal water power act applicable thereto or of any lawful regulation or order promulgated thereunder, and that in case of the failure of the lessee to comply with any final decree entered in any such proceeding the Attorney General may on request of the Secretary of War or of the Secretary of Agriculture institute proceedings as provided in said Federal water power act for the purpose of revoking the lease. Any decision or determination by said Farmer Board may be reviewed in an action in equity in the District Court of the United States for the Northern District of Alabama.

"25. Whenever the Farmer Board and Secretary of Agriculture are of the opinion that the fertilizer company is in default in the matter of producing fertilizer they shall communicate their opinion to the fertilizer company, and if the fertilizer company, in the opinion of the Farmer Board and Secretary of Agriculture, has not remedied such default upon the expiration of a reasonable period thereafter the Farmer Board and Secretary of Agriculture may communicate such opinion to the Attorney General. Upon the receipt of such communication the Attorney General shall institute proceedings for the purpose of remedying or correcting such default. If the fertilizer company has not complied with any decree entered in any such proceeding within six months after the date on which such decree has become final, the power company shall at the option of the United States as declared by the Secretary of War, be held to have defaulted under its lease. In the event of the termination of the power company's lease for any default under its lease, or under the provisions of this section, the United States shall reimburse the power company for the net investment of the power company on the leased property, not exceeding the fair value of its properties.

"26. The power company shall in the interest of public health comply with such reasonable rules and regulations as the State Board of Health of Alabama may from time to time prescribe governing impounded waters.

"27. Housing facilities suitable for the operators of locks, and navigation facilities excluded from this lease, shall be selected by the Secretary of War at the beginning of this lease and such housing facilities shall also be excluded from this lease.

"28. The lease shall be made in favor of the fertilizer company and power company, their successors and assigns, any assignment or transfer of the lease, or of the leased premises, to be subject to such approval as the Congress may by legislation provide.

"MUSCLE SHOALS POWER DISTRIBUTING CO.,
"By THOMAS W. MARTIN, *President.*
"MUSCLE SHOALS FERTILIZER CO.,
"By LOUIS C. JONES, *Vice President.*"

SEC. 2. (a) Any proceeding instituted under the provisions of the lease which incorporate the terms of sections 24 and 25 of the proposal, set forth in section 1 of this act, may be brought in the United States District Court for the Northern District of Alabama.

(b) The Federal Power Commission is hereby authorized to exercise such jurisdiction and power and to perform such functions as may be necessary to carry out the provisions of such lease.

(c) The Secretary of War, the Secretary of Agriculture, and the Attorney General are hereby authorized and directed to perform such functions as may be necessary to carry out the provisions of such lease.

SEC. 3. Before executing the lease described in section 1 the Secretary of War shall be satisfied that the power company and/or the fertilizer company have made due financial provisions for the performance of the obligations of said lease.

SEC. 4. This act may be cited as the "Muscle Shoals act of 1926."

ADDRESS BY HON. CHARLES A. TOWNE

Mr. TRAMMELL. Mr. President, I make the request, on behalf of my colleague, Senator DUNCAN U. FLETCHER, who is unavoidably absent, that the address of Hon. Charles A. Towne, former United States Senator from Minnesota, now a resident of New York City, on "Some Duties of the Lawyer as a Citizen," delivered April 3, 1926, at the nineteenth annual session of the Florida State Bar Association, held at De Land, be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

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

APRIL 3, 1926.

Mr. Justice Terrell, vice president, assumed the chair.

The VICE PRESIDENT. The first speaker on the program is the Hon. Charles A. Towne, who will deliver an address on "Some Duties of the Lawyer as a Citizen." Mr. Towne is former United States Senator from Minnesota and a Congressman from that State, and also Congressman from the State of New York, one of the great men of our country, and one of the outstanding members of the bar. It is a pleasure to present him, and I now present him to you.

ADDRESS OF HON. CHARLES A. TOWNE

I yield both to a sense of propriety and to the urge of my own feelings in expressing a deep appreciation of the honor done me in the tender of a place upon your program. In the opportunity to participate in the proceedings of a body professionally representative of a sovereign State there is a distinction of dignity and privilege of which any lawyer must be profoundly sensible. In the present instance, certain considerations give emphasis to this distinction. Your association is composed of exceptionally equipped, able, active, and forward-looking men. From an extraordinary diversity of origin and experience they derive an unusual variety of converging professional vision and resourcefulness. They constitute an important factor in the assured rapid development, hitherto long delayed, of a State now challenging the interest of the entire country. Here legend and romance have graduated into fact and statistics. An unexampled and indestructible charm of combined climatic balm and scenic beauty is found in an environment and amid conditions of unequaled strategic commercial significance. An agriculture of absolutely unparalleled variety and fecundity is face to face with the certainty of an industrial growth insuring the permanent profitable cooperation of farm and factory. These are the principal elements in a guaranty of progress and prosperity which, despite inevitable sporadic and temporary check, are destined to write in Florida unprecedented social and economic history.

My theme to-day is: "Some Duties of the Lawyer as a Citizen." My choice of it is dictated by certain profound convictions: First, that in many respects our country has fallen into evil ways; that in government, in law, in society, in the arts, in letters, in the home and the family, in morals, and in religion we are menaced with a break in our traditions which, unless checked and obviated, gravely involves the fate of American institutions and, indeed, of civilization itself; second, that, whether this dislocation be due, chiefly or in part, to that oscillation from one extreme to the other in social, economic, or moral theory and practice which philosophic historians have cited as recurrent phenomena through the ages, or to that demoralization which, as Emerson says, always follows a great war, or to other influences more obscure and difficult to trace, its causes must be expertly and exhaustively studied, and an aroused and instructed public opinion must be focused upon speedy and practicable remedial action; and third, that, since the equipment, experience, and prestige of the lawyer qualify him, perhaps beyond any other member of the community, to undertake this crusade, to do so is his most solemn duty as a citizen.

An exhaustive review of the phenomena to which I have briefly alluded is neither necessary for my present purpose nor practicable on this occasion. I shall confine myself, therefore, to a summary sufficiently illustrative to support my argument.

In music we have witnessed the development of "jazz," a hectic alliance of strident discord, instrumental syncopation, barbaric rhythm, and infrequent and accidental harmony; a sort of partnership between the hollow log of the African-forest medicine man and the midnight hysteria of the jaded heroine of the cabaret.

In painting the impressionist, the futurist, and the cubist range from comprehensible, even if unbalanced, vagaries of overstress on recognized artistic principles down to frank negation of taste, common sense, and sanity; such as, for example, I once witnessed in New York at an exhibition in a chamber of horrors, miscalled a salon, where a picture that looked for all the world like a realistic representation of a

bathtub full of human brains bore a title that could have been changed to either "A Summer Night in Moravia" or "Casey at the Bat" without a shock to anybody but the artist.

In sculpture there is a spreading union of stonemasons the purposed crudity of whose craftmanship is not quite up to the artistic level of the Sumerians, but which is made greedily acceptable to an unhealthy sentiment by libidinous suggestion in the falsely professed interest of "truth."

In poetry we witness the increasing vogue of vers libre with its elaborate rejection of meter and versification, its studied avoidance of grace of diction, its turgid apotheosis of the commonplace masquerading as "fidelity to nature."

The drama turns its back upon the noble traditions of the stage; in the name of "realism" makes a merit of halting speech, faulty elocution, and shambling awkwardness; appeals to evil curiosity by advertising that is a sublimation of nastiness and by photography that should be pronounced "pornography," with titles and legends that read like chapter headings in medical treatises circulating sub rosa; yet which somehow reach and attract a public that on "first nights" forms lines two or three city blocks in length, waiting for the theater to open, and in whose slow progress may be found, heaven save the mark! many a buxom matron the eager prurience in whose faded eyes justifies the confidence of the box office as conclusively as the ceaseless rhythm of her jaws prophesies the certainty of the regular Wrigley dividend.

In short, the whole realm of art, as well also as that of ephemeral, literature, newspapers, magazines, and novels, is being invaded by sinister forces of moral decadence loudly proclaiming themselves exponents and champions of "truth," finding supporters among sympathizers, and imposing upon a public sentiment that either does not know or has forgotten that the Greeks more than 2,000 years ago announced and vindicated the principle that art does not consist in mere representation of truth, of fidelity to stark nature, but that its sphere embraces "the true, the beautiful, and the good."

Of the home and the family, as the last generation knew them, little remains. The automobile, the moving picture, the growing employment and consequent economic independence of the young of both sexes, whose absence on business during the day and on pleasure until late at night both forecloses old-fashioned discipline and weakens ancient ties; the immoral influences heretofore alluded to; the diminution of religious conviction as a force in the molding of character and as an inspiration of high purpose; these are some of the reasons for the progressive disappearance of the old-time atmosphere and regimen of home and family and for the appalling increase of major crimes among the boys and girls, the young men and women, of America.

In the realm of law, profound and, to the thoughtful man, most disturbing changes have taken place, and still more are constantly threatened as to both its theory and its use. In our traditional contemplation the purpose of the law was to protect life, liberty, and property. We are now attempting to use it to regulate almost everything, including beliefs and habits. Forty-eight States and the General Government are busily engaged a great part of the time in spreading new statutes on the books, directory, and restrictive, creating armies of functionaries, burdening the taxpayer, profoundly modifying our old conceptions of the distinction between mala prohibita and mala in se, mystifying the citizen and confusing the courts. The laws and major crimes are increasing almost pari passu. So nearly do the law's delay, the indulgence of technicalities in trial and on review, and judicial caprice as to bail and sentence involving habitual criminals, approach immunity that they largely explain why with about 10,000 homicides per year in the United States only 1 in 80 of the murderers pays the death penalty for his offense, and crimes involving vast sums of money or values of property exhibit almost correspondent phenomena.

It is generally agreed, moreover, that in recent years the ethics of the legal profession have fallen below their old-time standards. In so far as this is recognized to be due to inadequate or to laxly enforced requirements of qualifications, as to either attainments or character for admission to the bar, the lawyers of the country are chiefly to blame, though it is encouraging to note that in many States, including your own, organized effort is now being directed by them to the removal of these conditions. A certain proportion of the deterioration of ideals as to professional proprieties is unquestionably due to the tremendous growth in the magnitude, complexity, and influence of corporations and "big business," and its correction is a subtle and difficult problem.

The gravest change, however, in our concept of the nature and function of law, the most sinister, the most recondite, the most destructive and far-reaching in its possible consequences, is due to the confounding of the proper spheres of law and morals. This I shall discuss later on.

In respect of both the theory and the practice of government, as heretofore and until comparatively recently, understood or professed in the United States, a transformation has taken place and is still in progress that amounts to nothing short of revolution. It concerns the attitude of Government toward the individual, his liberty of person, of action, of belief, and the expression of it, and his rights of property; to the sovereignty inherent in citizenship; and to the balance of powers between the Governments of State and Nation. I shall advert to this again in another connection.

Why are these matters of interest to us? Why should we concern ourselves with any attempt to understand them or to regulate them? Why not plunge into the thick of things and get what we can to satisfy our appetites and minister to our pleasures? Why try to fathom the scheme of creation? Why shape conduct by any theory or system? Since we are part of the unimaginably complicated universe, though not consulted as to plan or program, why not be opportunists and rely upon either the Infinite Intelligence or the blind chance behind the show to take care of our relations to it?

The answer is that while formerly such an attitude was general, for centuries there has been an increasing number of minds that simply could not be satisfied with it. To-day millions of men and women are seeking to rationalize the complicated phenomena of the visible and the invisible worlds. Firm in their belief in the existence of a Supreme Power actuated by a beneficence and a wisdom as limitless as its omnipotence, these men and women reverently conceive that in the very fact of their presence here, of their endowment with mental and moral faculties, they have not only warrant but mandate to investigate their environment, to study its phenomena and its laws, and to bring themselves into harmony with divine purpose, knowing that in all the universe there can be no truth inconsistent with any other truth.

In this conviction they take account of the history of man upon this planet. From the mass of data which exploration and investigation are almost hourly augmenting, one demonstration emerges that seems to them uncontrovertible, which reconciles truth and hope and enables them to become conscious cooperators with the Infinite. It is obvious, for example, that the activities of primitive man were almost entirely physical. There was neither library nor shrine in the cave of the Neanderthal man some half a million years ago. To get food enough to support life for himself and his little family, to escape the attack of the forest beasts, and to find sleep and security in a rock-bound retreat at night—this was practically his program.

Then followed the long, slow growth of mind. After centuries of instruction by the lightning, man learned the use of fire for both comfort and cooking. His skill expanded to the making of weapons and tools. His imagination was stimulated. It suggested new wants and devised ways to satisfy them. It drew pictures of reindeer and mastodons upon the walls of his cave.

Then came the development of nascent moral impulses. In the necessitated interchange of mutual service in the family, and particularly in the protection and sustenance of children during the helplessness of prolonged infancy, there was the germ of altruism. The first mother to stand in conscious love and surrender before the first cradle was at once the culmination of eons of primitive progress and a sure prophecy of the ultimate regeneration of the world.

With the gradual growth of association among families, at first among those of common ancestry and afterwards among those who were formerly strangers, there was slowly generated a system of social usuages which, in its recognition of reciprocal respect and mutuality of interest, formed the basis of the moral code which underlies the structure of modern civilization. The derivation of the word "morals" from the Latin "mos," meaning "custom," is profoundly significant and suggests certain implications as to the distinction between law and morals and their respective spheres and sanctions that are not commonly understood, and whose neglect by legislators and by reformers, earnest and honest, no doubt, but unmindful of this unescapable truth, has obscured many an issue of right and wrong. This fact, paradoxically and lamentably, has worked unspeakable harm to both morals and law; has divided into warring camps vast numbers of men and women of equally righteous impulse and honest purpose; has contributed enormously to the increase of crime, especially among the young; and at this moment, in my deliberate judgment, is the chief obstacle to certain programs for the restoration of ancient legal and constitutional limitations upon the success of which depends the realization of America's promise to mankind.

It seems obvious, from even a rapid survey of the human story, that the acme of the progress of man is the attainment of moral excellence. Of what avail the conquests of science, the aggregation of wealth, the discipline of the mental powers, the extension of organized cooperative effort, if the result is to be merely the gratification of ambition and the satisfaction of selfish appetite? Unless this widening command over the resources and forces of nature is to lead to the alleviation of human suffering, to a general participation in the benefits of new discoveries, of lessened cost of production, of cheapened transportation, to the growth of a realization of human brotherhood, and to the development of moral character as at once the warrant and the goal of social and political institutions; these physical and mental triumphs are tragic mockeries.

It is clear that in this scheme of working out the "manifest destiny" of the race, the social and governmental machinery employed, and the ideals that give it form and inspiration, are of vital importance. And this is why, in the fullness of time, the American Republic was established. This is why its establishment was quite the most momentous event, down to then, in the secular history

of the world. And this is why the return to our original doctrine and practice is now, and will remain until it shall be accomplished, the most important and pressing problem demanding the action of our citizenship.

Seven score and ten years ago, to paraphrase the immortal utterance at Gettysburg, our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

This Nation was the first Nation in the history of the world so conceived and so dedicated. Its cornerstone is the proposition, announced in the Declaration of Independence, that sovereignty inheres in the body of the citizenship; that the origin of all political authority is in its delegation by this sovereign to its chosen agents or servants held to strict responsibility and accountability to the citizenship for its exercise. It is a complete negation of the Divine Right of Kings. It was a theory of which a few statesmen in history had dreamed and of which some philosophers, like Montesquieu and Rousseau, had written; but never, until the spirit of the Declaration was embodied in the Constitution of the United States, had the principle been made either the basis of a government or the justification of a revolution. The significance of this fact is emphasized by a comparison of the respective premises of Magna Charta and the Declaration of Independence. When the banded nobles at Runnymede in 1215 demanded concessions from King John, they based their appeal upon the "immemorial rights of Englishmen." Our fathers, in Carpenters' Hall at Philadelphia, in 1776, claimed the right to liberty and self-government not because they were Englishmen but because them were men. In the maintenance of this fundamental principle they threw down the gage of battle to the most powerful nation in the world, a nation with which, as Daniel Webster has said, for purposes of military conquest, Rome, at the period of her greatest glory, was not to be compared; for England, as the poet Watson wrote:

"* * * wound her arms around the world
And had for vassel the obsequious sea."

After seven years of struggle, under difficulties and suffering almost incredible, but of which time will not permit even a rehearsal here, the heroism and tenacity of the colonials triumphed; aided, let it not be forgotten, by men, money, and ships from France, and directed by the tact, patience, and unrivaled influence of Washington, while led by his military genius (for, as you may recall, Frederick the Great placed him in the first rank as a general and pronounced his campaign of 1778 to be the greatest of the century).

Then followed an interval of tragic experience when for a few years it seemed as if this marvelous advance in government must fail before its principles could be embodied in efficient and enduring form. The Articles of Confederation, under which a central government had functioned after a fashion during the struggle for independence, provided for little more than an advisory agency of the thirteen ex-colonies. It had no direct control of the citizen nor of the State governments, and practically no assured revenue. With the removal of the centripetal influence of common danger due to the Revolution, local ambitions and jealousies asserted themselves, and war between some of the States was narrowly averted a number of times. It is one of the marvels of history that under these circumstances a convention should have been able to frame a Constitution providing for a strong central authority operating directly upon the citizen, with powers adequate to the purposes of a national government, and that this instrument should have been adopted and installed. But for the influence of Washington and Hamilton and Jefferson and Madison, and of many other scholars and statesmen of almost equal capacity; but for the campaign waged in its behalf, chiefly by Madison, Hamilton, and Jay, in the essays published in the Federalist, which the famous publicist Jeffries, editor of the Edinburgh Review, pronounced to be the ablest dissertations ever written on fundamental principles of government; but for the distinct understanding that a Bill of Rights should at the earliest possible moment be added to the Constitution in the form of amendments; and but for the universal agreement that Washington should be the first President of the Republic; this consummation would have been impossible. The Constitution became effective September 17, 1787, and the first 10 amendments, embodying the guaranties and immunities of a bill of rights, had been adopted and proclaimed by the middle of December, 1791.

This Constitution was the first instance in history of the creation of a National Government by a written instrument. Sovereignty residing in the people, it was necessary to limit the powers of the agencies of government so as to protect the sovereign against official usurpation; to enumerate the privileges and immunities that guaranteed liberty, in order to protect individuals and minorities against the tyranny of majorities; to provide that the prescribed limits of authority could be modified only by amendment made effective by approval of the citizen sovereignty under careful provisions as to procedure; and to assure the safety thus prescribed through the establishment of a judiciary with jurisdiction to interpret and construe the laws enacted by Congress and the acts of public officials and to void statutes and conduct found to be in conflict with these provisions of the Constitution.

It should be clearly understood that the Government thus formed was a Republic. Only a loose habit of speech refers to it as a democracy. These cautions apply equally, of course, to the State governments. Our fathers had confidence in the patriotism and common sense of the people, but they knew too much to believe and were too honest to pretend to believe that intricate questions of legal, constitutional, economic, political, and international importance can safely be referred to the decision of an average group of citizens, without qualifying experience or opportunity of study, to be voted on in the back yard during brief intervals of interrupted labor or business. They builded on representation and federation. By the former, applied in relatively small and homogeneous territorial units preserving the comprehensive control of those powers, commonly called police powers, which are most frequent and intimate in their impact on the individual, they sought to preserve a vivid interest on the part of the voter in local government and a sense of responsibility in its agents. By federation they sought to extend indefinitely and to preserve permanently, as growth and experience should require, this vital principle as to the management of neighborhood interests and the characteristics of the police powers, at the same time clothing the central, general federated government with needed authority to deal effectively as a single national unit with international affairs and with internal concerns, national in scope and application, within its delegated competence.

Another original device of our fathers, first applied in several of the State constitutions and then made basic in that of the Union, was the division of governmental powers into three branches—executive, legislative, and judicial—and rendering them practically independent of one another in their respective spheres.

The promised bill of rights, embodied in the first 10 amendments to the Constitution, which amendments were introduced by Madison in the First Congress to meet under the Constitution, were taken by him mainly from eight of the State constitutions. These constitutions varied as to the proportion of the guaranteed liberties and immunities contained in them, but the constitution of every State embraced at least the substance of the first amendment, as to religious liberty and the freedom of speech and of the press; of the fifth amendment, assuring the citizen against deprivation of life, liberty, or property except by due process of law; and of the sixth amendment, guaranteeing the right of trial by jury.

These 10 amendments are so fundamental in our American tradition and so priceless an inheritance to the American people that I shall include them in my text for instruction and inspiration.

The American bill of rights:

ARTICLE 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

ART. 2. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ART. 3. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ART. 4. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ART. 5. No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

ART. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ART. 7. In suits at common law where the value in controversy shall exceed $20 the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

ART. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. 9. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ART. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

It is true that many of these guaranties were of almost immemorial heritage in England; but aside from the fact heretofore cited that in England they had been wrung by the nobility from the reluctant hands of royalty and were referred to as distinctively English rights, they were proclaimed in America as necessary incidents to the liberty belonging to every people. It is interesting to note that the exercise of religion was by no means as free in England as the American guaranty declared it of right to be; that while the freedom of the press was an English principle, no instrument of government in the world had ever placed freedom of speech beside it until it was done in the first amendment to our Constitution; and that the substance of the fourth amendment as to "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures," and providing that no warrant to search and seize shall issue except upon probable cause based on sworn particulars is of American origin, though afterwards recognized in England.

The founders of this Government, in resting it upon the theory and equipping it with the machinery of a representative and federated Republic, intended to realize the golden mean between anarchy and tyranny, the anarchy of socialism and the tyranny of either absolute monarchy represented by king or emperor or of unbridled democracy in the hands of pitiless and changing majorities. It was the sublimest conception in the story of mankind. Their achievement of it was the noblest triumph in the records of statesmanship.

In due time came a test whether a nation so conceived and so dedicated, and whether a government so constructed, could long endure. In a civil war, where brothers and fellow patriots of opposed convictions grappled to the death on many a bloody field, vieing with one another in sincerity, in devotion, in heroism, the questions whether a State could nullify an act of Congress and whether the Union could be dismembered and the Nation disintegrated by the withdrawal at will of its component members were settled forever by the prevalence of the champions of permanent union and nationality.

Rapidly the boundaries of the Nation widened. The development of the railroad, the spirit of adventure born of the war, the lure of gold, the fertility, easy acquisition, and relatively cheap cultivability of the prairies, the enormous influx of immigrants from Europe, were some of the causes that in a few years transformed the continent. The Union's westward march continued until the Pacific Ocean had become its boundary.

In the face of all this change the Government evidenced an adaptability gloriously vindicating the sagacity of its founders. Meantime, too, its principles had begun a peaceful conquest of European opinion. Silent as the stars, resistless as the tides, its attraction profoundly influenced the development of liberal and republican tendencies in many countries, while its federative principle encouraged the growth of national unity. We invaded Europe not with armies but with ideas. Wherever our flag was displayed it was recognized as the symbol of liberty linked with safety. Our example made France a republic. Thrice in a century it reformed the English Parliament. It confederated the German States. It unified Italy. It caused parliamentary government to gain a foothold in most of the countries of Europe and even in oriental Japan.

Meantime, absolution had been enthroned in Germany. Its doctrine was openly espoused and systematically proclaimed by the Emperor and his ministers, by the leaders of the army, and by the chief figures of the court. Militarism was glorified and justified in lectures and books by university professors. The army was constantly on a war footing, science and inventions were in tireless quest of new and improved engines and materials of destruction on land, under the sea, and in the air. No secret was made of the purpose of conquering and annexing large areas belonging to neighboring countries, until the German Empire should reach in unbroken continuity from the Baltic to Bagdad. Vast colonies were to be founded, or seized, in Africa, in South America, in the islands of Oceanica; and finally her insatiate ambition began to hint at a purpose of world hegemony.

The ultimate chief menace to the German program was felt to be the United States and the governmental principles for which we were responsible. It was obvious that the world was too small to accommodate much longer the totally unreconcilable theories and practices of absolutism and the republic. The issue was finally joined upon the fields of France in what was beyond comparison the hugest, most cruel, most destructive, most costly, and yet the most culminating and conclusive war in the history of mankind. The divine right of kings staggered, with the Junkers of Prussia, to its fall on the banks of the Marne, and the Declaration of Independence was reconsecrated when the allied champions of liberty shed their mingling blood among the lilies of Picardy.

It is one of the most colossal ironies of history that, at precisely when, as the result of the world's greatest war, the ancient fiction of absolutism had been exploded and the American theory of the republic had become practically assured of speedy universal acceptance, and of ultimate embodiment in the organization and functioning of every national government, our own institutions should be furnishing impressive illustrations of the dangers inherent in the republican form, and particularly in the federated type of it.

These dangers reside in the tendency to changes in the spirit of the citizenship; to changes in the letter of the fundamental guaranties and immunities affecting personal liberty, freedom of opinion and its expression, the rights of property, and the balance of powers between the State and National governments; and to a consequent indisposition toward the settlement of new problems, especially of international complexion, in harmony with the original inspiration and the early traditions of our system.

There have resulted the progressive surrender of many of the characteristic features of the Republic, and the gradual adoption of those of the pure democracy, with, paradoxically, the contemporaneous development of a tyrannical and irresponsible bureaucracy. Too many officials are elected. Authority is divided, responsibility can not be located or enforced, either by department heads, who can trace their powers to no higher source than their independent subordinates can, or by the average elector, whose knowledge of departmental business is necessarily vague, and who stands in his election booth helplessly staring at a ballot a yard long and wondering what it's all about.

Expenses of government grow, under such confusing multiplication of agencies, by leaps and bounds; and, once the eager tentacles of the red-tape army are in contact with the public crib, they rarely let go. Their number, like a bad appetite, "grows by what it feeds on." It is said that there are now in the country more than 4,000,000 tax-supported public officials.

Under "instructions" from home, and by referendums, the legislator tends to become a mere errand boy, an agent of limited powers constantly restated, a vocal rubber stamp. The old conception of a representative chosen for his character and ability, serving under the urge of study and investigation, is now largely a legend. More and more men of capacity or genius are disappearing from legislative bodies. The constant importunity to do something for their constituents rather than for their constituencies, and the competition to see who can introduce the most irrelevant and indigestible bills at the behest of the spontaneous statesmen of the corner grocery, do not harmonize with the inclinations of able men having a legitimate ambition for useful public service.

Congress and States are almost constantly running their law-making mills at capacity speed and with confusing, costly, and largely needless output. Offenses are multiplied. Vast numbers of new crimes are created. The courts are swamped. The district attorneys are constantly adding to their staffs. All are working overtime, and justice is neither swift nor cheap.

Commissions of vast and various jurisdiction are born with appalling frequency and none ever dies, although it has been recently reported that one of them would like to. Most of them render decisions or make findings having the force of law, the number and complexity of which can be known to only lawyers who rarely read anything else. The shades of Hamilton who, when our first Secretary of the Treasury, already expressed regret that Congress had "gone into the matter of appointing boards," which he declared to be "a bad plan"; and of Lincoln, who exclaimed: "I have done with commissions. I think they are contrivances to cheat the Government"; must look with extreme concern upon the proportions since attained by these excrescences that even then seemed to them to be so dangerous.

The constant tendency of Congress to extend its jurisdiction, aided now and then, if I may say so without disrespect, by an acquiescent disposition on the part of the courts, despite the many and notable instances in which the judiciary has justified the faith of its founders as the bulwark of constitutional balance, has aroused the apprehension of many students of our institutions. In the judgment of the wise men who framed the Constitution the restriction of the power of the central Government to the field of international relations, on the one hand and, on the other, to that of internal regulation and control as to matters of strictly national scope, was of fundamental importance. Its authority was limited strictly to the powers expressly granted by the Constitution and such as were necessary and proper for carrying these into effect. The great, vital, intimate, primary jurisdiction of the police power was left with the States. It is of the utmost importance that it remain there. To vest it in a distant and central authority, removed from the immediate supervision of, and direct accountability to, the citizen, and to attempt to enforce uniformity of laws and administration over a vast territory diverse in production and industry, in climate, in habits, in racial orign and sympathy, in customs, in conditions affecting conduct and social relations is not only to court failure but to set in motion forces that are certain to provoke dscontent and to generate immorality and lawlessness. There is involved here a profound phenomenon which should be studied and discussed without passion or recrimination by reformers who are sincere and by patriots who believe that the maintenance of our unique republican institutions is a mandate of civilization.

The tendencies that I have reprobated are apparent not alone in a change of the spirit of a growing percentage of our citizenship; nor, indeed, have they been satisfied with certain statutory embodiments that have survived the examination of the courts. They have already crystallized in amendments to the Constitution. Some of these, like the sixteenth, which, as Professor Burgess says, has invested the General Government "with entirely unlimited power in the levy and collection of the most comprehensive of all taxes, the income tax * * * which can take, thus unlimited, the entire product of all property and all labor"; and the seventeenth, which turns over the election of United States Senators to popular vote; are instances, respectively, of an approach toward socialism, in the former case, and toward the methods of pure democracy, in the latter; and another of which, the eighteenth, strikes fatally at the philosophy of the police power, at the balance between the State and national jurisdictions, at the distinction between morals and law, and at the liberties and immunities of the citizen.

One further and in certain respects a culminating effect of the alterations in the fundamentals of our republicanism, to some of which I have called attention, finds expression in the failure of our people to take toward the suggestion of doing away with war and of associating the nations in some organized determination to preserve peace, that attitude of sympathy and championship which is a natural product of our theories of government and liberty and the logical completion of our institutional architecture. War among enlightened peoples is a negation of civilization, a flat contradiction of Christianity, and, indeed, of all religion. Among nations that have substituted courts in place of private wager of battle, that spend time, energy, and vast sums of money in behalf of education, hospitals, and deeds of mercy, the persistent resort to mutual slaughter in case of differences among them and the continued support of military establishments involving the expenditure of the greater part of every dollar raised by taxation constitute an anomaly as inexplicable as it is tragic. That in the Great War the most advanced states in the world should have marshaled their armies to annihilate millions of splendid men, to disable tens of millions more, to wreck unnumbered homes and add to the woes that women and children bear, and to destroy prosperity of greater value than the total assessed valuation of the United States over a dispute that, under proper and wholly practicable procedure, could have been adjusted without a breach of the peace, must have made the angels weep and will challenge the comprehension of future generations.

War must and can be abolished. In my humble judgment this proposition is the most important one that is or ever has been or ever will be considered by mankind. In spite of the entrenchment upon your time and patience involved let me summarize some of the reasons in support of this position.

The warrant of science is found in the postulate that world-wide peace is the destined goal of social evolution. This rationalizes hope. It justifies mercy. It grounds the sentiment of humanity upon cosmic law. It takes absolute issue with the basic argument of the war apologists. These, unable to dignify and beautify wholesale slaughter in itself, profess a reluctant assent to it as an inexorable ordinance of nature. They seek consolation for its inevitable horrors by working themselves up into a desperate admiration for some of its supposed results. The indiscriminate destruction of the brave and strong they vindicate as an unavoidable though costly expedient for insuring "the survival of the fittest." In stirring the latent instincts of primal savagery they find the necessary discipline of all the manly virtues. To the waste and woe of war they gratefully ascribe the springs of sympathy and sacrifice. In honest sacrilege they crown with expiatory garlands the brow of Moloch, "horrid king, besmeared with blood," and declare in the words of Von Moltke that "war is an institution of God."

The scientific argument for war is vitiated by its first hypothesis. The human struggle for survival is not, as the proponents of that argument assume it to be, a fight between some men and other men. It is a contest between all men on one side and environment on the other. But war drags to battle, and to violent death or lingering disease, those that are strongest in body and most intrepid in spirit, the very fittest to survive in the test of environment and able to contribute most to the advancement of society. Thus instead of being an agency in the "survival of the fittest" war is the most deadly enemy of the principle.

In another respect the sponsors of war have misread the law of evolution, in spite of the fact that the truth is repeatedly taught in the long climb of being from the first amoeboid aggregate up to the most complex human society. "Organic evolution," says Spencer, "is primarily the formation of an aggregate by the continued incorporation of matter previously spread through a wider space." Again: "Existences of all orders exhibit a progressive integration of matter and noncomitant of motion."

Now, this process is precisely paralleled in the growth and development of human society by the merging of families into clans, of clans into tribes, of tribes into nations, of nations into federations. The strife and violence by which these integrations are preceded and accompanied are analogous to the force and motion dissipated when in the physical world independent bodies rush together and consolidate. In the latter case the motion is converted into heat. In the former case violence is transformed into peaceful energy that tills the soil more widely, develops the useful arts, extends commerce, diversifies and satisfies human wants, refines manners, disciplines the intellect, nurtures the soul, assures, in short, the progress of civilization and makes for the achievement of human destiny—"that one far-off divine event toward which creation moves."

In the physical world when new aggregates are formed there result among their parts two things: First, a progressive specialization of function, and, secondly, a closer and closer interdependence. The corresponding effects in the case of social aggregation are a more and more minute division of labor and an increasing necessity of mutual reliance among those who perform it. For example, the protozoan, which is little else but a minute drop of protoplasm, projects at will a leg or an arm from any place on its body, and the process of digestion is performed by its entire anatomy. In the human organism, however, with an aggregate of billions of primordial cells, there is a tolerably distinct demarcation of function between the stomach and the hands; and how mutually dependent they are may be learned by inquiry from the hands when the stomach is empty or from the stomach when the hands can find no employment. Our schoolbooks tell us how Menenius Agrippa, in the fifth century before Christ, used this illustration to bring the seceding plebeians back to Rome; and some of us remember the shock to the internal economy of a vast modern city a few years ago caused by a brief suspension of function on the part of a few humble gleaners of garbage.

Cooperation, therefore, is a necessary condition of association. Peace is indispensable to cooperation. Accordingly, in the increasing intimacy of intercourse and complexity of relations among nations and among their individual inhabitants, it is easy to read the certain doom of international war. Race antagonisms wither under mutual acquaintance. In the language of the primitive Latins, as in that of the ancient Greeks, one word signified both "foreigner" and "enemy." To-day, in every part of the world, millions of men of alien origin are clasping hands and calling one another "friend" and "brother." The spread of international commerce will more and more find its concern in the maintenance of wider and wider peace. Before the rising flood of international trade, already possessing a yearly impact of some thirty billions of dollars, the barriers of exclusion are crumbling everywhere, and when once submerged they seldom rise again.

Credit, wherever native, has become a citizen of the world. The delicate mechanism of it enmeshes all the great ganglia of the globe's finances; its disturbance at one center is almost instantly reflected in every other. Stability anywhere more and more implies and requires stability everywhere. Action and reaction being equal, it will soon be impossible for one nation to aim at another nation a blow in any large measure destructive of that other's commerce or industry without inviting a recoil of corresponding damage.

There is coming to be a world literature. The newspapers of all countries contain the same news, and every country learns about every other country at least once every 24 hours. The nations read one another's books, witness one another's dramas, listen to one another's music. Can manners long remain strange? Can opinions continue to be local and peculiar? Can interests be always selfish?

Science will not let men be strangers. Isolation was easy when a week separated Paris and London, when six weeks were required to cross the Atlantic, and when the Pacific was scarcely crossed at all. It is not so easy when one may breakfast in Paris and dine the same day in London; when New York is less than five days from Liverpool; and, when, in perfect comfort and by regular and frequented lines of travel, one may be in Yokohama 12 days out from Seattle. One may maintain a kind of austerity toward a correspondent whose letter is a month old; but what can you do when he breaks in on your nap in Philadelphia with a hearty "Hello!" at Berlin?

And the impending revelations of science, there is good reason to believe, involve changes in the near future relatively more revolutionary of existing conditions affecting international association than those we have witnessed. Airplanes built of aluminum and steel, driven, either by vastly improved motors or by electric power supplied wirelessly from stationary generators, so fast as largely to neutralize unfavorable air conditions, will safely and regularly cross the Atlantic in 15 hours. By electrolysis, nitrogen will be inexpensively taken from the air, and with it the productive forces of the soil will be renewed and multiplied. Future Burbanks will increase the size, yield, and nutritive power of fruit and vegetables. These and other processes will augment and cheapen the supply of food; and ultimately the utilization of the static electricity of the earth, which will make available practically unlimited power at the mere cost of mechanical friction, and which will be transmitted through the ether, will tend greatly to simplify the problems of labor.

The great professions are constantly crossing national boundaries. The progress of art and science enlists the interest and involves the cooperation of the alert minds of all countries. International associations, therefore, representing almost every department of human endeavor, have been constantly multiplying during recent years. A list

that would require many minutes to read to you might be made up of these organizations, composed of members from practically all the civilized countries of the globe, and meeting annually for the discussion of the engrossing problems that face the agriculturists, the architects, the physicians and surgeons, the lawyers, the chemists, the theologians, the engineers, of every nation. These associations, and the great international industrial expositions, are forming world opinion, stimulating world friendship, proving the practicability of world cooperation.

The international organization of labor, particularly in Europe, is more extensive and intimate than any of the foregoing. From labor's ranks are chiefly recruited the pawns in the game of war. It sheds most of the blood, endures most of the suffering, bears most of the resultant privation, and pays ultimately most of the price. In this class the sentiment against war is practically universal, and can not fail to possess great influence on general opinion and on public policy. Its common refusal in each of two countries to take up arms in support of hostilities between them, a contingency not wholly unimaginable, one that, on occasion, has indeed been proposed, would paralyze the war power of both.

In the field of governmental activities a tendency is witnessed paralleling these developments of private association. A conspicuous example is the postal union, to which more than half a hundred nations are parties. Other cases are the telegraph union, and the agreement on a navigation signal code. In Europe the comparatively small area of the respective countries, and the extensive railway traffic among them, have led to the formation of international associations for the regulation of that traffic; and the rapid conquest of the air by radio transmission and by airplane has incalculably multiplied and strengthened the bonds of international mutuality.

One of the favorite arguments of the war advocates may be stated syllogistically thus: You can not do away with war without changing human nature; you can not change human nature; ergo, you can not do away with war. The trouble is with the second premise. Human nature does change. In its very capacity to change lies the whole gospel of progress, the one hope of the world. Here again they have failed to read the history of evolution. Cruelties once common are now unknown in civilized countries. Crippled infants are not now exposed to die. We no longer kill the old and infirm because they are burdens on the tribe. Captives are not enslaved or tortured. More and more, even the unavoidable horrors of war shock and revolt the constantly increasing sensitiveness of civilized men. How comes it that for 300 years we have been mitigating the barbarities of war? Why have we stopped poisoning wells, burning hospitals, and using explosive bullets? Why are there military hospitals at all? What caused the organization of the Red Cross Society, whose guarded realm of mercy is in the very hell of slaughter? Why is Florence Nightingale immortal? Why is Clara Barton's birthday—which, happily, falls upon Christmas—remembered gratefully by millions of men and women in every part of the world? How, in the very anarchy of war, do we impose and obey any limitations whatsoever upon its inherent excesses? If war be a condition of the survival of the fit, if it be a school of virtue, how can we have too much of it? As a matter of fact, is it not true, as Gibbon says, that all these restrictions "imply nonsense and contradiction"? War must be abolished, not merely mitigated.

As men no longer believe that honor requires them to fight duels, or that the accident of a lucky shot or thrust could possibly determine whose honor, if anybody's, is vindicated; and even as they believe in tribunals of public justice rather than in personal combat as a means of settling private controversies, so are they coming to realize that war can not possibly decide any question between the combatants except which has the heavier battalions or the more destructive enginery; and that nations, like men, should rest the decision of their differences upon the arbitrament of courts of justice.

The prophecy of the consummation of this ideal, expressed in the recent action of the Senate in acceding to membership in the World Court, is a source of great satisfaction to those whose hope anticipates, and whose vision forecasts, the final triumph of peace over war, of civilization over barbarism. The reservations attached to our acceptance, disarming some of the honest opposition to the court, do not seriously affect its structure or operation.

But, in my sincere opinion, the full fruition of this project of world peace can come only with the establishment of a league of nations. I shall not here enter at length upon an exposition of my reasons. To my mind, the fears of those who hesitate to "surrender our sovereignty," as they express it, are groundless, especially in view of the restrictions, like the requirement of unanimity in the action of the league council and the guaranties in the suggested reservations by the United States as a condition of membership by us. The same argument was addressed to the thirteen States by honest doubters when the Constitution was pending, and its acceptance would, of course, have prevented the formation of the Union. In my opinion, the "brotherhood of man" is a truth, and one not invalidated by the backwardness of some of the family; and the flowering of human association in a world compact of peace was a prophetic germ in the first evolutional integrations into family, clan, and tribe, and, later, into state, nation, and republic.

It is to me a matter of pride and satisfaction that, in spite of the fact that we have hesitated and stumbled on the way, the roads leading to the World Court and to the League of Nations were both first envisioned by Americans. Our people are already rendering homage to Elihu Root, the most conspicuous pilot in our progress toward the court; and when, in the course of events, the league shall be an accomplished, world-embracing fact; when the miasma of partisan detraction shall have been dissipated by an atmosphere of impartial justice, as it inevitably must be, and when historic perspective shall negative the temporary distortions due to self-interest, personal jealousies, and the disproportion of near events, the consecrating halo of the gratitude and reverence of his countrymen shall crown the brow of Woodrow Wilson.

Mr. President and gentlemen, I can not flatter myself that you all agree with everything that I have said. I am at least as apt to be mistaken as any other man of mental honesty and sincere conviction. It is not necessary that all Americans should have the same opinions, in either diagnosis or prognosis, as to the ills of the body politic. Ours is in theory a government of opinion. To make it really so, and beneficently so, two things are necessary: Frst, that citizens should do their best to form correct opinions, and, secondly, that they have the sincerity to profess them and the courage to try to give them effect.

As a result, I am an optimist. Not that I believe we can drift to victory, but that I feel sure we shall rally our energies and achieve it. As true a thing as was ever said is the aphorism of Richard Henry Lee: "Eternal vigilance is the price of liberty." This vigilance must be aroused to meet the present crisis. What we need, what we must secure, is a reawakening of that spirit which moved our patriot fathers to demand their Bill of Rights.

It is my belief that no class or character of our citizenship is quite so well fitted to investigate the phenomena presented, to isolate the evils inherent in them, to prescribe remedies, and to convince and direct the people in their application, as are the members of the American bar. Conscious that, though tedious enough, my exposition lacks both completeness and system, I yet am hopeful that it may help to stimulate the interest of this distinguished body of American lawyers and to warrant the hope that, from their response to the opportunities and duties of these critical days, there shall follow a distinct encouragement to those who are highly resolved "that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth" nor default in its mission to mankind.

CORPORATE COMBINATIONS

Mr. WALSH. Mr. President, on April 19 I introduced a resolution (S. Res. 203) asking the Federal Trade Commission to investigate a large number of organizations preparatory to reporting whether they were combinations in restraint of trade.

The resolution was referred to the Committee on Interstate Commerce, and a hearing was had before that committee on June 3. The committee then very wisely and judiciously communicated with the Federal Trade Commission to ascertain what additional cost would be required to prosecute the investigation. A letter, as I understand, has just been received by the chairman of the committee saying that it will involve no additional appropriation, and that the work will be carried on in connection with the usual work of the commission, without additional cost.

I have no complaint whatever to make of the committee. They have proceeded with reasonable expedition in the matter, considering the press of business and the exacting duties devolving upon the members. I have been accorded the most courteous treatment from the chairman of the committee, but I should like to have action on the matter this morning; and accordingly I ask unanimous consent that the Committee on Interstate Commerce be relieved from the further consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. Mr. President, I object. So far as I know, there is no indisposition on the part of the Committee on Interstate Commerce to take up this matter and do whatever is necessary.

Mr. WALSH. I wanted to make that perfectly clear, and I want it perfectly understood that I mean no imputation at all against the committee; and I have stated that I believe they have proceeded with all expedition.

Mr. BRUCE. Does the Senator think this is a matter of such great importance that immediate action should be taken upon it?

Mr. WALSH. I think it ought to be attended to at once, because the Senator knows very well that when these things are organized and rights are acquired the difficulty increases as time passes.

Mr. BRUCE. I withdraw the objection.

Mr. FERNALD. Mr. President, I have to object.

The VICE PRESIDENT. Objection is made.

Mr. ASHURST. I call for the regular order.

The VICE PRESIDENT. The presentation of reports of committees is in order.

NICHOLAS JONES

Mr. TYSON. From the Committee on Military Affairs I report back adversely House bill 9840, for the relief of Nicholas Jones, and move the indefinite postponement of the bill.

The VICE PRESIDENT. Without objection, the bill will be indefinitely postponed.

HENRY O'BRIEN

Mr. STECK. From the Committee on Military Affairs, I report back favorably House bill 1394, for the relief of Henry O'Brien, and I submit a report (No. 1186) thereon. I ask unanimous consent for its immediate consideration.

Mr. ASHURST. Mr. President, let the bill go to the calendar. Let me say to the Senator that the only hope some of the obscure Members like myself have is to reach the calendar.

Mr. STECK. This is not upon the calendar.

Mr. ASHURST. It will go to the calendar if the Senator will let it go.

The VICE PRESIDENT. Objection is made.

Mr. ASHURST subsequently said: Mr. President, understanding that the matter presented by the Senator from Iowa will lead to no debate, I withdraw the objection.

Mr. STECK. Mr. President, I understand that the Senator from Arizona has withdrawn his objection to the present consideration of House bill 1394. It has passed the House, and has the unanimous approval of the Committee on Military Affairs.

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

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

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

CLAIMS ARISING FROM SINKING OF THE "NORMAN"

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*, which was, on page 2, line 6, after "States," to insert a colon and "*Provided*, That the total amount recovered in any case brought under the provisions of this act for personal injury or death shall not exceed the sum of $7,500."

Mr. McKELLAR. I move that the Senate concur in the amendment of the House.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee.

Mr. KING. Mr. President, I shall not object to the consideration of the conference report. I desire now, however, to express the same opposition to this bill that I did when it was up for consideration. It is a departure which I think is very dangerous. The bill confers upon a district court remote from Washington—not on the Court of Claims—the right to pass upon questions of torts because of the alleged negligence of an agent of the Government resulting in the death of a number of people. I think it is a very bad and a very dangerous precedent. It was not duly considered by the Senate; and the House has passed a bill, as I am advised, providing a manner of disposing of cases of this character.

Mr. McKELLAR. No, Mr. President, if the Senator will permit me, the House has not passed that bill.

Mr. ASHURST. Mr. President, if there is any more discussion I must object.

Mr. McKELLAR. I hope the Senator will not object.

Mr. ASHURST. If the Senator talks about it, I will.

Mr. McKELLAR. There is a limitation of $7,500. There can not be more than that recovered in any case. The House has placed that limitation on the bill as an amendment, and this motion is to concur in that amendment.

Mr. KING. Mr. President, a parliamentary inquiry: When a conference report has been taken up for consideration, I submit the parliamentary inquiry whether or not debate upon the report is admissible.

Mr. ASHURST. I thought the Senator was going to object.

Mr. KING. No; I said I was not going to object. I was debating the report.

Mr. ASHURST. The Senator has a right to debate it.

The VICE PRESIDENT. Objection can be made to the present consideration of the report.

Mr. KING. I did not object to its consideration. I was debating the bill itself. My position is——

Mr. ASHURST. Mr. President, a parliamentary inquiry. The Senator either does or does not object.

Mr. KING. I stated a dozen times and I told the Senator that I did not object; that I was discussing the report.

Mr. ASHURST. Very well; then the Senator is limited to five minutes in his discussion. I do not want to be discourteous to the Senator, but——

Mr. KING. I think the Senator is exceedingly discourteous.

The VICE PRESIDENT. The limitation of five minutes does not apply to a conference report.

Mr. ASHURST. Then I object. That applies. I object for the present. I have no objection to the matter coming up after the morning hour.

The VICE PRESIDENT. Without objection, the amendment of the House will be concurred in by the Senate.

Mr. McNARY. Mr. President, a parliamentary inquiry. Is this in order at the present time?

The VICE PRESIDENT. It has been done now by unanimous consent.

GREAT LAKES COLLECTION DISTRICT

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4171) to create a sixth great district, to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y., which was, on page 2, line 4, after "thereto," to insert a colon and "*Provided*, That nothing herein shall affect the rights or privileges reserved to seamen under existing law."

Mr. COUZENS. Mr. President, I move that the Senate concur in the amendment of the House.

Mr. KING. Mr. President, I would like to ask the Senator the scope of the bill.

Mr. COUZENS. It is a bill creating a Great Lakes district, the same as they have districts along the Atlantic and Pacific coasts, to prevent the necessity of a vessel clearing at every dock.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House.

The amendment was concurred in.

LOSS OR DESTRUCTION OF OBSOLETE RIFLES

Mr. STECK. From the Committee on Military Affairs I report back favorably without amendment House Joint Resolution 256, relieving posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines from liability on account of loss or destruction of obsolete rifles loaned by the War Department, and I submit a report (No. 1187) thereon.

Mr. KING. Let it go to the calendar.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

AMENDMENT OF WORLD WAR VETERANS' ACT

Mr. SMOOT. Mr. President, from the Committee on Finance I report favorably at this time House bill 10277, to amend the World War adjusted compensation act, and submit a report (No. 1188) thereon. I ask for the immediate consideration of the bill, as there are two or three amendments, and I want the bill to be sent to the House immediately.

Mr. ASHURST. That is the very bill I was trying to have reached. Therefore I do not object to its consideration.

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

Mr. BRUCE. May I ask the Senator the nature of the amendments?

Mr. SMOOT. The first is an amendment to section 309 of the existing law. This is the note that was sent up by the bureau:

> It will be noted that this provision applies only to those who deal with the veteran or his beneficiary. A case has been recently submitted by the bureau to the Department of Justice for prosecution in which the offending party was thought to be guilty of a violation of this section, but it now appears that he did not act on behalf of either the veteran or a dependent, but on behalf of the beneficiary under the adjusted compensation act.

This simply adds "or other beneficiary," so as to cover just such cases.

Mr. BRUCE. I do not understand what the point is.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. Certainly.

Mr. BRUCE. Does the Senator from Pennsylvania approve the amendment?

Mr. REED of Pennsylvania. Yes; I do.

Mr. BRUCE. Very well.

Mr. SMOOT. The amendments I have offered have been approved not only by the Veterans' Bureau, but by the American Legion attorneys and representatives as well.

The VICE PRESIDENT. The clerk will state the first amendment.

The CHIEF CLERK. On page 2, after line 11, add the following proviso:

Provided, however, That if the veteran died between May 19, 1924, and July 1, 1924, without making the application, leaving a widow surviving him, the application may be made by the widow and shall be valid with the same force and effect in every respect as if the application had been made by the veteran.

The amendment was agreed to.

The CHIEF CLERK. On page 6, line 6, after the words "Sec. 4 (a)," add the following:

Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran, his dependents, or other beneficiary under this act, in obtaining any of the benefits, privileges, or loans to which he is entitled under the provisions of this act, shall, upon convinction thereof, be subject to a fine of not more than $500 or imprisonment for not more than one year, or both.

The amendment was agreed to.

The CHIEF CLERK. On page 6, line 13, after the period and beginning with the word "notwithstanding," strike out the remainder of the section down to and including the word "section" in line 23.

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 7, commencing with the words "Sec. 5," down to and including line 20, page 7, strike out the entire section.

The amendment was agreed to.

Mr. SMOOT. Mr. President, the other amendments merely change the section numbers, and I ask unanimous consent that the clerks at the desk may make those changes.

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

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

Mr. SMOOT. I ask that the report be printed in the RECORD.

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

Mr. SMOOT, from the Committee on Finance, submitted the following report, to accompany H. R. 10277:

The Committee on Finance, to whom was referred the bill (H. R. 10277) to amend the World War adjusted compensation act, having had the same under consideration, report it back to the Senate and recommend that the bill do pass with the following amendments:

On page 2, line 11, after the period, add the following:

"*Provided, however,* That if the veteran died between May 19, 1924, and July 1, 1924, without making the application, leaving a widow surviving him, the application may be made by the widow and shall be valid with the same force and effect in every respect as if the application had been made by the veteran."

On page 6, line 6, after the words "Sec. 4 (a)" add the following:

"Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran, his dependents, or other beneficiary under this act in obtaining any of the benefits, privileges, or loans to which he is entitled under the provisions of this act shall, upon conviction thereof, be subjectt to a fine of not more than $500 or imprisonment for not more than one year, or both."

"(b)" (Continue with the words "such act, etc.")

On page 6, line 13, after period and beginning with the word "Notwithstanding," strike out balance of section down to and including the word "Section" in line 23.

On page 7, line 7, commencing with the words "Sec. 5," down to and including line 20, page 7, strike out the entire section.

On page 7, line 21, strike out "Sec. 6" and substitute therefor "Sec. 5."

On page 8, line 14, strike out "Sec. 7" and substitute therefore "Sec. 6."

On page 9, line 5, strike out "Sec. 8" and substitute therefor "Sec. 7."

On page 10, line 4, strike out "Sec. 9" and substitute therefore "Sec. 8."

On page 10, line 22, strike out "Sec. 10" and substitute therefor "Sec. 9."

On page 11, line 4, strike out "Sec. 11" and substitute therefor "Sec. 10."

On page 11, line 12, strike out "Sec. 12" and substitute therefor "Sec. 11."

On page 11, line 24, strike out "Sec. 13" and substitute therefor "Sec. 12."

On page 12, line 19, strike out "Sec. 14" and substitute therefor "Sec. 13."

After an experience of nearly two years under the World War adjusted compensation act it has been found that while in general the act has worked well and been of great benefit to the families and dependents of deceased veterans, there were a large number of cases where parties equally entitled to its benefits were excluded from the provisions of the act. Among these cases are those where an application for the adjusted compensation credit had been executed by the veteran but not filed before his death. There were also numerous cases where dependency in fact existed but, under the circumstances, was difficult to prove in conformity with the language of the original act. There were other cases where the beneficiaries found that the amount actually paid them had been greatly reduced by deductions on account of charges made against the soldier, which in some cases included even items for loss of equipment. Controversies also arose between the Veterans' Bureau and the office of the Comptroller General, which resulted in decisions overruling the Veterans' Bureau in matters that affected the amount to be received by beneficiaries under the act. These decisions were made, as a rule, upon purely technical features, and thereby many persons who would have come within the original purpose of the act as intended by Congress either received much less than was contemplated when it was adopted or, in some cases, nothing at all.

Without going into detail, it may be said that the main purpose of this bill is to equalize the benefits of the act among the dependents of the veterans and to prevent the disallowance or reduction of claims through mere technicalities. It was not found possible to provide for every isolated case, but it is believed that practically all of those in which substantial injustice exists have been cared for. Some other features have been included for the protection of veterans against loan sharks and the public generally against the issuance of forged certificates. Further on in the report a detailed explanation is given of the changes made in the law by the bill.

The committee applied to the Veterans' Bureau for an estimate as to the cost of the changes made by this measure. The bureau made estimates of the cost of sections 1, 3, 5, and 11, as shown by the table below:

Immediate:	
Section 1	$249,526.00
Section 3	108,386.21
Sections 7 and 8	1,778,260.00
Section 11	1,996,920.00
Total	4,133,092.21
Future	635,580.00
Grand total	4,768,672.21

APPLICATION BY THE VETERAN

The Comptroller General has ruled that where a veteran died after making an application but before it was filed the application is not a valid one. Section 302 of the World War adjusted compensation act has been rewritten by section 1 of the bill to change this ruling so that where a veteran died after making application it may be filed by anyone. The section as rewritten also provides that where the Secretary of War or Navy has in his possession a document, no matter how informal, which is found by such Secretary to disclose an intention to claim the benefits of the act on behalf of the veteran and to bear the bona fide signature of the applicant, such document shall be considered a valid application. Subdivision (c) of such section provides that if a veteran has died and payments are being made to his dependents because no application on behalf of the veteran has been submitted to the department, and then a valid application is filed, the payments to dependents shall immediately cease and payments on account of the application of the veteran shall be made to the persons entitled thereto after deducting any amounts already paid to the dependents.

To remove any doubt as to the finality of the determination of the Secretary of War or the Secretary of the Navy concerning the validity of an application or the amount of the adjusted service credit, section 303 of the act has been amended by section 2 of the bill (1) by inserting a requirement that the certificate transmitted by either Secretary to the director shall contain a statement that a valid application has been received, and (2) by removing the requirement in the present law that the facts of record used in preparing the certificate be included in the certificate.

In order to care for those cases where the veteran died after the passage of the adjusted compensation act but before application blanks were made available by the War or Navy Departments, and amendment is added to paragraph (b) of section 302, so as to provide that his widow may make the application.

DEDUCTION OF INDEBTEDNESS OF VETERAN TO THE UNITED STATES

Under the present law the Comptroller General has ruled that if the veteran is indebted to the United States, deduction of the amount of such debt shall be made from the adjusted service credit of the veteran.

Section 3 of the bill amends section 308 of the present law so as to prohibit such deductions and makes the amendment retroactive to the time of the original enactment of the act.

If no benefits have been extended in such cases before the passage of the amendatory act, no problem arises. When the case comes up for adjudication the credit will be computed in accordance with the law as amended without deduction for debts, and payment made in accordance with law.

If, however, any payments have already been made, the problem is presented as to how the amendment shall be given effect. Subdivisions (b), (c), (d), and (e) of section 3 of the bill make provision for such cases.

Subdivision (c) provides that if a veteran is alive at the time of the enactment of the amendatory act and the benefits of the act have already been extended to him, then the amount deducted on account of the debt shall be treated as if it were a separate adjusted service credit and the benefits of the act extended in accordance with its terms. For example: If the amount of the debt deduction is $49, the $49 will be paid in a lump sum. If the amount of the debt deduction is $60, an adjusted service certificate will be issued of a face value computed on the basis of an adjusted service credit of $60.

Subdivisions (d) and (e) cover the case where the veteran has died before the enactment of the act and where payments have already been begun or have been completed before the enactment of the amendatory act. For example: If the adjusted service credit after deduction for debt was $100, and the debt deduction was $100, an adjusted service certificate of approximately $300 (the face value of a certificate computed on the basis of the debt deduction) is to be paid to the beneficiary or estate entitled thereto, in addition to the payment of the certificate computed on the basis of the adjusted service credit after making the debt deduction.

FINALITY OF DECISION

Section 4 has for its purpose the conferring on the Secretary of War, the Secretary of the Navy, and the Director of the Veterans' Bureau of final and conclusive authority in all matters arising under their respective jurisdictions. This is for the purpose of prohibiting suits in connection with the adjusted compensation act because of differences of opinion between the Secretary of War, the Secretary of the Navy, or the Director of the Veterans' Bureau and applicants.

VETERANS OVER 75 YEARS OF AGE

Section 5, page 7, the amendment proposed by the House of Representatives to pay veterans over 75 years of age the full amount of his adjusted service credit in cash, was disagreed to.

LOAN SHARKS

The attention of the committee has been called to instances where loan sharks have in their possession in some cases large numbers of certificates which they had procured by loaning money to veterans; but these sharks can not be prosecuted, because the law imposes no penalty for such practices. Instances also have been cited where a person is named as a beneficiary by the veteran in consideration for making a loan to him. To discourage such practices, section 503 of the act has been amended by section 6 of the bill by making void the naming of any person as a beneficiary in consideration for a loan having been made to the veteran and by making it a misdemeanor for any person to accept assignment of a certificate or to receive a certificate as security for a loan or to loan money to a veteran in consideration of the naming by the veteran of any person as beneficiary. This section necessarily does not apply in the case of loans made by banks in conformity with section 502 of the act.

DEPENDENTS

A few clerical changes have been made by secion 7 of the bill in section 601 of the act in order to conform to the revised provisions concerning dependency found in section 602.

Section 602 of the act has been entirely rewritten in section 8 of the bill to restate the policy concerning dependency. Any language which might tend to indicate that a showing of dependency upon the veteran is required has been eliminated.

The requirement in respect of dependency of the widow is not materially changed. If she has remarried before making application, or if at the time of the death of the veteran she was living apart from him willfully, she is not entitled to the benefits. Otherwise, upon the showing of marital cohabitation, she is presumed to have been dependent.

A child under 18 at the time of the death of the veteran, or over 18 and before January 2, 1928, incapable of self-support by reason of mental or physical defect, is entitled to the benefits.

A mother or father is entitled to be considered dependent upon a showing of dependency upon anyone before January 2, 1928, and is presumed to be dependent if over 60 years of age before January 2, 1928. A mother is also presumed to be dependent if unmarried. The requirement in the present law of a statement under oath of the dependency in the case of the mother and father has been eliminated.

APPLICATION BY DEPENDENTS

Section 9 of the bill amends section 605 of the act in order to have it correspond in terminology and legal effect with the changes in respect of applications made in section 303.

DEFINITION OF WIDOW

Section 10 of the bill adds a new definition of "widow" to include widower, and is made to correspond with the clerical changes made by section 7.

DEDUCTION OF FIRST 60 DAYS OF SERVICE

Section 1406 of the revenue act of 1918 did not permit payment of the $60 bonus to persons who died in the service. Inasmuch as under the World War adjusted compensation act a deduction of 60 days was made in the computation of the adjusted service credit of all veterans, including those who died in the service, this latter class was consequently discriminated against, and section 11 of the bill removes the discrimination by providing for the payment of $60 in cash to the dependents of any such veteran.

ACCRUED RIGHTS

Because of amendments in the bill changing the basis for determining dependency in many cases, and because of certain retroactive provisions of the bill, section 12 has been added in order to validate all payments made and all applications received under the act, and to assure any dependent now receiving the benefits of the act that he will continue to receive such benefits unless a person entitled to a priority in preference can establish dependency. If such person can establish dependency, he receives only the remaining benefits extended by the act.

COUNTERFEITING CERTIFICATES

Section 13 of the bill adds a new penal section to the act to cover forging, counterfeiting, etc., of adjusted service certificates and provides for the use of the Secret Service Division of the Treasury Department to enforce the provisions of this section.

LOST CERTIFICATES

Section 14 of the bill adds a new section to the act to provide for the issuance under bond of a duplicate adjusted service certificate where the director determines that such certificate, without bad faith on the part of the person entitled to payment thereon, has been lost, destroyed, or so defaced as to impair its value to the rightful holder.

ADDRESS BY SENATOR M'KELLAR ON JURY TRIALS

Mr. SHEPPARD. Mr. President, I ask to have published in the RECORD an address on jury trials by the senior Senator from Tennessee [Mr. MCKELLAR] delivered at Memphis, Tenn., a few weeks ago.

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

Senator MCKELLAR. Mr. President, last year Senator CARAWAY introduced a bill and the Senate passed it, making it reversible error for a presiding Federal judge to express his opinion as to the credibility of witnesses or the weight of the testimony in any case tried in his court. The House did not pass the bill and Senator CARAWAY has introduced it again at this session, and no doubt it will come up and be passed in the Senate, as the Senate has already once passed it.

Mr. President, this bill should become the law. Unfortunately, and I believe without a careful examination of the authorities, our Federal courts have from time to time invaded the province of the jury until in substance and effect jury trials have been abolished in the Federal courts of the United States. This bill of Senator CARAWAY would restore jury trials. They should be restored. They have come down to us from our English ancestors from the days of Magna Charta. They are provided for in three separate sections of our Federal Constitution. The original Constitution came very near being defeated because of the failure of the original authors of the Constitution to include specifically the guaranty of trial by jury. There is no more effective or sacred guaranty of liberty and of the rights of property than the guaranty of trial by jury. It should never be interfered with. Our courts should uphold it, and inasmuch as our Federal judges seem determined to ignore these sections of the Constitution, it is not only the right but it is the duty of Congress to prohibit any invasion by interpretation or otherwise of the judge upon the province of the jury in trials at law.

Mr. President, in Article III, section 1, of the Constitution it is provided that "the trial of all crimes, except in cases of impeachment, shall be by jury; and such trials shall be held in the State where said crime shall have been committed." One of the most important arguments made against the Constitution was that it did not provide for jury trial, and even if it did that it provided only for jury trial in criminal cases. Therefore, amendments 6 and 7 were adopted to rectify this defect. And so in amendment 6 it is provided "in all criminal

cases the accused shall enjoy the right to a speedy and public trial by impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

It is difficult to conceive of how an impartial trial by jury could have been better provided for. In my humble opinion it was never dreamed that the trial judge under this amendment would undertake to argue the case before the jury and give the jury his opinion. Where the judge thus takes an active part it is not an impartial trial at all, but it is a trial made partial by the opinion of the trial judge, who by reason of his being judge should have and does have the greatest weight with the jury.

The seventh amendment is as follows:

"In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law."

Here again it would be difficult to find language more careful to preserve the right of trial by jury even in so small an amount as $20. Of course, it was meant that the litigant should have the right to the same impartial trial as provided in criminal cases. What was intended, in my judgment, was that the judge should direct the proceedings, should rule upon the admissibility of evidence, should give the law to the jury, but it was never intended under this provision that the judge should give his opinion as to the facts, substantially arguing one side of the case or the other to the jury, and then telling the jury that notwithstanding his opinion, it was their province to pass upon the facts. Such a trial is not an impartial trial as required by the Constitution. All this, of course, is merely my opinion outside of the cases.

In the Plymouth Colony law as early as 1691 it was provided that in all criminal and civil cases there should be a trial by jury. The trial by jury in criminal cases was secured in the early days in the Colony of Massachusetts, and it provided for such a trial for all of the inhabitants. In Connecticut "trial by jury in civil and criminal cases was also secured; and, if the court were dissatisfied with the verdict, they might send it back to the jury to consider the same for a second or third time, but not further." (First Colonial Laws of Connecticut, first edition by Greene, 1713 and 1718.)

Surely, if it is to be assumed that the judge, being dissatisfied, could only send the jury back twice, a jury trial meant much more in those days than it means to-day. In the early history of New York we find jury trials provided for.

Mr. Story, section 1, volume 165, says: "The trial by jury in all cases, civil and criminal, was as firmly and universally established in the colonies as in the mother country."

It will be noted that in amendment 7 it is stated "and no fact tried by jury shall be otherwise reexamined in any court of the United States than by the rules of common law." Now, if the present modern contention about jury trials is correct, then that provision of the Constitution should have read "and no fact tried by jury under the advice of the judge, or by direction of the judge, or upon the recommendation of the judge, or after the approval of the judge, shall be otherwise reexamined, etc." This was not done, however, but the judge was left out of the equation, and the fact as found by the jury alone was not to be retried except under the rules of the common law.

I next call your attention to article 3, section 2 of the Constitution, as follows:

"In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

Amendment 7 evidently guarded against this most important provision by asserting that no fact tried by jury shall be otherwise reexamined in any court of the United States, duly recalling from our judicial and political history that giving the Supreme Court appellate jurisdiction "both as to law and fact" raised a great storm of criticism of the then proposed Constitution, it being argued that this granted to the Supreme Court the power to review the decision of a jury in mere matters of fact, and thus, in effect, to destroy the validity of their decision and to reduce to a mere form the right of a trial by jury in civil cases.

Mr. Story says that "this objection was at once seized hold of by the enemies of the Constitution and was pressed with an urgency and zeal which well-nigh prevented its ratification." Section 1763. This shows how zealous the makers of our Constitution were in guarding the right of trial by jury.

In the case of Louisiana the Supreme Court said: "The trial by jury is justly dear to the American people. It has always been an object of deep interest and solicitude, and every encroachment upon it has been watched with great jealousy. The right to such a trial is, it is believed, incorporated into and secured in every State constitution in the Union; and it is found in the constitution of Louisiana. One of the strongest objections originally taken against the Constitution of the United States was the want of an express provision securing the right of trial by jury in civil cases. As soon as the Constitution was adopted, this right was secured by the seventh amendment of the Constitution proposed by Congress, which received an assent of the people so general as to establish its importance as a fundamental guaranty of the rights and liberties of the people." Story, section 1769.

The judicial act of 1789, chapter 20, section 17, has given to all of the courts of the United States power to grant new trials in cases where there has been a trial by jury, for reasons for which new trials have been granted in the courts of the United States. Now, if the court has a right to grant new trials under the common law, why should the judge be made the most important member of the jury, advising and directing verdicts?

In the Federalist, 83, it is said: "An yet it may be safely affirmed, that more numerous encroachments have been made upon the trial by jury in this State since the Revolution, though provided for by a positive article of our Constitution, that has happened in the same time either in Connecticut or Great Britain. It may be added, that these encroachments have generally originated with the men who endeavor to persuade the people they are the warmest defenders of popular liberty, who have rarely suffered constitutional obstacles to arrest them in a favorite career."

So it is seen that a trial by jury in the days when the constitutional provisions were enacted was not a mock trial such as now obtains in many of our Federal courts. I don't believe I have ever seen half a dozen trials in a Federal court where the judge was impartial, but in the most of them he absolutely dominates the verdict of the jury from the beginning to the end.

Mr. Story in his admirable work, among other things, says, after showing the right of trial by jury was contained in Magna Charta:

"When our more immediate ancestors removed to America they brought this great privilege with them, as their birthright and inheritance, as a part of that admirable common law which had fenced round and interposed barriers on every side against the approaches of arbitrary power. It is now incorporated into all our State constitutions as a fundamental right, and the Constitution of the United States would have been justly (highly) obnoxious to the most conclusive objection if it had not recognized and confirmed it in the most solemn terms." (Sec. 1779.)

In other words, according to Story, the very reason of the constitutional provision was to guard against the arbitrary power of the judges, and yet, under the modern view a jury is a formal adjunct to the judge, who either directs it what to do, or so advises it, or sums up the facts, or otherwise demeans himself so as to show the jury his own opinion and gets it to take his view of the facts.

I remember being in a little town in Tennessee not long ago where a new Federal judge had been holding court. He was a friend of mine and I asked some lawyer at the bar how he had gotten along. The reply of the lawyer was that the judge had tried 264 cases and hadn't lost a case.

The first section of Senator CARAWAY's bill is as follows:

"That hereafter in any cause pending in any United States court, triable by jury, in which the jury has been impaneled to try the issue of facts, it shall be reversible error for the judge presiding in said court to express his personal opinion as to the credibility of witnesses or the weight of testimony involved in said issue: *Provided*, That nothing herein contained shall prevent the court directing a verdict when the same may be required or permitted as a matter of law."

In my judgment, the only trouble about this amendment is the proviso. When a judge says to a jury something like this: "Gentlemen of the jury, you have heard the evidence; you have heard the witnesses for the plaintiff, and the witnesses for the defendant. The witnesses for the plaintiff have no motive to tell anything but the truth; they are not interested and are fair and impartial witnesses. On the other hand, the defendant's witnesses have every reason to tell a falsehood about this matter, and I believe they are not telling the truth, but, of course, it is for you to decide whether they are not telling the truth."

Now, anyone in the world who has had anything to do with the actual trial of cases knows there is not one jury in a hundred that won't regard such a statement as the above binding upon them and the decision of the case. I am not quoting from an actual charge, but I have heard charges from a Federal judge even stronger than the one stated. I have heard them sum up cases stronger than the lawyer who is conducting the case could possibly sum up the evidence, and coming from the judge, it is absolutely destructive of the impartial opinion of the juror. The idea of a judge being the thirteenth juror does not come from the Constitution at all.

It is said that we must read the Constitution in the light of what was considered a jury trial at the time the amendment was passed. That is true, but the words of the Constitution itself must be given their manifest meaning. The sixth and seventh amendments were passed for the purpose of giving litigants an impartial trial before a jury in criminal and common law cases. If by that provision it had only been intended to give a jury trial under the advice and control

of a judge, it would have said so. But, as I have before pointed out, the judge was excluded from participation in the finding of the facts by the express statement that "no fact tried by a jury shall be otherwise reexamined in any court of the United States other than by rules of the common law." In effect this provision repealed the provision in the original Constitution allowing the Supreme Court to reexamine both causes of law and fact. Surely if our Constitution makers had intended that trial judges should have the right and power to participate in, argue for, and influence the verdict of a jury, then they would not have objected to permitting the Supreme Court to review the facts found by the jury.

Mr. President, I have a good, long experience at the bar; I have tried many jury cases in the Federal court and I have seen many others tried there. With some few exceptions, real, impartial, honest-to-God jury trials have been abolished by the Federal courts. Unconsciously these invasions of the trial judges of the province of juries, these encroachments of the Constitution as it is written, have been so long indulged in by trial judges and so often upheld by the appellate courts that it has gotten to be fully recognized, and yet the courts have made a dead letter of jury trials, guaranteed by the Constitution. I do not mean that these gentlemen have intentionally violated the Constitution, but by a series of constructions and encroachments upon the Constitution these provisions of the Constitution have been made nugatory, or practically so.

If the seventh amendment to the Constitution means the kind of jury trial they say it means, then the Caraway bill, if enacted into law, will be unconstitutional, of course. Yet I doubt if any court in the land would hold it unconstitutional, because it follows the very letter of the Constitution. The acid test, however, of the proposed law is its constitutionality.

I next come to the case of Capital Traction Co. *v.* Hof (174 U. S. p. 1). It is true that in that case Mr. Justice Gray, speaking for a majority of the court, expressed himself as follows:

"This court has expressed the same idea, saying: 'In the courts of the United States, as in those of England, from which our practice was derived, the judge, in submitting a case to the jury, may, at his discretion, whenever he thinks it necessary to assist them in arriving at a just conclusion, comment upon the evidence, call their attention to parts of it which he thinks important, and express his opinion upon the facts.' Vicksburg, etc., Railroad *v.* Putnam (1886), 118 U. S. 545, 553). And again: 'Trial by jury in the courts of the United States is a trial presided over by a judge with authority not only to rule upon objections to evidence and to instruct the jury upon the law, but also, when in his judgment the due administration of justice requires it, to aid the jury by explaining and commenting upon the testimony, and even giving them his opinion on questions of fact, provided only he submits those questions to their determination.' (United States *v.* Philadelphia & Reading Railroad (1887), 123 U. S. 113, 114. And see Spark *v.* United States (1895), 156 U. S. 51, 102, 106; Thompson *v.* Utah (1898), 170 U. S. 343, 350; Miller on the Constitution, 511; Cooley's Principles of Constitutional Law, 239.)"

But, Mr. President, if we read on the preceding pages the learned judge's examination of the American authorities, they do not uphold his conclusion. I first quote the judge's own statement of the law as shown on page 13:

"It must therefore be taken as established, by virtue of the seventh amendment of the Constitution, that either party to an action at law (as distinguished from suits in equity or in admiralty) in a court of the United States, where the value in controversy exceeds $20, has the right to a trial by jury; that when a trial by jury has been had in an action at law, in a court either of the United States or of a State, the facts there tried and decided can not be reexamined in any court of the United States otherwise than according to the rules of the common law of England; that by the rules of that law no other mode of reexamination is allowed than upon a new trial, either granted by the court in which the first trial was had or to which the record was returnable, or ordered by an appellate court for error in law; and therefore that unless a new trial has been granted in one of those two ways, facts once tried by a jury can not be tried anew, by a jury or otherwise, in any court of the United States."

And, again, his quotation from the Ohio law, as shown on page 14:

"The Supreme Court of Ohio held that the provision of article 1, section 19, of the constitution of that State, requiring compensation for private property taken for the public use to 'be assessed by a jury,' was not satisfied without an assessment by a jury of 12 men under the supervision of a court, and, speaking by Chief Justice Thurman, said: 'That the term "jury," without addition or prefix, imports a body of 12 men in a court of justice is as well settled as any legal proposition can be.' 'We agree with Grimke, jr., in Willyard *v.* Hamilton (7 Ohio, pt. 2, 111, 118) that a jury, properly speaking, is an appendage of a court, a tribunal auxiliary to the administration of justice in a court; that a presiding law tribunal is implied; and that the conjunction of the two is the peculiar and valuable feature of the jury trial; and, as a necessary inference, that a mere commission, though composed of 12 men, can never be properly regarded as a jury. Upon the whole, after a careful examination of the subject, we are clearly of the opinion that the word "jury" in section 19 of article 1, as well as in other places in the constitution where it occurs, means a tribunal of 12 men, presided over by a court, and hearing the allegations, evidence, and arguments of the parties.' (Lamb *v.* Lane (1854), 4 Ohio St. 167, 177, 179.)"

And again, his quotation from the Supreme Court of New Hampshire, as shown on page 15:

"The justices of the Supreme Judicial Court of New Hampshire, in an opinion given to the house of representatives of the State, said: 'The terms "jury," and "trial by jury," are, and for ages have been, well known in the language of the law. They were used at the adoption of the Constitution, and always, it is believed, before that time, and almost always since, in a single sense. A jury for the trial of a cause was a body of 12 men, described as upright, well-qualified, and lawful men, disinterested and impartial, not of kin nor personal dependents of either of the parties, having their homes within the jurisdictional limits of the court, drawn and selected by officers free from all bias in favor or against either party, duly empaneled under the direction of a competent court, sworn to render a true verdict according to the law and the evidence given them; who, after hearing the parties and their evidence, and receiving the instructions of the court relative to the law involved in the trial, and deliberating, when necessary, apart from all extraneous influence, must return their unanimous verdict upon the issue submitted to them.' Opinion of Justices (1660) 41 N. H. 550, 551."

And again, his quotation from Massachusetts, as shown on pages 15 and 16:

"Judge Sprague, in the District Court of the United States for the District of Massachusetts, said: 'The Constitution secures a trial by jury, without defining what that trial is. We are left to the common law to learn what it is that is secured. Now the trial by jury was, when the Constitution was adopted, and for generations before that time had been, here and in England, a trial of an issue of fact by 12 men, under the direction and superintendence of the court. This direction and superintendence was an essential part of the trial. At the time of the adoption of the Constitution, it was a part of the system of trial by jury in civil cases that the court might, in its discretion, set aside a verdict.' Each party, the losing as well as the winning, has a right to the legitimate trial by jury, with all its safeguards, as understood when the Constitution was adopted." (United States *v.* Bags of Merchandise, (1863) 2 Sprague, 85–88.)

It will also be noted that his notation from Lord Hale, on page 14, is the only authority he advances for the position the court takes that the judge has the right to give his opinion to the jury. Apparently, therefore, until 1886 at least, according to Judge Gray's own opinion cited by you, the English doctrine had never been accepted in the United States courts. So that it was nearly 100 years after our constitutional provision was adopted before our Federal courts announced the proposition that the judge had the right to express his opinion upon the facts.

If the charge of the court in the case of Vicksburg *v.* Putnam (118 U. S.) be examined, it will be found that the language used by Judge Gray was not language that really prejudiced the case. I quote two of the excerpts complained of: "If it was a bad crosstie and it was the cause of the accident, why, then, the negligence of the road would be very great, or the negligence of the employees, because that was a thing anybody could see." And there were two charges complained of, of like character, but then the court said: "I would not be prepared to say what they ought to do in a case like this. If a rail be 40 years old, perhaps they ought to send a man around every day to hammer it. I do not say that this would be their duty. I suggest that to you for your consideration, because this is extraordinary to use a 40-year old rail. There is no evidence that they did anything more with that than they did with any other rail."

The court, therefore, in making its charge, did not make any very pronounced statement of opinion. He merely commented on the facts, but it is distinctly seen in that case that the judge was fair about it, and I doubt if there was any error in the court's sustained charge. But the reason given gave rise to very different charges of courts later. Frankly, the opinion ought never to have been written, and in my judgment constitutes a violation of the constitutional right to a fair and impartial jury.

That opinion was delivered in 1886. In 1887 the same judge, in the case of United States *v.* Reading Railroad, delivered a like opinion, but the facts are not set out. He cited his former opinion and one in 122 U. S. 360 for authority in the Reading Railroad case.

The next case, of Sparf Hansen *v.* United States (156 U. S. 51), was a murder case, and the trial judge in that case said to the jury: "For if a felonious homicide has been committed, of which you are to be the judges from the proof, there is nothing in this case to reduce it below the grade of murder."

And again: "Yet, as I have said in this case, if a felonious homicide has been committed at all, of which, I repeat, you are the judges, there is nothing to reduce it below the grade of murder."

And again: "You are the exclusive judges of the fact. No matter what assumption may appear during the course of the trial in any

ruling of mine, or what may appear in any one of these instructions, you are to take this case and consider it, and remember you are the tribunal to which the law has referred the case and whose judgment the law wants on the case."

In the opinion of the majority of the court, delivered by Mr. Justice Harlan, it is said:

"We are of opinion that the court below did not err in saying to the jury that they could not consistently with the law arising from the evidence find the defendants guilty of manslaughter or of any offense less than the one charged; that if the defendants were not guilty of the offense charged, the duty of the jury was to return a verdict of not guilty. No instruction was given that questioned the right of the jury to determine whether the witnesses were to be believed or not, nor whether the defendant was guilty or not guilty of the offense charged. On the contrary, the court was careful to say that the jury were the exclusive judges of the facts, and that they were to determine—applying to the facts the principles of law announced by the court—whether the evidence established the guilt or innocence of the defendant of the charge set out in the indictment."

This opinion does not in any way uphold the dictum of Mr. Justice Gray in the Vicksburg Railroad case. In addition to that, it was a 5 to 4 decision, Justices Brown, Brewer, Gray, and Shiras taking the other view of it. This case, instead of being an authority for the abolition of jury trials in Federal courts, is an authority the other way.

The case of Thompson against Utah, cited in the opinion, does not in any way support the statement made by Mr. Justice Gray in the Capital Traction case, except the dictum, which I quote:

"In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so. It does not affect the case that we are considering at all."

With all due respect, the citation to Mr. Miller's lectures on the Constitution, page 511, is absolutely no authority for the position taken. The court evidently didn't read it.

The citation of Cooley's Principles of Constitutional Law is an incorrect citation. Mr. Cooley considers the question on page 263 of his third edition. The page 239 may refer to some other edition. I do not know. But the truth is that Mr. Cooley takes the opposite view of that announced in the opinion. Professor Cooley does refer to the Vicksburg case, but his whole treatment of the subject of jury trials in civil cases negatives the idea suggested in this opinion.

In describing jury trials, Mr. Blackstone, who may be regarded as being fairly familiar with the principles of the common law in England, says:

"When the evidence is gone through on both sides, the judge in the presence of the parties, the counsel, and all others, sums up the whole to the jury; omitting all superfluous circumstances, observing wherein the main question and principal issue lies, stating what evidence has been given to support it, with such remarks as he thinks necessary for their direction, and giving them his opinion in matters of law arising upon that evidence." (3 Blackstone's Commentaries 375.)

Mr. Blackstone issued his commentaries in 1758, as I recall. At all events, it was only a short time before our Constitution went into effect. These commentaries had become well known in America and so had jury trials, which were part of the system of every English colony in America. It was stated by him that the judge stated the law upon the facts as arisen in the trial and that the jury, accepting the law from the court, were the exclusive judges of the facts.

I doubt if an opinion can be found anywhere holding that the jury is not the exclusive judges of facts under our Federal Constitution. Yet the apologists of the present-day, or mock, system of jury trials in Federal courts will say that the judge has the right to argue the case to the jury for the one side or the other, or to take away the case from the jury because, in his opinion, there are no facts to be decided by the jury, or to bias the jury by criticizing witnesses on the one side or the other, or otherwise controlling the verdict of the jury, and that these invasions of the sacred right of trial by jury guaranteed by our Constitution does not constitute an interference with the exclusive right of the jury to pass on the facts. If the jury are the exclusive triers of fact, under our Federal Constitution, then any act or statement by the judge which interferes with that exclusive right is an invasion of the province of the jury and a disregard of the Constitution. The theories advanced by judges condoning this invasion of the constitutional function of the jury are wholly untenable under the provisions of the Constitution.

Mr. Blackstone also says in referring to awarding new trials:

"Causes of suspending the judgment by creating a new trial are at present wholly extrinsic, arising from matter foreign to or dehors the record. Of this sort are want of notice of trial or any flagrant misbehavior of the party prevailing toward the jury, which may have influenced their verdict, or any gross misbehavior of the jury among themselves; also if it appears by the judge's report, certified by the court, that the jury have brought in a verdict without or contrary to evidence, so that he is reasonably dissatisfied therewith, or if they have given exorbitant damages, or if the judge himself has misdirected the jury, so that they found an unjustifiable verdict, for these and other reasons of the like kind it is the practice of the court to award a new, or second, trial. But if two juries agree in the same or a similar verdict, a third trial is seldom awarded, for the law will not readily suppose that the verdict of any one subsequent jury can countervail the oaths of the two preceding ones." (3 Blackstone, p. 386.)

Now, this was the kind of jury trial that was in vogue and well understood in England and America at the time our Constitution was formed. This was the "right of trial by jury" which the Constitution directed "shall be preserved." The new trial or trials thus described by Mr. Blackstone were the new trials referred to in the Constitution when it declared: "No fact tried by the jury shall be otherwise reexamined in any court of the United States other than by the rules of the common law." If Mr. Blackstone did not know what a jury trial was at that time, I doubt if anyone did.

It is thus seen that the right of trial by jury preserved in our Constitution had a distinct, fixed, and absolute form, and here it may be stated that under the common-law definition of trial by jury as given by Mr. Blackstone and under the plain provision of the Constitution no power was granted the judge—

1. To become the thirteenth juror;
2. To advise what kind of verdict it should bring in;
3. To persuade the jury what kind of verdict to bring in;
4. To argue what kind of verdict the jury should bring in;
5. To denounce or criticize witnesses on either side;
6. To make a speech in behalf of one of the litigants;
7. To say, "I think the plaintiff is entitled to recover under the facts, but you must find the facts for yourselves";
8. To say, "I don't believe the testimony of certain witnesses, but you must decide this matter for yourselves";
9. To say generally to the jury, "I have weighed all the evidence offered by the plaintiff and the defendant and I do not think there is any evidence on which a verdict can rest";
10. To say, "I have weighed all the evidence submitted by the parties hereto, and under the evidence I charge you that the plaintiff is entitled to recover";
11. To say, "I have weighed all the evidence in this case, and I charge you that the defendant is entitled to a verdict at your hands";
12. The taking away from the consideration of the jury by the court, of a lawsuit after the issue is joined, was absolutely unknown to the common law.
13. The practice, at the end of plaintiff's testimony and before the defendant is heard, to charge the jury that the plaintiff had not made out a case, was unknown to the common law.

All of these practices herein enumerated, have grown up largely in the last 40 years, and each and every one of them constitute an invasion of the sacred right of trial by jury, guaranteed by our Constitution. Some of them are disguised by the appellate courts. Some of them are excused by the appellate courts. Some of them are affirmed by the appellate courts; but whether disguised, excused, or affirmed, they constitute simple evasions of the Federal Constitution which no court under its oath should uphold. Little by little the province of the court in jury trials has been constantly enhanced and added to and the province of the jury has been constantly encroached upon and lessened until our Federal courts now have boldly proclaimed the doctrine that a jury trial is wholly under the control of the court. We talk about upholding and defending the Constitution, and yet we find that our Federal judges are constantly permitting encroachments and invasions of the jury-trial provisions of that sacred instrument.

Mr. Blackstone in his Commentaries says: "The trial by jury has been, and I think ever will be, looked on as the glory of the English law. * * * It is the most transcendent privilege which any subject can enjoy, or wish for, that he can not be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals."

And then came the seventh amendment guaranteeing in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise reexamined in any court of the United States, than according to the rules of common law—and our courts have held and are constantly upholding the several invasions named above, of this sacred right of trial by jury.

The case of Vicksburg *v.* Putnam (118 U. S.) cites five previous cases as upholding the doctrine that the judge has the right to express his opinion on the facts. We will take those cases up in order.

The first case is Carver *v.* Jackson (4 Peters 81). That case does not sustain the position of the court. It is there said on this subject by Mr. Justice Story:

"The charge of the court in summing up the case to the jury is also spread, in extenso, upon the record; and a general exception was taken to each and every part of the same on behalf of the original defendant. And upon all these exceptions the case is now before us.

"We take this occasion to express our decided disapprobation of the practice (which seems of late to have gained ground) of bringing the charge of the court below, at length, before this court for review. It

is an unauthorized practice and extremely inconvenient both to the inferior and to the appellate court. * * * If, indeed, in the summing up the court should mistake the law that would justly furnish a ground for an exception."

Evidently the question of the Caraway bill was not in anywise considered in this case. I have already referred to Mr. Story's splendid definition of the jury system, in which the judge charged the law and the jury were the exclusive judges of the facts.

Again, in the case of Magniac *v.* Thompson (7 Peters, 390) the court, speaking by Judge Story, took occasion to reprimand the practice of sending the entire charge of the court up to the appellate court, but the case does not uphold the opinion of the court in Vicksburg *v.* Putnam (118 U. S.).

In the case of Mitchell *v.* Harmony (13 Howard, 130) Chief Justice Taney said:

"The passages in relation to questions of fact are nothing more than the inferences which in the opinion of the court were fairly deducible from the testimony, and were stated to the jury, not to control their decision, but submitted for their consideration in order to assist them in forming their judgment. This mode of charging the jury has always prevailed in the State of New York, and has been followed in the circuit court ever since the adoption of the constitution."

Then he goes on to say:

"The practice in this respect differs in different States. In some of them the court neither sums up the evidence in a charge to the jury, nor expresses an opinion upon a question of fact. Its charge is strictly confined to questions of law, leaving the evidence to be discussed by counsel, and the facts to be decided by the jury without commentary or opinion by the court.

"But in most of the States the practice is otherwise; and they have adopted the usages of the English courts of justice, where the judge always sums up the evidence and points out the conclusions which in his opinion ought to be drawn from it, submitting them, however, to the consideration and judgment of the jury."

This opinion of Chief Justice Taney may be regarded as a mild authority for the practice permitted in the Vicksburg Railroad case, but evidently Chief Justice Taney was considering the then present English practice and not the English practice as laid down by Mr. Blackstone and preserved by the seventh amendment.

The case of Transportation Line *v.* Hope (95 U. S. 302) is really an authority against the decision in the Vicksburg Railroad case. In that case the court said:

"The judge did not undertake to fix the value of the barge, but merely referred to the proof relating to it and said the jury would be justified in finding accordingly." "There could be no misunderstanding by the jury after this explanation."

"If there was an error in this respect, it was quite harmless."

The case of Nudd *v.* Burrows (91 U. S. 439), in an opinion delivered by Mr. Justice Swayne in 1875, is directly contrary to the holding of the court in the Vicksburg case. I quote from the opinion:

"Questions of law are to be determined by the court; questions of fact by the jury. The authority of the jury as to the latter is as absolute as the authority of the court with respect to the former. No question of fact must be withdrawn from the determination of those whose function it is to decide such issues.

"The line which separates the two provinces must not be overlooked by the court. Care must be taken that the jury is not misled into the belief that they are alike bound by the views expressed upon the evidence and the instructions given as to the law. They must distinctly understand that what is said as to the facts is only advisory and in no wise intended to fetter the exercise finally of their own independent judgment. Within these limitations it is the right and duty of the court to aid them by recalling the testimony to their recollection, by collating its details, by suggesting grounds of preference where there is contradiction, by directing their attention to the most important facts, by eliminating the true points of inquiry, by resolving the evidence, however complicated, into its simplest elements, and by showing the bearing of its several parts and their combined effect, stripped of every consideration which might otherwise mislead or confuse them. How this duty shall be performed depends in every case upon the discretion of the judge. There is none more important resting upon those who preside at jury trials. Constituted as juries are, it is frequently impossible for them to discharge their function wisely and well without this aid. In such cases chance, mistake, or caprice may determine the result."

This was the plausible wording of the Supreme Court decision by which the elephant got its trunk under the tent and by which judges in later decisions overturned jury trials in Federal courts. If this policy thus laid down by Mr. Justice Swayne had been literally followed, it would not have been so bad; but see what has grown out of it. The judge now tells the jury:

(1) "I have considered the evidence and there is no evidence on which you can base a verdict, and therefore you find for the defendant"; or (2) "There is no reason for you to disbelieve the Government's witnesses. They are fair and impartial. They have no interest in the matter. On the other hand, the defendant naturally has an interest in the matter, and his witnesses are interested in him"; and thus the judge dominates the verdict. Mr. Justice Swayne, when he started out in his opinion above quoted, stated the case accurately when he said: "Questions of law are to be determined by the court; questions of fact by the jury. The authority of the jury as to the latter is as absolute as the authority of the court with respect to the former."

I have tried many cases in Federal courts. I have never heard a Federal judge thus charge the jury, and so far as I now recall, I never knew one to present any case to the jury without indicating how he felt about the merits of the case. Indeed, in most cases, the judge determines a few minutes after the trial begins what he thinks about the case and thereafter he takes an active part in questioning the witnesses or in lecturing counsel and otherwise indicating to the jury what he thinks about the facts. If the Federal judges of the United States are opposed to jury trials, and I take it they are, then they ought to set out to have the sixth and seventh amendments to the Constitution repealed; but as long as they are sworn to uphold the Constitution and all of it, they ought to give it its proper interpretation. Judges have even less right to disregard the mandates of the Constitution than any other people, because they, of all persons, should know what the Constitution contains and they, of all persons, should be the first to defend each and every provision of that sacred instrument. It is the province of the Congress and of the several States to change the Constitution. It is not the province of the courts to change it by interpretation, by construction, or by disregarding its plain mandates.

I recall, in my own practice once, many years ago, where the trial judge, after hearing the evidence on behalf of the plaintiff instructed the jury to find for the defendant on the ground that no evidence had been submitted on which a verdict could be based. The court of appeals at Cincinnati, then composed of Justice Lurton, Justice Severens, and Justice Richards, reversed the case from the bench without even taking it under advisement, upon a simple statement of counsel for defendant of what facts had been adduced in the court below and the plaintiff thereafter received a judgment for the full amount and it was paid; and yet the trial judge had instructed the jury that there was no evidence on which a verdict could be found. The Constitution never gave the trial judge any such right, and to my mind it is a plain violation of the Constitution itself, for any judge to so instruct a jury or for any appellate court to uphold such an instruction.

MATERNITY AND INFANCY ACT

Mr. BAYARD. Mr. President, I ask unanimous consent to have printed in the RECORD a memorial of the board of managers of the Woman Patriot Publishing Co., remonstrating against the passage of House bill 7555, proposing to amend the act of November 23, 1921, for the promotion of the welfare and hygiene of maternity and infancy.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

The memorial is as follows:

A PETITION FOR THE REJECTION OF THE PHIPPS-PARKER BILL (S. 2696, H. R. 7555) PROPOSING AN EXTENTION OF THE MATERNITY ACT

[From the board of directors of the Woman Patriot Publishing Co., 8 Jackson Place NW., Washington, D. C.]

To the honorable Members of the United States Senate.

THE WOMAN PATRIOT,
Washington, D. C., May 17, 1926.

To the honorable Members of the United States Senate.

GENTLEMEN: The board of directors of the Woman Patriot Publishing Co., consisting of Mrs. John Balch, Milton, Mass.; Mrs. Randolph Frothingham, Boston, Mass.; Mrs. Rufus M. Gibbs, Baltimore, Md.; Miss Mary G. Kilbreth, Southampton, N. Y.; and Mrs. B. L. Robinson, Cambridge, Mass., is unanimously opposed to the renewal and extension of the Sheppard-Towner Maternity Act, as proposed in the pending Phipps-Parker bill.

Having been denied a hearing by the Senate Committee on Education and Labor and not having been heard at the hurried, inadequate House hearings opening within 24 hours after the introduction of the bill, we therefore respectfully submit to the honorable Members of the United States Senate, this petition for the rejection of the Phipps-Parker bill to extend the maternity act, and present reasons and facts comprehensively and in detail, for such action.

Your petitioners are veterans in the opposition to the maternity act, having fought it and the group of legislation of which it is a part since 1920.

We compiled the first Federal-aid taxation tables on the original Sheppard-Towner maternity and Smith-Towner education bills, showing the unjust incidence on the States of that tax which asserted the right of the Federal Government to redistribute the national wealth, and to operate a nation-wide system of thefts and bribes, corrupting the States to surrender their local self-government.

We reprinted the congressional debates of 1867–68 on the establishment and abolition of the short-lived, post Civil War Federal Department of Education, believing that remarkable legislative incident a powerful argument against repetition of that abortive experiment.

It was an officer of this company who brought the citizen's suit in the United States Supreme Court (Frothingham v. Mellon, 262 U. S. 447) to test the constitutionality of the maternity act, which the court dismissed, "for want of jurisdiction, without considering the merits of the constitutional questions," as the decision states.

Impressed by the gravity and obscurity of the social and economic issues involved in this legislation, your petitioners have examined, and now respectfully show a mass of related and indisputable facts, many of them never before presented to either House, and unknown to the public, which, in brief, seem to prove beyond reasonable doubt:

That placing the health of mothers and children and control of State health authorities' plans for maternity and infancy care under a radical Federal bureau of social workers is unscientific and unsafe for mothers and babies; that more lives of mothers and infants are lost, in the aggregate, among States accepting the maternity act than among States rejecting it; that the State most subjected to these experiments has the highest rate of maternal mortality from septicemia in the United States; and finally, that this legislation is an integral part and direct result of a comprehensive communist legislative program, designed and led by the ablest legislative manager communism has produced, to socialize and nationalize the care, control, and support of American children in the central bureau established by the same communist leader for that purpose, at the heart of the United States Government.

As no one of these bills can be considered adequately apart from its related measures and their common background and object, we are forced to a consideration of the whole interlocked group of measures constituting a program of revolution by legislation concerning women and children.

Your petitioners therefore respectfully present these facts at the length which their fair and comprehensive consideration seems to require, in the following form:

First, a summary of general objections to indicate the nature of the facts proposed to be sustained hereafter by documentary evidence.

Second, a memorandum of evidence, in detail, proving the truth of all charges contained in this petition.

SUMMARY OF GENERAL OBJECTIONS

1. The Congress and public tricked: These bills are dishonestly presented to hide their true scope and purpose. They are counterfeit legislation, organized schemes to trick the Congress and the country by pretended humanitarian, beneficent-appearing bills, masked as "welfare" and "women's" measures, and intrusted to certain women's organizations to engineer, the better to allay public suspicion, but are none the less straight imported communism. The Bolshevik wolf rarely gets to the doors of Congress except as a little Red Riding-hood.

Lenin's widow, Nadoshda Krupskaia, writing in Pravda, official Moscow communist organ, April 9, 1922, says:

"Our duty is to apply in practice the maxim of Vladimir Illich (Lenin): 'We must know how to build communism with noncommunist hands.'"

Again, Lenin said:

"If bolshevism fails, it will be because we could not get the mass of women interested." (Associated Press dispatch, February 27, 1919.)

When Madame Kalenina, wife of the soviet president, sought to enter the United States for an agitation tour in April, 1923, immediately after the execution in Russia of several clergymen for teaching religion to children, etc., the New York Herald, April 9, 1923, reported that—"a committee of well-known women to aid Madam Kalenina in her proposed tour here," included Miss Julia C. Lathrop, former chief of the Federal Children's Bureau and vice president of the National League of Women Voters.

Raymond Robins, describing to a Senate committee the German "method in handling the radical situation" to promote bolshevism in Russia (during the Czarist and Kerensky régimes) said it was "to find usually some woman—it happened in so many cases that it seemed that that was a general rule, to use a woman." (Bolshevist propaganda hearing, U. S. Senate, 66th Cong., 3d sess., February-March, 1919, p. 792.) Mr. Robin's testimony was not against the bolsheviks, but, in fact, so favorable that his "own story" (compiled chiefly from his testimony at that hearing) has since been advertised and sold as bolshevik propaganda by the Communist Workers Party of America.

2. Unconstitutional and unpopular: The Phipps-Parker bill concerns matters over which the American people never gave their Federal Government an iota of authority. It involves the same principle of nationalized, standardized care of children and Federal interference between parent and child which the American people so sweepingly repudiated in defeating the Federal child labor amendment, on which the States, acting under popular pressure, now stand 36 to 4 for rejection. Since aroused by the campaign of information waged from Massachusetts to Oregon against the child-labor amendment, there can be no question where the people stand on Federal interference in their homes. More oppressive invasions of the private lives of citizens have recently been proposed or attempted by the encroaching Federal power than George III would have dared to impose upon the American colonists, proving that the people may be as burdened by "multitudes of new offices" and "swarms of officers" under their own Constitution, made by themselves, when violated by their own Congress, elected by themselves, as if they had no representation at all. Citizens of Massachusetts have said that they regarded the advisory referendum of 1924, against the child labor amendment, as a bloodless, second Concord, "to leave their children free" (in the words of Emerson's hymn) from tyrannous control by Congress. It is not to be expected that a Union of 48 great States with 110,000,000 people can be more safely robbed of their Bill of Rights by their own Congress than 13 weak colonies could be oppressed 150 years ago by a distant Parliament. A candidate who has such expectations has learned little of the history and true spirit of his fellow citizens. As Horace Greeley observed, "The Americans are a great people when you make them a little mad." There can be no doubt that increasing Federal encroachments in domestic and family affairs are making them a little mad.

3. Revolutionary conspiracy: The Federal maternity bill inextricably interlocks with the child labor amendment and the Federal Children's Bureau. They constitute, with the Federal Education Department bill, a unified agency and program of revolution by legislation. They are as deliberate a conspiracy to destroy this Republic as any plot ever hatched to overthrow a government by force and violence.

Including the creation of the Children's Bureau in 1912, they were all backed by the same open groups and "underground" by the communists, and were chiefly promoted by one woman, a Marxian socialist, Mrs. Florence Kelley, formerly Mrs. Wischnewetsky (see p. 12931 of this article), pupil and translater of Friedrich Engels (coauthor with Karl Marx of the communist manifesto) and Engels's chosen lieutenant for introducing communism into "the flesh and blood of Americans" as he instructed her.

The Engels-Kelley program is derived straight from the fundamental communist manifesto of 1848 by Marx and Engels, fathers of modern communism, as well as from current Moscow Bolshevism, which specialized on women and children. It centers about the Federal Children's Bureau as closely as the Bolshevik system for women and children, the most brutalizing doctrine of the terror, centered about the soviet department of social welfare, and Alexandra Kollontay, its first commissar, who was indorsed by the Federal Children's Bureau as the author of "the most comprehensive study of maternity benefits and insurance that has yet appeared in any language." (Children's Bureau publication No. 57, Maternity Benefit Systems in Certain Foreign Countries, p. 175.)

The Engels-Kelley program carries in its wake as logical sequence doles for children and maternity or childbirth doles for women—"maternity benefits"—not as a help for needy mothers, but as a natural right, confirming the socialist doctrine that maternity is "a service to the state" and that all children "legal or illegal" and all mothers, married or unmarried, should be supported by public taxes instead of by individual husbands and fathers. This cattleizing, stock-farm, breeding proposition for replenishing the population that dehumanizes marriage and lifts responsibility for their offspring from fathers and mothers has incalculable social and moral consequences compared with which the mere cost or taxation aspect of the issue, however enormous, is relatively trivial.

An examination of Children's Bureau publications will reveal so many elaborate "studies" of illegitimacy, compared with the few short pamphlets on infant and child care, that the bureau might be considered to have a morbid interest in this subject were it not a well-known and deliberate plan of the socialists, set forth at length in Engels's Origin of the Family, Private Property and the State, and August Bebel's Woman and Socialism, to wipe out all legal, social, and moral distinction between legitimate and illegitimate children. It will be shown hereafter that both of these indecent socialist books have been recommended by Mrs. Kelley as fundamental studies for social workers. Also, a comparative table of Children's Bureau publications along this socialist line, as against its publications for mothers, is submitted in the attached memorandum of evidence (p. 12927).

With the inner ring of socialists and feminists in control throughout the country, under the Federal maternity act, of the health centers for mothers and infants (corresponding to the "shop nuclei" in factories as agitation centers in the industrial communist campaign) and of public schools and colleges under the proposed education bill, a channel of propaganda as pervasive as the circulation of the blood in the human system, the youth of the Nation would be at their mercy.

4. National suicide propaganda: The sane, prosperous American people would never accept communism with their eyes open. Engels knew that when he instructed Mrs. Kelley, January 27, 1887:

"The less it [socialism] will be knocked into the Americans from without and the more they test it by their experience * * * the deeper it will go into their flesh and blood." (New York Call, socialist organ, January 29, 1923.)

Our sturdy self-reliance and energy, heritage of pioneer days, are to be sapped by humanitarian "welfare" measures, making of American citizens mere parasites of their Government instead of its upholders. This country was settled by pioneers who came here facing danger, hardship, and privation, an unknown wilderness, and ruthless savages, because they counted freedom from oppressive, bureaucratic European Governments a greater boon than any material comfort and ease.

Jefferson voiced what they wanted in government in his first inaugural:

"A wise and frugal government, which shall restrain men from injuring one another and leave them otherwise free."

The framers of our Constitution sought every safeguard of our liberties, but George Washington warned us:

"Resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what can not be directly overthrown." (Farewell Address.)

Jefferson, with all his enthusiasm for our system, wrote:

"In every government on earth is some trace of human weakness, some germ of corruption and degeneracy, which cunning will discover and wickedness insensibly open, cultivate, and improve." (Notes on Virginia, 7, 390.)

The communists and socialists seek every opportunity that cunning can discover to use the "general welfare" clause of the Constitution, plus all the emotion and sentimentalism which modern propaganda methods can associate with the word "welfare" when coupled with women and children, "to undermine what can not be directly overthrown."

So many recent abuses have claimed the "general welfare" clause as authority that the editor of the Massachusetts Law Quarterly recently alluded to it as "The Achilles Heel of the Constitution." And the measures which the cunning of communists can not drag into Congress under a perverted interpretation of the welfare clause, or the stretching of some enumerated power until its framers would not recognize it, they propose by constitutional amendment, when the Supreme Court has held them clearly unconstitutional.

The Kelley-Engels program proposes to trick our own Representatives to legislate us into communism and make us dig our own graves, into which it is intended we shall fall by our own act.

This was the campaign policy adopted at the 1908 National Socialist Convention at Chicago, when the convention, split into two factions, fought out the problem of how best to overthrow the United States Government.

The two socialist factions, in entire agreement on their ultimate purpose, were at odds only as to methods practicable in America.

One faction, the extreme, straight, Marxian revolutionists, were called "impossibilists" by their American socialist colleagues, because their methods were deemed impossible in this country.

The other faction which prevailed was composed of "opportunists," so called because they made "immediate demands" for what they could get, bit by bit, through legislation for gradually fastening socialism insidiously upon us.

The open revolutionists were beaten every time by Morris Hillquit, chairman of the convention; Victor Berger, and other powerful socialist leaders, who told the delegates not to make themselves "ridiculous," not to make themselves "a laughing stock," etc., by demanding the full socialist establishment at once.

So clearly was it seen Americans would not knowingly accept socialism.

DIGGING OUR OWN GRAVES

A New York delegate explained to the socialist convention the "bit-by-bit" policy of tricking us into digging our own graves:

"To-day we are seeing encroachments after encroachments on the régime of private property in the means of life, and every time a utility is taken over and made public by nationalization, even with a capitalist government in control, so much does it limit the area of private ownership.

"President Roosevelt is a good deal wiser than some of the delegates here, because he saw these encroachments upon private ownership and called them the greatest national disaster that can take place; he does that because he knows that when one encroachment is made upon the arena of private property it means opening the door to all others. * * * They are playing into your hands, because you understand the philosophy of the situation, and they do not. * * * The capitalists themselves are digging their own graves, and when you see a little bourgeois shouting for Government ownership of gas or telephones or telegraphs you simply see him digging shovelful after shovelful out of the hole in which later we will bury the whole capitalist system." (Proceedings, National Socialist Convention, 1908, pp. 172–173.)

How many shovelfuls we have dug out of our own graves—how far we have progressed toward socialism—may be measured by noting how many of the political and industrial "immediate demands" of the 1908 socialist platform have been enacted by the two major parties.

Of the 11 political "immediate demands" of the socialists of 1908, 6 have become laws (2 of them Federal amendments) or are pending in the present Congress, put over by Republicans and Democrats, and 10 of the 11 have been actively agitated.

1. "The extension of inheritance taxes, graduated in proportion to the amount of the bequest and to the nearness of kin"—enacted September 8, 1916.

2. "A graduated income tax"—proposed as a Federal amendment July 12, 1909, and proclaimed February 9, 1913.

3. "The initiative and referendum, proportional representation, and the recall"—adopted as constitutional amendment by several States and proposed as a Federal "gateway amendment."

4. "Unrestricted and equal suffrage for men and women; and we pledge ourselves to an active campaign in that direction"—proposed as a Federal amendment (woman suffrage) June 4, 1919, and proclaimed August 26, 1920.

5. "The Bureau of Education to be made a department"—pending.

6. "The separation of the present Bureau of Labor from the Department of Commerce and Labor and the establishment of a Department of Labor"—enacted March 4, 1913. (See Proceedings, National Socialist Convention, 1908, p. 323, for full texts of "immediate demands.")

The five remaining socialist "political demands" of 1908, not as yet enacted, are:

(1) "The abolition of the Senate"; (2) "The abolition of the power usurped by the Supreme Court of the United States * * *"; (3) "That the Constitution be made amendable by majority vote"; (4) "That all judges be elected by the people for short terms," etc.; (5) "the free administration of justice."

Of the six parts of the industrial "immediate demands" of the socialists in 1908, the two referring to Federal legislation were both adopted and declared unconstitutional:

1. "The improvement of the industrial condition of the workers * * * by forbidding the employment of children under 16 years of age," and

2. "By forbidding the interstate transportation of the products of child labor * * *."

These industrial "immediate demands" were the germs of the McCormick-Foster Federal child-labor amendment, transmitted to the States June 2, 1924. Child labor was discussed at great length at the convention, and the necessity of doles for children to supplement it. (Proceedings, pp. 206–211.)

These demands were enacted as the first Federal child labor law, September 1, 1916 (Public, No. 249, 64th Cong.), and declared unconstitutional June 3, 1918, by the Supreme Court in Hammer v. Dagenhart. It was followed, February 24, 1919 (Public, No. 254, 65th Cong.), by another Federal child-labor law, which was also declared unconstitutional by the Supreme Court, May 15, 1922, in Bailey v. Drexel Furniture Co.

Immediately a number of Federal child-labor amendments were introduced, so determined were the interlocked groups pressing for control of children, and the one drafted and demanded by Mrs. Florence Kelley was proposed as a Federal amendment.

All of these things have been accomplished with never more than one open Representative of the Socialist Party in Congress.

Mrs. Kelley, who was chief draftsman of the amendment proposed (see Senate report on S. J. Res. 1 (68th Cong., pp. 49, 90, 91, 92, 123) and CONGRESSIONAL RECORD, May 31, 1924), testified at the Senate child labor amendment hearing (p. 49) that she had "been trying for 40 years to mold public opinion" in favor of such legislation. It will be shown hereafter, by Mrs. Kelley's own testimony, that for 39 years she has scorned "palliatives" and worked for these measures only as steps leading to full socialism.

Your petitioners are not interested in the philosophy of socialism, or in conditions in Russia, per se. Our interest is purely practical. We are only concerned with the infecting of our own people and Government, and with the agencies and instruments whereby socialism is secretly inoculated into "the flesh and blood" of Americans. Moreover, with two great former Empires (Germany and Russia) captured and controlled by socialists and communists—and now in open alliance—and with the French, British, and Italian Governments all having undergone disastrous socialist control within the last few years, it would seem the blindness of folly for Americans to disregard the fact that now, not only socialist organizations, but great socialist and communist foreign governments, with millions for propaganda at their command, have a direct material interest in promoting every form of socialism in America that may weaken the energy, cripple the man power, interrupt the industry, or sap the financial and political foundations of the United States—the most "magnificent country to loot" for a bankrupt world.

CAN NOT BE TAKEN AT FACE VALUE

No true consideration of these socialist measures can stop at their mere texts—their face value—legally or logically. We quote the highest legal authority for consideration of the implications, intentions, tendencies, and real substance of these bills.

The Supreme Court of the United States has repeatedly declared that it will "look through the form of any proceeding to its substantial character"; that "what is reasonably implied is as much a part of it as what is expressed" (256 U. S. 370–377); and that the "wishes and opinions" of organized private advocates of a measure, after they have prevailed and the measure is enacted, may express legally "an altogether probable intent" (262 U. S. 100).

Moreover, we have a right and duty to consider not only the proclaimed wishes and intentions of advocates, but also the tendencies of a measure.

Abraham Lincoln, in his debate with Douglas, October 15, 1858, declared:

"When I propose a certain measure or policy it is not enough that I do not intend anything evil in the result, but it is incumbent on me to show that there is not a tendency to that result."

Your petitioners respectfully proceed with:

MEMORANDUM OF EVIDENCE

1. The Congress and public tricked: From its start with the establishment of the Federal Children's Bureau to the pending Phipps-Parker and Curtis-Reed bills the Kelley program has been marked by fraud and deceit. One by one it will be shown that not one of the measures has been offered in good faith, has meant what it said, or could be taken at its face value.

(a) Establishment of Children's Bureau, April 4, 1912.

The floor sponsors of the Borah-Peters bill of 1911 for the establishment of a Federal Children's Bureau thought they were creating a little fact-finding, statistical agency, to cost $29,000 or $30,000 a year, to gather statistics on children, with no administrative authority. Instead they were setting up a central apparatus of power over youth, capable of unlimited expansion and penetration into the homes of the people, not along health lines, as the public supposed, but for economic and socialistic propaganda.

Like the Sheppard-Towner maternity bill of 1921 the Borah-Peters bill to establish the bureau was a much-reduced form of previous bills, due to no change whatever of intention or purpose or scope on the part of the backers, but necessitated by the opposition encountered. It is the old camel's nose-under-the-tent strategy.

It deceived Senator BORAH and Representative Andrew J. Peters, of Massachusetts, into sponsoring the bill establishing the bureau. In his speech of 1912 Senator BORAH said:

"There have been a number of bills covering this subject introduced from time to time in the Congress, but most of the measures heretofore have gone much further than this bill proposes to go and have undertaken in a measure to legislate concerning the question of the employment of children in manufacturing establishments and elsewhere and have been thought to intrude or impinge upon the peculiar rights of the States. I am not myself and have never been in favor of extending this kind of legislation to the point where it might be said to impinge upon the rights of the States. But this bill goes no further than to gather the information such as is now being done by the Government in other departments concerning other matters of interest. * * *

"The amount of appropriation in the bill is about $29,000, possibly $30,000. The bills, as they were originally introduced concerning this particular subject, carried appropriations much larger than that, but the committee reduced it to the lowest figure possible to still maintain something like an active and vital bureau * * *." (CONGRESSIONAL RECORD, January 8, 1912, pp. 702–703.)

The bill's House sponsor, Representative Andrew J. Peters, was positive as to the proposed bureau's cost:

"Mr. PETERS. The total expense contemplated by this bill for the chief, assistants, for the experts, clerks, and everything else amounts to $29,440, annually, including rent and various salaries and expenses of the people connected with it——

"The CHAIRMAN. You think that the cost of this bureau will only be $29,000. You have in mind, I presume, the cost of clerical work here at Washington?

"Mr. PETERS. Yes, the cost of clerical work here at Washington.

"The CHAIRMAN. Would it not also require, in order to make the bureau effective, considerable field work and also printing and work of that kind?

"Mr. PETERS. This includes the expenses of all the men engaged in field work. It includes the expenses of everything except printing." (Hearing, House Committee on Labor, on H. R. 4694, 62d Cong., 1st sess., May 12, 1911.)

The Peters bill went through the House under suspension of rules. The late Representative Swagar Sherley, of Kentucky, protested:

"It was made impossible to debate it in the time now at the disposal of the House, and it is an indictment of this procedure of the House that this bill should be considered under a suspension of the rules, with only 20 minutes debate on a side * * *. There is not the slightest excuse to insist that this House shall to-day, with only 20 minutes to a side for debate, without power of amendment, pass this bill." (CONGRESSIONAL RECORD, April 2, 1912, p. 4222.)

It may be noted that exactly the same tactics on the floor of the House were used to get through the present Parker bill (H. R. 7555) on April 5, 1926.

The extent of the sponsors' miscalculation as to the bureau's cost is revealed in the following table compiled by the Budget Bureau, showing an increase of over 3,000 per cent in 13 years:

Appropriations of the Children's Bureau, Department of Labor

Fiscal year	Salaries and expenses, including bonus and classification	Enforcement of child labor law	National security and defense [1]	Maternity and infancy, including bonus and classification	Total
1913	$21,936				$21,936
1914	25,640				25,640
1915	161,265				161,265
1916	164,640				164,640
1917	164,640	$50,000			214,640
1918	280,581	100,000			380,581
1919	283,610	[2] 125,000	$250,000		658,610
1920	310,008				310,008
1921	294,874				294,874
1922	295,476			$490,067	785,543
1923	339,829			1,241,600	1,581,429
1924	341,906			1,241,692	1,583,598
1925	325,900			1,007,092	1,332,992
1926	313,000			1,000,000	1,313,000
Total	3,323,305	275,000	250,000	4,980,451	8,828,756

[1] The $250,000 under "National security and defense" was from the President's fund in 1919.

[2] The appropriation for enforcement of child labor law, 1919, $125,000, was not used, as the child labor law was declared unconstitutional before the appropriation became available.

The bureau's campaign for power increased from "authority to gather facts and statistics" in 1912 to demanding and securing the passage and administration of the Federal maternity act of 1921 (drafted in the bureau for the bureau) and finally reaching out for Children's Bureau control of all "persons under 18 years of age" through the Federal child-labor amendment.

The bureau was never intended by its real backers to confine itself to investigation. A month after the bureau was created the Woman's Journal, now the Woman Citizen, formerly official organ of the National American Woman Suffrage Association, of which Mrs. Kelley was vice president, declared editorially:

"We shall not be willing to let the establishment of the Children's Bureau mean simply investigation—it must mean power to change things." (Woman's Journal, May 11, 1912.)

Again, while Senator BORAH was confident the bureau would not "impinge upon the peculiar rights of the States," Miss Jane Addams, coworker with Mrs. Kelley, and head of Hull House, Chicago, in which Mrs. Kelley (and both the former chief and the present Chief of the Children's Bureau, Miss Julia C. Lathrop, and Miss Grace Abbott) was a resident for several years, stated flatly that the Federal bureau was desired precisely for the purpose of wiping out State lines that had hampered the activities of the National Child Labor Committee. In an article published with the Senate report on the bill establishing the Children's Bureau, Miss Addams declared:

"How absurd State lines are when it comes to industrial questions. * * * A Federal bureau naturally would have nothing to do with State lines and only a Federal authority could adequately deal with such a situation. * * * These problems must be dealt with by a Federal authority having power to transcend State lines." (Senate Rept. No. 141, 62d Cong., 1st sess., on S. 252 by Senate Committee on Education and Labor.)

The bill establishing the bureau met with powerful opposition in the Senate, led by Senators Bailey, of Texas; Gallinger, of New Hampshire; Heyburn, of Idaho; OVERMAN, of North Carolina; Stone, of Missouri; and Works, of California.

Attempts to amend the bill to protect citizens from invasions of their homes by Government agents, introduced by Senators Thornton, of Louisiana, and Culberson, of Texas, were twice defeated.

Senator Heyburn declared:

"We have now placed the stamp of disapproval on Article IV [amendments] of the Constitution of the United States," the so-called right of castle. (CONGRESSIONAL RECORD, January 31, 1912, p. 1576.)

Senator BORAH had opposed the amendments, saying:

"It renders less effective the measure, and it would be very unfortunate for the bill if it were adopted." (Ibid., January 31, 1912, p. 1575.)

Senator Culberson commented:

"The Senator from Idaho, having charge of the bill, said if the amendment were adopted it would destroy the very purpose of the bill, showing that it is contemplated that these officers shall enter private residences, if necessary."

Senator Culberson thereupon introduced a third proposed amendment having the same purpose as his previous amendment:

"But no official or agent or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a private residence."

This passed by a narrow margin (39 to 34), but the bill's Senate sponsor voted "no" on all these amendments to uphold the "right of castle." (CONGRESSIONAL RECORD, January 31, 1912, pp. 1575, 1576, 1578.)

This inhibition, without "teeth" or a penalty clause, in the act creating the bureau unfortunately amounts merely to legislative advice, and seemingly has not curtailed bureau officials' activities.

The same struggle to protect citizens' homes from invasion took place when the maternity act of 1921 was enacted. After vigorous pleas for the "right of castle" by Senator REED of Missouri and others another futile gesture was made, merely declaring that officials shall have no "right" to invade homes under the maternity act, but providing no penalty whatever for disregard of this provision.

Few better illustrations that "a law without a penalty is only legislative advice" can be cited than these gestures of pretended concession to the right of castle in the act creating the Children's Bureau and in the maternity act.

Senator Weldon Brinton Heyburn alone saw the communist background of the bill to establish the Children's Bureau and fought it with prophetic insight:

"While upon the face of this measure it merely provides for the taking of statistics, the accumulation of knowledge, yet we know from other measures which have been introduced, some from the same source, that it contemplates the establishment of a control through the agencies of Government over the rearing of children. There are other measures now pending in committees of this body going much further, going to the extent of interference with the control of a parent over the child. * * *

"The frequency and insistence for this class of legislation seem to be growing with accelerated speed. The jurisdiction established over the children of mankind in the beginning of the human race has worked very well. It is in accord with the rules of nature. It is based not upon duty but upon the human instinct that established the principle upon which all duties rest. The mother needs no admonition to care for the child nor does the father. The exceptions to that rule are such as those to the rule against taking human life. * * *

"No one can be more sympathetic than I am with the needs, the welfare, and the comfort of the children of the country, but I am not willing to substitute any other control for that of the parent. I would control the parents, if necessary, when they would violate the recognized rule of the domestic establishment, * * * but I would do it through the police laws of the land, the local laws. * * *

"Are we to create as this contemplates, in every State and Territory and corner of the United States, a nursery that shall pass upon the wisdom of the mothers and the fathers of the land? Are we, as this contemplates, to appoint Federal officers to superintend the nurseries of the country or the cradles of the poor? Are we through this agency to say what school of medicine shall be invoked for the assistance of the child that is ill? Are we to provide that some one may step in and be substituted for the parent in the care of the child merely because of a difference of opinion?" (CONGRESSIONAL RECORD, December 11, 1911, p. 189.)

"Does anyone suppose that the law would be so administered as to deal equally with the children of all classes? Would it inquire whether or not the habits of the parent of wealth were such as to exercise a proper influence over the mind of the child of wealth, or do they propose to inquire whether or not the moral character and habits of the rich parent are such as to constitute a worthy example to the children of those parents? Do they propose to follow the child of the rich into the schools, into the colleges, into whatever institution the child is sent to obtain an education, to ascertain whether or not the morals of that child need public supervision or public exposure? * * *

"This matter has been discussed in newspapers and in speech and in letter always from the standpoint that it was the children of the poor that needed the care and supervision of the Federal Government, and that the money was to be appropriated for the advancement and the uplift only of the children of the poor. * * * Do you think the morals of the people of wealth in this country are superior to the morals of the people who labor for their living and who constitute, probably, 90 per cent or more of the population? * * *

"There may go into the household of the poor man, who is defenseless against this inquisition, a man stamped with authority, or who thinks he is, and he may ask the resident questions as to his habits, as to his wife's habits, as to the habits of the adult members of the family, as to whether they play cards or drink or gamble or dance, and then you have made a record by which the child is to be judged or the parent or guardian is to be judged. You have indulged in an inquisitorial proceeding, which, except for the purpose of discovering crime or enforcing the law against it, we ought never to permit under the laws of this country. * * *

"They would not attempt to execute it except as against the class that is most helpless in their hands—those who toil for a living and do the best they can." (CONGRESSIONAL RECORD, January 30, 1912, p. 1526.)

"That kind of a law would have taken Abraham Lincoln from his parents' care and custody and have had him educated by these theorists and interferers with the domestic economy and system of mankind. He never would have been allowed to live at home, poor as he was; his parents would not have been allowed to keep him. Some committee of the description I have already stated would have gone there and said, 'What, allow that child to lie down there and eat corn pone and hoe cake by the hearth! He can not possibly amount to anything; we want to take him down to the headquarters, where we are drawing salaries for taking care of that kind of people.' That is what they would say." (CONGRESSIONAL RECORD, January 8, 1912, p. 764.)

"I have a large correspondence in regard to this matter which tells the purpose of it, because those who favor it tell in their letters what they expect to do under it. * * * I asked them specifically what their object was in supporting this measure, which they insisted I should vote for. I asked them what they hoped to accomplish. Their answer, if not in uniform speech, in spirit is that they hope to be in a position to exercise jurisdiction over children who in their judgment are not being properly cared for. They want to become substitutes for the parents. Perhaps some of them may be parents. Many of them, to my knowledge, are not. But they are anxious to secure an opportunity, which they have not improved on their own part, of becoming the parents in fact of other people's children." (CONGRESSIONAL RECORD, January 24, p. 1248.)

INQUISITORIAL PROCEEDINGS

It will be found that the predictions of Senator Heyburn in 1912 really minimized the degree and character of the inquisitorial proceedings which have actually been practiced by the Children's Bureau.

The bureau was directed to investigate "infant mortality"—as a health matter, the people supposed. Instead, as the bureau chief declared:

"None of the studies made by the bureau attempt to approach infant mortality as a medical question. They are concerned with the economic, social, civic, and family conditions surrounding young babies." (Miss Julia C. Lathrop, former chief of Children's Bureau, in signed article, "Income and infant mortality," American Journal of Public Health, Vol. IX, No. 4, April, 1919, pp. 270–274, reprinted and circulated by the Children's Bureau.)

Instead of approaching infant mortality as a medical or health question, the bureau checked up the salaries of husbands, not only by subjecting their wives to inquisition, but by actually inspecting pay rolls. Miss Lathrop says:

"The surroundings of each child were traced through the first year of life * * * by women agents of the bureau who called upon each mother. * * * while it was plainly necessary to accept the mother's statement with reference to matters directly pertaining to the daily life of the baby, it was thought that she might not always know about her husband's earnings and that other sources of information might be more important. Pay rolls were consulted and employers and the fathers themselves were interviewed." (Ibid.)

The bureau was interested in husbands' salaries, not as a health matter but as a basis for socialistic propaganda, for after making several of these investigations in a few towns and issuing reports thereon purporting to show that the children of the poor are neglected and not properly cared for without governmental interference and subsidies, the bureau, in its official book, Standards of Child Welfare, declares:

"The logic of the evidence adduced seemed to indicate that a very large ratio of the families of the United States obtain incomes too small to make possible the rearing of children in the manner which scientific and humane considerations, as well as the prosperity of the nation, demand."

At page 45 of the same Children's Bureau book we find what has been described by Senator REED of Missouri as "this choice bit of communism":

"The cost of living must come down or there must be a nationalization of financial responsibility which will relieve the individual family of a portion of the cost which they must now bear or wages must rise to cover the cost of living."

Not even Senator Heyburn could have dreamed in 1912 that the Children's Bureau, under authority to investigate "infant mortality," would recommend "nationalization of financial responsibility," straight communism, to reduce infant deaths.

The sponsors of the Children's Bureau bill in 1912 were tricked by its socialist backers into believing it merely an information bureau to promote child health by gathering and distributing statistics thereon.

(b) The maternity and infancy act, November 23, 1921.

The second legislative fraud was the Sheppard-Towner Maternity and Infancy Act, whereby the Children's Bureau, the $29,000 a year "statistical agency," reached out for administrative power in the States over mothers and children, with a proposed $4,000,000 a year Federal

subsidy, to be matched by the States, with which to purchase State and local obedience to the bureau's Federal "minimum standards."

The maternity act specifically extended the Children's Bureau's activities to include women, and, contrary to popular belief, the bill's backers were not mainly concerned with the health of mothers, but with the "economic and social conditions surrounding women and children."

In proof of this the following official statements are quoted:

"Miss JULIA C. LATHROP (then chief of the Children's Bureau). For seven years the Children's Bureau has devoted much attention to the subject specifically stressed in its organic act, namely, infant mortality. None of these studies, it should be stated, are medical studies. They consider the economic, industrial, social, civic, and family factors surrounding the child and mother. * * * The figures of family income gathered by the bureau prove irrefutably that a large proportion of babies are born into homes where the income can not cover the expenses of satisfying the reasonable requirements of mother and baby." (Hearings, Senate Committee on Public Health and National Quarantine, May, 1920, p. 11.)

"Family well-being involves many services, among them those of teacher, physician, nurse, social economist * * *; hence members of the Federal board represent education, health, and social economy." (Ibid. p. 11.)

"Mr. WINSLOW (chairman House Committee on Interstate and Foreign Commerce). Is this not specifically a medical proposition?

"Miss LATHROP. I do not so regard it; and I am sure that anyone who had time to read the successive reports of the bureau upon infant mortality would not feel that this bill is primarily a medical proposition. I think it is a social and economic proposition, and we can not ignore those basic aspects of it." (Hearings, December, 1920, pp. 20, 21.)

"Mr. WINSLOW. Is there any doubt that this particular undertaking covered by this bill is a health consideration?

"Miss LATHROP. My judgment is that it is not altogether a health consideration. The inquiries that led up to it were not medical, but were chiefly in the social and economic field. And the principles to be applied in administering this law are largely in the social and economic field, and it is not a health measure in the sense in which the prevention or cure or treatment of disease is a health measure." (Ibid. p. 20.)

In short, Miss Lathrop argued repeatedly that preventing the deaths of mothers and babies is not regarded by the backers of the maternity act as a medical and health question, and that their interest in maternal and infant mortality lies in "social and economic" remedies, such as "nationalization of financial responsibility," investigations of husbands' incomes, "maternity benefits," and Federal subsidies as "the principles to be applied in administering this law"!

Dr. Anna A. Rude, director of the division of hygiene, Children's Bureau, testified to the same effect:

"This proposed bill has a broader scope than a purely health bill. That is one of the reasons for not putting it under the boards of health. * * * As I think I stated before, this bill is intended to be a much broader bill than a purely health bill; its real purpose is for educational extension work, and that is the reason for having it under a separate board. * * * This bill is really broader than a simple health measure." (Hearings, House Committee on Labor, January, 1919, pp. 50–52.)

Dr. Charles E. Sawyer (brigadier general, President Harding's physician) testifying in favor of the maternity act declared:

"This really is a sociological subject. I believe it belongs to the social service division of the new [proposed] welfare department. * * * My understanding of this bill is that it handles the sociological side. Do I make myself clear? It does not handle the medical side of maternity. It handles the social relations. * * * As I understand the matter in conversing with those who are interested in this bill * * * it seems to me * * * that this would go to the social service division of the [proposed] welfare department.

"Mr. COOPER (member of the commttee). General, you said a few moments ago you thought that this measure was more sociological than medical, did you not?

"Doctor SAWYER. Yes, sir. * * *

"Mr. GRAHAM (member of the committee). Let me see if I get your idea. You conclude that this is purely a sociological question?

"Doctor SAWYER. I do. * * *

"Mr. GRAHAM. * * * When you want to embark upon the line of sociology by the Federal Government, the field is boundless, and, so far as I am concerned, I can not see the end." (House hearings, July, 1921, pp. 126–130.)

THE "INDUSTRIAL END" OF MATERNITY AND INFANCY

"Mr. WINSLOW. Can you tell me why you were assigned to the Department of Labor?

"Miss LATHROP. A very large proportion of the children of this country are the children of people who work with their hands; and there is a sound and natural connection between a bureau which is intended to understand and to improve the condition of children and child life and a department whose duty is to improve the condition of working people.

"Mr. WINSLOW. Well, that was when your office was created and began to function. It bore more directly on the labor side then.

"Miss LATHROP. We have an industrial division now, and we are constantly making industrial studies.

"Mr. WINSLOW. That is what I mean; you are tied up to the industrial end of it more particularly. * * *

"Would it cause any hindrance to the progress of your work if you were to be transferred to the United States Public Health Service?

"Miss LATHROP. I should regard it as a fatal error to transfer a bureau whose business it is 'to investigate and report upon all matters relating to the welfare of children and child life' to the sole supervision of physicians, earnestly as I may respect physicians.

"Mr. WINSLOW. Well, you did draw in a medical branch to your office when you entered this field?

"Miss LATHROP. Yes; we did draw in medical advisers later, when we had more money. We are aware that there are aspects of life which require the services of physicians, but they are a small part of child welfare, and must be considered in relation to the social field." (House hearings, December, 1920, pp. 19, 20.)

Mrs. Florence Kelley, general secretary of the National Consumers' League, testified:

"The National Consumers' League has been interested for several years in the movement for compulsory industrial health insurance for working people. We have also been interested in legislation providing for a period of compulsory rest of expectant mothers before and after the birth of their children. Both these measures are vain until the passage of this bill. * * *

"The Consumers' League interests itself primarily in the employees in the industries." (Senate hearings, May, 1920, p. 51.)

After admitting that her league was interested in "compulsory industrial health insurance" and "maternity benefits"—which are straight German socialist schemes, rejected by every State in this Union and opposed by American organized labor—and that she regarded the maternity act as a step toward their enactment, Mrs. Kelley nevertheless ended her testimony with an impassioned indictment of Congress:

"Inaction shrieks to Heaven at the present time. * * * Why does Congress continue to wish to have mothers and babies die?" (Ibid., p. 53.)

HEALTH FRAUD FURTHER REVEALED

The original Children's Bureau maternity bill proposed to appropriate $4,000,000 annually by the Federal Government—to be matched by the States—and included a provision for "medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas."

That was to make believe that mothers and infants would receive actual assistance, especially in "remote areas" and rural districts, but it was demonstrated in the first Senate debate that the backers of the bill really intended practically the entire $8,000,000 a year for "social and economic" investigations, reports, salaries, etc., and were ready to drop any actual help to mothers and babies as soon as it seemed possible to pass the bill without it, but they asked the full appropriation to the last.

This is proved by the following debate:

"Senator HOKE SMITH. Section 8 contains this provision:

"'And the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas.'

"Senator SHEPPARD. The chairman of the committee, the Senator from Maryland (Mr. France) has indicated his willingness to accept an amendment eliminating that provision.

"Senator SMOOT. Do I understand the Senator * * * to say that the chairman of the committee has accepted the proposition eliminating that whole section?

"Senator SHEPPARD. No; but eliminating the provision to which the Senator from Georgia makes objection * * * the Senator from Maryland will accept an amendment eliminating that clause * * *. The Senator from Maryland is now here, and he can verify what I said a few moments ago.

"Senator SMITH of Georgia. I desire to say to the Senator from Maryland that it has been stated in his absence it was the purpose of those in charge of the pending bill * * * to amend the original language by striking out the words, 'and the provision of medical and nursing care,' etc. * * *.

"Senator FRANCE. Mr. President, I do not consider that that amendment would materially injure the bill or defeat its purpose and I myself do not feel like opposing it.

"Senator SMITH of Georgia. * * * When these large sums were put into this bill it was with the idea of treating individual cases.

"Senator SHEPPARD. Mr. President, that was not the idea. The treatment of individual cases was never intended to amount to more than a very secondary and exceptional consideration * * *.

"Senator SMITH of Georgia. Does the Senator think it would take $8,000,000 annually simply to carry information and instruction on the subject?

"Senator SHEPPARD. *That was the conclusion of those who looked into the matter very carefully.*

"Senator BRANDEGEE. * * * May I ask who made the estimates for which these figures of $2,000,000 and $4,000,000 resulted? The Senator from Texas says he understands the matter has been very carefully considered and looked into. By whom?

"Senator SHEPPARD. *By the Children's Bureau.*

"Senator BRANDEGEE. And it is the opinion of the Senator that the Children's Bureau thought these amounts to be appropriated annually * * * were required simply for sending out circulars and literature on these questions?

"Senator SHEPPARD. *That was the idea,* because the work is to be in cooperation with all the States in the Union.

"Senator BRANDEGEE. They allowed nothing then for doctors' bills for women and children which was contained in the language which has been stricken from the bill?

"Senator SHEPPARD. That was considered to be a very small part of the matter. * * * *It was not intended to apply that phase of the bill extensively* at all. * * *

"Senator SMOOT. The amendment that has been adopted, in my opinion, takes out at least three-fourths of the expense that would be incurred under this bill.

"Senator SHEPPARD. Not at all, I will say to the Senator. *Only a small part of the money available was intended to be used for medical and nursing care.* * * * I will say to the Senator that only the *smallest part* of this fund was to be expended for actual medical and nursing care." * * * (CONGRESSIONAL RECORD, December 18, 1920, pp. 514, 515, 516.) (Italics ours.)

Can it be denied by any honest person, on the face of the record and the testimony of the leading advocates and backers of the maternity act, that it was intended not as a health or medical measure, but as a "sociological measure" for salaries, investigations, reports, and traveling expenses of bureaucrats chiefly concerned with "social and economic" principles and propaganda, who originally intended that "only the smallest part" of the fund was to be expended in actual aid of mothers and babies, and who, in the course of the passage of the maternity act, agreed to eliminate even that smallest part?

The maternity act as passed (Public, No. 97, 67th Cong.; 42 Stat. 135) contains this section:

"SEC. 12. No portion of any moneys appropriated under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any buildings or equipment, or for the purchase or rental of any buildings or lands, nor shall any such money or moneys required to be appropriated by any State for the purposes and in accordance with the provisions of this act be used for the payment of any maternity or infancy pension, stipend, or gratuity."

In short, not only does the act specifically prohibit the use of one Federal dollar to rent a bed in a hospital, or hire a taxicab, for a needy mother, or the clothing "equipment" to keep a new-born baby from freezing, but it also undertakes to command the States that not even "the smallest part" of the "matched" funds raised by the State shall be used for any "gratuity" to needy mothers and infants! Every cent is for salaries and "social service."

Your petitioners, desiring to be absolutely fair, invite attention to the fact that the latter part of section 12, commanding the States not to pay any maternity or infancy pension, etc., was added by the House Interstate and Foreign Commerce Committee, to prevent the use of this money for socialist "maternity benefits," after severe criticism, in the Senate and elsewhere of such Children's Bureau propaganda. (See Maternity Benefit Systems in Certain Foreign Countries, bureau publication No. 57.)

On the other hand, it was the bureau itself that put in the first part of section 12, prohibiting the use of the money to purchase, erect, preserve, repair, or rent any "buildings or equipment."

The reason for this clause is that the Children's Bureau wanted the money appropriated under the act (aside from that eliminated, "smallest part" for "medical and nursing care" in the original bill) exclusively for "service"—that is, salaries, "investigations and reports," traveling expenses, etc., of bureaucrats, which it would be more accurate to describe as plain graft and "pork" for professional social workers, rather than "service" to mothers and children.

Dr. Anna E. Rude, director of the division of hygiene, Children's Bureau, made this clear at the first hearing:

"No Federal money apportioned to the States shall be used for buildings, repairs, equipment, or rent, the intent being that they shall be applied solely for service." (Senate hearings, Committee on Public Health, on S. 3259, May, 1920, p. 7.)

Mrs. Florence Kelley, the real leader of Children's Bureau legislative campaigns (as may be noted in the Senate hearings on the maternity act in 1921 and the Senate hearings on the child labor amendment in 1923, where she, rather than the bureau chief, led the fight on the closely contested points, and the amendments suggested by Senators), made this "service" demand even more clear as the chief object of the bill's backers, as will be shown.

Senator GEORGE H. MOSES, of New Hampshire, April 28, 1921, introduced an amendment as a substitute for the maternity act (S. 1039).

Whatever may be said of the Moses amendment from the constitutional-lawyer's standpoint (on account of the Federal subsidies involved) the Moses amendment, at least, provided real Federal aid for mothers instead of social workers. To each county that raised $5,000 for a maternity hospital the Moses amendment proposed to contribute a Federal $5,000 if the hospital were approved by the county and State public-health officials. Actual training of women in maternal nursing was also provided, and the Federal administration of the act was to be in the United States Public Health Service.

Senator MOSES, at the time, issued the following statement:

"The so-called maternity bill is designed to create jobs and to procure the circulation of literature accompanied by unwelcome and unwise intrusion into the most intimate of private affairs.

"If the real desire of the proponents of the measure is to give real help to expectant mothers, they should realize that provisions should be made for doctors and not documents, for medical men instead of meddlesome Matties. Therefore, I have prepared an amendment, which will provide for Federal cooperation to establish and maintain hospitals in every county choosing to avail itself of the Federal cooperation which I have outlined. These hospitals can be made real centers for the remedial help which the proponents of this bill affect to be seeking. These institutions will offer care for mothers in childbirth and for their ailing children afterward; they can be made local training centers for nurses to be selected from the schools; around them will be coordinated the activities of the existing charitable organizations, mothers' aid societies, the Red Cross, and agencies for child welfare. In these hospitals practical work will be done, and the limit of cost will be fixed. Under the pending bill no one can foresee the ultimate expense, though its pork-barrel potentialities are readily apparent."

Mrs. Florence Kelley, socialist, lieutenant of Friederich Engels, etc., who was in charge of the "maternity act drive" of 1921, as chairman of the Women's Joint Congressional Committee's maternity act subcommittee, had so much power that the bill of a United States Senator proposing real help for mothers got no consideration whatever and was not even printed in the hearings (S. 1039, April 25, Senate Committee on Education and Labor) after this leading socialist, at the head of the so-called "women's" lobby, denounced it.

Mrs. Kelley declared:

"We have made a study of the Moses amendment, and it seems to us to be an amendment intended to destroy this bill. * * * There are very grave dangers in two of its provisions. You can not imagine anything worse than the strewing of the counties with unstandardized little hospitals. * * * But there is another thing to aggravate the establishment of little hospitals all over the counties, and that is the proposition to turn out from these little hospitals innumerable armies of nurses with one year's training. * * * It would be a terrible retrogression in regard to the standard of the care of mothers and children in this country, and we can not afford to retrogress. * * * Our hope is that this bill will be passed to give them this instruction and not to provide for bricks and mortar." (Senate hearings, April 25, 1921, S. 1039, pp. 136, 137.)

A Senator's proposal for maternity hospitals, supervised by county and State health boards and the United States Surgeon General, and for the real training of women under such supervision in maternal nursing was bitterly scorned and ridiculed by this powerful socialist as "bricks and mortar" for mothers, while "instruction," "service," "investigations and reports," and salaries for social workers without any medical or nursing training at all was urged as so necessary that Congress was accused of wishing "to have mothers die" unless it passed Mrs. Kelley's bill.

It did pass Mrs. Kelley's bill, and Senator MOSES's bill was not even allowed a place in the hearings, so strong was the imagined political power of a Marxian socialist at the head of a woman's joint congressional subcommittee in 1921. Of real political power, voting strength, Mrs. Kelley and her followers have none, as was demonstrated when the people got hold of her child labor amendment. But so long as Congressmen imagined that every woman voter in the country was wildly backing the Kelley program the proposal of a mere United States Senator could get no consideration of its merits.

That is the pity of it all. If the socialists were outvoting us and overpowering us, there would be some excuse for allowing socialist leaders to write our Federal laws and proposed constitutional amendments.

But they are simply outwitting us, bluffing us, and backing us gradually into communism blindfolded by threatening Congressmen with the imagined hostility of a mythical solid mass of women voters whom they pretend to represent.

SAVE MOTHERS AND BABIES BY REJECTING MATERNITY ACT

Nothing could better demonstrate the fraud and futility of the maternity act than the actual results as to infant and maternal mortality

and the nature of the "testimonials" and juggled statistics now presented in favor of its extension. In the first place, an examination of the "testimonials" will disclose that practically all of them are from State employees whose salaries are paid in part from the Federal funds donated under the act, and who are employed to administer the joint Federal and State funds. It is hardly to be expected that such persons would bear testimony that might result in cutting off Federal appropriations that contribute toward the payment of their salaries and the creation or continuance of their official jobs.

There is one notable exception to such testimonials. At page 48 of the recent House hearings on H. R. 7555, January 14, 1926, there is a testimonial which was "written in a foreign language" and had to be translated, in which a foreign mother, who says she has had nine children, thanks the State bureau for sending "such good advice."

It is believed that no private patent-medicine company in America could stay in business a week without more and better "testimonials" than are offered for the extension of this act.

In 19 pages of "testimonials" in the CONGRESSIONAL RECORD, April 14, 1926 (pp. 7254–7273), we fail to find any that are not signed by State officials directly concerned in the administration of the act.

In addition to such testimonials the Federal Children's Bureau, January 14, 1926, rushed into a hearing before the House Interstate and Foreign Commerce Committee with a table of early "provisional" figures to show the "trend of infant mortality in the United States birth-registration area, by States, 1915–1924," as an argument for extension of the maternity act. (House hearings, p. 53.)

The maternity act of November 23, 1921, did not go into effect and no payments to States were made under it until May 22, 1922. (Children's Bureau official publication No. 137, p. 5.)

In 1921 the infant death rate per 1,000 live births was 76.

In 1922 (with the maternity act in operation after May in a few States) the rate was again 76.

In 1923, the first full year of maternity act operation, the rate increased to 77 infant deaths per 1,000 live births.

Did the Children's Bureau come to Congress admitting this mathematical fact, certified by the official figures published by the Census Bureau?

It did not. It went back to 1915, seven years before the maternity act was in operation, when the rate in a smaller registration area was 100, and by presenting early "provisional figures" for 1924, with 8 of the 33 States in the birth-registration area missing, it sought to show that the "trend of infant mortality" downward from 1915 to 1924 was due to the maternity act.

The Census Bureau has now completed the 1924 figures for the 33 States in the birth-registration area, including all 5 of the States that have rejected the maternity act, but only 28 of the 43 States that have accepted the act. The remaining 15 States that have accepted the act are not in the birth-registration area, so that less than two-thirds of the States cooperating with the bureau are willing to register infant births and deaths.

Accurate birth and infant mortality registration is the first essential in getting information on infant mortality, one of the things the Children's Bureau was created to do. Yet the Children's Bureau, with full power to require birth and infant-mortality registration in the "plans" of States accepting the maternity act, has "cooperated with" 15 States in not registering births and infant deaths.

The Census Bureau division of vital statistics, the organizations that collects the facts and statistics and does not put out isolated "studies, investigations, and reports" as propaganda for its own extension, carries at the top of every one of its newspaper releases in red ink:

"Vital-statistics goal: Every State in the registration area before 1930. Your help needed."

But the Census Bureau in its official report on birth statistics, issued March 11, 1925, observes:

"No States were added to the registration area in 1923."

That was the first full year of maternity act operation!

Yet "birth registration" was one of the most touching pleas for passage of the maternity act. Miss Julia C. Lathrop, then chief of the Children's Bureau, testified in 1921:

"We have incomplete birth registration. * * * The adoption of this law undoubtedly will at once give added urgency to birth registration, which the bureau has stimulated, * * * with the aim of bringing the whole country within the registration area as promptly as possible, and thus making possible prompter service to mothers and babies as a measure of lessening infant mortality. Study and stimulus of the best methods of improving birth registration are the duty of the bureau under its general law, and would be especially timely and important in making the maternity and infancy law effective. (Senate hearings, April, 1921, p. 18.)

But with full authority to require birth registration "no States were added to the registration area in 1923," first full year of the maternity act, and the Children's Bureau still "cooperates" with 15 States in concealing birth and infant-mortality statistics, because of incompetence, neglect of "the duty of the bureau," or a desire not to have Congress and the country know all the figures when the bureau seeks more power and funds.

The provisional figures for 1924 for the 33 States in the birth-registration area, just compiled by the vital statistics division of the Census Bureau, show:

INFANT MORTALITY IN BIRTH-REGISTRATION AREA (33 STATES)

Births, 1924: 1,908,345. Deaths under 1 year: 139,533. Deaths under 1 year per 1,000 live births: 73.1.

Infant mortality in 5 States that rejected maternity act

	Births, 1924	Deaths under 1 year	Deaths under 1 year per 1,000 live births
Connecticut	31,676	2,181	68.9
Illinois	137,114	9,745	71.1
Kansas	37,929	2,238	59.0
Maine	18,411	1,485	80.7
Massachusetts	91,487	6,186	68.9
Total	316,617	21,835	69 9

Infant mortality in 28 States that accepted maternity act

[Registration area with total number of births and infant deaths in 5 rejecting States subtracted]

	Births, 1924	Deaths under 1 year	Deaths under 1 year per 1,000 live births
28 States	1,591,728	117,698	74

Thus the States rejecting the maternity act have a lower infant mortality than the States accepting the act. Infant-mortality rates for the individual States accepting the act that are in the registration area are shown in the full census report, "Birth statistics, 1924."

The 28 States accepting the act that are in the registration area follow:

California, Delaware, Florida, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

The 15 States accepting the act and cooperating with the Children's Bureau in not registering births and infant mortality are—

Alabama, Arizona, Arkansas, Colorado, Georgia, Idaho, Louisiana, Missouri, Nevada, New Mexico, Oklahoma, South Dakota, Tennessee, Texas, and West Virginia.

If infant-mortality rates were known in these States, the comparison of rejecting States with accepting States would be even more unfavorable to the maternity act, if, as the Children's Bureau itself admits, birth registration makes possible "prompter service to mothers and babies as a measure of lessening infant mortality."

MATERNAL MORTALITY

Likewise an examination of the figures for maternal mortality shows a greater saving of mothers' lives in States rejecting the maternity act.

The latest tables published by the vital-statistics division of the Census Bureau are found in "Mortality statistics, 1923," just issued.

As in the case of infant mortality, they show an actual increase in maternal mortality, both for all causes, and for puerperal septicemia, in the total registration area, during the first full year of maternity act operation.

The following figures are from Table BH, "Mortality statistics, 1923" (p. 61), the latest official report of the Census Bureau:

Deaths of mothers per 1,000 live births

	All puerperal causes			Puerperal septicemia		
	1923	1922	1921	1923	1922	1921
States rejecting maternity act:						
Connecticut	5.7	5.7	5.3	2.1	2.0	2.2
Illinois	6.4	6.3	(1)	2.7	2.4	(1)
Kansas	6.8	7.6	6.4	3.2	3.3	2.9
Maine	8.7	7.6	7.4	1.8	2.1	1.9
Massachusetts	6.3	6.8	6.5	2.0	2.1	2.2
All States in registration area	6.7	6.6	6.8	2.5	2.4	2.7

[1] Illinois not in registration area in 1921.

It is not practicable, except by elaborate calculations from the number of mothers' deaths and live births in all the States, respectively,

to determine the maternal-mortality rate for the States accepting the act as a group.

Nevertheless these facts will be observed:

Three of the five rejecting States, Connecticut, Illinois, and Massachusetts, have a lower rate for all maternal deaths than the entire registration area, proving that the higher rate for the entire area must come from States accepting the maternity act, as Maine and Kansas, with Kansas having only 1 more maternal death in 10,000 births than the area, could not alone account for the higher area rate than the rates of Connecticut, Illinois, and Massachusetts.

For puerperal septicemia, the dreaded infection so much stressed by some advocates of the maternity act, it will be noted again that three of the rejecting States are below the country average mortality rate; that one, Illinois, is only 2 deaths in 10,000 births above it; and that Maine, despite its comparatively high total maternal mortality (due to climate and French Canadian high maternal mortality) has one of the lowest State septicemia rates in the country, indicating that Maine is not "letting mothers die" through this infection by rejecting the advice and subsidies of the Children's Bureau.

In the table of all the States in the birth-registration area, at page 61, it is shown that Connecticut, a rejecting State, has the second lowest maternal-mortality rate in America (5.7), only Utah having a lower rate (5) and New York and New Jersey having the same rate as Connecticut (5.7).

In the table of cities of 100,000 population or more, at page 62 of the Census Bureau's "Mortality statistics, 1923," it is shown that Fall River, Mass., has the lowest maternal-mortality rate in the Union (8) and also the lowest septicemia rate (1.1) for any large city or State, without benefit of the so-called maternity act. (See also p. 33.)

FALSE CHILDREN'S BUREAU STATISTICS

The well-known legal principle that a man should not be a judge in his own case applies equally to the accurate and scientific collection of facts and statistics. The Children's Bureau was established, in the opinion of Congress, at least, as a fact-finding and "statistical agency."

But the bureau is self-intersted in coloring the facts for its own expansion as an administrative agency; the worse it can show conditions, the better it can demand appropriations to remedy them. This is neither scientific nor safe.

In the original Senate report (No. 141, 62 Cong., 1st sess., August 14, 1911) by Senator BORAH on the bill to establish the Children's Bureau are quoted several objections of the Census Bureau to the mixing of statistics with administration, when it was proposed that the Census Bureau could act as the agency. The Director of the Census shrewdly objected:

"The Census Bureau is a purely statistical office. Its function is to collect the cold-blooded facts * * * and leave to the public at large the duty of drawing the ethical or moral or industrial conclusions which those facts convey. I feel very strongly that if any legislation is enacted which in any way modifies the function of the Census Office in that regard it will be highly detrimental to the work of the office. * * * That is the general position of the Census Office on that proposition, and I believe it is a position which is scientifically correct; that it is a position which it is necessary for the office to maintain if it is not to lose its standing as a purely statistical bureau."

Thus the fundamental principle of scientific collection of statistics was violated when the Children's Bureau was created as a "statistical agency" with a direct self-interest in its own statistics.

Naturally, therefore, the bureau's statistics have constantly been colored to favor the bureau's administrative and legislative plans.

One of its worst and most repeated errors is the publication of charts and tables pretending to show the United States "cares less for mothers and children" than foreign countries. The slogan "It is safer to be a mother in 17 foreign countries than in the United States" has been employed in all the maternity act propaganda. At the most recent House hearing, January 14, 1926, Miss Grace Abbott declared:

"The maternal mortality rate is the one that is so seriously high as compared with other countries, * * *" (p. 56).

Assuming this as a fact, she went on to an assumed explanation:

"We have not had the same period during which this has been considered as a national problem that other countries have had. We have been slower in coming to it than some other countries have." (Ibid.)

Now for the uncolored facts. Dr. John Howland, pediatrician in chief, Johns Hopkins Hospital, Baltimore, one of the most eminent authorities on the subject, wrote to Chairman Winslow of the House Interstate and Foreign Commerce Committee, July 12, 1921:

"I am quite sure from considerable experience with statistics that there is no basis for the statement that the United States stands seventeenth in maternal death rate. Even civilized countries have not sufficiently accurate statistics to enable anyone to make a definite statement such as this." (House hearings, July, 1921, p. 270.)

The vital-statistics division of the United States Census Bureau, the only real statistical bureau we have on this subject, declares in its latest report, "Mortality Statistics, 1923" (p. 61):

"How do the death rates from puerperal causes per 1,000 live births in the birth-registration area of the United States compare with the rates in foreign countries? Here again is a question of the greatest interest and importance which can not be answered satisfactorily, both because of lack of data in this country and because there is no certainty that all deaths from these causes are classified in the same way in the various countries."

According to the most eminent pediatrician in America, and according to the only true statistical agency we have on the subject, "there is no basis" in facts and statistics for this Children's Bureau propaganda. But the bureau is self-interested in making Congressmen believe that the "United States lags behind many countries" (as the chief of the Children's Bureau says in her last annual report for 1925, p. 4) and therefore keeps up the propaganda, regardless of the proof that there is no statistical basis for it.

Therefore even as a "statistical agency" the Children's Bureau is not reliable and can not be trusted, as it is not only self-interested but unscrupulous in juggling statistics to favor its legislative program.

SELF-INTEREST OF PUBLIC-HEALTH NURSES

In the Children's Bureau's "Minimum standards for the public protection of the health of children and mothers" (Bureau publication No. 60, p. 437) is this:

"One public-health nurse for average population of 2,000."

That is, the "minimum standards" of the bureau contemplate 50,000 public-health nurses "for the public protection of the health of mothers and children." According to Miss Elizabeth Gordon Fox, director of the public-health nursing service of the American Red Cross:

"Ten thousand of these public-health nurses are scattered over the country." ("Professional nursing as a career," Woman's Home Companion, April, 1922, p. 20.)

Thus the Children's Bureau standards provided for five times as many public-health nurses, for maternity and infancy work, as there are in the country. It is not remarkable that the public-health nursing associations favored the maternity act. Miss Fox testified in favor of the maternity act in 1920:

"There are something like 80,000 or 90,000 nurses in the country and at present only about 10,000 of them are public-health nurses; and we could increase their number." (Hearings, House Committee on Interstate and Foreign Commerce, December, 1920, p. 69.)

The Children's Bureau standards and the maternity act therefore seemed to provide for a public berth for 50,000 out of the 80,000 or 90,000 nurses in the country.

It should be noted that Miss Fox explained to the committee:

"I would like to have you clearly understand that I do not represent the Red Cross. The Red Cross, as you know, does not take any part in legislation and expresses no opinion on legislative matters, and I do not want my presence here considered to be in behalf of the Red Cross." (Ibid., p. 68.)

Questioned by the committee, Miss Fox revealed that the "public-health nurses" are "largely employed by philanthropic organizations" (p. 76). Relatively few of the 10,000 were on the public pay roll. She said:

"The Red Cross is the largest employer of public-health nurses in the country. Outside of the Red Cross there is no other national agency which employs local nurses, except a large insurance company."

It may be observed in passing that the Metropolitan Life Insurance Co., the company alluded to, was also a strong supporter of the maternity act, and self-interested, of course, in having the salaries of its nurses paid by the public!

Miss Fox testified (p. 70): "We now have 1,200 public-health nurses," meaning in the Red Cross nursing service.

In her Woman's Home Companion article, "Professional nursing as a career," in April, 1922—a month before payments began to be made to the States under the maternity act—Miss Fox wrote:

"The American Red Cross alone has over 1,300 public-health nurses engaged in this pioneer rural nursing in every State of the Union."

Under the maternity act "the total number of nurses employed in the States, in addition to the 9 who served as directors, was 595." (Children's Bureau publication No. 146, issued February 11, 1925.)

Your petitioners are informed by the office of Miss Fox, director of the Red Cross public-health nursing service, that now—May 1, 1926—it has only 854 public-health nurses, of which 792 are in the United States—523 in the eastern division, 215 in the Middle West, and 53 in the West.

It is evident that the difference between the number of nurses in the Red Cross public-health nursing service in April, 1922, when there were "over 1,300," and the number employed by the Red Cross at present in the United States, 792, is over 500.

This would seem to indicate that some 500 public-health nurses previously employed by the Red Cross have obtained places on the public pay roll under the maternity act. The additional 100 maternity act nurses may have been recruited from the "insurance company" and the "philanthropic societies."

In any event, it seems clear that the maternity act has not increased the total number of nurses "engaged in this pioneer rural nursing in every State of the Union," but simply transferred some 600 nurses from private to public pay rolls. And the Children's Bureau's "minimum standards" contemplate a similar transfer of 50,000 out of the 80,000 or 90,000 nurses in the country if Congress and the States can be induced to pay the bill.

That this angle of the act, the socialization and nationalization of nurses, is one of its main bad features is further illustrated in a propaganda article in the May, 1926, issue of Good Housekeeping.

This magazine was one of the original backers of the act and credits itself as a leader in the maternity act campaign. It is owned by Mr. William Randolph Hearst. The article, entitled "Making America safe for mothers," concludes:

"And above all we must multiply the number of public-health nurses a thousandfold." (Good Housekeeping, May, 1926, p. 60.)

Thus, while 50,000 public-health nurses for maternity and infancy was regarded as the "minimum standard" by the Children's Bureau the present goal is 600,000, according to Good Housekeeping.

In short, the maternity act in part is designed to secure centralized control, by the lay Chief of the Children's Bureau, of practically all the nurses, just as the Federal education department bill is designed to secure centralized control over 800,000 teachers by the use of catch phrases, slogans, lobby pressure, and juggled statistics upon the Congress.

MATERNITY ACT PROVES ITSELF FRAUD AND FATAL ERROR

It will be recalled that the Children's Bureau when fighting congressional proposals to place Federal administration of the act under the United States Public Health Service held that it was "not a health measure" and that it would be a "fatal error" to place such work under "the sole supervision of physicians" instead of under a bureau in the Labor Department. These statements have been quoted in this memorandum.

On the other hand, the bureau and its backers flooded the newspapers and magazines with "sob-stuff" propaganda purporting to show that the lives and health of mothers and babies depended upon this act as a health measure.

Congress was publicly indicted practically as a body of Herods. Mrs. Florence Kelley, for example, in "Mothers and children last" (Pictorial Review, February, 1921), denounced Congress for spending "millions for cattle, sheep, and swine" and "not a cent" for mothers and babies, etc.

But whenever the much-accused Congress, challenged by Mrs. Kelley to explain "Why does Congress continue to wish to have mothers and babies die?" (Senate hearings, May, 1920, p. 53), sought to save mothers and babies by giving administration of the act to the United States Public Health Service or by establishing maternity hospitals and maternal nursing schools (as Senator MOSES proposed), such suggestions were denounced, respectively, as a "fatal error" by Miss Lathrop, and ridiculed as "bricks and mortar" by Mrs. Kelley.

Backers of this act were so much more interested in the capture of power for the Children's Bureau than in the health of mothers and babies that Congressmen were flatly told they preferred no legislation at all on maternity and infancy unless the Children's Bureau administered it.

Representative DENISON, of Illinois, said:

"This view * * * has been expressed to me in communications received through the mail, that rather than have the administration of this bill taken from the Children's Bureau they would rather have no legislation at all on the subject." (House hearing, July, 1921, pp. 261, 262.)

Yet this fundamental contention of the Children's Bureau, made to capture the administration of the act for itself, that it was "not a health measure" and it would be a "fatal error" to place such work under the "sole supervision of physicians" has been proved false by the maternity act itself.

The real fatal error, of the Federal Government alone, in placing this health matter under a radical labor bureau has been repudiated and reversed by every one of the States in selecting the State agency

Of the 43 States accepting the maternity act, 41 place its administration under State boards of health. Only two, Colorado and Iowa, place it under the State education department and the State university, respectively. (Children's Bureau publication No. 148, p. 52, list of administrative agencies.)

Not a State in the Union places the administration of this act under a labor department bureau or industrial commission.

Why, then, should the State health boards, in a matter which the maternity act itself demonstrates a public-health function, be offered bribes by the Federal Government to allow the Federal Children's Bureau to control all their plans for the health of mothers and babies? Because not a State health board would submit willingly to the dictatorship of the lay chief of a Federal bureau of social workers, unless bribed to do it.

The United States Public Health Service, which has been cooperating with State authorities for years in a scientific manner, has never begged Congress to bribe State health boards to submit to its control. Instead Dr. L. L. Lumsden, of the United States Public Health Service, testifying against this maternity act, declared:

"What particular branches of health work are indicated in a given locality must be determined by careful local studies. I can not determine here in an office in Washington * * * how money available for health work can be spent to the best advantage in a given community; that has to be determined by some one on the local job." (House hearings, July, 1921, p. 224.)

There was the voice of the scientist, the trained public-health physician, with over 20 years of experience, showing that under science, health, and efficient administration, as well as under the Constitution, the expenditure of public money in this health matter "has to be determined by some one on the local job." Yet the maternity act gives a bureau of social workers at their mahogany desks in Washington the right and power to control all "plans" and expenditures of State health boards in this matter that is completely reserved to the States in the Constitution.

SOCIALIST PROPAGANDA INSTEAD OF HELP FOR MOTHERS

An examination of the Children's Bureau publications and activities will show that bureau from 8 to 10 times as interested in socialist "standardization" of children, following European or international models, and in socialist illegitimacy propaganda as in the health of mothers and babies. This is shown even in the bureau's official list of publications.

First, we count to the credit of the bureau the publications fairly to be considered within the scope and intention of Congress in creating the bureau.

In 1912, through the courtesy of an outside physician, as admitted by Miss Lathrop, then Chief of the Children's Bureau (House hearings, July, 1921, p. 238), a résumé of the book of this physician (Dr. John Slemmons) was issued by the Children's Bureau in one or more pamphlets, credited to Mrs. Max West.

Let us compare these legitimate publications of the bureau with its foreign socialist propaganda, using the official Children's Bureau list of publications and the bureau's numbers and titles:

	Pages
No. 2. Birth registration	20
No. 4. Prenatal care	41
No. 8. Infant care	118
No. 30. Child care	82
10 dodgers on child welfare	40
Total	301
No. 31. Norwegian laws concerning illegitimate children	37
No. 42. Illegitimacy laws of the United States and certain foreign countries	260
No. 42. Analysis and index of illegitimacy laws	98
No. 66. Illegitimacy as a child-welfare problem (Part I)	105
No. 75. Illegitimacy as a child-welfare problem (Part II)	408
No. 128. Illegitimacy as a child-welfare problem (Part III)	260
No. 77. Standards of legal protection for children born out of wedlock	158
No. 144. Welfare of infants of illegitimate birth in Baltimore	24
Total	1,370

Is it conceivable that Congress intended the Children's Bureau to compile so much more of this socialist illegitimacy propaganda than advice and information to mothers in the care of children? In addition, according to the Secretary of Labor's Annual Report, 1925 (pp. 73–74), the bureau is investigating 250 cases of illegitimate children, 8 years of age and over, in 11 cities, and the histories of these cases, 250 individuals, "will form the basis of a report now being prepared." Hence any Senator may soon pick up a Children's Bureau indictment of his home-town's conditions, drawing sweeping national conclusions and "standards" for national legislation from the cases of 250 unfortunates the bureau is inspecting.

Again, let us compare the publications relating to the maternity act with those seeking socialist standardization of American children in imitation of the "doles" and "maternity-benefits" systems of Europe:

	Pages
No. 137. Promotion of the welfare and hygiene of maternity and infancy	42
No. 146. Promotion of the welfare and hygiene of maternity and infancy	56
Total	98
No. 57. Maternity-benefit systems in certain foreign countries	206
No. 60. Standards of child welfare	459
No. 76. Infant-welfare work in Europe	169
No. 105. Infant-mortality and preventive work in New Zealand	72
Total	906

Here we have nearly ten times as much foreign socialist standardization propaganda as information from the bureau regarding the maternity act! The "Standards of child welfare" (No. 60, 459 pages) is the outcome of an internationalist convention called here by the Children's Bureau to frame legislation for American mothers and children in 1919. The proceedings and "minimum standards" of that internationalist convention have become almost a fetish of the bureau, to which it constantly compares the real laws of American States as inferior and defective to these "minimum standards" of

a group of sociologists from England, Canada, France, Italy, Serbia, and Japan, etc., which the Children's Bureau brought here at expense of American taxpayers. (These "standards" are examined at length in the speech of Senator JAMES A. REED of Missouri, June 29, July 21 and 22, 1921.) It is strikingly significant of the Children's Bureau's general attitude that it can give one convention of foreigners, brought here to standardize American children, a report about five times as large as the two considered sufficient to describe the operations of the maternity act for several years in 43 States.

In spite of the fact that the Supreme Court of the United States holds that "the fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children" (Oregon school cases), the Children's Bureau is obsessed with the idea of standardizing everything connected with children.

Consider the latest pamphlets of the bureau: No. 153, "Standards of prenatal care, an outline for the use of physicians," and No. 154, "Standards for physicians conducting conferences in child-health centers."

Under what theory of arbitrary, unlimited, and centralized power even would a Cæsar, a Kaiser, or any other dictator place the "standardization of physicians" under the lay Chief of the Federal Children's Bureau?

Yet the power is assumed by the bureau, and exercised as much as possible, without even bothering to ask specific legal authority from Congress.

Even efficient autocracy would require professional knowledge on the part of the central administrator. But the Chief of the Children's Bureau, neither physician, lawyer, mother, nor nurse, issues a perfect stream of "standards" for everybody; physicians, judges of juvenile courts, probation officers, nurses, mothers, and children, not only in defiance of "the fundamental theory of liberty" of the American dual system of government, but in disregard of the standards of common sense under a despotic form of government.

The bureau's conceptions of its functions would approach megalomania if it were not known to be following a sane enough socialist program to capture all power over the family for one central office.

Miss Julia C. Lathrop, former chief, for example, declared:

"We propose a campaign to furnish knowledge without cost to all comers." (House hearings, December, 1920, p. 21.)

Miss Grace Abbott, present Chief of the Children's Bureau:

"The Children's Bureau has the whole field of child welfare and child care." (Proceedings, National Women's Trade Union League Convention, Waukegan, Ill., June 5–10, 1922, p. 89.)

(c) Child labor amendment submitted to States June 2, 1924

The third and boldest legislative fraud to trick Congress and the country into adopting the Kelley program of revolution by legislation was the "child" labor Federal amendment, providing that "Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age."

Emboldened by the apparent docility with which the country had submitted to the establishment of a central socialist administrative machine (1) by planting the Children's Bureau, a socialist propaganda agency, at the heart of the Federal Government, and (2) by giving it vast administrative power in the States over health boards, physicians, nurses, mothers, and children under the so-called maternity act, Mrs. Kelley now reached out (3) for full power for this socialist administrative machine, the Children's Bureau, over every youth up to 18 in America, in all occupations, in all schools and colleges, in the home, and on the farm.

This time Mrs. Kelley overplayed. She overestimated the stupidity of the people. The people understood this amendment, and they crushed it with a unanimity of judgment by all kinds and conditions of the population, proving that it went deeper than superficial differences, and outraged a basic instinct, the instinct of every species to protect and possess its young.

It will be noted in regard to the child-labor section of the Kelley program, as well as to its other parts, that what Senator Heyburn prophesied is true. It reaches out first for the children of the poor and outrages them most directly; "they would not attempt to execute it except as against the class that is most helpless in their hands," as Senator Heyburn declared. (CONGRESSIONAL RECORD, January 6, 1912, p. 766.)

Like the rest of the Kelley program this amendment was promoted by fraud and trickery, by exploiting sentiment for the child, the most appealing object in nature. But it was not a "child" labor amendment at all. The word "child" appears nowhere in the resolution. That word and all reference to "child" or "children" were deliberately excluded from the text (although stressed in all propaganda) because the instigators of the amendment knew that no court would interpret the word "child" to mean persons up to 18 years of age.

Mrs. Kelley, primarily responsible for drafting the amendment, said:

"Nothing can be more uncertain than the limitations which future courts may place upon the word 'child.' * * * I am afraid of 'child.'" (Senate hearing, January, 1923, p. 121.)

"I am indeed very apprehensive about the use of the word 'child' in this matter." (Ibid. p. 90.)

Again she referred to "this vague word 'child.'" (Ibid. p. 90.) There is nothing vague about the word "child" at all, and that was why Mrs. Kelley feared it. Prof. William Draper Lewis, of the child labor committee, wrote:

"You will see from an examination of the cases to which I refer that the term 'child' has been held to mean persons under 14 years of age." (Senate report on S. J. Res. 1, 68th Cong., p. 125.)

They could not use the word "child" in the amendment because it would limit them to "persons under 14 years of age."

But in the magazines Mrs. Kelley herself led the campaign of double-dealing by calling it "the children's amendment" (Good Housekeeping, February, 1923), and this it was called by most of the propagandists.

In a petition to the Senate, printed in the CONGRESSIONAL RECORD, May 31, 1924, it is shown that the people were similarly fooled concerning the age limit. Not 1 person in 10,000 dreams that the Federal maximum of 18 years, in section 1 of the amendment, is merely the "minimum standard" of section 2 of the amendment, below which the States were not to be permitted to fall and above which to "the full 21 years" they were to be "stimulated" to go. Miss Abbott declared:

"I want to get a Federal minimum, and at the same time give the States an opportunity to raise but not lower the Federal standards." (House hearings, February–March, 1924, p. 272.)

Again, Miss Abbott said:

"I shall be enormously disappointed if we do not have the Federal law only a minimum law, but we will have continuing the problem of raising the standards in the States." (Ibid. p. 269.)

"Where there has been a Federal law there has always been an increasing tendency to raise the State standards." (Ibid.)

Can it be denied that the people are being tricked?

The giant deceit of the child-labor amendment, as a Bolshevik plot against American farmers, will be exposed in the "revolutionary conspiracy" section of this memorandum.

(d) Extension of the maternity act (pending)

Why was an extension of the maternity act for two years demanded by the Children's Bureau more than a year before the expiration of the present five-year period? Why did the bureau hurry to Congress in January, 1926, to get the act extended to 1928 and 1929, when the present act runs until June 30, 1927?

Was it to use this subsidy as a campaign fund to attempt to induce the State legislatures, of which more than 40 meet again in 1927, to ratify the "child" labor amendment?

Was it to trick the Congress into keeping up the maternity act for two more years before the vital-statistics reports of the Census Bureau for the five-year period revealed the utter fraud and futility of the act?

There are several significant official statements in this connection.

In the Chief of the Children's Bureau annual report, 1925, despite acknowledgment therein that 34 State legislatures had acted against the amendment, Miss Abbott says:

"It is not to be expected that the efforts to secure ratification of the amendment will be abandoned * * *" (p. 8).

That is, "it is not to be expected" that this socialist bureau will respect the action of three-fourths of the States and of the American people on this subject, but will do everything in its power to overturn this overwhelming mandate by lobby pressure and propaganda on the 1927 legislatures.

In the letter of the Secretary of Labor to Chairman PARKER, of the Interstate and Foreign Commerce Committee, December 21, 1925, is this statement:

"In order that the State legislatures meeting in January, 1927, may know what funds will be available, action with reference to this appropriation (for extension of the maternity act) should be taken by the present Congress." (House hearings, January 14, 1926, pp. 27, 28.)

That is the official explanation—so that the 40 or more legislatures meeting in 1927, with power to ratify the "child" labor amendment, "may know what funds will be available" under the maternity act.

That the Secretary's letter was prepared, at least in part, by the Chief of the Children's Bureau, is self-evident from the fact that it contains a paragraph identical with one in Miss Abbott's annual report, September 15, 1925 (p. 2). It is inconceivable that the Secretary "happened" to repeat Miss Abbott's exact language, and equally inconceivable that he would lift material from the bureau's annual report without due credit and direct quotation. Miss Abbott herself indicated that the Secretary only "signed" the letter, in the following anxious communication to Chairman PARKER:

JANUARY 6, 1926.

MY DEAR MR. PARKER: I have just learned that the letter with reference to the Sheppard-Towner Act which the Secretary of Labor wrote you on December 21 has failed to reach you in some way. He has therefore signed the inclosed and has asked me to see that it reaches you to-day.

GRACE ABBOTT.

The child labor amendment and the maternity act are inextricably interlocked, and the maternity act, with its subsidies, has always been a campaign-fund measure for national control of "child" labor.

It was not until the Supreme Court held the first Federal child labor law unconstitutional, June 3, 1918, that the "maternity act" drive started. And then the campaign for control through subsidies began at once, with the introduction, July 1, 1918, of the original "maternity bill" by Miss Jeannette Rankin (H. R. 12634, 65th Cong.). Miss Rankin is field secretary of Mrs. Florence Kelley's National Consumers League, since Montana refused to reelect Miss Rankin. The second national child labor law passed instead, February 24, 1919.

Likewise the second big "drive" for the maternity act began in 1920, when the second national child labor law had been held unconstitutional in North Carolina, and was in the United States Supreme Court on appeal.

Miss Grace Abbott (administrator of the first Federal child labor law) in February, 1920, went to the convention of the National League of Women Voters as chairman of its resolutions committee and brought in a resolution for "the adoption of a constitutional amendment giving to Congress the power to establish minimum labor standards," etc. (Woman Citizen, official organ, National League of Women Voters, February 28, 1920.)

The maternity act was also strongly indorsed. (Ibid.)

The National Woman's Party, to which Miss Julia C. Lathrop, then Chief of the Children's Bureau, was a financial contributor, was also induced to indorse the bureau's program for sweeping national control. The Suffragist, official organ of the National Woman's Party, March, 1920, declares:

"The provision of the last revenue bill taxing the profits of a concern doing interstate business which employs child labor is now before the United States Supreme Court for decision as to its constitutionality.

"The Sheppard-Towner bill, indorsed by the Children's Bureau, * * * has so far had no hearing.

"Three-fourths of working children are employed on farms.

"There are no laws to protect the rural child worker.

"The inadequacy of our present child-labor law * * * is clearly brought out by the Children's Bureau."

Quoting the Children's Bureau, the Suffragist (March, 1920) continues:

"Child labor, including rural child labor, can be abolished * * * by a liberal educational program which includes compulsory part-time schooling for children up to 18 years of age."

In December, 1920, a "Women's Joint Congressional Committee" was formed, with the Sheppard-Towner Act the first measure on its lobby program, and with Mrs. Florence Kelley, socialist, chairman of the subcommittee, in charge of the "maternity act drive."

It is to be noted that all this political campaigning by the Children's Bureau to enlist the National League of Women Voters, the National Woman's Party, and various women's clubs through the Women's Joint Congressional Committee, in aid of the bureau's drive for complete power over children, took place while the second child labor law was pending in the Supreme Court, with the outcome in doubt, as the court had already held the first law unconstitutional.

Immediately after the Supreme Court held the second national child labor law unconstitutional, May 15, 1922 (Bailey *v.* Drexel Furniture Co.), the drive for the amendment began, Mrs. Kelley and Miss Abbott leading the agitation.

Thus it can not be denied that these measures are the key and the lock to the same door, opening the Constitution to nationalized, standardized, centralized control of children, youth, and women by Mrs. Kelley and Miss Abbott.

That the Children's Bureau's sudden campaign for extension of the maternity act, obtaining hearings, January 14, 1926, when some of the vital statistics were missing, so that no one could at that time check the bureau's claims by comparing rejecting and accepting States accurately, was otherwise loaded with the usual fraud and trickery is shown by Miss Grace Abbott's testimony regarding the term of the extension.

The Phipps-Parker bill, like other measures of the Kelley program, does not mean what is says. It does not mean merely a two years' extension of the maternity act appropriation, authorized for five years originally, and due to expire June 30, 1927, end of the fiscal year. This is clearly stated by Miss Abbott in the House hearings:

"Mr. NEWTON. Do you consider that the two years is sufficient?

"Miss ABBOTT. I do not consider it sufficient if it is to end at the two-year period. I did not think in asking that period of time * * * that there was to be no further extension after the two-year period. * * * I do not believe that the two-year period will end the necessity for Federal aid. * * *

"Mr. FREDERICKS. How long do you think it will be before it is the proper time for the Government to step out of this endeavor and allow the States to handle it?

"Miss ABBOTT. That is hard to say. * * *

"Mr. FREDERICKS. You feel that you can not answer the question?

"Miss ABBOTT. I do not think it is possible to say exactly; no.

"Mr. FREDERICKS. Well, approximately? Is it the purpose that the United States Government should retire from this field?

"Miss ABBOTT. I do not see why it should not be able to retire from this field eventually.

"Mr. LEA. But if it should be necessary for the Federal Government to remain in it in order to accomplish the purpose you still would be in favor of that, would you not?

"Miss ABBOTT. I think there is no crop the United States has that is so important as its children, and that we can afford to stay in it in order to reduce the infant and maternal mortality in the United States until we have placed the United States where it ought to be in comparison with other countries.

"Mr. LEA. What would you say is the minimum time within which the United States could possibly retire, in justice to the successful operation of this work?

"Miss ABBOTT. I really can not say. * * *

"Mr. LEA. As I understand it, you think there is no possibility that two years will be sufficient time for the Government to complete its part?

"Miss ABBOTT. No. * * *

"Mr. LEA. What time would you specify for a certainty, that, in your judgment, the United States should remain in this work?

"Miss ABBOTT. I do not want to specify for a certainty.

"Mr. LEA. Do you think four years?

"Miss ABBOTT. No; I would rather say five as the time that the Government would without question need to continue the work.

"Mr. LEA. You are certain that the Government should stay in for five years?

"Miss ABBOTT. Personally, I am; yes." (House hearings, January, 1926, pp. 12, 13, 14.)

It will be seen that Representative MERRITT, of Connecticut, who signed the House minority report, was justified in the following remarks on the floor:

"I suppose you gentlemen think, as you might readily think, that the idea of the promoters of the bill is that at the end of the two years the experiment will have been sufficiently established so that the States can attend and will attend to their own affairs; but not at all. * * * If you pass this bill you are practically making this subvention to the States for attending to their own affairs perpetual." (CONGRESSIONAL RECORD, April 5, 1926.)

As the original appropriation was authorized only for five years, its termination at the end of that period is reasonable and natural, in accordance with the intentions of Congress and the agreements with the States. The vital-statistics reports, previously quoted in this minstration backing, because of a preelection commitment of the the extension of the maternity act. Also there is no political reason.

The original maternity act was passed during the postwar confusion of the Sixty-seventh Congress. Members said it was part of the "backwash" of the war. It was even more the "backwash" of the nineteenth amendment, having been presented to Congress allegedly as the first legislative demand of the new electorate of women, then an unknown political quantity. Most important of all, it had the adminstration backing, because of a preelection committment of the late President Harding in his so-called "welfare speech" of October 1, 1920, to women politicians.

That situation is now reversed. The polls have shown that there is no solidarity among men, and there is none among women. No group can speak for women any more than for men. That myth is killed at every election. The 1924 Massachusetts advisory referendum on the child-labor amendment alone has surely buried this "solidarity of women" superstition so deeply that the ghost of the phantom "solid women's vote" should never more frighten even the most timid candidate.

That Massachusetts referendum alone should make Congress wary of every proposal labeled a "women's measure." The child-labor amendment was labeled both a "women's measure" and a "labor measure."

Massachusetts has the largest proportion of women to men of any State (109 women to 100 men) and also the largest proportion of gainfully employed persons (1,728,316, or 45 per cent of the population) of any State.

Yet the Massachusetts vote on the child labor amendment was 697,563 to 241,461, a majority of 456,102 against it, 75 per cent of the voters registering opposition.

The first organization in the field against the amendment was an organization of women, the Massachusetts Public Interests League.

Again, it is not conceivable that there can be administration backing for extension of the maternity act, for President Coolidge is most positively committed to the people, before and after election, to uphold State rights, and against bureaucracy and Federal subsidy measures. He has taken an unflinching stand on principle, even to curtailment of existing activities, and is unmoved by "expediency" propaganda, as shown in a collection of his statements on these subjects in the appendix of the CONGRESSIONAL RECORD, January 23, 1926.

In his annual message, December 8, 1925, President Coolidge said:

"It does not at all follow that because abuses exist that it is the concern of the Federal Government to attempt their reform."

Again, with great courage, he said:

"We have superfluous employees. It is an unpleasant and difficult task to separate people from the Federal service. But it can be done. It will be done." (Budget meeting, January 26, 1925.)

"Unfortunately the Federal Government has strayed far afield from its legitimate business. It has trespassed upon fields where there should be no trespass." (Budget meeting, June 22, 1925.)

Of Federal aid to States, President Coolidge said:

"I am convinced that the broadening of this field of activity is detrimental to both the Federal and State Governments. * * * I am opposed to any expansion of these subsidies. My conviction is that they may be curtailed with benefit both to Federal and State Governments." (Budget message, December 2, 1924.)

Surely there is no legislation to which these statements apply so pointedly as to the Phipps-Parker bill, which your petitioners urge you to reject.

(c) *Federal Department of Education bill (pending)*

No adequate consideration of the pending bill to extend the maternity act can fail to note that it is but one part of an apparatus of legislation for the transmission of socialist power to one central agency, for the purpose of subjecting all children to dependence upon government, instead of upon individual parents. This socialist transmission apparatus has many interlocked differential gears, which all move together or singly, according to the direction in which the socialists at the steering wheel can most easily drive a country at a given time.

The bills are different, but the backers are always the same, with the same general objective, nationalized care, control, and support of mothers and children.

The maternity act and the education bill, both introduced by former Representative Towner, of Iowa, were not merely "Towner twins," as they were popularly called, but two measures in a triplet of socialist bills to cover education, maternity and infancy, and child labor.

The socialists of England were able to move faster with fewer separate bills. For example, England was induced to adopt a dole system of compulsory "health insurance" and "maternity benefits," modeled on those of Germany, July 15, 1912, very shortly after America was induced to establish the first "Children's Bureau." (See Children's Bureau publication No. 57, p. 67, for details of British maternity doles system.)

July 1, 1918, England was induced to extend the maternity doles system, while in America Miss Jeannette Rankin introduced the original maternity bill, then providing for free medical and nursing care "when necessary," etc., as previously shown.

August 8, 1918, England was induced to adopt the Fisher Education Act, covering not only education, but prohibition of child labor, including rural child labor, and providing even "nursery schools" for children from 2 to 5 years old, and for "attending to the health, nourishment, and physical welfare of children attending nursery schools." (See joint hearings, Committees on Education and Labor, July, 1919, p. 55 et seq., for full text of British Fisher Education Act.)

This Fisher Act, part of the socialist doles and subsidy system which has gradually brought even Great Britain to the brink of revolution, at once became the "model" measure for the National Education Association Smith-Towner education bill, and was cited with enthusiasm and published at length in the first joint hearings on a Federal department of education in 1919, as cited above.

This Fisher Act also filled Miss Lathrop (then Chief of the Children's Bureau) with unbounded admiration as a device for abolishing rural child labor. Miss Lathrop invited Sir Cyril Jackson, of the British board of education, and Sir Arthur Newsholme, late principal medical officer of the local government board of England having charge of maternity doles, both to come here in 1919 to show the bureau the best and quickest ways of standardizing and nationalizing children in the United States. (See Children's Bureau publication No. 60 "Standards of child welfare," pp. 12, 98, 102, 269, 284.) After Sir Cyril Jackson's speech at this international convention called by the Children's Bureau to frame standards of legislation concerning children for the American Congress and State legislatures, without their knowledge or even a gesture of seeking their consent, Miss Lathrop declared:

"I do not think any English authority can possibly realize the *eagerness with which we have watched the passage of the Fisher bill* through Parliament, because we saw at once that somebody in England had had the courage to do a thing which nobody in America had been bold enough to do, which was *to cut, by an indirect attack, the root of rural child labor. We would like to get a similar scheme in this country,* * * * to see aid given by the Federal Government to State authorities for elementary education which would be so universal that *in this country also* we would *at once destroy rural child labor by an indirect attack.*

"I would like to know how much opposition from the landowners of England was experienced in getting this measure through.

"Sir CYRIL JACKSON. I think there was no opposition, simply because we were in the middle of a great war, and we trusted Mr. Fisher. *If we had had time to think about it, I think no doubt the farmers would have opposed it very strongly.*" ("Standards of child welfare," Children's Bureau publication No. 60, p. 102.) (Italics ours throughout.)

Again, Miss Lathrop asked:

"Is it true that this act [Fisher Act] is recognized as a measure which is *absolutely as much a labor measure* as it is an educational measure? Was it *put through under the delusion* that it was purely to teach children to read and write better, or was it recognized that it was going to *revolutionize child labor in England* (p. 103)?

"Sir CYRIL JACKSON. * * * I think it is true to say that it is recognized as *a labor bill* as well as an educational bill * * *.

"Miss LATHROP. I would always in the matter of special subsidies take a leaf from an English book. They are the only people speaking the English language * * * who know how to give a subsidy. We hand out money and run away. They hand out money and stay by. They say: 'You can have this money if you do your duty *according to the standards* agreed upon between the Federal Government and the local authority.' Is not that true?

"Sir CYRIL JACKSON. That is true.

"Miss LATHROP. It would be a disaster if we began *this effort to standardize education by getting rid of child labor* without setting up new standards of educational effectiveness. The great advantage for us in a discussion of this English measure is that it *shows us a way to standardize education* * * * and at the same time *to get rid of the one thing we have never dared attack—rural child labor.*" (Ibid. p. 103.)

There is the testimony of the then Chief of the Children's Bureau in the bureau's most comprehensive publications—its own "Standards"—that these things all interlock; that subsidies are sought to standardize and control the local governments; and that propositions to "revolutionize child labor" and destroy even rural child labor may be "put through under the delusion" of "education," etc.

At the same international convention to standardize all legislation for American children Sir Arthur Newsholme, late principal medical officer of England, furnished a "complete scheme" of "maternity and child welfare," embracing antenatal, natal, and postnatal work, as done in England, which is set forth at page 284 of the same Children's Bureau "Standards of Child Welfare."

The Annual Report of the Children's Bureau, 1919, declares:

"The severe blow dealt rural child labor in England by the Fisher education act indicates a successful way of dealing with the problem" (p. 24).

"The third campaign of children's year was the back-to-the-school drive. This was a measure adopted to decrease child labor." (Ibid. p. 9.)

Here it is demonstrated that standardized, centralized control of education, maternity, and infancy, and prevention of youthful labor, even on the farm, were deliberately sought by the Children's Bureau and its socialist backers.

But the Constitution of the United States and the Supreme Court stood in the way of direct control by the central government of education, local health administration, maternity, and other doles, rural and other child labor, etc., as in England, and before England in Germany, and before Germany in the communist manifesto.

Hence this socialist program here had to be promoted by "indirect attack" through subsidies, as proposed in the education bill and maternity act, and by a proposed constitutional amendment after the Supreme Court refused to sanction control of child labor as "interstate commerce" and as legitimate basis for a "tax" law.

The American "education" department bill went as far as it dared in socialism and in imitation of the British Fisher Act.

Of its three great socialist features, (1) for "equalizing education" throughout the Nation, (2) for central administration of local affairs by a dictatorship, and (3) for a doles system (called Federal aid), only one has been temporarily dropped—the doles system—and that only because the President, the Congress, and the country would not stand for a Federal education dole of $100,000,000 a year, to be matched by another $100,000,000 a year from the States, of which $100,000,000 was provided as a "bonus" to teachers. (For proof of the $100,000,000 a year teachers' bonus in the former education department bills, see joint hearings, Committees on Education and Labor, July 10–22, 1919, pp. 51, 53, 115.)

Here again the socialist fraud and trickery of trying to have legislation "put through under a delusion" is manifest.

The dropping of the Federal-aid provision in the pending Curtis-Reed bill is not a bona fide relinquishment of the $100,000,000 Federal appropriation (to be matched by the States) but a mere suspension of the demand until the department is established. Like the maternity act, reduced from $8,000,000 to $1,480,000 to get through Congress, the education department bill comes down to $1,500,000 as the entering wedge amount to trick Congress.

Federal aid was dropped only as a blind. Naturally, this is not intended to be admitted to the general public, but it has been drawn from National Education Association witnesses by committee cross-examination, and also is frankly admitted in the bosom of the N. E. A. official family. The recent hearings show:

"Representative BLACK of New York. Do you favor Federal aid?

"Dr. J. L. MCBRIEN (director of rural education, State Teachers' College, Edmond, Okla.). Yes, sir; I am frankly for Federal aid.

It may not come this time, but it is coming; it is coming; you can not stop it. You may delay it, you may postpone it * * *." (Joint Hearings, February, 1926, p. 72.)

"Mr. BLACK of New York. Is it your opinion that if this bill is passed the agitation for Federal aid will continue from the same sources as support this bill?

"Dr. GEORGE D. STRAYER (former president N. E. A., professor of educational administration, Teachers' College, Columbia University, New York, and chairman of legislative commission N. E. A.). I see no reason why those who are convinced of the legitimacy of Federal aid should not continue to believe in it." (Ibid. p. 3.)

"Senator PHIPPS. The idea that has seemed to predominate heretofore has been the necessity of Federal aid. * * * On the former bill—the Smith-Towner bill, and also on the Sterling-Reed bill * * * the committee was told very pointedly that the request for Federal aid was universal, and that it was absolutely essential and was necessary to advance the cause of education in the United States." (Ibid. p. 49.)

"Mr. JESSE H. NEWLON (former president N. E. A., superintendent of schools, Denver, Colo.). My private opinion is that the profession is overwhelmingly in favor of Federal aid" (p. 49).

Dr. HAROLD W. FOGHT (president Northern Normal Industrial School, Aberdeen, S. Dak., formerly connected with United States Bureau of Education). "You ask me if I am in favor of Federal aid? My answer would be certainly, I am" (p. 77).

"Mr. REED of New York. Doctor, will you feel yourself stopped from asking for Federal aid from Congress if this bill passes?

"Dr. JOHN A. H. KEITH (president State Normal School, Indiana, Pa.). No, sir; I shall not." (Ibid. p. 89.)

The Christian Science Monitor, a publication friendly to the National Education Association, reporting the National Education Association 1925 Indianapolis convention, where the present bill was drafted, under date of June 22, 1925, states:

"The National Education Association leaders decided to defer their request for Federal aid of education because they realize the unwisdom of pursuing it further at the present."

The same article says of Dr. George D. Strayer:

"An untiring worker for a department of education, Doctor Strayer also sought to encourage education in the States through Federal aid until he saw that further campaigning along this line promised for the time to be barren of results."

The article continues:

"Asked to comment further on the Federal aid discussion, Miss (Charl) Williams (field secretary legislative division N. E. A. and former National Education Association president) said: 'There is a general understanding among educators that Federal aid will be deferred. Our bill in the last two sessions of Congress has been a double-headed one. We have decided it is better to make progress in the one direction that is now open. It is inconceivable that the National Education Association will ever give up the idea of the extension of Federal aid to education.'"

There it is in a nutshell, officially stated. Can it be denied that the people are being tricked?

SOCIALISTS AMONG NATIONAL EDUCATION ASSOCIATION LEADERS

It is not possible in this memorandum to quote a number of official statements, often lengthy and involved, showing the socialist, internationalist, and other subversive propaganda put out by National Education Association leaders on behalf of this bill. Hundreds of pages of proceedings, tables, pamphlets, and other National Education Association literature might be shown to contain a straight socialist "complex" by fair examination, particularly in the propaganda relating to "equalizing education" and the arguments for "distribution" of national wealth among State and local school systems, etc. We cite one illustration among many.

"Dr. JOHN A. H. KEITH. We are the richest Nation the sun ever shone on. It is not financial inability at all. It is a matter of distribution, and we can not bring those things about until we get a fair deal on the economic side." (Senate hearings, January, 1924, p. 69.)

It would be hard to find a more lucid short statement of socialist philosophy than that. All it lacks is the socialist label. Representative HENRY ST. GEORGE TUCKER has reviewed at length some of the doctrines contained in a book by Dr. John A. H. Keith and William C. Bagley both leading backers of this bill) and, after quoting them, says:

"Is this not anarchy and defiance of law, pure and simple? And this idea is not advanced by soap-box orators on the street corners of American cities nor by the lately enfranchised German, Italian, Hungarian, Polish, or Russian citizens of the United States with their ignorant and immature schemes of government, but it comes from the highest type of our educated citizenship, and in my judgment has never been surpassed by the pronouncements of the wildest leaders among those who would destroy our constitutional form of government." (CONGRESSIONAL RECORD, January 3, 1924.)

The Socialist National Convention proceedings, 1912, page 45, state that "some of the most expert educators of the United States" who come to the "conventions of the National Education Association * * * with great prestige and are recognized as experts," hold memberships in the Socialist Party. But the general public—and congressional committees—are not so informed when these "expert educators" are lobbying for socialist measures to be "put through under the delusion" (as Miss Lathrop says) of bills "to teach children to read and write better."

2. PROGRAM OF REVOLUTION BY LEGISLATION

For 40 years modern revolutionary communism, under the original, direct instructions of Friederich Engels and Karl Marx, its founders, has had in the United States a thoroughly trained, educated, and experienced leader, who is perhaps the ablest legislative general communism has produced—Mrs. Florence Kelley.

Operating quietly, and mostly under cover of American ignorance of socialist intrigue and philosophy, American chivalry and sentiment concerning women and children, American philanthropy and sympathy toward the poor, Mrs. Kelley has steadily introduced socialism "into the flesh and blood" of America in more ways than any other socialist has had either ability or training to use.

Karl Marx, Friederich Engels, August Bebel, and hundreds of other socialists simply wrote books. Nicolai Lenin, Leon Trotski, Alexandra Kollontay, and Florence Kelley translated those books into legislative action! And the legislative generalship of Mrs. Kelley has probably been even greater than that of Lenin, because she has conducted her entire campaign "with noncommunist hands"—including Republicans, Democrats, capitalists, philanthropists, and women—and for 40 years has managed to keep the legislative headquarters and herself, commanding political general of socialism in America, almost completely concealed.

Probably not one American in 10,000 knows that Mrs. Kelley is a socialist; few legislators can have dreamed that they were carrying out her orders, plans, and program in voting for the vast number of bills she has engineered—municipal, State, and Federal—for two generations. There are in fact few laws on American statute books of a socialist nature or tendency which can not be traced, in whole or in part, to the leadership of Mrs. Kelley. It would require a book, however, to do it, and then it would be incomplete, as Mrs. Kelley alone knows the "thousands of ramifications" of her life work.

Here attention is simply invited to the part of the Kelley program of revolution by legislation involved in Federal maternity, education, and child labor laws.

Mrs. Kelley herself is not a job hunter. She is not out for "pork" but for social revolution. She is a lifetime revolutionary leader, who, as legislative generalissimo of the socialist campaign, enlists hosts of sentimentalists, mercenary women lobbyists and job hunters in her rank and file, who do as they are told, pass resolutions and lobby Congress as directed, and for the most part know no more about her revolutionary socialist strategy than Napoleon's mercenaries knew of his military strategy. The mercenary battalions of women lobbyists and job hunters will be noted and quoted hereafter. Compared with these mercenary women politicians, working for Mrs. Kelley's socialist measures for a personal share in the political loot, Mrs. Kelley herself must be credited with sincerity, and her work, disastrous as it is to society and government, undoubtedly expresses Mrs. Kelley's political convictions.

MRS. KELLEY'S RECORD

Mrs. Florence Kelley was born in Philadelphia in 1859, daughter of William D. Kelley, former Member of Congress, graduated from Cornell University, 1882, studied at Zurich and Heidelberg. While abroad, she came in contact with Friederich Engels, became interested in socialism, and under Engels's supervision translated his chief economic work, "Condition of the Working Classes in England in 1844," printed for the first time in English in New York, in 1886, preparatory to her American campaign. This book of Engels's has been the inspiration of much socialistic legislation here and abroad.

After her return to America, she continued to correspond with Engels's regarding socialist tactics for America, and he instructed her, in a letter dated January 27, 1887, how to introduce socialism "into the flesh and blood" of Americans by their experience. He wrote:

"The less it will be knocked into the Americans from without and the more they test it by their experience * * * the deeper it will go into their flesh and blood." (Quoted in New York Call, socialist organ, January 29, 1923.)

Subsequently, Mrs. Kelley graduated from Northwestern University as a LL. B., 1894, and served as State inspector of factories in Illinois, 1893–1897.

In 1897–98, Mrs. Kelley was the editor of the Archiv fur Sozialegesetzebung at Berlin.

Mrs. Kelley married a Russian physician named Wischnewetzky, from whom she was subsequently divorced, resuming her maiden name, which explains why some of her translations of Marx and Engels are by "Florence Kelley Wischnewetzky."

MRS. KELLEY, ENGELS'S AMERICAN LIEUTENANT

The chief promoter of modern socialism was not Karl Marx but his financial backer and associate, Friederich Engels, a rich cotton-mill owner, born and educated in Germany, but whose large fortune had

been made by his father in Lancashire, England, cotton mills, ownership of which Engels retained.

The socialist, Guillaume, secretary of the Socialist International, described Engels as—

"A rich manufacturer accustomed to regard workmen as machine fodder and cannon fodder." (Guillaume, Documents de l'Internationale, III, 153.)

It was from Lancashire cotton mills that both Friederich Engels and Karl Marx—who lived on Engels's bounty—secured funds to establish various socialist publications and to organize socialism, revolution, and discontent, particularly in France and England. The French and Russian socialists accused them frequently of "pan Germanism," and there is much evidence that their main purpose was revolution elsewhere than in Germany.

Engels lived long after Marx, published and wrote much of the work of Marx, including Das Kapital, and the only reason Marx, instead of Engels, is the legendary patron saint of modern socialism is because the "proletariat" could not well afford to canonize a rich cotton-mill owner. Yet Engels was the financial backer, organizer, and strategist of modern socialism.

It was Engels—not Marx—who wrote "Origin of the family, private property, and the State," the greatest socialist attack on monogamous marriage and morality. It was Engels who completed, published, and wrote much of Marx's Das Kapital after Marx's death. They wrote the "Communist Manifesto" and various other works together.

Yet, as early as 1887, Mrs. Kelley was urging American college women to study Engels's "Origin of the family" as one of the "fundamental" works for those engaged in "philanthropy."

Mrs. Kelley became Engels's translator. "She came to us as the translator of Engels," said Mrs. Kelley's life-long radical friend, Miss Lillian D. Wald, of the Henry Street Nurses' Settlement, New York.

But communist documents recently released show that Mrs. Kelley was much more than Engels's translator; that she was his chief lieutenant for the promotion of communist legislation and propaganda in the United States.

The Workers' Monthly, official American communist organ, for November and December, 1925, published a series of articles entitled "Marx and Engels on the rôle of communists in America."

These articles have also been reprinted as a pamphlet under the title, "Marx and Engels on Revolution in America," as No. 6 of "The Little Red Library," issued by the Daily Worker Publishing Co. (official American publishers for the Communist International at Moscow), 1112 West Washington Boulevard, Chicago.

These articles—and this pamphlet—are "made up of excerpts from letters written by Marx and Engels on conditions in the United States," says the introduction. Most of these letters are from Engels. They are addressed to Mrs. Florence Kelley Wischnewetzky—now Mrs. Kelley—and to F. A. Sorge, a communist who took active part in the revolution of 1848 in Germany, settled in New York in 1857, became head of the General Council of the Socialist International in New York when, after the defeat of the French Commune of 1870–71, "Marx insisted on the removal of the general council to New York." (Booklet, p. 3.) Sorge died in 1906, after obtaining Engels's letters to Mrs. Kelley and turning them over, together with his own, to the New York Public Library, where they remain.

These letters—thus officially reprinted in 1926 by the Moscow Communists in the United States as instructions from "Marx and Engels on Revolution in America"—says the booklet "will help many of those active in the revolutionary labor movement in the United States better to understand the problems of the movement." (P. 5.)

Only a few sentences can be quoted without going into a great mass of detailed socialist history, strategy, and methods.

In a letter to Sorge, September 16, 1887, Engels wrote:

"The masses can only be set in motion in a way suitable to the respective countries and adapted to the prevailing conditions—and this is usually a roundabout way. But everything else is of minor importance if only they are really aroused."

In a letter to Mrs. Kelley, September 15, 1887, Engels says:

"Fortunately the movement in America has now got such a start that neither George nor Powderly nor the German intriguers can spoil or stop it. Only it will take unexpected forms."

He "sums up this method" (roundabout ways and unexpected forms), says the Communist booklet, "in a classic form in his letter to Mrs. Wischnewetzky, January 27, 1887." This letter (regarding introducing socialism into American "flesh and blood") has already been quoted in this memorandum (pp. 3 and 15).

Mrs. Kelley, in May, 1887—within four months of the "flesh and blood" letter from Engels—delivered her classic lecture to American college women, urging them to study Marx, Engels, and Bebel, and to substitute socialism and the class struggle for "bourgeois philanthropy."

This lecture by Mrs. Kelley, entitled "The Need of Theoretical Preparation for Philanthropic Work," a paper presented to the New York Association of Collegiate Alumnæ, May 14, 1887, is in the New York Public Library.

This lecture of Mrs. Kelley's on "philanthropy" will be found in many respects even more bitter, more "class conscious," and more subtly poisonous to the minds of young college women and social workers—to whom it was delivered—than any of the letters from Engels and Marx themselves in the "Little Red Library" booklet "on revolution in America."

Mrs. Kelley's 15-page address is loaded with socialism, under cover of "philanthropy," and should be read in full as a classic example of socialist propaganda methods.

Only a few samples can be quoted here:

"The question that forces itself upon us, and imperatively demands an immediate answer, is this: In the great strife of classes, in the life and death struggle that is rending society to its foundations, where do I belong? Shall I cast my lot with the oppressors, content to patch and darn, to piece and cobble at the worn and rotten fabric of a perishing society? Shall I spend my life in applying palliatives, in trying to make the intolerable endurable yet a little longer? Shall I spend my youth upon a children's hospital. * * * Shall I preach chastity to homeless men, the hopeless discomfort of whose surroundings must concentrate their whole desire upon gratification of animal passion, while want forces scores of thousands of women to sell themselves to the first comer? Shall I fritter away the days of my youth * * * when the steady march of industrial development throws a million able-bodied workers out of employment. * * *?

"Here lies the choice. If we stand by the class to which by education we belong, our philanthropic work, whether we will or no, must bear its stamp, being merely palliative—helping one child while the system sacrifices tens of thousands, saving one girl while thousands fall, building one hospital while every condition of our social life grows more brutally destructive of human life and health.

"As loyal members of the ruling class, our work must, I repeat, be merely palliative. For a radical cure of the social disease means the end of the system of exploiting the workers."

Thus on her own testimony, Mrs. Kelley has been promoting socialism as "philanthropy," "child welfare," "education," "protection of maternity and infancy," etc., because she regards these "roundabout ways" of promoting socialism, not as "merely palliative," but as measures tending toward "the end of the system" of our present form of government and the establishment of socialism.

Mrs. Kelley scorns "palliatives." She believes in revolutionary communism, and in Engels's "Condition of the Working Classes in England," which Mrs. Kelley translated into English and recommended to American college women and social workers as "fundamental" and "one of the indispensable books" (in preparing for social "philanthropy"), we find these revolutionary doctrines:

"The war of the poor against the rich now carried on in detail and indirectly will become direct and universal. It is too late for a peaceful solution. The classes are divided more and more sharply; the spirit of resistance penetrates the workers, the bitterness intensifies, the guerrilla skirmishes become concentrated in more important battles, and soon a slight impulse will suffice to set the avalanche in motion. Then indeed will the war cry resound through the land, 'War to the palaces, peace to the cottages,' but then it will be too late for the rich to beware." (From *the* Florence Kelley translation of Friederich Engels's Condition of the Working Class in England in 1844, 1892 edition, p. 208.)

Again, as Mrs. Kelley translates—and recommends—Engels:

"Hence also the deep wrath of the whole working class * * * against the rich, by whom they are systematically plundered and mercilessly left to their fate, a wrath which before too long a time goes by, a time almost within the power of man to predict, must break out into a revolution in comparison with which the French Revolution and the year 1794 will prove to have been child's play. (Ibid. p. 18.)

MRS. KELLEY HAS "MORE INTERLOCKING DIRECTORATES THAN BUSINESS HAS"

All socialism is most dangerous when disguised. It is when innocent-looking movements, "led by revolutionary minds acting behind the scenes," as Sir Philip Gibbs, famous British war correspondent, terms it, work for revolution in the name of something else that they best succeed.

The Kelley program of revolution by legislation has been promoted in the name of women and children. The work has been chiefly done by women.

Mrs. Kelley has been organizing women to promote socialism for 40 years.

Aided by her colleagues, Miss Jane Addams (president Women's International League for Peace and Freedom), Mrs. Raymond Robins (founder and former president International Federation of Working Women), Miss Lillian D. Wald (head of Henry Street Nurses' Settlement, New York), Mrs. Carrie Chapman Catt (former president International Woman Suffrage Alliance, founder and honorary president National League of Women Voters), she has been so successful

that she declared her legislative "preparedness" complete in 1921 in the following statement to a congressional committee:

"We have the votes and we are now organized with a thousand ramifications. We have more interlocking directorates than business has." (Meat-packer hearing, House Agriculture Committee, May 2, 1921, p. 59.)

Mrs. Kelley penetrated, led, and energized for her program:

Hull House Settlement, Chicago—of which she was a resident.

The Intercollegiate Socialist League—chief promotor of socialism in schools and colleges—of which Mrs. Kelley was president.

Women's International League for Peace and Freedom—most radical "open" organization of internationalist, pacifist women.

National American Woman Suffrage Association—of which she became vice president in 1905.

National Consumers League—of which she became general secretary in 1899; a position she still holds.

The National Child Labor Committee—of which she was a founder and member original board of trustees.

American Association for Labor Legislation—a product of the second international, which Mrs. Kelley helped to establish, which has led the agitation for compulsory health insurance and other German socialist schemes. It was denounced and repudiated by the late Samuel Gompers.

The National League of Women Voters.

The National Women's Trade Union League.

The Women's Joint Congressional Committee.

Mrs. Kelley was also a member of the faculty of the Rand School of Socialism, New York. A number of her pacifist connections and activities during the war are covered in the revolutionary radicalism report of the New York Legislature, 1919.

Added to the above organizations, scores of other women's organizations and the General Federation of Women's Clubs were brought into line behind Engels's lieutenant, who thus became legislative director in the United States for communist and noncommunist welfare workers.

LOBBYISTS ORGANIZED TO TRICK CONGRESS

In 1920, to promote the Sheppard-Towner Maternity Act, the Smith-Towner education bill, the establishment of a women's bureau, extensions of power and appropriations for the Children's Bureau, and a department of education and social welfare—modeled on the soviet commissariats of education and social welfare—there was organized at Washington by Mrs. Kelley, Mrs. Catt, and Mrs. Maud Wood Park, then president National League of Women Voters, an almost perfect device for misrepresenting the organized women of the country before Congress—through any five resident Washington lobbyists.

This was called "The Women's Joint Congressional Committee." It started out with a dozen women's organizations, and later embraced a score.

But when any five lobbyists—so-called "legislative chairmen"—of any five organizations get together and work for a congressional measure that these five organizations—out of a dozen or a score—are thought to approve, they form a "subcommittee" of the "Women's Joint Congressional Committee" to work for that bill, and the rest of the organizations in the "joint committee" are muzzled and bound not to work against it.

Literature is issued, Congressmen are canvassed, and a "drive" is started, often purporting to represent "millions of women" counted as the aggregate membership of the "joint committee" without ever holding any sort of referendum among women members on the legislation, and without any Democratic, Republican, or honest representative process whatever.

Once five "legislative chairmen" form a "subcommittee" the rest of the organizations are bound to support the bill, or silently consent to its passage. There is a growing rebellion among women out in the States, particularly in some of the State Federations of Women's Clubs, such as Kentucky and New Hampshire, and among other women's organizations in Massachusetts, New York, Kansas, and other States, against this autocratic arrangement for minority misrepresentation of women by resident Washington lobbyists of women's national organizations. Eventually, women themselves will undoubtedly put an end to this system organized to trick Congress concerning the opinions of American women. But it would seem a duty of every conscientious Congressman also to investigate this "interlocking directorate" of lobbyists, and to demand to be shown on what basis these lobbyists claim to represent the women of his district better than their duly elected Representative or Senator in Congress.

In the "maternity act drive" of 1921, Mrs. Kelley, of course, was chairman of the "subcommittee."

In the "child" labor amendment "drive" of 1923 and 1924, Mrs. Kelley, of course, was again in command, first with 10 and later with 16 lobbyists of women's organizations in the "joint congressional committee" trooping behind her, and reciting their little "we, too," speeches to congressional committees—while Mrs. Kelley herself dominated the hearing and dictated the form of the amendment.

The "many relations" of these lobbyists were indicated by Mrs. Kelley as follows:

"I am also one of a group of 10 representatives of national organizations who work together in many relations, and who will all appear here to state the approval of their organizations for this bill. I wish to relate my organization to that group." (Senate child labor amendment hearings, January 10, 1923, p. 49.)

The 10 organizations referred to, members of the "Women's Joint Congressional Committee," who were backing Mrs. Kelley's amendment, are:

National League of Women Voters.
General Federation of Women's Clubs.
National Consumers' League.
National Congress of Mothers and Parent-Teachers' Associations.
National Council of Jewish Women.
National Federation of Business and Professional Women.
National Women's Trade Union League.
Woman's Christian Temperance Union.
Girls Friendly Society of America.
American Association of University Women.

Proof that this backing was absolutely blind at the time the "representatives" first indorsed Mrs. Kelley's amendment is shown by the fact that not even the text of it could be known by anybody until after Mrs. Kelley, Miss Abbott, and William Draper Lewis and Owen Lovejoy, of the National Child Labor Committee, fought it out with the Senate subcommittee at the hearings in January, 1923, as therein shown, with Mrs. Kelley's contentions finally prevailing. But even Mrs. Kelley could not guarantee that in advance.

In short, the 10 organizations trooping behind Mrs. Kelley were acting on mere faith, not only without any referendum to their women members but without any possibility of knowing what the text would be. A year later some 16 or more of the "Women's Joint Congressional Committee" organizations were listed and purported to be represented as favoring the amendment at the House hearings of February, 1924. The State and local branches of these national organizations had no chance whatever to consider it until it was before the States for ratification. Can it be denied that this "Women's Joint Congressional Committee" is a device for misrepresenting the masses of organized women without consulting them, and for tricking the United States Congress by pretended mass support by women of the Kelley program?

MRS. KELLEY ORIGINATOR OF THIS LEGISLATION

Mrs. Kelley's leadership and influence will now be shown as dominant in this legislation:

(a) Establishment of the Federal Children's Bureau (1912).
(b) Origin and passage of the maternity act of 1921.
(c) Origin and passage of national child labor legislation.
(d) Origin, text, and passage of "child" labor amendment, 1924.
(e) Origin and propaganda for Smith-Towner education department bill.

Not only is the history and philosophy of all those measures plainly comprehended in one effort and one object—capture of control of all American children by one central bureau or department—but it is also now shown to be the work of one revolutionary socialist mind!

And if these measures are adopted and extended, they must affect not only children and parents but the nature and security of our form of government.

Prof. J. Gresham Machen, of Princeton Theological Seminary, well says:

"If liberty is not maintained with regard to education, there is no use trying to maintain it in any other sphere. If you give the bureaucrats the children you might just as well give them everything else." (Address, January 12, 1926, to Sentinels of the Republic, Washington, D. C.)

Undoubtedly Mrs. Kelley also knows that if American women and children can be "socialized" by Federal legislation or Federal amendment, men, money, and property can not long continue under individual and local control.

Therefore knowledge of the socialist origin and effect of these measures is important to all American citizens.

(a) Establishment of the Federal Children's Bureau (1912)

The Woman's Journal, then official organ of the National American Woman Suffrage Association (of which Mrs. Kelley was made vice president in 1905, after heading its child-welfare activities), declared a few days after the establishment of the Children's Bureau:

"This is the outcome of seven years of indirect influence by Mrs. Florence Kelley and many other earnest women." (Woman's Journal, April 6, 1912, p. 107.)

The Children's Bureau was established in 1912, not in response to popular demand, for self-reliant, resourceful, and energetic American parents never dreamed of a Federal Children's Bureau in 130 years of American independence. But "influence by Mrs. Kelley" and others who conducted a seven-year propaganda campaign led Congress to impose it on them.

In addition to Mrs. Kelley, the dominant leaders were:

Miss Jane Addams, internationalist and pacifist, head of Hull House, Chicago.

Miss Lillian D. Wald, pacifist, head of Henry Street Nurses' Settlement, New York, who is credited with suggesting the idea of a Children's Bureau in 1909, but Mrs. Kelley had been working for a Federal child labor law since 1905.

Owen D. Lovejoy, socialist, general secretary National Child Labor Committee and personal friend of Eugene V. Debs, who, when Debs was convicted of obstructing the draft and his conviction upheld by the Supreme Court, wrote "Comrade" Debs a letter of "personal love," comparing him with Christ, telling him that "thousands of little children" might see in him a savior, and that his conviction proved "the bankruptcy of the present social order." (See CONGRESSIONAL RECORD, May 31, 1924, for full text.)

Anna Louise Strong, now chief American press agent for Moscow Communists; Moscow correspondent of the Daily Worker and Monthly Worker, official American communist organs, and former "exhibit expert" of the Children's Bureau. Miss Anna Louise Strong, like Mrs. Kelley, Miss Lathrop, and Miss Abbott, was a resident of Hull House, Chicago hotbed of radicalism. In 1911 Doctor Strong conducted a number of "child welfare exhibits" in Chicago, New York, St. Louis, Kansas City, Louisville, etc., in the propaganda campaign for a children's bureau.

She became "exhibit expert" of the Children's Bureau after its establishment, a position corresponding to advertising or publicity director, and the author of its official booklet, "Child Welfare Exhibits," by Anna Louise Strong, Children's Bureau publication No. 14. She went from the Children's Bureau shortly before the American declaration of war against Germany, and in 1919 was a revolutionary ringleader in the Seattle general strike. (See "Americanism Versus Bolshevism," by former Mayor Ole Hanson, of Seattle, who refers to Miss Strong as the writer of the most radical "proclamations" when the strikers attempted to take over the government of Seattle by general strike.)

For five years Miss Strong has been Moscow correspondent for American communist papers, frequently returning to America for lecture tours, at which times, according to the radical "Federated Press Bulletin," December 15, 1923, "she can be reached at Hull House, 800 South Halstead Street, Chicago," headquarters of Miss Jane Addams, and the radical settlement "training school," from which both the former Chief of the Children's Bureau, Miss Julia C. Lathrop, and the present chief, Miss Grace Abbott, graduated into a Federal Government position of tremendous power.

In the Forum, April, 1924, Miss Strong praised Lenin as "the greatest man of our time," and her book, "The First Time in History," on communism in Russia, contains an introduction signed by Leon Trotski as an indorsement of Miss Strong.

If the Biblical test, "Ye shall know them by their fruits," be applied to the Federal Children's Bureau, and Miss Strong, its former "exhibit expert," be regarded as a fair sample of its best-trained social worker after graduation from the bureau, Miss Strong's prompt and vigorous postgraduate work as an "open red revolutionist" in Seattle (as Mayor Ole Hanson called her) and as a communist press agent at Moscow is not without deep significance.

Miss Strong has continued to be associated with Mrs. Kelley, Miss Addams, Miss Lathrop, Miss Grace Abbott, etc., in the Women's International League for Peace and Freedom, which has led the campaign in this country for recognition of Soviet Russia, telling women that "Russia leads the world in her attempt to establish peace" (W. I. L. official bulletin, June, 1923), notwithstanding the great soviet red army. This Women's International League has also led the pacifist campaign to "disarm America first" as an "example" to the rest of the world; has urged women to take slacker oaths and pledges against all service to their country in time of war (see official W. I. L. report, Second International Congress of Women, at Zurich, 1919, pp. 156, 160, 161, 262, and official W. I. L. report, Third International Congress of Women, at Vienna, 1921, pp. 195, 196, 262).

The W. I. L. has also gone on record for "the gradual abolition of property privileges," another name for the gradual establishment of communism. (See W. I. L. official report, Third International Congress of Women, Vienna, 1921, pp. 101, 261, and Outline History of Women's International League, issued by same.)

When the Moscow communists in America in July, 1923, organized a communist Federated Farmer-Labor Party, it was too red even for radicals like John Fitzpatrick, of Chicago, the old Farmer-Labor Party, and the Nonpartisan League, who withdrew, and in 1924, when it invited Senator La Follette to address its St. Paul convention he scathingly denounced it.

But the Women's International League, along with the communist Workers' Party, the Proletarian Party, and various other communist organizations, is listed in the Worker, official communist organ, July 21, 1923, as one of the organizations represented at this convention of communists.

For further proof of the communist nature of the "peace program" of the W. I. L. the attention of Senators is invited to the W. I. L. "cahier" for "a new international order" adopted by the last W. I. L. international congress at Washington, May 7, 1924, which provides for the government of the world's labor, raw materials, and food supply by an international representing trades and occupations in each country—a straight soviet system, although the W. I. L. carefully avoids calling it by its right name.

That the W. I. L. leaders have been advocating such doctrines for years is shown by the following report of a speech by Miss Jane Addams immediately after America entered the World War:

"We should have a central distribution system for the world, administered by a commission located in Athens, Greece," said Miss Addams. "This commission should have charge of the food of the world and should prescribe the treatment of the people of the world."

The only basic difference between the scheme of Miss Addams and that of the Communist International at Moscow for central dictatorship over the "distribution system," "food of the world," and "treatment of the people of the world" is that Miss Addams favors Athens instead of Moscow as the capital of world communism. The reported speech by Miss Addams quoted above appeared in the Chicago Herald, May 8, 1917, and has never been denied or modified by Miss Addams, to our knowledge.

In her own book, "Peace and Bread in Time of War," by Miss Jane Addams, issued in 1922, taking the revolutionary slogan of the Bolsheviki as her title, as she admits, "not because the first two words were the touching slogan of war-weary Russian peasants but because peace and bread had become inseparably connected in (her) own mind," Miss Addams shows conclusively that she desired the aftermath of the war to be international communism. Her chapter "A food challenge to the League of Nations" (pp. 199–222) can not be fairly interpreted otherwise than as a restatement of her Chicago speech advocating centralized international control of the world's food. Among other things, she writes:

"Must not the league evoke a human motive transcending and yet embracing all particularist nationalians before it can function with validity?" (p. 201).

"During the first year of the league the popular enthusiasm seemed turned to suspicion because it was so indifferent to the widespread misery and starvation of the world * * *." (Ibid.)

"In their earlier days men so lived that each member of the tribe shared such food and safety as were possible to the whole" (p. 205).

"Human nature * * * has never quite fitted its back to the moral strain involved in the knowledge that fellow creatures are starving * * * it has lain at the basis of many religious communities and social experiments and in our own generation is finding extreme expression in governmental communism. In the face of the widespread famine following the devastation of war it was inevitable that those political and social institutions which prevented the adequate production and distribution of food should be sharply challenged. Hungry men asked themselves why such a situation should exist, when the world was capable of producing a sufficient food supply" (p. 206).

"To different groups of men all over the world, therefore, the time had apparently come to make certain that all human creatures should be insured against starvation" (p. 207).

"The demand for food was recognized and acknowledged as in a great measure valid, but it was being met in piecemeal fashion while a much-needed change in the world's affairs threatened to occur under the leadership of men driven desperate by hunger" (pp. 207–208).

"If from the very first the League of Nations * * * had evinced the daring to meet the new demands which could have been met in no other way, then, and then only, would it have become the necessary instrumentality to carry on the enlarged life of the world * * *." (208.)

"* * * For two years after the war the League of Nations was in dire need of an overmastering motive forcing it to function and to justify itself to an expectant world." (209.)

"But what could have afforded a more primitive, genuine, and abiding motive than feeding the peoples of the world on an international scale. (209.)

"Such a course would have forced them to * * * the function of a recognized international economic council for the control of foodstuffs and raw material, the world-wide fuel shortage." * * * (210.)

"The situation presented material for that genuine and straightforward statesmanship which was absolutely essential to the feeding of Europe's hungry children." (210.)

"The adherents of the league often spoke as if they were defending a too radical document whereas it probably failed to command widespread confidence because it was not radical enough." (211.)

"It was self-evident that if the league refused to become the instrument of a new order, all the difficult problems resulting, at least in their present acute form, from a world war, would be turned over to those who must advocate revolution in order to obtain the satisfaction of acknowledged human needs." (212.)

"* * * The League of Nations must abandon its political treatment of war-worn Europe and consider the starving people as its own concrete problem. * * * If the coal, the iron, the oil, and above all the grain, had been distributed under international control from the first day of the armistice Europe might have escaped the starvation from which she suffered for months." (213.)

Can this be considered as anything else but an argument that if the league had appealed to proletarian hunger, and promised international communism, it could have found a "human motive transcending" the desire for private property and the duties of patriotism? Can it be denied that Miss Addams criticises the league for not promising bread and centralism to break down nationalism and private property—"above all the grain" in the farmer's cribs to be "distributed under international control?"

MISS ABBOTT'S RECORD AS A PACIFIST

Miss Grace Abbott, chief of the Children's Bureau, is one of the two "consultative members" of the executive board of the Women's International League. There are only two such officials in each country, who probably constitute the most powerful inner ring in control of the Women's International League, as no list of them is published, and the other member in America has not been announced. Miss Abbott's colleague may be Miss Anna Louise Strong, Mrs. Kelley, or some other person with a record too radical for the Women's International League to advertise.

At the Fourth International Congress of the Women's International League, at Washington, May 1–7, 1924, Miss Jane Addams, international president, announced Miss Abbott's position as "consultative member" of the executive board, and the announcement is also made in an official report of the Women's International League held by your petitioners in proof of this statement.

At the original "Internationaler Frauenkongress," called at The Hague in April, 1915, at which the organization now known as the Women's International League (it has changed its name several times) held its first "International Congress of Women," Miss Grace Abbott introduced a resolution for dismantling the fortifications of the Panama Canal and making it and other international waterways "a property of all the nations." Miss Abbott made a speech criticizing the United States for fortifying the Panama Canal, which was quoted in the CONGRESSIONAL RECORD, May 31, 1924, and may be seen in full text in the official proceedings of the Internationaler Frauenkongress, April 28–May 1, 1915, pp. 147–148, issued by the Women's International League.

That original "Internationaler Frauenkongress" at The Hague in 1915 was gathered together chiefly by Frau Rosika Schwimmer, of Hungary, who came to the United States in September, 1914, as secretary of the International Suffrage Alliance (of which Mrs. Carrie Chapman Catt was then president), but Frau Schwimmer was "in reality a German agent," says the revolutionary radicalism report of the New York Legislature, 1919 (vol. 1, p. 971).

After accompanying Mrs. Catt in a visit to President Wilson, September 14, 1914, at which alleged petitions from "the women of the world" for an "immediate armistice" were presented (just after the German repulse at the first Battle of the Marne and the high tide of German penetration and occupation of France), Frau Schwimmer conducted a lecture tour enlisted American women in a "woman's peace party," gathered a delegation for the "Internationaler Frauenkongress" in 1915, organized the Ford "Peace Ark" expedition and other ventures, all having the common object—to "keep us out of war" with Germany and get America to demand "peace" with Germany occupying nearly all of Belgium and a fourth of France.

Miss Grace Abbott, at the Internationaler Frauenkongress, regarded Frau Schwimmer's propaganda as "especially fortunate" for American women to have, as it "told us what our duty was," saying:

"Miss ABBOTT. The United States women have been especially fortunate in having with them during the last months Mme. Schwimmer, who told us in the same way as she told you what our duty was. * * * We therefore bring in an amendment which comes forth from American experience." (Internationaler Frauenkongress proceedings, 1915, p. 147.)

Miss Abbott thereupon denounced the United States for fortifying the Panama Canal and proposed that the canal "shall be a property of all nations." (Ibid. p. 148.)

After the war Frau Schwimmer became "Hungarian Bolshevik ambassador to Switzerland" (Revolutionary Radicalism report, N. Y. Legislature, vol. 1, p. 971), and some time after the fall of the Hungarian Revolution returned to the United States, and for several years past has been making her headquarters at Hull House, Chicago. Frau Schwimmer was also one of the chief speakers at the Fourth International W. I. L. Congress at Washington, May 1–7, 1924.

Judge Ben Lindsey, of the Denver Juvenile Court, was also one of the assistant propagandists in the seven-year campaign to establish the Children's Bureau. He came to Washington with the head of the Colorado "Society for the Protection of Children and Animals," in 1909 to speak with Mrs. Kelley and others for a children's bureau at the 1909 hearings.

In 1912, just before the establishment of the Children's Bureau, Judge Lindsey triumphantly wrote in a signed article in the Woman's Journal, February 10, 1912:

"An economic earthquake has shaken the 'old home' to pieces. The foundations are crumbled, the walls are spread, the winds of the world blow through. * * * The Nation, the State, the municipality, these have stepped in, assumed practical control of the family in its most intimate relations, and are overparents. * * * If I were a woman in 1912, these two fundamental things—the real meaning of politics and conception of government as an overparent—are what I would consider primarily and resolve upon understanding."

Thus it has been shown not only that the establishment of the Children's Bureau, as the Woman's Journal (April 6, 1912, p. 107) declared, was the "outcome of seven years of indirect influence by Mrs. Florence Kelley"—a revolutionary communist trained by Friederich Engels—and "many other earnest women" whose radicalism has been shown scarcely less than that of Mrs. Kelley, but it is also demonstrated that even the mildest "noncommunist hands" who helped build the bureau, such as Judge Ben Lindsey and the Woman's Journal, hold this "conception of government as an overparent" and glorified it as much as any revolutionary communist has done.

(b) Origin and Passage of the Maternity Act of 1921

The original maternity act was introduced by Miss Jeannette Rankin (now field secretary of Mrs. Kelley's National Consumers' League) July 1, 1918, within a month after the Supreme Court had held the first national child labor law unconstitutional, June 3, 1918 (Hammer *v.* Dagenhart). House hearings were held January 15, 1919. Miss Julia C. Lathrop, then chief of the Children's Bureau, was away on a junket to Europe, investigating "maternity systems" and "infant welfare" in central Europe, making her headquarters mostly in Prague.

Several mere physicians from the Children's Bureau attended the hearings, but Mrs. Kelley assumed her customary leadership, saying:

"It is remarkable that Uncle Sam should care so much for the young lobsters and so little for the American children. I talked with the Chief of the Children's Bureau about this bill before she sailed. She wished it made clear * * *," etc. (House hearings, Labor Committee, January 15, 1919, p. 38.)

Mrs. Kelley went on to explain why certain words were put into "Miss Rankin's" bill.

THE "HEROD" CAMPAIGN AGAINST CONGRESS

As previously noted, Mrs. Kelley also headed the "maternity act drive" of 1920–21 as chairman of the maternity act subcommittee of the Women's Joint Congressional Committee.

Mrs. Kelley also headed the publicity drive to make the country believe Congress a body of Herods. In addition to magazine and newspaper articles, such as "Women and children last," by Mrs. Kelley (Pictorial Review, February, 1921), Mrs. Kelley repeatedly flaunted the Herod charge before Congress. She declared:

"The question that is arising amazingly in people's minds now is, Why does Congress wish to have mothers and babies die? Why does it wish to have this go on? (Senate hearings on S. 3259, May, 1920, p. 52.)

Again, she made a direct threat to use this Herod charge publicity until Congress passed the bill:

"* * * If Congress adjourns without having taken effective action—no mere committee report will answer; we want a committee report, but we want a committee report as a basis for action * * * if this bill is not passed—it will be one of the most interesting questions that will go on and on in the press, because our organization will see that it does go on if no other organization does. Why does Congress continue to wish to have mothers and babies die?" (Ibid. p. 53.)

The chairman (former Senator Joseph I. France) meekly inquired: "Have you any answer to that question, Mrs. Kelley?

"Mrs. KELLEY. We look to Congress for the answer." (Ibid.)

At the next hearings Mrs. Kelley hurled the Herod accusation—and threat—into the faces of Congressmen even more insolently:

"This is the week of the Child, who was born and laid in a manger; and this is the time when people's minds turn especially to the children; and those people who will go to church on Christmas Eve and on Christmas Day will be reminded, not only of the Child who was born that day but of the circumstances under which that Child was born. And the story of Herod will be in everybody's mind.

"We do not know how many children were slaughtered by the order of Herod; history does not record that. But the deaths of those children have remained in the minds of the human race for nearly 2,000 years; and the Congress now, after its long delay and its failure to interest itself in those daily deaths of 680 children—or 20,000 children a month—has to choose where it will be recorded in history." (House hearings, H. R. 10926, December 20–29, 1920, p. 27.)

Again:

"What answer can be given to the women in a myriad of organizations, who are marveling and asking 'Why does Congress wish women and children to die?'" (Ibid., p. 29.)

This is the sort of publicity, pressure, and argument that was used by this communist legislative general in favor of a bill providing nothing whatever but "investigations and reports," salaries, traveling expenses, administration, etc., and that prohibited the use of a cent of the fund for maternity and infancy "equipment," maternity hospitals, etc.

And yet, when Senator MOSES introduced a bill for maternity hospitals, and the training of women in maternal nursing, this powerful communist was able to kill it in 10 minutes, and exclude it from the Senate hearings by calling it "bricks and mortar," etc., as previously shown.

Can it be denied that the entire campaign for this legislation has been one of insolent threats, juggled statistics, false charges against Congress, and constant fraud and trickery to capture control of all American mothers and children?

Although the two Federal child labor laws, declared unconstitutional, are dead, brief review of their history is necessary to illustrate the methods of the same group of lobbyists regarding pending legislation.

(c) *Origin and Passage of National Child-Labor Legislation*

Here again Mrs. Kelley is first and foremost. She says:

"I made a speech 15 years ago in Washington at which Senators and Congressmen were present, when I reproached them about their zeal for hogs and boll weevils and ticks in comparison with what they did and left undone for the working children; and they took it to heart enough to pass a very poor, feeble child labor law for the District of Columbia in 1906." (Senate hearings on S. 3259, May, 1920, pp. 52, 53.)

Mrs. Kelley began the campaign for uniform child-labor legislation in 1889, with a pamphlet entitled "Our Toiling Children." In 1902 the National Consumers' League (of which Mrs. Kelley was and is general secretary) started the "invidious comparison" method of attacking State legislation. In 1903 a New York State Child Labor Committee was formed, and in 1904 a National Child Labor Committee, with Mrs. Florence Kelley, Miss Jane Addams, and Miss Lillian D. Wald on the original board of trustees. Mrs. Kelley also interested the General Federation of Women's Clubs and the National American Woman Suffrage Association in uniform child-labor legislation, becoming vice president of the latter in 1905. At the same time John Spargo, then a socialist leader (who turned against socialism, however, in 1917, and who denounced and opposed the child labor amendment in 1924 as "foolish and dishonest, insincere, and uncandid") wrote The Bitter Cry of the Children which became popular among socialists not only but many others. In 1906 Senators Beveridge and Lodge were persuaded to introduce national child labor laws. But, as Mrs. Kelley says:

"Lingering doubts as to the power of Congress to deal with child labor beset the minds of members of the National Child Labor Committee, and deprived Senator Beveridge of whole-hearted, unanimous backing of his bill." (The Federal Child Labor Law, by Florence Kelley, Survey, August 26, 1916.)

The first legislative success was scored by Mrs. Kelley in the "hog-story" campaign, leading to the District of Columbia law in 1906. In 1907 Owen R. Lovejoy, a socialist, became general secretary of the National Child Labor Committee. In 1908, as previously shown, the socialists in their national convention made prohibition of "the interstate transportation of the products of child labor" one of their chief industrial "immediate demands."

The National Child Labor Committee, with its "lingering doubts," did not come into the campaign whole-heartedly until 1915. Even its pamphlet, "The Extent of Child Labor Officially Measured," issued in November, 1914, does not mention the necessity of a Federal law, the National Child Labor Committee having other official "objects"; "to promote the welfare of society with respect to the employment of children in gainful occupation; to investigate and report the facts concerning child labor; to raise the standard of public opinion and parental responsibility with respect to the employment of children; to assist in protecting children by suitable legislation against premature or otherwise injurious employment; to aid in the enforcement of laws relating to child labor; to coordinate, unify, and supplement the work of State or local child labor committees," etc.

In 1915, however, the National Child Labor Committee was swung into line behind the socialist "immediate demand" of 1908—for prohibition of interstate transportation of the products of child labor—and a Federal law became its "one controlling purpose," its "most important work" (National Child Labor Committee Bulletin, November, 1915), and "Help us to secure a Federal law" the slogan on all its literature. It held two conventions in 1915 to promote a Federal child labor law, one at Washington January 5–6, 1915, to influence Congress, and one at San Francisco May 28–31, 1915 (to take advantage of the Pan American Exposition) at both of which Mrs. Kelley spoke on "Child Labor and Illiteracy," "Child Labor and the Consumer," and "Responsibility of the Federal Government," while Miss Jane Addams and Miss Julia C. Lathrop, then Chief of the Children's Bureau, spoke on "The Child, a Ward of the Nation." Immediately after the 1915 Washington convention of the National Child Labor Committee Federal child labor laws were introduced in the House January 26, 1915, by Representative A. Mitchell Palmer, and in the Senate February 21, 1915, by Senator Robert L. Owen. It passed the House February 15, 1915, by 233 to 43, but was killed in the Senate by objections of Senator LEE S. OVERMAN March 4, 1915. In the next Congress the Keating-Owen bill to prohibit the interstate transportation of the products of child labor was passed, notwithstanding the fact that the House Judiciary Committee had held that "Congress could not possibly pass a child labor law." (Child Labor Bulletin, May, 1916, p. 56.)

And thus, in spite of an adverse opinion by the House Judiciary Committee and the "lingering doubts" of the National Child Labor Committee itself, as well as of many Congressmen, this part of the Kelley program, dating back to 1889 on her part, and following the "immediate demands" of the Socialist National Convention of 1908 to the letter, became an act of Congress, approved September 1, 1916 (Public 249, 64th Cong.). It was held unconstitutional June 3, 1918, by the United States Supreme Court; passed again as a "tax on employment of child labor" in the act of February 24, 1919 (Public 254, 65th Cong.), held unconstitutional May 2, 1919, by Federal Judge James E. Boyd at Greensboro, N. C., and three years later, May 15, 1922, held unconstitutional by the United States Supreme Court in Bailey *v.* Drexel Furniture Co.

It has already been shown how the Children's Bureau, after the first Federal child labor law was held unconstitutional, promoted the maternity act and the education bill as "indirect" methods of standardizing children and education. (See pp. 13 and 14 of this memorandum.) Also it has been shown (p. 12 of this memorandum) that Miss Grace Abbott (administrator of the first Federal child labor law) and Miss Julia C. Lathrop began a political campaign to interest the National League of Women Voters and the National Woman's Party in an amendment and a "maternity act" shortly after Federal Judge Boyd had held the second Federal child labor law unconstitutional.

The determination of this Children's Bureau to circumvent the Constitution and the Supreme Court's decision is also illustrated in the 1919 annual report, where the chief admits that the bureau began a "back-to-school drive" as a measure "to decrease child labor" (Annual Report, Children's Bureau, 1919, p. 9) and called an international conference to frame "minimum standards for the health, education, and work of normal children and for the protection of special classes of children in the United States." (Annual Report, 1919, p. 13.)

In addition, the bureau chief (then Miss Lathrop) expressed hope that the "standards" of this international conference for "children of the United States" might prove a strong influence in securing attention to two "measures worthy of consideration" which "are really implicit in the standards," as she said:

"1. Federal aid to States for universal elementary education for the prompt and immediate abolition of illiteracy and of child labor.

"2. Federal aid to States for the universal public protection of maternity and infancy." (Annual Report, Children's Bureau, 1919, p. 24.)

There, officially stated by the chief of the Children's Bureau, is the proof of that bureau's resort to an international convention and its "standards," and to the education bill and the maternity act ("implicit in the standards") for securing control of American children by a central bureau, regardless of the Constitution and the courts.

INTERNATIONAL CONTROL OF CHILDREN

Not only did the Children's Bureau call an international conference of foreigners to frame "minimum standards for the health, education, and work of normal children and for the protection of special classes of children in the United States" (Children's Bureau Annual Report, 1919, p. 13), but it has constantly sought to subject all American legislation for children to foreign "standardization."

The Children's Bureau Annual Report, 1919, also declares:

"Child welfare is a national, even international, problem of first magnitude, and the economic aspects of the problem are now most urgent" (p. 29).

Miss Grace Abbott, chief of the Children's Bureau, in a signed article in the radical New Majority, September, 1923, and in the New York Call (socialist organ), September 23, 1923, urges the "child" labor amendment, with the following as one of her main arguments:

"A large part of the civilized world has adopted not only a national standard but an international standard with reference to the employment of children. The most important nations of Europe have joined in a child labor convention drafted at the International Labor Conference (of the League of Nations) * * *.

"Ought it not to be possible for Congress to say that in no section of this country will children be allowed to work below standards now established by international agreement among many nations?"

Miss Grace Abbott served as "unofficial American observer" in 1923 on the commission on international traffic in women and children of the League of Nations. (Woman Citizen, August 25, 1923, p. 18.)

Miss Abbott is quoted in the same article as saying:

"It might well be argued that the problem of securing world peace is a fundamental problem in child welfare. * * * To prevent war, we shall need certain guaranties for children." (Woman Citizen, August 25, 1923, p. 18.)

Shortly after Miss Abbott's service as "unofficial observer" on the commission on international traffic in women and children there began to appear in the press frequent dispatches regarding international control of children. For example:

"Henceforth the children of the world will be under the protection of the League of Nations. * * * The council of the league, with the consent of the interested parties, has authorized the concentration of all child-welfare activities here. A special department will be created by the league to handle all matters concerning the protection of children." (Geneva dispatch to New York Times, March 16, 1924.)

"GENEVA, September 19.—Steps have been taken in the commissions of the League of Nations Assembly to place children under the protection of the league. The projects provide for reorganization of the permanent commission on traffic in women and children under a new name, with two groups of experts, one for questions relating to traffic in women and children and the other for all matters promoting the welfare of children. The latter group will include representatives of the principal associations concerned with children, especially the International Federation for Promoting Child Welfare, with headquarters at Brussels, the work of which will henceforth be undertaken by the league." (Geneva dispatch to New York Sun, September 19, 1924.)

In addition, Albert Thomas, French socialist, head of the International Labor Office, was brought to America to lobby for the child labor amendment.

The testimony of Thomas for the amendment appears at page 73 of the Senate Hearings on Child Labor, January 10 and 15, 1923, Part II.

Thomas admitted, after some dodging, that he is a socialist (p. 78) and that he represented the International Association for Labor Legislation as well as the labor office of the League of Nations. (P. 76.)

The "International Association for Labor Legislation" is a product of the Second Socialist International, the socialists, after their defeats in 1848 and 1871 in attempting revolution "by force and violence," going in for revolution by fraud and legislation in the name of "labor," "consumers' leagues," "workingmen's associations," etc., etc.

Is it not almost inconceivable that the League of Nations, solemnly pledged to respect "the territorial integrity and political independence" of all nations—and most eager to get the United States as a member and not to offend American sentiment—should thus inject itself into the most intimate local and domestic affairs of the American people unless it had been urged and invited to do so by the same Federal bureau of internationalists that brought Japs and others here to standardize American legislation for children in 1919?

Among other things Albert Thomas, head of the International Labor Office of the League of Nations, said:

"We have, in addition, a proposition to protect the children before birth. * * * You see, gentlemen, it is, I believe, a full development of this effort of international protection." (Senate hearings, January 15, 1923, p. 76.)

"In the first conference we voted also a draft convention for the situation of children in agricultural work. * * * Children under the age of 14 years may not be employed or work in any public or private agricultural undertaking or any branch thereof except outside of the hours fixed for school attendance. * * *

"Senator SHORTRIDGE. Do you mean farm labor?"

"Mr. THOMAS. Yes, sir; farm labor." (Ibid. 76–77.)

That the league labor office has been acting under "unofficial" American suggestion in these matters is indicated by the following dispatch (at a time when the fate of the child labor amendment was hanging in the balance):

"GENEVA, February 13.—At the request of Miss Grace Abbott, of Washington, the initial meeting of the League of Nations' Reorganized Commission for the Protection of Women and Promotion of Child Welfare, scheduled for next week, has been postponed to May 20." (New York Evening Post, February 13, 1925.)

The league was apparently told, however, that it could go ahead with international "education" propaganda. Thus:

"GENEVA, February 18—(Associated Press).—The League of Nations is taking a new step to educate the youth of all countries in the ideals of world peace, with the encouragement of contact between the young people of different nationalities. * * * The league believes that the basis of the suggested education of the younger generations should be teaching the principles and work of the League of Nations as training in international cooperation and normal methods of conducting world affairs." (Associated Press, February 18, 1925.)

Does it not appear that the league was asked to postpone its "child welfare" meeting until after the child labor amendment was acted upon by the many legislatures in session in January and February, 1925, only because it was feared that the appearance of league interference then would be represented by our legislators and react against the amendment?

On the other hand, after 32 State legislatures had rejected or refused to ratify the amendment up to April 1, 1925, the league labor office was apparently requested to exert international pressure for reconsideration.

Thus the following dispatch:

"GENEVA, April 2—(Associated Press).—Child-labor conditions in some sections of the United States were condemned to-day by labor members of the governing board of the international labor office, which opened a three days' session.

"Yan Oudegest, president of the Dutch Labor Federation, and Leon Jaudaux, of France, president of the General Federation of Labor, urged publication by the bureau of all possible information on conditions in America, expressing the belief that world public opinion could thus be brought to bear on the Americans and culminate in an improvement. * * *

"The discussion of conditions in the United States was the sequence of the recent apparent rejection of an amendment to the Constitution authorizing Federal laws on the subject of child labor, and arose from a fear of labor leaders that rejection of the proposed amendment would prevent an amelioration of the conditions of children in certain States. The American conditions were discussed together with those in the mandated countries and China." (New York Times, April 3, 1925, p. 21.)

The same dispatch, however, explains that Albert Thomas told the governing board of the labor office that it had "no right to interfere in what the United States Government or the State governments were doing on the child-labor question.

"He said, however, it was the bureau's duty to publish all statistical information, because of its bearing on general industrial conditions. Mr. Thomas added that he already had requested the bureau's representative in Washington to collect and forward facts." (Ibid.)

Here it has been shown conclusively that if the "standards" of the Children's Bureau prevailed "no section of this country" could allow children to work even on farms without being "blacklisted" and discussed "together with the mandated countries and China," until it conformed to the "international standards" of European socialists.

Miss Jane Addams, in her book, Bread and Peace, praises the recommendations of the British Labor Party (socialist) for "measures for the special relief of children everywhere, without regard to the political allegiance of their parents," as "simple, adequate, and yet how far-reaching in their consequences." (Bread and Peace, p. 210.)

Our dual system of divided and limited Federal and State authority, when the balance is destroyed, becomes peculiarly oppressive, literally a double Government.

The Federal Government when it encroaches on the State governments does not wipe out the latter. It superimposes itself upon them, with the result that we have two governments on our backs to support and obey in performing the same function.

If the standards, rules, and regulations of an international agency are added, as the Children's Bureau and the socialists desire, the American people exchange local self-government for a triple tyranny, with three governments on their backs and three sets of bureaucrats trying to standardize children before they are born and up to the age of 18 years.

We respectfully urge that our dual system of government requires the division of administrative powers, and that neither individual liberty, local self-government, nor the Federal Constitution can survive if we go on with the duplication of functions of the States by Federal bureaus, illustrated in the most absurd and extreme form by the maternity act.

What can be more intimate, personal, domestic, and local than the relation of mother and child? What form of tyranny, national or international, can be challenged if this crime against common sense, this conspiracy against the Constitution, this unscientific and dangerous dictation of "social and economic" fanatics over the health of mothers and babies, is renewed and extended after its failure, its menace to the lives of mothers and infants, and its communist nature, origin, and object are all demonstrated beyond reasonable doubt?

(d) Origin, Text, and Passage of "Child" Labor Amendment

The first Federal child-labor law, even before it was held unconstitutional, was deemed by Mrs. Kelley only as "a step toward equality for American children." And even then, she showed her determination to secure Federal legislation eventually against rural child labor, despite the specific exemptions made by Congress in the act of September 1, 1916. Mrs. Kelley wrote:

"The factory children and mine children having at length caught the attention of Uncle Sam, so long blind and deaf to their need, the enormously larger numbers engaged in agriculture can not forever be ignored; the inevitable logical sequel of this law is Federal aid to education." (The Federal Child Labor Law, by Mrs. Florence Kelley, Survey, August 26, 1916.)

In the same article, she again stated:

"Not until the National Child Labor Committee stationed Alexander J. McKelway in Washington * * * to promote the Federal child labor bill in Congress, did the committee deserve its name. Henceforth, however, its task will be truly national * * *. Upon it will rest the burden, also, of extending to the rural wage-earning children the benefits which the present law promises to those in a limited number of industries * * *. Under the guidance of its secretary, Owen R. Lovejoy, whose patient statesmanship has achieved the success of to-day, the National Child Labor Committee may reasonably hope to free the Republic from the cruelty and shame of child labor."

In spite of Mrs. Kelley and of Owen R. Lovejoy, a socialist on the National Child Labor Committee as general secretary, since 1907, that committee with its "lingering doubts" and its legitimate other

objects and nonsocialist supporters, has always lagged far behind Mrs. Kelley and the Children's Bureau in demanding national control of child labor. It has already been shown that Miss Grace Abbott was out for an amendment giving Congress power to "establish minimum labor standards" in February, 1920, after the second child labor law had been held unconstitutional by a Federal judge in North Carolina, May 2, 1919, and while the case was pending in the Supreme Court of the United States.

When the Supreme Court held the second child labor law unconstitutional, efforts for an amendment were redoubled by Mrs. Kelley and Miss Abbott.

On the contrary, neither the American Federation of Labor nor the National Child Labor Committee then demanded an amendment. (See the testimony of Samuel Gompers and Owen R. Lovejoy at the original House Judiciary Committee hearings, June 1, 1922.) Mr. Gompers, in fact, advocated and brought in a brief about an "involuntary servitude" bill. But Mrs. Kelley insisted they would be "morons" who "learn nothing by experience" unless they backed an amendment. As usual, Mrs. Kelley's views prevailed. Mr. Gompers's "involuntary servitude" bill was discarded, and the Federation of Labor and the National Child Labor Committee were swung into line by this powerful communist. In 1923, they, as well as 10 of the "Women's Joint Congressional Committee" organizations, were all marshaled behind Mrs. Kelley's amendment, together with the subcommittee of the Senate Judiciary Committee. It was Mrs. Kelley's amendment that prevailed and was finally proposed by Congress—all the proposals of Senators Lodge, Johnson, Townsend, Walsh of Montana, and of the National Child Labor Committee, through its counsel, William Draper Lewis, being discarded, like the Gompers's "involuntary servitude" bill, when Mrs. Kelley insisted upon the "spacious wording" of the McCormick resolution, representing the objectives of herself and the Children's Bureau.

That Mrs. Kelley was the chief draftsman of the McCormick-Foster amendment and assumed direct leadership whenever Senators on the subcommittee or counsel for the National Child Labor Committee proposed any interference with its "spacious wording" is demonstrated in the Senate hearings, January 10, 1923.

For example, Mrs. Kelley says:

"When we were laboring over the drafting of it," etc. (p. 89).

At page 49 Mrs. Kelley declares her participation in the drafting of the amendment and "in the selection of a Senator who should be asked to introduce the bill," and that she had made the adoption of that particular amendment her "chief occupation in relation with Congress until an amendment should be adopted" (p. 49).

Further tribute to her leadership and responsibility for the text of the amendment is revealed in part as follows:

Senator WALSH of Montana. "Mrs. Kelley, evidently you had something to do with drafting of this resolution. Will you tell us what idea was intended to be covered by the concluding words of the resolution—what it means?" (Senate hearings, January 10, 1923, p. 91.)

When Senators presumed to suggest constitutional complications and effects, she retorted:

"I might say that I am myself an attorney; I have been admitted to practice before the bar since 1894. I have been dealing with constitutional things under the guidance of one of our present justices of the Supreme Court for the long term of nine years, when he was advocating the constitutionality of legislation for both men and women in the matter of having their hours of work contracted. My attention has not been limited exclusively to statutes" (p. 90).

Finally, Senator WALSH of Montana asked:

"Before you leave us, Mrs. Kelley, I understand the purport of your talk now to be that you would like to have us report this amendment exactly as it is in the McCormick resolution?"

Mrs. KELLEY. "No; I am not insisting upon its being reported exactly as it is there. I am only hoping that we may not have so great a multiplicity of amendments coming in" (p. 91).

William Draper Lewis, counsel for the National Child Labor Committee, had wanted the following amendment:

"That Congress shall have concurrent power with the several States to limit or prohibit the labor of children." (Ibid. p. 81.)

But Mrs. Kelley—not Miss Abbott—took the field of leadership against that, too, objecting to the word "children," etc., in her testimony and in a subsequent letter to the committee at page 121.

Senator WALSH, of Montana, declared:

"Mrs. Kelley, you would be helpful to us if you would take the draft now proposed by Professor Lewis and tell us what you feel ought to be added to it" (p. 91).

Instead of adding to the Lewis proposal, Mrs. Kelley denounced it as "astonishing, being introduced without previous conference with the Chief of the Children's Bureau or the organizations that the National Child Labor Committee is supposed to be cooperating with," in a letter to the committee (p. 121), and William Draper Lewis himself was persuaded to abandon it. (Letter from Mr. Lewis to Senator SHORTRIDGE, p. 123, Senate hearings, January 10, 1923.)

Thus the socialist origin and control of the text of the "child" labor amendment—including the elimination of any reference to "child" or "children"—is indisputable.

All the proposals that did not include the full power demanded by Mrs. Kelley and Miss Abbott were ruthlessly discarded, whether they came from Republican and Democratic Congressmen, or from Mr. Gompers, or Mr. Lewis, counsel for the National Child Labor Committee.

Representative VICTOR BERGER put it all in a nutshell when he said: "It is a socialist amendment, and that is why I am for it." (CONGRESSIONAL RECORD, April 29, p. 7738.)

COMMUNIST CAMPAIGN TO ABOLISH INDIVIDUAL FARMING

The intense interest of Mrs. Kelley and the Children's Bureau in "rural" provisions of the original maternity act; the Children's Bureau effort in 1919 "to abolish rural child labor by an indirect attack" through national control of education; and the demands that the child labor amendment cover unpaid labor as well as employment, and that no exemption be made in the amendment, even for persons under 18 "in the homes and on the farms where they reside," or "in the home of the parent or parents" (see CONGRESSIONAL RECORD, April 26, 1924, pp. 7483, 7485, first edition) can not be explained otherwise than as part of the communist effort to "socialize" farming and destroy the independence of the individual farmer. On the other hand, it can be demonstrated as such.

For over 70 years communists have predicted and promoted the doom of the small farmer and the concentration of agriculture into huge industrial plants, with "agricultural armies" working them, as absolutely essential to communist success.

In the communist manifesto Marx and Engels praise capitalism for rescuing "a considerable part of the population from the idiocy of rural life." They advocate "establishment of industrial armies, especially for agriculture."

In Das Kapital, Marx says that in agriculture "modern industry has a more revolutionary effect than elsewhere, for this reason, that it annihilates the peasant, that bulwark of the old society" (vol. 1, p. 513), while Engels expresses the hope that the vast prairies of America and the steppes of Russia will "ruin all the great European landlords" (vol. iii, part ii, p. 260).

It was also the French peasantry which twice destroyed socialist dictatorships after they had been established in Paris in 1848 and 1871, leading Engels to write: "In France no lasting revolution against the small farmers is possible." (Die Neue Zeit, 1895, I, p. 301.)

VICTOR BERGER, at the 1908 National Socialist Convention, said:

"I belong to the working-class movement—it is a movement that wants to win, a movement that wants to get control of this country. Now, I tell you, comrades, that you will never get control of the United States unless you have the farming class with you. The farmers do not even need to fight. If the farmers refuse to bring produce to the city of Chicago for six weeks, no matter whether we have control of Chicago or not, we are gone up. If the farmers of the country surrounding Milwaukee refuse to bring supplies to the city of Milwaukee for three weeks, no matter whether we control the city or not, by force of arms or any other way, we lose." (Official proceedings, p. 15.)

VICTOR BERGER, member of the platform or resolutions committee of that 1908 National Socialist convention, also said:

"There is no intention and no inclination on the part of the platform committee to deny that we stand for the common ownership of the land. I fully agree with Comrade Carey on that point. It is simply a question of how he expresses it." (Proceedings, p. 183.)

In short, the only anxiety was to keep the farmer from finding out what the Socialists really wanted from the way they wrote the platform! There were too many small farmers for "common ownership of the land" to be a popular political issue.

The 1908 Socialist National Convention did adopt a declaration for "public ownership of all land," but it proved so unpopular that it was withdrawn within three months. Explaining this incident in the 1912 convention, Delegate Stallard (Kansas) declared:

"I believe that some time in the far-distant future that no man will privately own a place to bury himself or a garden spot, but I do not believe that social development has reached the point that we should demand that now." (Proceedings, 1912, p. 79.)

Socialists are admittedly playing a confidence game on the farmers. In fact, Friederich Engels, in a letter to the American Socialist Sorge, characterizes it as a "confidence game" (bauernfangerii), while Schippel, another Socialist leader, calls their "agrarian program" a "piece of political charlatanism." (See Marxism Versus Socialism, by Prof. V. G. Simkhovitch, of Columbia University, p. 64 et seq.)

Thus BERGER in 1908, fearing the small farms might continue, urged caution in the way Socialist demands for confiscation of lands were

VICTOR BERGER added:

"* * * Centralization in land has not taken the same form as it did in industry.

"In other words, the prediction of the Marxians that we would some day have centralized the small farms into big farms of 100,000 or a million acres has not come true.

"We do not know what the future of agriculture is going to be. We do not know whether in the future agriculture will be conducted on a very large scale or whether the future of agriculture will be the intensive farming of very small tracts. There is a great deal to be said on both sides. * * * And the truth is that centralization has not taken place in agriculture, as it has in the field of industry." (Ibid. p. 183.)

What was the reason given by Miss Grace Abbott for including farm labor in the child labor amendment? It was the Marxian reason, the validity of which even Victor Berger himself doubted.

Miss Abbott testified:

"We do not know what will develop with reference to agricultural labor in the future at all. We may have in the next 10 years or the next 100 years a totally changed situation from what we have now. We may have a vast growth of large-scale agriculture, and children will not be employed on the home farm but under conditions approximating industrial employment." (House hearings, February–March, 1924, p. 35.)

In short, the child labor amendment was admittedly framed with the socialization of farming on a large scale, as predicted by Marx and Engels, in full view, with the Chief of the Children's Bureau using even the exact jargon of the Socialists.

At the 1912 National Socialist convention the report of the committee on farmers' program, made by A. M. Simmons, a Kansas delegate, urged them not to repudiate the communist manifesto as to land ownership; he saw encouragement of large-scale agriculture in "the disappearance of the horse," and suggested that if the agricultural experiment farms could be made "not primarily experimental but primarily productive, operated by society," they could make such large-scale governmental farming in the United States "the foundation of social production by giving us a grip upon the source of food supply." (Official proceedings National Socialist convention, 1912, p. 67.)

In short, the socialist effort since 1848, and particularly after the French peasants wrecked the two Paris "communes," has been to destroy the small farmer with his love of private property, "socialize" his land, and thus drive him into the ranks of the industrial workers in cities or into "agricultural armies" on the vast farms which Karl Marx, Engels, and Miss Grace Abbott have pictured.

If the child labor amendment were adopted and farm labor prohibited up to 18 years, the average small farmer, who can not hire outside labor in competition with the demand for industrial labor in the cities, but must depend upon his sons for help during harvest, and with chores, would be forced to give up farming and enter into the class of farm or industrial laborers.

The Socialist National Convention proceedings, 1908, declare:

"We are just as much opposed to children working on farms as we are to children working in the factories, and we stand to abolish the whole present system of production" (p. 186).

Thus the child labor amendment, principally drafted by Mrs. Kelley, socialist, was not only designed to serve socialism by increasing centralized governmental power—a necessity to any dictatorship—and by making it impossible for parents to support their children without "Federal aid" doles for persons under 18; and by giving adult labor stronger control of essential industries by elimination of youthful apprentices, etc.; but it is also shown to have been designed to pave the way and fit the conditions of the "large-scale" industrialized agriculture on which the sole hope of communism for a "lasting revolution" rests.

At the 1912 Socialist National Convention, A. M. Simons, chairman of the committee on farmers' program, said:

"We are making tremendous inroads into the factory workers. The only hope that capitalism has to sweep back the on-rolling tide of revolution is to back up against us the workers of the farms." (Proceedings, p. 67.)

It was also shown at the same convention that socialists, in Germany and elsewhere, "had tried not to scare the farmers by demanding the socialization of land." (Ibid. p. 77.)

In 1924 the socialists "tried not to scare the farmers" in demanding national guardianship of their sons and daughters up to 18—but the farmers were not fooled.

In a bitterly sarcastic attack on the American farmer for taking pride in "his" farm and "his" crop, entitled "The Tin Lizzie Peasantry," in the Daily Worker, March 14, 1925, in which the communists argue at great length that the farmers are "obsessed with this property concept" that is "one of the strangest illusions of present-day life," is this final admission:

"A proletarian revolution with the mass of the farmers in active and organized opposition is wholly impossible."

(E) ORIGIN AND PROPAGANDA FOR SMITH-TOWNER EDUCATION BILL

At the Senate education bill hearing, January 1, 1924, Mrs. Kelley said:

"I was one of a group of five persons to draft the preliminary rudiments which afterwards grew into the bill introduced by the commission, the bill which was a sort of germ of the Smith-Hughes bill; but the war came, and the action was deferred, and then came the commission, and then the bill" (p. 54).

Thus Mrs. Kelley was one of five persons who got up the bill recommended in the 1914 Report of the Congressional Commission on National Aid to Vocational Education—finally enacted February 23, 1917, as the vocational education act—the parent "Federal aid to education" bill.

At the May, 1915, annual conference of the national child labor committee Mrs. Kelley said:

"The most effective child labor law has always been a compulsory education law keeping children in school 40 weeks in the year. * * * For more than a generation school attendance laws and child-labor restrictions have been, as it were, Siamese twins." (Child Labor Bulletin, May, 1916, p. 76.)

At the same conference Mrs. Kelley also declared:

"For 30 years this country has locked its vital statistics in the vault of the Census Bureau. We do not know how many children are born, or how many fathers and mothers, or how many mothers work for wages. * * * The Children's Bureau has worked out a system of its own for interesting people in the subject of birth registration and should receive your interest and support that its appropriation may be increased and its work extended, for without birth registration there can be no enforcement of child labor laws. (Ibid. p. 14.)

"Without universal, complete registration of births how are Federal attorneys to prove to the satisfaction of Federal judges and juries that a manufacturer * * * employs children below the age of 14 years?" (Ibid. p. 74.)

Here it is shown how Mrs. Kelley's interest in education, birth registration, etc., all revolved around her economic and industrial legislative program; and later it will be shown that the "Siamese twins" of Mrs. Kelley's program are the same as those of the communist international for the "complete transformation of the conditions of juvenile labor and its socialist reorganization."

In 1920 the National League of Women Voters, at its Chicago convention, February 12, indorsed and began a big drive for the Smith-Towner education bill.

There, again, it was Mrs. Kelley who "showed the need of Federal legislation for education." (National League of Women Voters Campaign Bulletin on Citizenship, May, 1920, p. 3.)

After Mrs. Kelley showed them the need the league proclaimed:

"Immediate work for league members—members of the League of Women Voters should become trained propagandists for the education of public opinion as to the importance of this bill (Smith-Towner bill) using the same methods which won the Susan B. Anthony amendment. * * * State chairmen should send personal letters addressed to their Senators and Representatives in Congress. * * * An answer stating the point of view of the man addressed should also be requested and this reply forwarded to your chairman." (Ibid, p. 2.)

On the front page of this campaign bulletin the National League of Women Voters boasted:

"Before the league assembles for the convention of 1921 the United States will be far on the road to equality of opportunity for education for men, for women, and for children, native and foreign born. This is to be accomplished through the medium of the public schools by means of Federal and State legislation promoted and engineered by the members of the National League of Women Voters." (Ibid.)

Since Mrs. Kelley "showed the need of Federal legislation for education" to the National League of Women Voters, as it admits, in the same bulletin, "by an analysis of industrial and economic conditions," holding that "Federal legislation is imperative" to protect children from "moneyed interests," which she charged, were the "determining factor" of the school age in the various States—all of which is set forth in the above campaign bulletin—is it not eminently more fair and accurate to note that this legislation was in reality "promoted and engineered" by Mrs. Kelley, with the members of the league simply acting as assistant propagandists and as a collecting agency of Congressmen's replies?

However, Mrs. Kelley herself objected, in 1924, to the provisions of the Sterling-Reed education bill—because it left too much to the States and did not provide "that the money shall be used in due proportion for all the children," white and black. At that time Mrs. Kelley spoke on behalf of the National Association for Advancement of Colored People, an organization on which she has served as a director for 12 years.

In short, the education bill was not radical enough for Mrs. Kelley after Senator Sterling and others modified it slightly. She wanted more absolute and direct Federal control, more socialist "equality," and an exact per capita "distribution" of money among white and negro children. She said:

"This bill ought to be safeguarded, better safeguarded than it is as to the money and as to the * * * unfavored children of the Republic."

CHILDREN'S BUREAU SOCIALIST BASE

By securing after seven years of effort the establishment of the Children's Bureau in the Department of Labor, with Hull House appointees as chiefs, Mrs. Kelley gained a foothold in the Federal Govern-

ment, an agency through which to operate, as well as a "front" behind which to work for her socialist program.

True to the intentions of its founders, the Children's Bureau has been steadily spreading socialistic doctrines and sponsoring socialist legislation.

It has been shown conclusively that both Mrs. Kelley and the Children's Bureau have worked together constantly, under the leadership of Mrs. Kelley, for central control and standardization of children; that their main effort has been for a revolutionary socialistic amendment to the Constitution of the United States specifically granting power to limit, regulate, and prohibit the labor of all persons in all occupations up to 18 years, and implicitly granting Federal power to standardize education, guardianship, relation of parent and child, etc., as a condition prerequisite to the right of youth to earn a living or even work their way through school or college. It has also been shown that both Mrs. Kelley and the Children's Bureau have sought to abolish "rural child labor," including the unpaid chores of children on the home farm, both in the amendment and in working for "education."

Now it will be shown that the exact things contained in the child labor amendment are the "aim of the economic program" of the Communist International at Moscow, as well as a part of the socialist program in the communist manifesto of 1848, by Marx and Engels.

The official "resolutions adopted at the Fourth Congress of the Young Communist International," officially published by the Young Communist International executive committee at Moscow and sold by the Young Worker, official organ of the Young Communist International in America, declares:

"The problem of the method of approach to the masses was solved by the third congress—the nucleus as the means and the economic and antimilitaristic struggle as the end.

"The aim of the economic program was clearly defined as 'The socialist reorganization of juvenile labor,' the recognition of the right of the youth to educational training up to the age of 18 years at the cost of the state." (Foreword.)

The third congress of the Young Communist International at Moscow, November 7 to December 3, 1922, declared:

"The militant program of the Young Communist International * * * must proclaim * * * the complete transformation of the conditions of juvenile labor and its socialistic reorganization. * * *

"The basis and aim of our program is the—

"Socialistic reorganization of juvenile labor.

"This means:

"Abolition of wage slavery for all young workers up to 18 years, who must be cared for by the state and treated from an educational point of view until they have attained this age." (Programs of the Young Communist International, issued by its executive committee, February 20, 1923, p. 49.)

The Young Communist International is called the "right hand" of the Communist International by Gregory Zinoviev, president of the Communist International and founder of the Young Communist International. (Resolutions of fourth congress, Young Communist International, p. 6.)

Likewise the Young Workers' League of America (American branch of the Young Communist International) at its second national convention, Chicago, May 20–22, 1923, carrying out the order direct from Moscow, made its first demand, as follows:

"Demands of the Young Workers' League—

"1. Abolition of child labor.

"The militant program of the Young Workers' League * * * must proclaim the ultimate and fundamental aim of the young worker, the complete transformation of the conditions of juvenile labor, and its socialist reorganization. This means abolition of all wage slavery for all young workers up to 18 years of age. The young workers must be cared for by the state and treated from an educational point of view until they have attained this age." (Resolutions and theses of the Young Workers' League of America, 1923, p. 12.)

It will be noted that the demands of the Young Workers' League of America are, with the exception of one or two slight verbal changes, absolutely identical with those of the Young Communist International cited above.

Thus it is demonstrated by documentary evidence that before, during, and after Mrs. Kelley's insistence on the "spacious wording" of the child labor amendment, it was "the basis and aim" of the program of the Young Communist International at Moscow, and the first demand of its American branch, to do the exact things which Mrs. Kelley's amendment provided power to do in the United States!

Moreover, there is the direct personal testimony of Senator WILLIAM H. KING, of Utah:

"Of course, it is obvious that under the guise of the amendment they will in time take charge of children the same as the Bolsheviks are doing in Russia, and control not only their labor and their education, but after a time determine whether they shall receive religious instruction or not, the same as the Bolshevists do in Russia. It is a scheme to destroy the State, our form of government, and to introduce the worst form of communism into American institutions.

"* * * Every Bolshevik, every extreme Communist and Socialist in the United States is back of the measure. The Bolsheviks of Russia were familiar with the scheme that was about to be launched to amend our Constitution. In conversation with one of the leading Bolsheviks in the city of Moscow, one of the educators, when I was there last September and October, I was remonstrating with him about the scheme of the Bolsheviks to have the state take charge of the children. 'Why,' he said, 'you are coming to that,' and he called my attention to the statutes in many of the States in regard to compulsory education. Then he said, 'A number of Socialists in the United States,' and he mentioned a number of names, but I shall not mention them here, 'are back of the movement to amend your Constitution of the United States, and it will be amended, and you will transfer to the Federal Government the power which the Bolshevik Government is asserting now over the young people of the state.'

"Of course, this is a communistic, Bolshevistic scheme, and a lot of good people, misled, are accepting it, not knowing the evil consequences which will result and the sinister purposes back of the measure." (CONGRESSIONAL RECORD, May 31, 1924.)

At the time the "child" labor amendment was submitted to the States for ratification, Miss Lillian D. Wald, of the Henry Street settlement, New York, Mrs. Kelley's lifelong friend and the originator of the idea of a "children's bureau," in 1909 had a sudden call to take a trip to Moscow to investigate "health conditions," etc. (See Survey Graphic, December 1, 1924.) Miss Anna Louise Strong—former exhibit expert of the Children's Bureau—was already in Moscow as correspondent for American communist papers. Shortly after Miss Wald's return to America from Moscow, in the fall of 1924, the full force of communist strength in America was openly proclaimed to "compel" the State legislatures to ratify the amendment, and the Daily Worker, official communist organ, December 1 and December 5, 1924, placed the child labor amendment at the head of its "united-front" campaign, saying:

"State legislatures must be compelled to ratify immediately the child labor amendment to the Constitution. Capitalism's Congress and State legislatures must be compelled to pass laws providing for full Government maintenance of all school children of workers and poor farmers." (December 5, p. 2.)

The same number and article, by the editor of the Daily Worker, bitterly attacked President Coolidge and complained of the "niggardly appropriations" to the United States Children's Bureau and the United States Women's Bureau, and said:

"Salaries in the Children's Bureau are to be cut and general expenses are to be slashed. The disappearing minimum of protection offered will thus be further crippled.

"Promotion of the welfare and hygiene of maternity and infancy gets a stab in the back by having its appropriation sheared for the sum of $19,172.

"Similar treatment is meted out to the Women's Bureau, the Bureau on Labor Statistics, and every other activity that might show the least tendency to ease the burden of labor.

"These are only some of the truths of Coolidge's 'economy' program," etc. (Ibid.)

The Daily Worker, December 15, 1924, editorially declared:

"No cannibal was ever born who devoured his human meal with greater relish than the joy with which capitalism feeds upon its youth. Capitalism will always fight for the right to send children into the maw of the great industrial machines as competitors with their fathers and mothers, their grown brothers and sisters in the slave market of the wageworkers.

"The problem of child labor, like * * * other ills inherent in the present social system, will endure as long as capitalism lasts.

"The struggle against child labor, the struggle against unemployment, is fundamentally the struggle to end the capitalist system and

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

The same editorial bitterly ridicules the late Thomas R. Marshall for having upheld the "God-given right" of youth under 18 to earn a living in an article Mr. Marshall had written against the child labor amendment.

The Workers' Monthly, official monthly communist organ in the United States, likewise took up the ratification campaign, January, 1925, with a leading editorial and also a feature article by Anna Louise Strong, picturing in glowing colors communist care of women and children in Soviet Russia.

The editorial declared:

"What will happen under a proletarian régime is strikingly illustrated by the story in this issue by Anna Louise Strong, formerly of Seattle and now in Russia. Anna Louise Strong tells about the one spot on the globe where the life problems of the working class are being solved in a comprehensive manner.

"It is only when the workers of the United States have similar power to control, through their own government of workers' councils, the social and economic life of the country that child labor will cease its destructive work."

"The prohibition of child labor, unless it is accompanied by governmental maintenance of the children, is absolutely ineffective. * * * And such pressure upon the capitalist government, in order to have any effect whatever, must be given point and substance by demands for governmental maintenance of all children of school age, such maintenance to be paid for by special taxes upon large incomes. The rich, who appropriate the wealth produced by the working class, must be made to disgorge a part of it for this purpose as one of the first steps toward making them disgorge all * * * to make way for the new system of society."

Thus the Children's Bureau program of legislation, including an amendment providing power to effect "the complete transformation of the conditions of juvenile labor and its socialistic reorganization," is shown to be the official "basis and aim" of the Young Communist International.

Even the communist age limit of 18 years, adopted at the Third Congress of the Young Communist International at Moscow, November, 1922, was forced into the amendment by Mrs. Kelley and Miss Abbott in 1923, when the National Child Labor Committee and the Senate Judiciary Subcommittee wanted to use "child."

Even the so-called antimilitarist campaign of the communists, which, as they explain, is only "the struggle against bourgeois militarism" and "is therefore the preparation of the proletarian revolution * * * to transform each imperialist war * * * into the civil war and revolution," is found reflected exactly in the pacifism of Mrs. Kelley, Miss Abbott, Miss Lathrop, and Miss Jane Addams in their Women's International League, which has led the campaign against "bourgeois militarism" in the United States and at the same time praised and defended Soviet Russia with its vast red Army and its "militarization of labor" and conscription of women, saying, "Russia leads the world in her attempt to establish peace." (W. I. L. Official Bulletin, June, 1923, p. 2.)

Again, Mrs. Kelley's "Siamese twins" (centralized power over the labor and education of all youth) are found in the proposed twentieth amendment and in the propaganda of Mrs. Kelley and the Children's Bureau hitherto cited no less than they are found in the official communist demands.

Senator KING, one of the best-informed investigators of revolutionary legislation and propaganda, called the child labor amendment a scheme to destroy our form of government and "to introduce the worst form of communism into American institutions."

There is much more documentary evidence of the truth of Senator KING'S observation than could be cited in a single volume. We present only a few of many possible citations showing, we believe, beyond reasonable doubt, that the "worst form of communism" to be found in the theories of Engels, Marx, and Bebel, as well as the worst form of communism put into practice by the Bolsheviks in Russia, is that form which makes women and children the wards of the state, to remove the "economic foundations" of marriage and of morality.

Furthermore, it will be shown that the worst communist in Soviet Russia of whom there is official record, a communist who was too radical even for Lenin and Trotski to approve her entire program—Alexandra Kollontay, first Commissar of the Soviet Department of Social Welfare—was indorsed in an official booklet of the United States Children's Bureau, No. 57, "Maternity Benefit Systems in Certain Foreign Countries," issued in May, 1919, as the author of "the most comprehensive study of maternity benefits and insurance which has yet appeared in any language." (Children's Bureau publication No. 57, p. 175.) This was done over six months after Alexandra Kollontay had been exposed by the United States Government and American newspapers as a German-paid traitor (see "The German-Bolshevik Conspiracy," issued in October, 1918, by U. S. Bureau of Public Information, Document No. 7, etc.) and after a storm of world-wide protest had been aroused by the measures taken under Mme. Kollontay's "most comprehensive" system in Soviet Russia.

And the Children's Bureau has never withdrawn or modified that indorsement, notwithstanding severe criticism in the United States Senate and elsewhere, since Senator JAMES A. REED of Missouri first exposed and denounced it in June, 1921. It persists in recommending Kollontay's book—at the expense of American taxpayers—and although the Children's Bureau has "investigated and reported" almost everything under the sun, from the illegitimacy laws of Norway to the amount of "hoeing in the home garden" done by children in North Dakota (Child Labor in North Dakota, p. 13), it has not published one word of exposure or of criticism of the Bolshevik corruption and nationalization of children in Soviet Russia—the greatest crime against childhood and motherhood recorded in history. In fact, it appears that Anna Louise Strong, former exhibit expert of the United States Children's Bureau, has actually become a sort of successor to Kollontay in colonizing children in Russia! The Daily Worker, official American communist organ, March 3, 1925, declared:

"ANNA LOUISE STRONG, AMERICAN JOURNALIST, IS HEAD OF CHILDREN'S COLONY MOVEMENT IN SOVIET RUSSIA

"A new children's colony in Russia has been started by sympathizers in this country, another will be begun in a few days, and two or three more will have their inception in probably less than a month. Our correspondent, Anna Louise Strong, who has just returned from Russia, will return to the Soviet Republic in May to begin the new John Reed colony in Novgorod Gubernia, started by subscriptions of lovers of Russia and her children, in a group in New York. * * * A dinner was given to Miss Strong by these sympathizers * * * 60 to 70 women and men in the New York group. * * * The Soviet Government has given Miss Strong about 900 acres of land and a monastery and buildings in Novgorod."

The communist paper mentions no names of the "New York group."

"THE CENTRAL TRAGEDY OF THE BOLSHEVIST RÉGIME"

What is this "colonization of children" in Soviet Russia? Sir Paul Dukes, one of the greatest authorities on Russia, writes:

"The central tragedy of the Bolshevist régime in Russia is an organized effort to subvert and corrupt the minds of children * * *. It has always been a Bolshevist principle to fight the institution of the family. Mme. Kollontay's writings can leave no doubt on that score, even in the minds of the skeptical. The idea is to remove children at an early age from parental care and bring them up in colonies." (New York Times, July 17, 1921.)

Prof. Boris Sokoloff, although a socialist and member of the first all-Russian constituent assembly of January, 1918, writes:

"I am prepared to forgive the Bolsheviki many things, almost everything; but there is one thing which I can not and will not forgive them, namely, those experiments, positively criminal and worthy of the most savage tribes of the African jungle, which the Bolsheviki have been making all this time with our young generation, with our children. This crime knows no parallel in the history of the world. They have destroyed morally as well as physically a whole Russian generation." (Volia Russii, Will of Russia, February 16, 1921.)

Lieut. A. W. Klieforth, who was assistant military attaché in Russia when the Bolsheviks came into power, and who was one of the State Department's leading witnesses at the recognition of Russia hearings before the Senate Foreign Relations Committee in 1924, described communist socialization of children in February, 1920, in part as follows:

"If you want to visit your children—that is to say, those who were once your children—who have been removed to the communal schools, you will get a permit, because the children are not really yours at all, but have become wards of the state. All the children have been deported from their homes to those schools. The younger generation in Petrograd is systematically herded into freight cars and sent away from 800 to 1,000 miles to completely isolated institutions, where they are trained in the principles of communism.

"Deportation, however, is but the first step. Parents have a habit of loving their children * * * and by whatever influence or bribes they are able to bring to bear, seek to discover and rejoin them. Therefore, the soviet carefully destroys all records of birth and relationship, leaving nothing undone to completely isolate every child in Russia from all human ties, except those relations advocated by bolshevism.

"If you live in Petrograd and your mother is dying in Moscow, you say, 'I want to visit my mother who is dying in Moscow.' The invariable reply is, 'That is no excuse. Your mother has no more relation to you than any other woman citizen of this Soviet Republic.'" (New York Times, February 15, 1920.)

That this doctrine was not only practiced, but officially preached by the communists is proven at length in Alexandra Kollontay's "Communism and the Family," but the best short and comprehensive official statement is by the wife of the president of the Communist International.

"We must nationalize the children."

Madam Lelina, wife of Gregory Zinoviev (president of the Communist International) and commissar of social welfare of the northern commune (Petrograd), in the official journal of the Soviet Commissariat of Public Education, No. 4, says:

"We must nationalize the children. We must remove the children from the pernicious influence of the family. We must register the children—let us speak plainly—we must nationalize them. Thus they will from the very start remain under the beneficial influence of communist kindergartens and schools. To compel the mother to surrender her child to us, to the Soviet State, that is the practical task before us."

Alexander Hoichbarg, chief editor of the law bureau of the Soviet Commissariat of Justice, in his preface to the marriage code of Soviet Russia, declares:

"As long as 70 years ago, Marx and Engels showed in the Communist Manifesto, that the proletariat, when they have attained power, can take a number of measures in the most advanced countries paving the way to socialism, among others the abolition of the right of inheritance,

* * * expropriation of landed property, a progressive tax on incomes, * * * the concentration in the hands of the state of credit and the means of communication, obligatory labor, free communal education of all children, etc. * * *

"Guardianship in this (soviet) code is wholly within the province of the Bureau of Social Welfare (under Alexandra Kollontay). * * * It should show the parents that the care of society lavished upon children gives far better results than the private, individual, unscientific, and irrational care of particular parents, 'loving,' but ignorant, lacking the resources, the means, the methods which society has at its disposal. * * * Guardianship so instituted is revolutionary, for it breaks abruptly with the previous system and is socialistic, * * * preparing the way for applying the care of the community to all children, * * * removing the last foundations of bourgeois marriage." (Contemporary Review, March, 1920, p. 441.)

The Overman committee of the United States Senate, after exhaustive investigations of bolshevism in 1919, declared:

"The apparent purpose of the bolshevik government is to make the Russian citizen, and especially the women and children, the wards and dependents of that government. * * * It has destroyed the natural ambition and made impossible of accomplishment the moral obligation of the father to provide, care for, and adequately protect the child of his blood and the mother of that child against the misfortunes of orphanhood and widowhood. * * * It has expressly abolished and prohibited all right of inheritance, either by law or will. * * * They have promulgated decrees relating to marriage and divorce which practically establish a state of free love. Their effect has been to furnish a vehicle for the legalization of prostitution by permitting the annullment of the marriage bonds at the whim of the parties." (Senate Document No. 61, 66th Cong., 1st sess., pp. 36–37.)

"Applying the care of the community to all children, * * * removing the last foundations of bourgeois marriage," making "women and children the wards and dependents" of a central government—that is the "central tragedy of the Bolshevist régime," according to all the honest investigators; that is "the worst form of communism."

And the entire legislative program of Mrs. Kelley and the Children's Bureau is subtly, insidiously, but steadily "preparing the way for applying the care of the community to all children."

AMERICAN FEMINISTS SEEK COMMUNIST POWER

That this communist power to make children the wards and dependents of government, instead of parents, has been sought and claimed by leading American feminists, as well as by socialists, is shown as follows:

Miss Grace Abbott, Chief United States Children's Bureau:

"The Children's Bureau has the whole field of child welfare and child care. It has developed three main divisions—the child hygiene, the social service, and the industrial division. * * *

"The question of the present time comes down to a constitutional amendment * * * whether we should have a child-labor amendnent at all, it shall not have something more than child labor; that is, whether we should include in the amendment more in the way of language giving us constitutional authority to do some of the other things in the Federal field that we might like to do, and whether that is tactically the thing to do at the present time is the question." (Official proceedings, National Women's Trade Union League Convention, at Waukegan, Ill., June 5–10, 1922, p. 90.)

Miss Abbott thus admitted seeking an amendment with power over "something more than child labor"; power to do "other things * * * we might like to do," and that only the question of whether it was "tactically" expedient to let Congress and the country know her plans for taking charge of "the whole field of child welfare and child care" influenced the language of the amendment. Miss Abbott was addressing a formal convention of the National Women's Trade Union League.

That league itself is the founder of the "International Federation of Working Women," and thus affiliated with the International Federation of Trade Unions at Amsterdam—the Amsterdam International—an organization so radical that it has been repeatedly denounced by the American Federation of Labor. It is headed by Purcell, the British communist who was flayed by President Green of the American Federation of Labor at the last convention of the federation at Atlantic City, September, 1925. Samuel Gompers and the executive council of the American Federation of Labor, November 22, 1922, in refusing an invitation to participate in a congress of the International Federation of Trade Unions at The Hague, declared:

"If the American Federation of Labor were to participate in the congress at The Hague, it would be compelled to join in this renunciation (of national entities), even to renunciation of the national entity of the Republic of the United States." (New York Times, December 23, 1922.)

But the Women's International League participated in that congress, sending delegates who sat beside the delegates from Soviet Russia, and Miss Jane Addams, president of the Women's International League, in a signed letter, November 1, 1922, declared her league and the International Federation of Trade Unions "striking out for the same goal." If Mr. Gompers and the American Federation of Labor executive committee was right, that goal was a "renunciation of the national entity of the Republic of the United States."

The National Women's Trade Union League, affiliated with the Amsterdam International through its International Federation of Working Women (a creature of the National Women's Trade Union League), seeks to "cooperate more and more closely with the International Federation of Trade Unions." (Report of Congress International Federation of Working Women, at Vienna, August, 1923, printed by International Federation of Trade Unions, Amsterdam, and circulated in America by National Women's Trade Union League, p. 12.)

At the Vienna congress of this International Federation of Working Women the following resolutions were agreed upon:

"3. That every service needed for the health, education, or welfare of mothers and children should be provided by the community and free to all.

"4. That commodities such as milk, food, or school clothes, which are needed in similar qualities or quantities for all children, should be provided for all by the community.

"5. That an inquiry should be made into the possibility of a scheme of pensions for all children in the period during which they are normally dependent upon their parents." (Ibid. p. 11.)

The office of the International Federation of Working Women is at 32 Eccleston Square, London, England. (Ibid. p. 13.)

Is it any wonder that the socialist International Federation of Trade Union, headed by a communist, which has so often met only with the criticism of stalwart American labor leaders, both in regard to its pacifism and in regard to "doles" (which John L. Lewis, of the United Mine Workers, has denounced more scathingly, perhaps, than any capitalist has done) should turn to women radicals of the W. I. L. and the National Women's Trade Union League to introduce its "peace" program and "doles" program into the United States!

At the Rome Congress of the International Federation of Trade Unions, in April, 1923, the following proposition was unanimously agreed to:

"The International Trade Union Congress considers it to be a matter of urgent necessity that the trade-unions in the various countries devote their whole attention (sic) to the organization of women workers." (Ibid. p. 4.)

Not a single legitimate American labor leader can be found advocating the pacifist or doles programs of European Communists. But the W. I. L., the International Federation of Working Women, the International Woman Suffrage Alliance (the three feminist internationals) and the National Women's Trade Union League, the National Woman's Party, and the National American Woman Suffrage Association are all found on record, through official resolutions or statements of their leaders, working for this part of the communist program, "with noncommunist hands." Some of these records follow:

Women's International League, at Zurich, 1919, adopted resolutions for a "maternity benefit" which "shall not be inferior to the minimum wages established in the region" for "any woman, whether gainfully occupied or not." (Official Report, Zurich Congress, 1919, p. 272, issued by W. I. L.)

International Federation of Working Women, in addition to the doles, food, clothes, etc., demanded in the resolutions already cited, was, when organized at Washington, November 6, 1919, by Mrs. Raymond Robins (then president of the National Women's Trade Union League) and Miss Mary Anderson (afterwards made chief of the United States Women's Bureau) advocating "legislative reforms for the purpose of protecting maternity," including "State grants to mothers for each child born," "free medical, surgical, and nursing care" for every woman, and "in addition a monetary allowance adequate for the support of the mother and child during this period." (Woman Citizen, Nov. 15, 1919, p. 479.)

Mrs. Raymond Robins, founder of the International Federation of Working Women and former president of the National Women's Trade Union League, has a very radical record, and is directly linked up, like Miss Jane Addams, with the "bread and peace" propaganda for international communism, especially designed to appeal to "noncommunist women in capitalistic countries."

As far back as 1907, according to the Chicago Inter-Ocean, May 20, 1907:

"Mrs. Raymond Robins led 3,700 cheering, boisterous socialists, anarchists, trade-unionists, members of liberal societies, and sympathizers through down-town and West Side streets in a demonstration designed to create sympathy for W. D. Haywood, Charles Moyer, and George A. Pettibone, leaders of the Western Federation of Miners, on trial in Idaho charged with the murder of former Govenor Sternberg."

The demonstration Mrs. Robins headed at that time was so radical that even John Fitzpatrick, the radical labor leader of Chicago, declined to take part in it. (See also Chicago Tribune, May 20, 1907.)

The National Women's Trade Union League was organized in 1904, to get "nonindustrial women" to aid women workers in strikes, legislation, etc. It was admittedly a "feeble attempt to reach out to the working woman" on the part of "nonindustrial" social workers. (See Life and Labor, article by Mary E. Dreier, sister of Mrs. Robins, June, 1921, p. 163.)

"The first meeting was held January 4, 1904, at Hull House, and was called to order by Miss Jane Addams. Twenty-five persons responded to the call and 23 joined. * * * The first piece of work the league attempted was to assist the locked-out corset workers of Aurora." (Ibid. p. 163.)

"The league not only organized women into trade-unions and assisted in the strikes of women but helped also where the men were on strike, too," participating in the great garment-workers' strikes in Philadelphia and New York, 1904–1911, but the league "did not meet with wide success. It lacked contact with the organized workers. * * * It derived its funds wholly from friends of the league, but not from organized labor direct." (Ibid. pp. 170–172.)

In short, it never was a women's trade-union but a "league" of nonindustrial social workers "farming" as well as aiding their "industrial sisters." Gradually a number of real working women were also enlisted, but membership is not restricted to trade-union members as in bona fide labor organizations. Anyone, man or woman, can join who subscribes to the platform, four-fifths of which is a legislative program.

While American labor has cooperated with the National Women's Trade Union League, when both happened to be on the same side of a particular measure, it is not unaware of the "league's" radicalism. James P. Holland, president of the New York State Federation of Labor, for example, testified before the Lusk committee in 1919 that the National Women's Trade Union League had "adopted resolutions in favor of the Soviet Government" and for the previous year or two had been "a tail to the Socialist kite." (See National Civic Federation Review, July 30, 1919.)

Testimony and documentary evidence show that Mrs. Raymond Robins paid part of a bill, dated May 1, 1919, made out from the Rand (Socialist) School to Senteri Nuorteva, secretary to Ludwig C. A. K. Martens, the unrecognized "soviet ambassador" in New York, for a number of copies of Lenin's "Soviets at Work." (National Civic Federation Review, July 30, 1919, pp. 3, 12.)

The close contact of Mrs. Robins with the soviet embassy in New York in 1919 thus established seems to have borne immediate fruit.

The Communist International, in June, 1919, organized, under Alexandra Kollontay, an "International Congress of Women Communists" for world-wide propaganda among noncommunist "housewives in the home" and "peasant women" and working women, to show "the slave of the family and the home" the "freedom" of communal "houses, kitchens, laundries," social "protection of mother and child," etc., in comparison with the "former home life" that "oppressed and exploited them." Also the communist committees working among women were instructed to "fight against nationalism and the hold of religion on women's minds." (See Theses and Resolutions, Third World Congress of Communist International, pp. 157–175.)

At the same time, June, 1919, the committee on social and industrial reconstruction of the National Women's Trade Union League urged the calling of an "international congress of working women." Mrs. Raymond Robins and Miss Mary Anderson (then an organizer for the National Women's Trade Union League, now chief of the United States Women's Bureau) issued the call in August, 1919, and the first congress met at Washington, November 6, 1919, adopted the name, "International Federation of Working Women," made Mrs. Robins president, and went in for "legislative reforms for the purpose of protecting maternity" with "maternity benefits," etc. (See Woman Citizens, September 6 and November 15, 1919.)

At the International Congress of Communist Women, at Moscow, June 15, 1921, Alexander Kollontay—

"painted rosy pictures from the communist point of view, excepting in the United States, where, according to Madame Kollontay, the position was extremely difficult for the reason that the Communist Party there had been driven to the cellar. She went on to assert, however, that there were 700,000 organized women workers in the trade-unions in America among whom the communists must find a way to conquer." (New York Times, June 16, 1921, p. 3.)

The "700,000 organized women workers" referred to by Madame Kollontay are the members of Mrs. Robins's National Women's Trade Union League. The Moscow communists, forced "underground" in America in 1919, followed "the general rule, to use a woman."

The close contact is also illustrated by the "department of education and social welfare" agitation in America.

Alexandra Kollontay, commissar of social welfare in Soviet Russia, wrote an article entitled "Communism and the family" for Soviet Russia (New York Communist Magazine, organ of the "Soviet Embassy"), December 13, 1919, describing the communist "commissariats of public education and social welfare," showing how they furnished "children's colonies, free lunches at school, free clothing, shoes," etc., under sovietism. In a former article, August 16, 1919, about her own department, Kollontay showed that it covered health, social service, and care of veterans.

Within a year Mrs. Robins had all the feminist organizations clamoring for a "department of education and social welfare" for the United States with four divisions, covering education, health, social service, and care of veterans—modeled on the soviet "commissariats of education and social welfare," and the idea taken nearly 100 per cent from Kollontay's "Communism and the family."

October 1, 1920, Mrs. Robins arranged a "women's welfare day" at Marion, Ohio, to get Senator Harding, then a candidate for President, to approve a Federal department of public welfare. At that time neither the presidential candidates nor other conservative Americans knew anything about the communist origin, nature, and effect of such a department.

Mrs. Robins was also chairman of the "women-in-industry" committee of the National League of Women Voters and got that organization to approve "world-wide standardization of industry" as one of the measures expressing "the goal of the league's efforts and as expressing principles the organization loyally supports." (Program for work of the National League of Women Voters, reports of standing committees, approved at Chicago, February 16, 1920, and issued by National League of Women Voters.)

Mrs. Catt, founder and real head of the League of Women Voters, then personally took up the "department of education and social welfare" agitation, shortly after President Harding's election, and blazed on the front page of her Woman Citizen for weeks:

"Wanted: A department of education and social welfare." (See Woman Citizen, January 8, January 15, January 28, 1921.)

Again, shortly after the 1921 joint session of the Communist International and World Congress of Communist Women, at Moscow, June–July, 1921—where Kollontay had referred to the "700,000 organized women workers" in the United States as communism's best hope here—Mrs. Raymond Robins, with her "International Congress of Working Women" met at Geneva, Switzerland.

There, on October 17, 1921, Mrs. Robins (although a professed Republican, like her husband, who has served with her on Republican committees) declared:

"Let us say to the governors, masters, and rulers of all nations, 'We are weary of your hagglings and debates and theories. The earth is rich with the means of life. * * * We demand such use of the land and labor of the world as will insure us bread and warmth and education and peace.' * * * At each election we intend to test the party in power by the facts of our human welfare. When we are hungry and homeless and idle, or slaughtering our brothers and killing our sons, let us vote against the administration without regard to party. Let the working women of the world bring the world back to reality. Let us refuse to be beguiled by party shibboleths or hypnotized by party leaders. Together let us demand bread and security for our homes. * * * This is direct action in politics. It will liberate us from the divisions of theories and unite our power in support of realities—bread and peace." (Official report, issued by Women's Trade Union League.)

Can it be denied that the "bread and peace" agitation conducted by Miss Jane Addams and Mrs. Raymond Robins is propaganda for international communism only slightly concealed under the appearance of "bread and peace"—the original slogan of the Bolsheviks in Russia, also?

International Woman Suffrage Alliance, then under the presidency of Mrs. Carrie Chapman Catt, made Eleanor F. Rathbone, one of the authors of the socialist book, "The Endowment of Motherhood," the chairman of the standing committee on "maintenance of motherhood and treatment of illegitimate children" of the International Woman Suffrage Alliance (Woman Citizen, December 25, 1920).

National American Woman Suffrage Association, in a booklet, entitled "Bondwomen," copyright, 1912, by the chairman of its literature committee and issued by the association, declared:

"Many will say that this responsibility on the mother is too hard. What are the responsibilities of the father? Well, that is his business. Perhaps the State will have something to say to him, but the free woman's concern is to see to it that she shall be in a position to bear children if she wants them without soliciting maintenance from any man, whoever he may be; and this she can only do if she is earning money for herself, or is provided for out of some common fund for a limited time."

It has already been shown that in the same year (1912) the Woman's Journal, official organ of the above association, was printing Judge Lindsey's "conception of government as an overparent" and "economic earthquake has shaken the old home to pieces" propaganda (Woman's Journal, February 10, 1912), just before the establishment of the Federal Children's Bureau, and that immediately afterwards the Woman's Journal, May 11, 1912, declared:

"We shall not be willing to let the establishment of the Children's Bureau mean simply investigation—it must mean power to change things."

The Lindsey article and the Bondwoman booklet were scattered over the country by the National American Woman Suffrage Association the year the bureau was established.

It will be noted that the next big "drive" for "maternity benefits" came in 1919, with the Children's Bureau "Maternity Benefit Systems in Certain Foreign Countries," indorsing Kollontay as author of the "most comprehensive" study of the subject, and the Women's

International League and International Federation of Working Women conventions advocating maternity or childbirth doles.

In 1920, upon the proclamation of the nineteenth amendment, began an open drive for the "endowment of motherhood," Miss Alice Paul issuing a statement, cautiously marked "release after ratification," announcing that as the next step.

Then appeared the Endowment of Motherhood book, by Eleanor F. Rathbone; Maud Royden, radical feminist preacher; and Kathleen D. Courtney, former secretary of the British National Union of Woman Suffrage Societies and a member of the Women's International League.

Miss Rathbone became not only chairman of the International Woman Suffrage Alliance's standing committee on "maintenance of motherhood and treatment of illegitimate children," in December, 1920, but in 1925 was chosen as the representatitve of the International Woman Suffrage Alliance, the International Council of Women, the International Federation of University Women, and the Women's International League on the "advisory committee on traffic in women and children" of the League of Nations. (Woman Citizen, April 18, 1925.)

The Endowment of Motherhood book, whose chief author has thus been honored by feminist societies, is exceeded in its socialistic doctrines, perhaps, only by Kollontay's Communism and the Family, Engels's Origin of the Family, and Bebel's Woman and Socialism.

Among its significant passages are these:

"If mothers are to get on the pay roll of society at all they will have to be willing to begin at the bottom.

"In the event of wage disputes the workers will know that a large number of their dependents are secure and that the call on strike funds will be less.

"To those who are looking to the socialization of industry in one form or another, we would point out that a scheme such as the one advocated here will be found essential.

"The State will have to deal increasingly with the mother directly and less through the agency of the father as a middleman."

The publication of this socialistic book moved the National Woman's Party to give it an enthusiastic review under the title, "Wages for mothers" (Suffragist, November, 1920), in which was the following statement:

"Such an endowment should, according to the committee, be extended to all children until school-leaving age. * * * The United States can well afford to invest the needed billions in the establishment of motherhood upon a sound basis" (p. 274).

Miss Alice Paul herself declared:

"We intend to insist also that the State assume entire responsibility for the maintenance and education of children until they become of age. * * * When the women of the world have junked the battleships and other impedimenta of war, enough money will be released to take care of these reforms." (Washington Herald, October 25, 1920, p. 7.)

Mrs. Harriet Stanton Blatch, daughter of Elizabeth Cady Stanton, a socialist, a leader of the National Woman's Party, wrote:

"The enfranchised women of America, through pressure brought by a woman's party, broadening perhaps to an international woman's party, could be instrumental in bringing political freedom to the women of the world * * * and behind all such social and economic demands lies the most important item in the woman's program, namely, the endowment of motherhood." (Suffragist, official organ National Woman's Party, October, 1920, p. 235.)

Miss Helen Todd, a leader of the "Birth Control League" and former campaign speaker for the New York State Suffrage Association, said:

"Place the mothers on the Government pay roll and pay them the money which would otherwise be spent in preparing for war. * * * Every woman, rich or poor, should receive Government endowment." (Washington Times, October 13, 1920.)

Equal Rights, official organ of the National Woman's Party, July 14, 1923, leading editorial, states:

"Why is it that the greatest service that can be rendered to humanity has entailed a condition comparable to chattel slavery? * * * The involuntary nature of motherhood heretofore, the complete lack of organization among women * * * and, more than all, custom, have conspired to render motherhood more of an ignominy than an advantage in practical economy. But back of it all is a misapprehension of the very nature of the service rendered.

"Woman has borne children to a certain man—her husband. She has brought up his children; she was worked in his home. It has been a personal affair between man and wife, and the racial aspects of the matter have been forgotten. Each individual woman has been dependent on an individual man not only for her own bed and board but for the maintenance of her children. This, it would seem to us, is the crux of the matter. What is really a contribution to the race and Nation has been regarded as a sort of personal service to some one man, and standardization of the service rendered on this basis has been impossible. * * * In any event it is important for women to turn their minds to the problem of standardization of service rendered through motherhood" (p. 172).

Equal Rights, official organ of the National Woman's Party, in its leading editorial, entitled "Maternity legislation," declares:

"There is an overwhelming social need for an intelligent treatment of maternity as a fixed social charge." (Equal Rights, April 26, 1924, p. 84.)

"A FULL GRANT OF POWER"

All this feminism—"standardization of the service" of motherhood, "maternity benefits," "wages for mothers," "maintenance of motherhood and treatment of illegitimate children"—was to be accomplished through the Federal Children's Bureau and the maternity system.

Senator BORAH'S little "statistical agency" with "no administrative power" of 1912, with appropriations of $21,936 (1913), the "lowest figure possible to still maintain something like an active and vital bureau" (Senator BORAH, CONGRESSIONAL RECORD, Jan. 8, 1912) in a few years, was out with 460 pages of "minimum standards" of administration and legislation, 1,370 pages of propaganda for legislative "treatment of illegitimate children"; demands for $8,000,000 a year (State and Federal) for "maternity and infancy care" (original Rankin maternity bill, July 1, 1918); the "standardization of education," the abolition of rural child labor by an "indirect attack," and finally, for a "full grant of power" over all youth in America!

The "statistical agency" grasped for more power than any people have ever intrusted to a government—for the soviet power over youth was obtained by communist dictatorship, not by popular sanction.

To get full control, they began at the bottom with the mere bureau.

Miss Lillian D. Wald, of Henry Street Nurses Settlement, New York (a lifelong friend and associate of Mrs. Kelley), who originated the idea of a "children's bureau," testified in 1909:

"Whereas the Government as such has been acting * * * for a great many interests in the community, by a strange and almost incomprehensible way the children, as such, have never been taken within the scope of the Federal Government." (House hearings, Committee on Expenditures in Interior Department, January 27, 1909, p. 3.)

"The full responsibility for the wise guardianship of those children lies upon us * * *. But no longer can a civilized people be satisfied with the casual administration of that trust. In the name of humanity, of social well-being, of the security of the Republic's future, let us bring the children within the sphere of our national care and solicitude." (Ibid. p. 35.)

"Casual administration," of course, means the parents and "wise guardianship" that of a Government bureau.

Once established, the bureau soon sought administrative power under bills drawn in the bureau for its own self-aggrandizement. At the 1921 Senate hearings on the maternity bill the chairman (Senator Kenyon) asked:

"Did you originate this bill? Was it a product of yours?

"Miss LATHROP. The bureau did (p. 19). * * * I want to say I have had much to do with the drafting of this bill (p. 75, Senate Education and Labor Committee, April, 1921).

A year later Miss Lathrop's successor was telling the Women's Trade Union League the bureau had "the whole field of child care," as previously shown.

In another two years Miss Abbott demanded "a full grant of power":

"I think the amendment should be inclusive. * * * It seems to me a full grant of power to Congress is in line with the other grants of power in the Constitution. * * * I favor the general grant of power." (House hearings, child labor amendment, February–March, 1924, p. 36.)

"AN ENTIRELY NEW GRANT OF POWER."

It was demonstrated in the Senate that this was "an entirely new grant of power":

"Senator REED of Missouri. It proposes to confer a power upon the Federal Government never possessed by any or all of the States under their police power. * * * There is no power in any State to limit the right of a healthy boy or girl to work for a living in a perfectly healthful and proper place; there is no power in any civilized government worthy of the name to do it. It is proposed here to confer that despotic and destructive power upon the Congress of the United States. * * *

"It strikes at the very fundamental of the Declaration of Independence. * * * It is at war with our whole system of government.

"So let us discuss this amendment as it is. It is not a child-labor amendment; it is revolution. * * *

"When was there ever a proposition to confer upon the Congress the power to prohibit the labor of all persons under 18 years of age?"

"Senator SHORTRIDGE (who introduced the final child labor amendment resolution, S. J. Res. 1, and led the debate on the floor for it). Never before.

"Senator REED of Missouri. The Senator will not pretend to say to me or to this body that there is a single State in this Union under the existing Constitution of the United States that can absolutely 'prohibit the right of a person under 18 years of age to work.'

Senator SORTHRIDGE. Oh, broadly stated, perhaps not. * * *

"Senator REED of Missouri. * * * The grant of the power to Congress to limit, to regulate, to prohibit labor is a right that the States never possessed except in the limited sense that they could prohibit or limit labor in unhealthful or destructive avocations or under dangerous conditions. Always the police power of the State had to have back of it something aside from the arbitrary will of the legislative body. Police regulations were always required to be based upon some reasonable conditions of fact warranting and justifying legislative interference.

"This proposition proposes a grant of absolute and unlimited power over the labor of every person under 18 years of age * * * an entirely new power that the Federal Government never possessed, that no State ever possessed * * *." (CONGRESSIONAL RECORD, June 2, 1924.)

In an official release for newspapers recently issued by the Children's Bureau, entitled "What the Children's Bureau is," it declares:

"When the United States Children's Bureau was formed in 1912 it was the first bureau of its kind in any national government. Since then many nations have followed Uncle Sam's example, and most of our States have created bureaus or divisions dealing with various aspects of child welfare.

"The Children's Bureau has one of the most important and most interesting constituencies in the world. To this bureau the welfare and the interests of nearly 40,000,000 children in our country is instrusted, so far as our National Government is concerned."

Such is this bureau's conception of its own powers, without the slightest basis in the Constitution for any Federal administration of child labor, health, education, or welfare laws, and with the "full grant of power" over the labor and education of all persons under 18 years demanded by the bureau, to be found in no other place on earth except in the official program of the Young Communist International. Even the Bolsheviks in Russia do not prohibit the labor of all persons under 18. That program is for America. And the Federal Children's Bureau is trying to put it into effect as diligently as if it were an agency of the communists.

STRAIGHT FROM THE COMMUNIST MANIFESTO

This communist legislative program of the Young Communist International, of Mrs. Kelley, of the Children's Bureau, and of the feminist "internationals" goes straight back to the communist manifesto of 1848, by Marx and Engels.

Of course, the "noncommunist hands" among the members of the rank and file in women's organizations probably know nothing of the origin, meaning, and communist effect of these doctrines when disguised as "endowment of motherhood," a "children's amendment," etc. Some of them are enlisted by the simple device of concealing the socialist snake under a flower bed of beautiful phrases and sentimental slogans. Others are enlisted as pure mercenaries, looking for places on the public pay roll or profitable employment as Washington "legislative agents" of women's organizations. But they also serve the socialist cause better than conscious and known socialists, for they give socialist measures the tone of respectable, nonsocialist support, and with their resolutions, telegrams, and letters to Congress urging such measures they manage very often to mislead legislators also, who therefore introduce and vote for so-called "women's measures" which it would be impossible to get a Democrat or Republican to introduce if he knew they came from the Communist Manifesto and Karl Marx or Friederich Engels were the originators.

The feminist part of the communist program has been almost entirely overlooked, even by the vast majority of the critics and opponents of communism. They have seen and exposed the "economic" fallacies of communism, the dangers of confiscation of property and class war, but they have been almost blind to social, moral, and biological fallacies of communism, the destruction of the family, and the sex-war program and propaganda of Marx and Engels.

Yet Marx and Engels were feminists and wrote an unpublished feminist manuscript two years before they issued the communist manifesto. Engels, in his "Origin of the Family, Private Property, and the State," says:

"In an old unpublished manuscript written by Marx and myself in 1846 I find the following passage: 'The first division of labor is that of man and wife in breeding children.' And to-day I may add: The first-class antagonism appearing in history coincides with the development of the antagonism of man and wife in monogamy and the first-class oppression with that of the female by the male sex (p. 80).

"In the great majority of cases the man has to earn a living and to support his family. * * * He thereby obtains a superior position that has no need of any legal special privilege. In the family he is the bourgeois; the woman represents the proletariat (p. 89).

In the same book Engels declares:

"The modern monogamous family is founded on the open or disguised domestic slavery of women, and modern society is a mass composed of molecules in the form of monogamous families.

"Monogamy * * * enters as the subjugation of one sex by the other. * * * Monogamy was * * * the victory of private property over primitive and natural collectivism (p. 79).

"We are now approaching a social revolution in which the old economic foundations of monogamy will disappear. Monogamy arose through the concentration of considerable wealth in one hand—a man's hand—and from the endeavor to bequeath this wealth to the children of this man, to the exclusion of all others (p. 91).

Under communism, he says:

"The situation will be very much changed for men; but also that of women, and of all women, will be considerably altered. With the transformation of the means of production into collective property, the monogamous family ceases to be the economic unit of society. The private household changes to a social industry. The care and education of children becomes a public matter. Society cares equally well for all children, legal or illegal. This removes the care about the 'consequences' which now forms the essential social factor—moral and economic—hindering a girl to surrender herself * * *" (p. 92).

Here is conclusive evidence that the communists designed to destroy the monogamous family (as the "molecule" and "economic" unit of society) by arousing women (as the "proletariat") against men (the "bourgeoisie"), precisely as they designed to destroy capitalism by abolishing private property through the class war of the proletariat against the bourgeoisie.

Engels's Origin of the Family was written for that purpose. Many of its indecencies are unquotable, as are those of Woman and Socialism, by August Bebel, written with the same object of arousing women against men and picturing primitive promiscuity among savages and the mythical "matriarchy," of which Morgan and other socialists pretend to have found traces among savage tribes, as the most free, natural, and desirable state for women.

Yet Mrs. Kelley in her lecture on "The need of theoretical preparation for philanthropic work" to the New York Association of Collegiate Alumnæ, May 14, 1887, other parts of which have been quoted on page 15 of this memorandum, declared that Engels's Origin of the Family is a "fundamental work," a "most brilliant popularization" "which is warmly to be recommended," and recommended Bebel's Woman as "another useful preliminary work" which is "most suggestive and well worth reading."

In preparation for "philanthropic work" college women were urged to study Marx, Engels, Bebel, and Morgan—four months after Engels had instructed Mrs. Kelley to introduce socialism "into the flesh and blood" of Americans, as elsewhere noted.

THREE OBJECTS OF THE COMMUNIST MANIFESTO

The three main purposes of the communist manifesto of 1848, by Marx and Engels, are destruction of the monogamous family, destruction of private property, and destruction of countries and nationalities.

The manifesto declares:

"Abolition of the family! Even the most radical flare up at this infamous proposal of the communists. On what foundation is the present family * * * based? On capital, on private gain. * * *

"The bourgeois family will vanish as a matter of course * * * with the vanishing of capital.

"Do you charge us with wanting to stop the exploitation of children by their parents? To this crime we plead guilty.

"But, you will say, we destroy the most hallowed relations when we replace home education by social. * * * The bourgeois claptrap about the family and education, about the hallowed corelation of parent and child, becomes all the more disgusting, the more, by the action of modern industry, all family ties among the proletarians are torn asunder and their children transformed into simple articles of commerce and instruments of labor. * * *

"You are horrified at our intending to do away with private property. * * * You reproach us with intending to do away with your property. Precisely so; that is just what we intend. This person (the owner of property) must, indeed, be swept out of the way and made impossible.

"The communists are further reproached with desiring to abolish countries and nationalities.

"The workingman has no country."

This communist philosophy was used so much in the campaign for the "child" labor amendment, throughout which the 647,000 children who occasionally work on farms (569,824, or 88 per cent of them on the home farm under their own parents) were included with the alleged "million children who slave") that Mr. Gray Silver, Washington representative at the time of the American Farm Bureau Federation, declared:

"The farmer resents, and rightly so, * * * the idea that he raises a family for the purpose of harvesting a cotton crop." (A. F. B. News Letter, March 6, 1924.)

Miss Grace Abbott, Chief of the Children's Bureau, on the contrary, sought to make all opponents of this communist amendment appear as "exploiters" of children, saying:

"It is a controversy between groups, and one group is for the protection of the children and another comes in and wants to exploit the children." (House hearings, February-March, 1924, p. 45.)

In the 1919 Annual Report of the Children's Bureau we find this:

"* * * Experience indicates the need of basic governmental responsibility for maternity and infancy * * *" (p. 27).

After alluding to cash "maternity benefits"—child-birth doles—in England, and holding that the English laws clearly express "a belief that no provision already in existence is adequate," the Chief of the Children's Bureau (then Miss Lathrop) says:

"As applied to the United States, it may be said with certainty that any public provision for safeguarding maternity and infancy must be universal. It must afford a dignified service which can be utilized with the same self-respect with which the mother sends an older child to the public school." (Ibid. p. 27.)

In a Children's Bureau newspaper release on "The fundamental rights of childhood," after enumerating many desirable conditions for "all children," such as "the best of care before birth * * * care of the mother before the baby comes * * * pure food * * * well-prepared meals * * * a clean, well-kept home, not overcrowded * * * warm rooms and warm clothing * * * a long sleep every night in a comfortable bed * * * properly fitting shoes * * * regular health examinations * * * education to the limit of their abilities," as "rights," etc., the bureau declares:

"Now, all of these rights are usually best secured in a normal family home. We may say, without any doubt, that every child has a right to home life, with an income on the father's part that will allow him to provide the things just now summed up. If the father's income does not enable him to give his children all they ought to have, the community must help."

In its 460-page book on Standards of Child Welfare the "general summary" of Children's Bureau "minimum standards" says:

"The logic of the evidence adduced seemed to indicate that a very large ratio of the families of the United States obtain incomes too small to make possible the rearing of children in the manner which scientific and humane considerations, as well as the prosperity of the Nation, demand." (Bureau Publication No. 60, p. 18.)

At page 65 of the same book:

"Every child must have a garden in his home, or two months a year of country life. In fact, he ought to have the latter, anyway * * *."

In short, if the "fundamental rights" of "all children" to "well-prepared meals," "comfortable beds," "properly fitting shoes," gardens, country vacations, etc., are beyond the income of the average, or of a "very large ratio of the families," America should adopt the "doles" systems of Europe, with the warning from the bureau that even in them "no provision already in existence is adequate."

At page 43 of the "standards" it is insisted that there be established—

"A minimum below which no income can go, no family maintenance be put, * * * the giving to all of the opportunity to remain on or above that level, * * * thus enabling the mother to specialize in the exercise of the maternal function."

Miss Abbott also declares:

"When you undertake to get rid of child labor then you must make some other provision for the care of those children." (House hearings, February-March, 1924, p. 264.)

Mrs. Kelley, speaking for the child labor amendment, told the Senate subcommittee:

"It's unsafe to leave children to the tender mercies of the pressure of ignorant parents." (Senate hearings, 1923, p. 51.)

Again, Mrs. Kelley:

"* * * For it is still the rule that fathers maintain their own children." (Annals American Academy of Political and Social Science, September, 1922, p. 61, signed article by Mrs. Kelley.)

"* * * As long as we have competitive industry," [private ownership]. Women's Industrial Conference, Washington, January, 1923, official report by United States Women's Bureau, p. 129.)

As Senator REED of Missouri declared in the Senate June 29, 1921, speaking on the maternity act:

"The fixation of an economic level and the maintenance of all the people on or above that level necessarily involves the control of the business affairs and individual life of the citizen.

"That was the very doctrine taught by Karl Marx, Friederich Engels, and all the leading socialists of Europe. It is the quintescence of socialism."

"MODESTY" OF THE MATERNITY ACT

Mrs. Florence Kelley, in the 1920 hearings on the first Sheppard-Towner bill (then providing "free medical and nursing care" and for a $4,000,000 annual Federal subsidy to be matched by the States), said:

"The characteristic feature of this bill throughout is its modesty. It is recognized throughout that the bill is a new departure; it is an innovation. It is not perfectly certain how the States will respond to it. It is the first experiment of this kind in this country." (House hearings, December, 1920, p. 29.)

Can it be denied that the maternity act is only the "camel's-nose-under-the-tent" measure of a Marxian Communist and of a radical Children's Bureau seeking arbitrary, unlimited, "full grant of power" to standardize and socialize "the whole field of child welfare and child care"?

It has already been shown that only tactical considerations limited the demands of Mrs. Kelley and the Children's Bureau for Communist power over the American home.

It has been shown that Mrs. Kelley, herself a communist, started out in 1889 urging college women entering so-called "philanthropic work"—now called "social work" with a significant change of implication and of financial backing by society at large—to study Karl Marx's "Das Kapital," the "Origin of the Family," by Engels; "Woman and Socialism," by Bebel, etc.

These were warmly recommended as "fundamental works" for "philanthropic workers" by Mrs. Kelley.

And these are the fundamental works of revolutionary communism—the "quintessence of socialism"—Marx's Kapital—written mostly and published by Engels—being the fundamental "economic" work, and Engels's "Origin of the Family," and Bebel's "Woman and Socialism" being the fundamental communist works against the monogamous family.

It has been shown that "the worst form of communism," as Senator KING well calls it, is found in the feminist phase of communism—arousing women against men, wives against husbands, and providing community care for children, legitimate and illegitimate, to "remove the economic foundations of monogamous marriage," etc.

It has been shown that the feminist societies, international and national, have indorsed these communist policies in terms which are no less radical and sweeping than those of the communists.

It is also worthy of note that the feminist societies which originally proclaimed a desire for woman suffrage as their reason for existence, have not in the least discontinued their sex war campaigns, but, in fact, have intensified them, purporting to represent women voters—without ever consulting women voters on any feminist measure—en masse, as a class, aligned against men and the regular political parties, through a so-called "National League of Women Voters" and a "National Woman's Party" with the communist philosophy of sex war their only remaining excuse for existence.

It has also been shown that Alexandra Kollontay, first commissar of the soviet department of social welfare, head of the infamous Bolshevik colonization of children schemes in Russia, was indorsed by the Federal Children's Bureau as the author of "the most comprehensive" work on maternity doles, etc. (Children's Bureau publication No. 57, p. 175), the Kollontay book, Society and Motherhood, being as fundamentally communist as Engels's Origin of the Family.

It is shown that the most distinguished graduate from the Children's Bureau—its former exhibit expert, Anna Louise Strong—has succeeded Kollontay as a colonizer of children in Soviet Russia.

Now it will be shown how far and by what agencies these communist doctrines concerning children have been introduced "into the flesh and blood" of many of our noncommunist educators and social workers, and how others have been attracted as mercenaries.

COMMUNISM UNDER THE MASK OF "EDUCATION"

Mrs. Florence Kelley has not only preached communism and urged a study of the fundamental communist books by college women taking up philanthropic or social work, but as president of the Intercollegiate Socialist League—the organization chiefly responsible for socialist propaganda in American schools and colleges—Mrs. Kelley has had great influence for a number of years in promoting radicalism among youth while in school.

The Intercollegiate Socialist League changed its name in 1922 to the "League for Industrial Democracy," but continues its socialist propaganda.

As chief factory inspector in Chicago (1893–1897) she obtained leadership among industrial women; as a resident of Hull House, Chicago, and subsequently of Henry Street Nurses' Settlement, New York, she obtained leadership among social workers, public-health nurses, etc., and as a university woman, a lawyer specializing on social legislation, and as general secretary of the National Consumers League she has obtained other opportunities for communist propaganda and influence upon legislation.

It is of the utmost significance that practically all the radicalism started among women in the United States centers about Hull House, Chicago, and the Children's Bureau, at Washington, with a dynasty of Hull House graduates in charge of it since its creation.

It has been shown that both the legislative program and the economic program—"social-welfare" legislation and "bread-and-peace" propaganda for internationalization of the food, farms, and raw materials of the world—find their chief expression in persons, organizations, and bureaus connected with Hull House.

And Hull House itself has been able to cover its tracks quite effectively under the nationally advertised reputation of Miss Jane Addams as a social worker—who has so often been painted by magazine and newspaper writers as a sort of modern Saint of the Slums—that both she and Hull House can campaign for the most radical measures and lead the most radical movements, with hardly a breath of public suspicion.

Nevertheless, Miss Addams herself, according to the Survey Graphic number, December 1, 1924, editorial, page 291, bore witness to the

leadership of Mrs. Florence Kelley in starting Hull House itself on the road of socialistic legislation.

The editorial, indirectly reporting Miss Addams's remarks, declares:

"Miss Addams bore witness to this faculty [of Mrs. Kelley's]. Chicagoans had been used to talking about the corn crop; sometimes they had pointed with pride when they counted a hundred thousand more harassed creatures run through the stockyards in a year. But Mrs. Kelley was the first to drive home to them that their's had become the third industrial city of the United States and what this meant, humanly speaking.

"At Hull House they had seen men, women, and children trudging past with huge bundles of clothing; they had read the Webbs [British Socialists]; but they had done nothing about it until Mrs. Kelley came. * * * One thing after another happened; so swiftly that the years before and the years since have seemed slow by comparison. Her wish for Mrs. Kelley was a 'long life and a great many more tough situations'; that she might live to see no children in America unprotected by congressional legislation," etc. (Survey Graphic, December 1, 1924, p. 291.)

Thus while all the pacifism, internationalism, and socialist legislative schemes among women in America, together with the Women's International League, the National Women's Trade Union League, the International Federation of Working Women, the United States Children's Bureau, and the United States Women's Bureau have been cradled at Hull House, we find that Hull House itself was first taught to walk the socialistic road by the ubiquitous Mrs. Florence Kelley.

The second-hand radicalism of Miss Addams, Mrs. Robins, Miss Lathrop, Miss Abbott, Mrs. Catt, etc., is none the less important to show, because they "build communism with noncommunist hands" in working for Mrs. Kelley's program. Further testimony as to the supremacy of Mrs. Kelley's leadership is found in the official proceedings of the Women's Industrial Conference, called by the United States Women's Bureau, January 11, 12, and 13, 1923 (Women's Bureau publication No. 33, pp. 184–185).

Talking to all the assembled leaders (Miss Lathrop, Miss Abbott, etc.), Miss Mary McDowell, of University Settlement, Chicago, herself a leader in "welfare" legislation, said:

"The first woman factory inspector in Illinois, who set up such a standard that we can never forget her, is with us to-night—Mrs. Florence Kelley. I do not think we have maintained that standard since, but that does not make any difference. The standard is there. * * * I think Mrs. Kelley not only set up the standard but she helped us start public opinion.

"And then here's Miss Lathrop," etc. (pp. 184–185).

The secondary position of Miss Lathrop (former Chief of the Children's Bureau) to Mrs. Kelley, the real originator and director of all this socialist standardization legislation, was thus attested and acknowledged at a session of the Women's Bureau conference, over which Miss Lathrop was presiding at the time. (Ibid. pp. 170, 174, 184, 190.)

Josephine Goldmark, a friend and associate of Mrs. Kelley in many activities, writes:

"It is probably not too much to say that no single individual has done more than Mrs. Kelley, through her long years of keen participation in local, State, and Federal campaigns, toward securing the body of social legislation which exists in the United States to-day." (New Republic, November 12, 1924.)

Mrs. Kelley's participation in educational legislation, her part in the drafting of the vocational education act of 1917, her part in showing the National League of Women Voters "the need" of the Smith-Towner education department bill, her advocacy of education laws to abolish child labor, have been set forth elsewhere in this memorandum.

The point is that one of the fundamental designs of the communists is to capture and control not only the content of education but the teachers themselves as an "apparatus of power" and of propaganda, and that Mrs. Kelley has been in a key position for many years to spread communist propaganda in schools and colleges and among teachers, as well as to foment industrial unrest among women in factories and promote socialist legislation generally.

Nicolai Lenin saw the strategic importance of the education system as an apparatus of power:

"Hundreds of thousands of teachers constitute an apparatus that must push our work forward. The fact that the masses of teachers are permeated with the heritage of capitalistic culture must not and can not prevent us from placing them in the service of communistic education.

"The communist active in the field of popular education must learn and understand to conduct this mass, which runs into hundreds of thousands. * * *

"It is important and necessary that he should be capable of guiding the masses of teachers." (From a signed article by Nicolai Lenin in The Workers' Dreadnaught, subsidized by Lenin and edited by Sylvia Pankhurst, May 25, 1921.)

Nowhere else have the communists had as "capable" and well-trained a person to place masses of teachers "with the heritage of capitalistic culture" in "the service of communistic education" as in America.

The reflection of communist views has now become almost a matter of course among many leading educators of the type who demand Federal control of all schools and children.

Dr. William B. Owen, president of the Chicago Normal College, Chicago, Ill., the then president of the National Education Association, in an address before the World Conference on Education, June 23, 1923, in San Francisco, showed that he also, like Lenin, saw the possibility of the educational system as a revolutionary factor, and referred in his speech to—

"Education as a practical instrumentality for the creating of a new world order." (N. E. A. official report, p. 13.)

He added:

"* * * In spite of what we write and say, the world does not believe that education as a form of social control is comparable with armies, navies, diplomacy, and statecraft. * * * We should spend our time and efforts in shaping a constructive educational program that will demonstrate what education can do." (Ibid. p. 14.)

Education "as a form of social control" comparable with armies, etc., for "creating a new world order" is the new idea of an education system as a central apparatus to rule society, and is as far removed as the poles from genuine education that imparts knowledge and discipline by which children are prepared to become free, self-governing citizens of sovereign States and of a Republic whose constitution guarantees that no legislative body or educational soviet shall use the schools of America as a single "system" to promote a new political or economic "world order."

It is clear that the intention to use education as a complete machinery of dictatorship, moral, intellectual, political, over the minds of the young obsessed at least some of the National Educational Association leaders.

Dr. Augustus O. Thomas, commissioner of education, Augusta, Me., president of the World Federation of Educational Associations, in his opening address at Edinburgh, July 21, 1925, at the biennial meeting of the federation, said:

"We are the keepers of the young and can direct their interest and their attitude." (Official Report World Federation of Educational Associations in National Educational Association addresses and proceedings, 1925, p. 923.)

"This necessitates an international attitude or mode of thinking, which we call the 'international mind.' The peoples of the earth must now live together and we, the teachers of the world's children, must prepare them for these new relations." (Ibid. p. 926.)

Doctor Thomas refers later to "the new world citizen."

At the previous biennial meeting of the World Federation of Educational Associations, at San Francisco, Doctor Thomas defined "the real spirit of internationalism" in these terms:

"Citizenship to-day must be broader than nationalism. There must be an international consciousness; there must be an 'international heart' and a 'world mind.' This 'world mind' is largely an attitude or habit of thinking in the larger units of the world," etc. (Special booklet issued by the National Council for the Prevention of War, covering 1923 San Francisco conference of World Federation of Educational Associations, p. 11.)

Again, at the same conference, of which he was chairman, Doctor Thomas said:

"In order to change the ideals of the nations, we must begin with the child when he first becomes teachable; because the child is unprejudiced, and as we lead him up through the winding path of education and experiences we gradually instill into him our own prejudices." (World Conference on Education, National Education Association official report, p. 9.)

"There was a day when a person was simply a citizen of his locality and possibly of his country. * * * To-day the citizen must be a citizen of the world. * * * Therefore the children of to-day must receive that larger viewpoint and that larger understanding. That understanding and viewpoint must come through the teachers." (Ibid. p. 10.)

The Bulletin of the Women's International League for Peace and Freedom, July–October, 1923, also contains a report of the World Federation of Educational Associations Conference at San Francisco entiled "A disarmament conference of educators in America," by Rosika Schwimmer. She writes:

"This conference was of greatest importance for the pacifistic movement. * * * The intention to find pacifistic methods of education having clearly been put as the basis of the conference" (pp. 89 and 91).

She referred to—

"An enthusiastic atmosphere of growing international patriotism.

"The most important result of this conference seems to be a claim for the 'disarmament of textbooks.' * * * It was considered the basis of all other pedagogical reforms.

"All the pacifists of the world may be very much indebted to Doctor Thomas, who presided over the conference * * * and became

thereby the leader of those educators who want to develop a cosmopolitan mind.

"Again and again he pointed out the close connection that exists among all human beings; he claimed unhesitatingly an education for world citizenship," etc. (p. 89).

Frau Schwimmer then turns to Miss Charl O. Williams:

"Miss Williams, former president of the National Educational Association and member of its present board, proclaimed a kind of intellectual strike against the patriotic methods which are bringing about an increasing roughness among young people. * * * 'We, the teachers of the world, have decided to refuse to teach on such lines.'

"A stormy, passionate applause followed the final words of Miss Williams: 'If we are not allowed to educate the children for peace, it is not worth while to educate them at all (pp. 89, 90).

Miss Charl O. Williams, former president of the National Educational Association, is now field secretary, and has been the chief National Educational Association lobbyist for a Federal department of education.

Thus we find "conservative" National Educational Association leaders, some of the most distinguished advocates of a Federal department of education, saturated with the doctrines of internationalism and pacifism that owe their origin to the communist manifesto "to abolish countries and nationalities" and their development to include "world citizenship," "teachers of the world," and "children of the world," while less brutally stated, is in fact even more obnoxious than the "workers of the world have no country" of the communist manifesto, because there is not the slightest excuse in social or economic interests for teachers to form a world union against nationalism under the false banner of "peace."

The greatest investigation of communism ever made in America, and reported in four large volumes by the New York Legislature under the title "Revolutionary Radicalism" declares:

"The very first general fact that must be driven home to Americans is that the pacifist movement in this country, the growth and connections of which are an important part of this report, is an absolutely integral and fundamental part of international socialism. It is not an accretion. It is not a side issue. European socialism concentrated its efforts in three directions: * * *

"The third purpose was the creation of an international sentiment to supersede national patriotism and effort, and this internationalism was based upon pacifism in the sense that it opposed all wars between nations and developed at the same time the class consciousness that was to culminate in relentless class warfare. In other words, it was not really peace that was the goal, but the abolition of the patriotic, warlike spirit of nationalities." (Vol. 1, p. 11.)

It will be noted that the National Education Association leaders quoted in this connection are the official leaders, the persons responsible for the education department "drive," etc., and that nowhere in this memorandum have your petitioners cited any but the highest official authorities and true leaders of the movements it has been necessary to mention in connection with this radical legislative program.

COMMUNIST PROPAGANDA THROUGH MATERNITY CENTERS

The Moscow communists declare:

"The most difficult task is that of getting at the housewives. * * * The petty bourgeois psychology of the peasant woman, her ignorance, her dependence on her husband and her family, all these are obstacles which must be overcome. * * * The work in the village among the female farmers and women workers * * * plays a great part in revolutionary work." (Soviet Russia, New York Communist Magazine, March 26, 1921, p. 307.)

Again:

"It was necessary to create a special technical mechanism for work among women." (Ibid.)

One of the secret communist documents captured at Bridgman, Mich., in 1922, was "Instructions on organizing women in America," in part as follows:

"Contacts must be established at all maternity and infant-welfare centers. In this connection it is recommended that communist women should be trained for first aid and home nursing. This training should serve the useful purpose of enabling our members to gain the confidence of larger and larger circles of women by practical assistance in time of need." (Portland Press-Herald, January 30, 1923.)

Can it be denied that the centralization of power over maternity and infant-welfare centers in the maternity act constitutes a "special technical mechanism for work among women," and that they can thus be used for propaganda purposes, communistic and otherwise?

Mrs. Florence Kelley says:

"I have lived for 20 years with the nurses who nurse the poor in their homes in New York City." (House Hearings, December, 1920, p. 31.)

Mrs. Kelley alluded, of course, to her long residence at Henry Street Nurses Settlement, and went on to argue the merit of maternity centers as life-saving stations. But there is no doubt that whatever merit maternity centers may possess, from the standpoint of public health, are due to the technical instruction imparted by the physicians and nurses "on the local job." There is no health reason for placing them under the control of one distant bureau of social workers at Washington; no health reason for having them all conform to "plans" approved by graduates of Hull House and Henry Street Settlement, who have been shown, on their own testimony, considerably more interested in obtaining centralized power than in health matters, as quoted elsewhere in this memorandum.

Is it likely, for example, that Mrs. Kelley, with all her passionate repeated denunciations of Congress as a body of Herods who "wish to let mothers and babies die," has gone about the poor of New York for 20 years without telling such things to mothers themselves and instructing them in regard to pressure on Congress, as well as care of the baby?

Dr. Charles E. Humiston, of Chicago, then president of the Illinois Medical Society and now head of the Illinois department of health, when speaking against the adoption of the maternity act in July, 1921, said:

"The oldest baby welfare center in the world is in a country for which our young men made the supreme sacrifice. Twenty-six or twenty-seven years ago it was established, and it still exists, or others like it, in that country which we all love and are willing to fight for, and have been fighting for, a country in which the people are past masters of the game of avoiding parenthood, and where the death rate exceeds the birth rate, where this baby welfare station has existed for 27 years. In that country where the first one was established they have a death rate of babies of 140, almost double that of a city in this country comparable in size. Now, I am not going to charge that welfare center, nor that instruction, nor the public-health nurses, nor the doctors connected with it with the responsibility for the loss of babies in that country or for the avoidance of motherhood, as has been suggested before this committee, or at least before the Senate committee. I have as much right, however, to charge those results which follow as the health department of New York City has to claim so great a degree of credit for their activities. * * *

"This is a medical question, and it is supervising the practice of medicine in the different States, through a Children's Bureau in the Department of Labor, that this bill provides. That is why we object to it * * * and when I say 'we' I mean the doctors of Illinois, and I might just as well say the doctors of the American Medical Association in this wider sense, because at their meeting in New Orleans a year ago a resolution was passed * * * condemning every form of State medicine. * * * We object to placing the practice of medicine or any part of it under the supervision of a lay board. We object to any form of State medicine. * * * We are opposed to this bill, root and branch. It is wrong in principle. The central Government has no proper activity in this field. We object to this excursion into socialism." (House hearings, July, 1921, p. 83.)

Thus it will be noted that whether maternity and infant welfare centers promote public health or not, that it is not safe to have them all centralized and standardized by one radical bureau—which has in fact published far more pages of socialistic "standards" and socialistic propaganda regarding illegitimacy than it has published in relation to the care of mothers and babies.

In addition, centralized control of maternity centers, sooner or later, offers opportunities for another form of vicious propaganda indicated by Doctor Humiston.

Of the 22 members of the "Sheppard-Towner emergency committee" to promote the maternity act in 1921 (listed on page 266 of the House hearings, July, 1921), 8 are also listed as indorsers of the "Voluntary Parenthood League." Miss Jeannette Rankin, of the executive council of the "Voluntary Parenthood League (birth-control advocates), introduced the original maternity act July 1, 1918.

At the Voluntary Parenthood League meeting October 27, 1921, Mrs. Mary Ware Dennett, one of the leaders, declared:

"We have, as you know, in America a really very large and elaborate existing health machinery of different sorts. We have hospitals and welfare associations of different sorts. We have maternity center associations and health centers. Large amounts of health advice are given both verbally and in published form. Presently, of course, at every one of these health centers this sort of service to parents should be available."

The Birth Control Review, August, 1921, page 5, declares:

"It is not intended to make it purely a birth-control clinic, but to work it on the lines of the already existing maternity and child welfare centers, with the addition of birth-control information, the object being to show how this feature may be incorporated with the existing organizations."

The Birth Control Review, September, 1921, declares it sent a questionnaire to "members of various boards of health and other officials," and out of 85 who replied, all except 7 answered the following question in the affirmative:

"Do you believe in a controlled birth rate?"

The well-known opposition of physicians to this pernicious propaganda would seem to indicate that the 76 persons in public-health work who told the Birth Control League they favored "a controlled birth rate" represented very few physicians.

At present, of course, with the Federal statutes against birth-control propaganda, there is none openly in evidence under the maternity act, although at least one prominent physician has thought that decreased birth rates in several communities may be ascribed to it. (See Indiana Medical Journal, March 15, 1926, pp. 130–131.)

However that may be, the point made here is that centralized control of maternity and health centers by a radical lay bureau of the Federal Government offers a most dangerous "technical mechanism" for propaganda among women, no matter which particular cult of propagandists uses it—communists, advocates of birth control, or lobbyists and bureaucrats seeking "pressure on Congress" for more power and appropriations.

There is no more reason, from a health or medical standpoint, for having all the maternity and infancy centers standardized and controlled by one bureau than there is reason, from an educational standpoint, for having all the schools of America under one department head at Washington.

Such control is sought, not to promote health or education, but to set up "an apparatus of power" and propaganda system for "a new world order," and whether it be communism or some other ism, that is in the back of the heads of these fanatics does not alter the nature of this "full grant of power."

We should object to centralized bureaucratic despotism over American mothers and children in any case, by any cult whatever, benevolent or revolutionary. But the tragedy and trickery of it all is illustrated by the fact that everybody knows that if any regular American political party, or any established church in America, sought legislation giving it power to standardize and control education, health, maternity, and infancy, child labor legislation, etc., that it would be denounced, exposed, and opposed by 99 per cent of the political leaders and newspapers in this country. But the communists, socialists, bureaucrats, birth-control fanatics, and interlocking Washington lobbyists try to do it, under the legislative leadership of the chosen lieutenant of Friederich Engels—and editors, legislators, and political leaders are cowed into silence and submission for fear of being called Herods, or enemies of mothers and babies unless they support the communist legislative program in America to "capture the child" and "get at the housewives!"

COMPULSORY REGISTRATION OF EXPECTANT MOTHERS

In the Standards of Child Welfare, Children's Bureau Publication No. 60, the first standards that appear, under Section III, entitled "The health of children and mothers" (p. 145), are "Standard requirements for obstetrical care."

Under this standard the professor who covered the subject for the bureau (and whose doctrine has been circulated by the bureau, at public expense, ever since) declared:

"I take it that the first step in such a campaign of education for the improvement of obstetrical conditions must consist in the compulsory registration of pregnancy, through the local health officer. In this event, it will be possible for every pregnant woman throughout the entire country to be supplied gratis with certain of the publications of the Children's Bureau." (Bureau Publication No. 60, p. 146.)

We have failed to find, even in the most revolutionary books of Friederich Engels, August Bebel, and Alexandra Kollontay, or in any of the Bolshevik codes of communist Russia, a doctrine so extreme and tyrannical as this compulsory registration of all expectant mothers, an invasion of the privacies of life unknown to the worst despotisms of history, including the present communist dictatorship in Russia.

In Children's Bureau publication No. 137, dealing with the administration of the maternity act, there appears on page 10 the following indication of the bureau's intense interest in getting the names of expectant mothers so that special letters and literature may be sent them:

"In an effort to reach individually a large number of expectant mothers, the use of serial prenatal letters has been increased * * *. The number of women reached in this way apparently varied directly with the importance attached to it in each state and with the methods employed in obtaining names of expectant mothers. Usually the physicians of the state were notified by the state child-hygiene division of the availability of these letters, and many responded by requesting that such information be sent to their patients. Recent reports indicate that this cooperation on the part of physicians provides by far the largest single source of names."

Here, of course, no compulsion in this matter is indicated as yet in the administration of the maternity act. But the interest of the Children's Bureau "in obtaining names of expectant mothers" is indisputable, regardless of "the methods employed." For what purpose—health or propaganda?

A "FRIGHTFULNESS" CAMPAIGN AGAINST MOTHERS

In an undated newspaper release by the United States Children's Bureau, entitled "The Child's Right to Be Well Born," which may be considered a fair sample of the bureau's constant mixing of political propaganda with maternity and infancy health questions, is the following opening statement:

"Perhaps you are so fortunate as to have a baby in your household. If so, do you realize that if that baby had chosen its home in any of five other countries it would have had a better chance at life than in the United States? For in the birth registration area of this country, out of every 1,000 babies born alive 76 die, while in New Zealand only 42 babies out of every 1,000 die, and four other countries have an infant death rate lower than ours.

"And how about the baby's mother? She would have run less risk of death in Germany, Finland, Uruguay, Japan, or South Africa, or in any of 14 other countries, than she did in giving birth to her baby here. Of 25 nations, only two are more careless than we right here in America are of the lives of our mothers.

"Studies by the Children's Bureau and other agencies have shown clearly what causes our high death rates among mothers and young babies. These causes are all susceptible to human control; we can eliminate them if we want to hard enough. What are they? Briefly, poverty and ignorance."

On the face of it, this miserable, disloyal, and pernicious socialist propaganda is false and self-contradictory, telling mothers, in effect, that they would have a better chance of life in Japan, South Africa, etc., on account of less "poverty and ignorance" in other countries than in the United States. Here we find the bureau's perpetual effort to promote the propaganda with which its chief is associated, leading it into an absurd self-contradiction. But some of the internationalist poison—the stuff that makes every other country appear better than America—and some of the socialist poison, ascribing all ills to "poverty and ignorance," both had to be introduced somehow into "the flesh and blood" of a circular on care of mothers and babies, "The child's right to be well born," and the two poisons in this case happen to work against each other when both are analyzed.

It has already been shown in this memorandum, pages 9–10, on the highest authority, that "there is no basis" for these unfavorable comparisons of America with foreign countries.

The Children's Bureau has been engaged in a campaign of "frightfulness" against mothers—in order to secure power over maternity and infancy for itself.

The Children's Bureau booklet, Maternal Mortality, page 32, says:

"The method of computation of death rates which gives the clearest picture of the hazards of childbirth is that which takes into account only the woman giving birth to children in that year. This is the method in use in a large number of foreign countries. The advantages of the method are self-evident."

Here the bureau shows two things: That it is chiefly concerned with picturing "the hazards of childbirth" in collecting maternal-mortality statistics; and that the different method in use in "a large number of foreign countries" is not statistically comparable with American vital statistics.

In addition, death registration in the United States is fairly complete, and there are several checks on each death. The doctor must write a certificate, the undertaker must keep a record, a burial permit must be obtained, etc. But birth registration is not universally required, nor fully enforced in the birth-registration area. If a busy physician forgets to notify the public of an occasional birth, and the happy parents neglect to get anything but a baptismal certificate at a church, the child may live and thrive with no public record. The Vital Statistics Division of the Census Bureau, for example, allows States in the birth-registration area when it is considered that 90 per cent or more of the births are registered. In Europe, on the contrary, birth registration has been enforced for many years.

How many Members of the United States Congress to-day, for example, can show a birth certificate?

Naturally, the better registration of deaths than of births in the United States makes the mortality figures appear higher than they actually are.

And this radical bureau takes advantage of this to proclaim, "It is safer to be a mother" in Germany, Japan, and South Africa than under the Stars and Stripes.

As a matter of fact, if the bureau were interested in encouraging expectant mothers, it could tell them with truth that it is safer to be a mother than it is to be a man in the United States. The mortality statistics of the Census Bureau show that the death rate among men over 20 is about double the death rate, per thousand, of actual mothers from puerperal causes.

Maternal mortality (6.7 per 1,000 live births, 1923) is little more than half the mortality rate (12.3 per 1,000 population, 1923) for the country. In other words, with only a different mental attitude and a desire to tell encouraging truths to mothers, instead of worrying them with "the clearest picture of the hazards of childbirth" that the bureau can paint with juggled statistics and odious foreign comparisons, it could show mothers the safety of this normal function, which over 993 mothers in every 1,000 perform without loss of life, while only 987 out of every 1,000 of the general population can expect to live another year.

Why should country-wide lists of expectant mothers be furnished a bureau always trying to "picture the hazards" of their condition, and trying to make them believe also that America is carelessly neglecting mothers in comparison with Japan and South Africa?

It is only reasonable to suppose that this campaign of frightfulness is dangerous to the life and health of mothers. There are even statistical indications of it.

Miss Jeannette Rankin, introducer of the first maternity act, testified at the House hearings, December, 1920:

"When I came down here (1915) I met Miss Lathrop and discussed this matter. That summer Miss Lathrop made a study of Montana and found these conditions were actually as bad as I had feared," etc. (p. 87).

The Children's Bureau sent one of its four physicians and five "social workers" into Montana. They prepared a 100-page report, saying:

"Agents of the Children's Bureau interviewed every mother in the area who had a baby during the five years preceding the study. * * * A few were not at home at the time the mothers were so visited. * * * It is estimated that possibly 10 or 12 mothers were thus missed."

In 1915, when Miss Rankin thought conditions were bad, the maternal mortality rate in Montana was 19.4 per 100,000 population. In 1916, when the agitation and "study" began, it rose to 22.2. In 1917, with the Children's Bureau agents canvassing all but a few homes in the area they covered, the rate rose to 28.4, or 9 points above the 1915 rate. In 1918 the rate was 35.9, but this was a "flu year." In 1919, although partly also a "flu year," the Children's Bureau workers having left on account of lack of funds to continue the Montana survey, the rate went down to 26.2, but was still nearly 7 points higher than in 1915. (See Mortality Statistics for 1919, p. 95.) For puerperal septicemia, the particular affliction most influenced by abnormal fear among mothers, the Montana rate rose from 7.8 in 1915 to 10.4 in 1919, the highest rate being in 1917 (14.1) while the Children's Bureau "field workers" were there. The rate of maternal mortality for Montana is given by the 100,000 population, because Montana did not come into the birth-registration area until 1922, so that the census could not tell the rate per 1,000 live births for these years. But the deaths were known as Montana was in the death-registration area in those years. The latest census report on maternal mortality shows a Montana rate of 7.5 deaths of mothers to 1,000 live births, compared with the average of 6.5 for the country at large. Also, Montana, according to "Mortality Statistics, 1923," issued by the Census Bureau, page 61, Montana has the highest puerperal septicemia rate of any State in the Union (3.8), the mortality among mothers in Montana from this dreaded infection, which affects mind as well as body, being equaled only by the mortality of the colored mothers of Mississippi. (See "Puerperal Septicemia" column, p. 61, Mortality Statistics, 1923.) There is a very strong indication here that invasion of homes by social workers picturing "the hazards of childbirth" to expectant mothers is as physically dangerous to their lives as it is opposed to their constitutional rights.

COMMUNIST PROPAGANDA AND JOBS

The communist principles and propaganda systems involved in this legislation have been clearly demonstrated. The range and scope of this propaganda is far beyond our ability to set forth in this memorandum. Its general object is to use not only every existing institution to further communist philosophy but to create vast new systems, by Federal legislation or amendments, for centralized control of education, health, labor, care of women and children, etc., to pave the way for dictatorship.

It has been shown that the first—and worst—form of dictatorship sought is over women and children; that the first victims are the families of the poor, as Senator Heyburn predicted in 1912.

It has also been shown that all this power has been sought by deliberate fraud and trickery, exposed again and again in this memorandum.

When they talk about "education" they are trying to "abolish rural child labor by an indirect attack," as Miss Lathrop declared. (Bureau Publication No. 60, p. 102.) When they inquired about "a baby in your household," as shown by the circular, "The Child's Right to be Well Born," already quoted, they must first get in some internationalism and socialism, telling you how much better it is to be born a Jap, and that America's "poverty and ignorance" compared with other countries is responsible for an alleged higher American death rate—that has no basis for existence.

But it is not to be expected that five years of maternity act administration, 40 years of Mrs. Kelley's socialist propaganda, and 14 years of Children's Bureau operation have been completely covered in this memorandum.

Your petitioners have presented merely a fair outline of the "thousands of ramifications" of a movement which Mrs. Kelley admits has "more interlocking directorates than business has."

We had hoped to be able to present a number of quotations regarding the mercenary side of this subject; to show how lobbying has been conducted for these measures on a contingent basis, the chief lobbyist getting an administrative position when the bill passes; how bureaus have been duplicated to provide jobs for faithful lobbyists, and Federal departments and commissions packed by one of the most radical organizations in this country. But the available quotations on that subject would take many more pages.

Consequently, on that point attention is invited to the speech of the late Speaker, Hon. Champ Clark, October 11, 1919; the speech of former Representative Lester D. Volk, November 19, 1921, regarding the "new fat jobs" in the education bill, and "social work as a paying profession" as related to the maternity act, and also the CONGRESSIONAL RECORD of May 31, 1924, regarding group self-interest behind the "child" labor amendment. Much more than is set forth there is available now, of course, and will be submitted to any committee or Senator interested in investigating the interlocking radical lobby further along that line.

But the point is that all these lobby "congressional committees" and professional "social workers" who are working most assiduously for jobs for themselves are also working, consciously or unconsciously, for the Kelley program of revolution by social legislation.

Mrs. Kelley is a past master in the art of getting "noncommunist hands" to promote socialism. Even the most innocent public library can hardly escape her propaganda, or even escape paying for it, to boot.

For example, at the Intercollegiate Socialist League dinner of 1911 (a year before Mrs. Kelley secured a more powerful broadcasting station in the Children's Bureau) the New York Call, socialist organ, January 1, 1911, says that Mrs. Kelley, then president of the Intercollegiate Socialist League:

"Scored the socialist press for not urging its readers to see to it that socialistic books are to be found in every library. 'There are some 4,000 libraries,' she said, 'in the United States.' They could easily be made to buy every important book on socialism. This alone would dispose of 4,000 copies of every important socialist publication and would be of tremendous educational value."

Of course, now that the Federal taxpayers can be required to pay for the nation-wide circulation of socialist propaganda, "standards" and administrative control of health boards, maternity centers, etc., by simply calling a socialist agency of Hull House and Henry Street Settlement a "Children's Bureau" and giving it $1,000,000 a year to purchase submission to its dictatorship, Mrs. Kelley no longer needs to bother with mere libraries to introduce socialist doctrines "into the flesh and blood of Americans."

AMERICA AROUSED IN DEFENSE OF OUR CHILDREN

Mayor Ole Hanson, of Seattle, who put down the first attempt at a "general strike" in the United States (which was led, by the way, by Anna Louise Strong, former exhibit expert of the Children's Bureau, who is now colonizing children for the communists in Russia), says in his "Americanism versus Bolshevism."

"A patient man will endure almost any oppression until you begin to interfere in his family affairs."

Americans are a patient people, busy with their own normal duties, who, as a rule, are so occupied with minding their own business that they often exhibit an indifference to political questions, which is mistaken for docility. Good-natured and easy-going, the average American doesn't care much what the politicians say or the legislatures do so long as they let him alone.

But when once convinced that communists, lobbyists, bureaucrats, and politicians plan "to interfere in his family affairs" the American to-day shows no lack whatever of the "spirit of 1776," and he rises in his might with a nation-wide, spontaneous mobilization of resistance as remarkable for its speed as for its strength.

Such was the spirit that rejected the miscalled "child" labor amendment. It is ridiculously untrue for any advocate or opponent of that amendment to claim that any one organization or group mobilized three-fourths of the people, three-fourths of the legislators, and 150 or more separate organizations against that amendment. These great masses of citizens mobilized themselves in their several States and local communities as soon as they learned the rights of parents and of children were in actual danger. The fact that two-thirds of Congress had passed the amendment, all presidential candidates indorsed it, 99 per cent of the magazines and metropolitan newspapers praised it, all the great lobby and propaganda organizations supported it meant nothing whatever when the plain common sense of American parents was aroused against it.

"We can understand plain English!" declared the national master of the National Grange when the socialist general secretary of the National Child-Labor Committee attempted to tell the National Grange Convention that the amendment "was not meant" to apply to 17-year-old boys and girls in the home and on the farm.

"The sky is the limit. There can be no proof offered as to how Congress will be guided in the future concerning it. The proposed amendment would put a congressional mother (probably a spinster) in the Child Labor Bureau, which would make the proverbial stepmother blush with shame. * * * The congressional stepmother would take the place of the real fathers and mothers. * * * The amendment is wide open. * * * We have the word of some of the Federal officers themselves that the purpose of this amendment is to regulate the employment of the boys and girls on farms," declared he president of the powerful American Farm Bureau Federation in a news letter of the federation.

Such was the reaction among farmers and parents, who didn't even bother to be polite, but called a spade a spade when they learned the truth about the amendment.

Some of the States formed a "citizens committee to protect our homes and children"; others fought the amendment with existing organizations of farmers, women, patriotic societies, constitutional eagues, etc. Organizations of manufacturers also fought the amendment (after some of them had originally favored a national, uniform law on child labor under the impression that it would "eliminate competition" of factories in States alleged to have poor child labor laws). In Massachusetts, for example, early in 1924 the legislature unanimously memoralized Congress to submit the amendment for ratification, largely at the request of commercial organizations as well as of the social workers. They had been told so many falsehoods about "child labor in the South" that they wanted a national law to stop "southern cotton mills" from underselling them by "exploiting children." Later, when they learned the truth—that clever socialists had gained their support for a revolutionary measure by false statements concerning "children of tender years in southern cotton mills"—the manufacturers, like their fellow citizens, opposed it.

But no association of manufacturers can produce ready-made opinions for 75 per cent of the legislators and citizens of this country!

The nation-wide revolt of parents against the amendment was not a factory product. It was a great instinctive rising of nature, as resistless as the tides of the ocean, when American parents aroused themselves in 1924–25 "to protect our homes and children"—against the Federal Children's Bureau as an "overparent" of the Nation's youth.

Sooner or later, the force of the facts in the case must arouse an equal opposition to the maternity act, and other schemes of the Children's Bureau and of Mrs. Kelley to "standardize children" in the United States.

The mothers and fathers, the farmers and city parents, the hard-working, straight-thinking, plain people of America—the people for whose parental rights Senator Heyburn pleaded so eloquently in vain, in 1912—will surely learn the truth about the maternity act, as they did about the child labor amendment.

The statesmen in Congress, who vote according to the reasons and facts now, can not doubt that eventually, those same reasons and facts must likewise appeal to the overwhelming majority of their fellow citizens in all of the States.

Therefore Senators who are inclined to vote in favor of extension of the maternity act, saying "Forty-three States have accepted it and only five have rejected it," or "I have 50 letters in favor of it and only 5 against it" are most earnestly requested to remember that eventually you can not outnumber the truth in a free country.

It is not to be expected that private citizens with limited resources, and many other duties, are going to send Congressmen as many letters and resolutions against this legislation, as the $1,000,000-a-year Children's Bureau, assisted by self-interested employees under the act in 43 States, and a score of almost equally self-interested organizations, maintaining resident lobbyists at Washington, will present in favor of it.

We respectfully suggest that the weight of evidence alone be considered in voting on the maternity act and that self-interested propaganda no more reflects the people's ultimate verdict in this case than it did in the case of the child labor amendment. In the end the facts and the people get together.

From the President of the United States to the mothers in the homes and on the farms comes the rising tide of public protest against the entire philosophy on which the maternity act is based.

The President in his Williamsburg speech, May 15, 1926, says:

"No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline.

"The States should not be induced by coercion or favor to surrender the management of their affairs."

How can anyone who agrees with the President about the results of centralism vote for a "plan of centralization" over American mothers and infants?

Nature, reason, statistics, health, history, experience, and the Constitution of the United States all condemn this adventure into the den of the communist wolf, with American babies being made to lead the way.

The appeals of the people against communist control over children are not confined to any section or group.

Senator THOMAS F. BAYARD, of Delaware, says:

"So many people have said to me, regardless of party, within and without my State, since the passage of the amendment, 'Can not something be done to prevent the United States Government coming between parent and child?'" (CONGRESSIONAL RECORD, January 28, 1925.)

Something has been done by the defeat of the child labor amendment, and something can be done again by rejecting the maternity act.

In conclusion, we respectfully present the opinions of only two mothers, living on farms 3,000 miles apart, a mother of eight children in Idaho, and a mother with three babies in up-State New York, 10 miles from a hospital:

Mrs. E. R. Hanford, mother of eight children, Boise, Idaho:

"Last Tuesday I visited a rural Parent Teachers' Association to explain the Sheppard-Towner 'maternity' act as it looks from my position as a mother of eight children, five of whom were born on a dry-farm homestead.

"Although the members of that circle, as well as those of every circle in the State were supposed to be on record as favoring the bill, not a person at that meeting had heard of the Sheppard-Towner Act until that day. The room bristled with indignation as thrifty, intelligent farmers' wives learned of the 'kind interest' national and State club women had taken to create jobs. All seemed to feel an injustice when it was learned that the State Parent Teachers' Association president had taken advantage of her office by working for a measure and accepting the position of 'State nurse,' thus using a trusted and honored office to further personal interests. They did not know until then that the legislative committee from the women's clubs had lobbied for the maternity bill, seeming to claim a true representation of all rural mothers as well, as they made it appear that the bill covered the wishes of every club woman in the State. All such authority on the part of the women lobbyists was bitterly questioned by rural Parent Teachers' Association members.

"In discussing the bill there was a feeling that not lectures, clinics, or pamphlets were needed since these from better authorities may be obtained from magazines and other sources. This opinion is also shared by many city members of my State. The set of maternity letters sent out by the maternity board seems to me to be but a feeble effort to advertise a worthless act. At the County Burbank Federation of Rural and City Clubs many spoke against the maternity bill and no one had courage to uphold it. From that time since political women seem to wish all discussion hushed. A meeting planned to 'educate the public' was postponed and has not yet been called.

"At the State Parent Teachers' Association convention, rural mothers were told by the national president—who was a guest—to do what sounded like: 'Sit down,' 'shut up,' and to 'sh, sh.' My ears are fairly reliable, but this was so hard to believe I asked others if I heard right. It sounded like that to many present. * * *

"How long will the daughters of the framers of the Declaration of Independence permit such King George manners?

"How long will plain mothers be ordered meekly to bow to the lordly dictation of political women? Just how far may job-seeking women go before another famous tea party will be held to declare no more advocating of bureaus by women until the results of honest discussion are proved."

Mrs. Charles S. Fayerweather, Fair Weather Farms, New Lebanon, N. Y.:

"Hon. Samuel E. Winslow, chairman, I am sorry to have to enter my protest to the Sheppard-Towner bill by written word. I wish I could be in Washington to-morrow. But a farmer's wife with three babies does not get to Washington. * * * We women in the country, educated or uneducated * * * bring our babies into the world and rear them with a minimum of human help, medical or otherwise.

"Those of us who, like myself, have some hospital experience try to help the others. We all go to the nearest hospital, 10 miles away, when we can manage it. If we did not have to pay the taxes, if Federal appropriations fell from heaven, as most socialists and social workers seem to think that they do, we should like to see Federal money available to help us build our own little county hospitals. But we shall get them somehow anyhow in time, and we know that educating ourselves and our neighbors to want and to pay for them and for a decent doctor is worth more to our children than any Federal agencies for nontechnical instruction, which, like the present well-intentioned State clinics in rural districts, would slide like water off a duck's back. There is plenty of instruction, technical and nontechnical, within our reach. Moreover, we being born and bred American of many generations don't like the idea of a Government that makes everything its business. We think a pretty plain lesson might be drawn from Germany. Their statute books were full of compulsory government welfare work from the cradle to the grave. And people before the war called our attention to their fine example. We know what sort of state-reared children grew into what sort of state-reared characters in the German nation.

"This maternity legislation sounds to us like the entering wedge to all that sort of government, and we don't want it.

"There are things that a children's bureau can do. It can get and publish nation-wide statistics about America. We don't support it to tell us what goes on in Austria or how much better they do things in Soviet Russia.

"American statistics help us Americans to go about our work of improving America in a characteristic American way. Volunteer work, assisted but never controlled by city, county, or State, and certainly not by nation, has solved many of our health problems and will solve others.

"We in the country think the American form as originally conceived very fine and worth keeping, and don't see in Prussia or Russia any improvement on it. And if most country women could crowd your committee room I am sure they would ask you to come out like American

men, husbands, and fathers against this futile and dangerous innovation in the name of the mothers and babies that we all are working for." (House hearings, July, 1921, p. 270.)

Very sincerely yours,

MARGARET DOANE FAYERWEATHER.

The Idaho mother's letter was written to this publication July 15, 1923, after the act had been in operation more than a year. The common sense of these farm mothers is not limited by a date line. The right of mothers to care for their own children without unreasonable government interference is eternal; it is the protest of the human family against the animal herd, the appeal of American motherhood against communist maternity systems. We pray for the constitutional rights of the home to be restored and the usurped powers of the maternity act to be abolished by the United States Senate.

A Children's Bureau that functions as a socialist propaganda agency; that devotes itself for five years to circumvention of the Constitution and the decisions of the Supreme Court; a bureau that imports a convention of internationalists to frame "minimum standards" of legislation for the American Congress and State legislatures; a bureau that constantly seeks despotism over American youth for a dynasty of Hull House graduates and graduates its own exhibit expert into a full-fledged revolutionary communist; a bureau whose present chief defied the positive statute of Congress when she went before the House Appropriations Committee, December, 1922, and demanded $440,000 more than the President's Budget provided, so that "the amount available to the bureau for administrative purposes" would be $50,000 instead of $28,000, thus seeking a commission for the bureau even on funds not allotted to the States (see House Appropriations Committee hearings, December, 1922, p. 275), a self-interested, self-power seeking bureau that juggles statistics in favor of foreign nations and poisons the minds of American mothers against their country as the most "careless" with their lives, simply to bring political pressure on Congress for bureau expansion; a bureau that demanded a "full grant of power" over every person under 18 on every farm, in every home and school of America; and that claims "the whole field of child care" without grant of power—by what right or reason can it be claimed that such a bureau should be placed in the worst form of control—financial control—over the plans of State health boards, the practice of physicians, nurses, midwives, etc., relating to maternity and infancy throughout America?

President Coolidge at Williamsburg May 15, 1926, said:

"Of all forms of Government, those administered by bureaus are about the least satisfactory. * * * Being irresponsible, they become autocratic; being autocratic, they resist development. Unless bureaucracy is constantly resisted it breaks down representative government and overwhelms democracy. It is the one element in our institutions that sets up the pretense of having authority over everybody and being responsible to nobody."

We pray that the autocratic, irresponsible authority of this bureau over American States, mothers, and children shall be abolished by the Senate.

Respectfully submitted by the board of directors.

THE WOMAN PATRIOT PUBLISHING CO.,
8 Jackson Place, Washington, D. C.

Attest:

MARY G. KILBRETH, *President.*

AFFIDAVIT

Before me, a notary public in and for the District of Columbia, personally appeared Mary G. Kilbreth, who, having been duly sworn according to law, deposes and says that she is president of the Woman Patriot Publishing Co.; that she has diligently investigated the facts and documents cited in this memorandum of evidence; that the facts herein stated of her own knowledge and observation are true, and those stated upon documentary information in her possession she believes to be true and to be accurately cited in this memorandum.

MARY G. KILBRETH.

Sworn and subscribed to before me this 17th day of May, A. D. 1926.

[SEAL.] CHARLES F. PACE,
Notary Public, District of Columbia.

(My commission expires February 18, 1931.)

MR. AND MRS. CHARLES VANDERVEER

Mr. COPELAND. Mr. President, I beg the indulgence of the Senate just one minute. I have been very much disturbed a long time about how the mail trucks drive through the streets of New York. They are perfect juggernauts. In this connection there are on the calendar two bills—House bill 2633 and House bill 1692, Orders of Business 1191 and 1193—which I should like to have given immediate consideration. In one case a child was killed by a chauffeur on a mail truck who was known to be intoxicated, and the reports so show.

Mr. ASHURST. Mr. President, I must, to my great regret, object to the present consideration of these bills. If we can get through the morning business, we can take up the calendar.

CONSIDERATION OF THE CALENDAR

Mr. CURTIS. Mr. President, at the conclusion of the routine morning business I had intended to ask unanimous consent to take up the calendar and consider unobjected bills for an hour.

I ask that at 11 o'clock we take up the calendar for the consideration of unobjected bills and proceed with the consideration of the calendar until 12 o'clock, commencing where we left off last night.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

ERADICATION OF COTTON HOPPER

Mr. RANSDELL. Mr. President, I ask permission to read a telegram on a very important matter from Tallulah, La. It is as follows:

TALLULAH, LA., *July 2, 1926.*

Hon. JOSEPH E. RANSDELL,
Washington, D. C.:

Cotton-hopper outbreak reported at various points in practically all portions Cotton Belt except semiarid sections west Texas and Oklahoma and extreme northeast in North Carolina and Virginia. Damage exceedingly variable, but very heavy in many places. Texas reports over 60 counties seriously infested. Recent survey shows about 40 counties in Georgia similarly injured. Have no summary figures available for intervening places as yet, but evidently damage occurs in about same proportions. In most severely injured fields all fruiting has been prevented to date. In other fields varying degrees of fruiting has been prevented. In northeast Louisiana probably at least 50 per cent reduction in fruiting is a conservative estimate. Duration of damage will vary tremendously in different localities and no way to prophesy when relief will occur. Large number of farmers now using sulphur for control, but not sufficient material available to treat any appreciable proportion of infested area. Cotton can, of course, recuperate somewhat once hopper is eliminated from the fields, but the most severely injured fields can at best make only a partial crop. Impossible at this time to attempt estimate of total loss, but it has evidently been tremendous. Those sections with normal boll weevil abundance will have serious weevil fight after the hopper is eliminated, as we must make a very late cotton crop during weevil migration period, when damage is heaviest. Many farmers now urging combined application of sulphur and calcium arsenate in attempt to save from weevil those few squares which have escaped hopper.

COAD.

Mr. Coad is in charge of the laboratory at Tallulah, La.

SAVANNAH RIVER BRIDGE, GEORGIA

Mr. BINGHAM. Mr. President, out of order I ask leave to report from the Committee on Commerce favorably House bill 12796, for the construction of a bridge across the Savannah River between Georgia and South Carolina, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there 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, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the States of Georgia and South Carolina to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near Burtons Ferry, to connect up the highway from Allendale, S. C., to Sylvania, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 8048. An act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes; and

H. R. 8903. An act to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

S. 4320. An act for the relief of the State of North Carolina;

H. R. 1252. An act for the relief of John Regan;

H. R. 1257. An act for the relief of Silas Overmire;

H. R. 2042. An act for the relief of Joseph L. Keresey;

H. R. 2676. An act to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war;

H. R. 4677. An act for the relief of the Carroll Motor Co.;

H. R. 5218. An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868;

H. R. 9234. An act to change the military record of Thomas Dowling, alias James Murphy;

H. R. 10446. An act validating the application for and entry of certain public lands by Myrtle Sullinger;

H. R. 11713. An act to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi;

H. R. 12211. An act to amend section 4009 of the Revised Statutes;

H. R. 12264. An act to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes;

H. R. 12369. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended;

S. J. Res. 47. Joint resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918;

S. 2273. An act conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;*

S. 3053. An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes;

S. 4348. An act granting the consent of Congress to compacts or agreements between the States of Idaho, Wyoming, Washington, and Oregon with respect to the division and apportionment of the waters of the Snake River and its tributaries;

S. J. Res. 104. Joint resolution authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii;

H. R. 3802. 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; and

H. R. 13214. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

ENROLLED BILL

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 9039) to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."

THE MERCHANT MARINE

Mr. McNARY. Mr. President, I offer the following resolution. I ask to have it read from the desk, and I may say that I shall not press for consideration to-day, because the Senator from Washington [Mr. JONES] has a similar resolution, which he will present to the Senate a little later.

The resolution (S. Res. 274) was read, as follows:

Resolved, That it is the sense of the Senate that the President, the United States Shipping Board, and the Interstate Commerce Commission, in the administration of the shipping act, 1916, the merchant marine act, 1920, and other laws relating to carriers by water or the transportation of passengers or property by water, should adopt every method consistent with law to develop, encourage, protect, and promote the American merchant marine; and the United States Shipping Board is authorized and directed to report to the Senate not later than the first Monday in December, 1926, such recommendations for legislation as it deems advisable or necessary in order further to develop, encourage, protect, and promote the American merchant marine.

The VICE PRESIDENT. The resolution will be printed and be referred to the Committee on Commerce.

EXPENDITURES IN SENATORIAL ELECTIONS

Mr. NEELY. Mr. President, I ask unanimous consent for the immediate consideration of Senate resolution 268, disqualifying a Senator elect from holding a seat in the United States Senate who has violated the provisions of the Federal statute. I ask that the resolution be read.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. As proposed to be amended by the Committee on Rules, strike out all after the word "Resolved" and insert:

Whereas enormous sums of money have been expended in behalf of certain candidates for election to the Senate in primary elections recently held in various States: Therefore be it

Resolved, (1) That the expenditure of excessive sums of money in any primary election or nominating convention in behalf of a candidate for election to the Senate, either with or without his knowledge or consent, being harmful to the independence, the honor, and the dignity of the Senate, is hereby severely disapproved and condemned.

(2) That any United States Senator elect shall be deemed not to be entitled to hold a seat in the Senate if there shall hereafter have been expended by such Senator elect, or by any person or persons for him with his knowledge or consent, in aid or support of his candidacy in either the primary election or nominating convention by which such Senator elect was nominated as a candidate for the Senate, an amount in excess of (a) the amount permitted to be expended by the law of the State in which such Senator elect was nominated for the Senate, if such State law provides for a maximum expenditure which is less than that hereinafter provided; (b) the sum of $10,000; or (c) an amount equal to that obtained by multiplying 3 cents by the total number of votes cast in the State of the residence of such Senator elect at the last general election for all the candidates for the office of United States Senator, but in no event exceeding the sum of $25,000; except that money expended by a candidate to satisfy any assessment, fee, or charge made or levied upon candidates by the laws of the State in which such Senator elect resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by this resolution as the limit of campaign expenses of a candidate.

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

Mr. LA FOLLETTE. Mr. President, I should like to suggest to the Senator from West Virginia that it is now 4 minutes of 11 o'clock, and that a unanimous-consent agreement has been reached that the calendar shall be taken up for one hour at 11 o'clock. I suggest to the Senator that he ask unanimous consent that at 12 o'clock the Senate proceed to the consideration of his resolution, at which time there will be some opportunity for discussion of it.

Mr. NEELY. Mr. President, I am afraid that that will mean that there will be no effective action taken on the resolution. But as it is a matter which must be done by unanimous consent, I feel constrained to yield to any suggestion that promises the adoption of this resolution before the end of this session.

Mr. LA FOLLETTE. That would give three hours of debate on this matter, whereas if it is taken up now it would have to be disposed of in three minutes.

Mr. BORAH. Mr. President, if the Senator wants to make a request at 12 o'clock, perhaps it will be granted; but this resolution is on the table this morning for the first time in print, and it is an exceptionally important piece of legislation. I ask the Senator, therefore, to defer making the request until 12 o'clock, so that we will have an opportunity to look into the resolution.

Mr. NEELY. Would the Senator from Idaho object to the request, if submitted now, to proceed to the consideration of the resolution at 12 o'clock?

Mr. BORAH. I do not know that I would want to proceed at that time under the limit of debate which would be in force, but probably I shall not object at all. However, I would like to have time to read the resolution before I consent to taking it up to-day.

Mr. NEELY. Under what I feel is the menace of an objection which might probably prejudice the adoption of the resolution, I withhold my request, and will renew it at 12 o'clock.

The VICE PRESIDENT. The morning business is closed.

ORDER OF BUSINESS

Mr. WALSH. Mr. President, I move that the Committee on Interstate Commerce be relieved from further consideration of Senate Resolution 203.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana.

Mr. FERNALD. Mr. President, I objected to the consideration of this resolution when it was brought up a few minutes ago for the reason that the resolution was before the Interstate Commerce Committee for consideration, and we did consider it at some length. I was opposed to it at that time, and I am opposed to this sort of an investigation. This resolution has never been reported from the committee. I make the further point of order——

The VICE PRESIDENT. The hour of 11 o'clock having arrived, the clerk will state the first bill on the calendar under the unanimous-consent agreement.

EXTENSION OF PATENT TIME LIMITATIONS

The bill (S. 4480) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That where the patentee of any invention or discovery the patent for which was granted prior to the 11th day of November, 1918, who served in the armed forces of the United States at any time between April 6, 1917, and November 11, 1918, shall desire an extension of this patent beyond the original terms of its limitation, he shall make application therefor in writing to the Commissioner of Patents within six months after this act shall become effective; and upon satisfactory proof of such service the Commissioner of Patents shall make a certificate thereon renewing and extending the patent from the expiration of the first term for a further term of three times the length of said patentee's service in the armed forces of the United States during such period: *Provided*, That said patent shall not have expired prior to the filing of such application and that at the time of such application the patentee shall still have a beneficial interest therein: *And provided further*, That no extension shall be granted a patentee who was receiving an income from the patent and which income was unaffected by said service. Such certificate shall be recorded in the Patent Office, and thereupon such patent shall have the same effect in law as though it had been originally granted for 17 years plus the term of such extension.

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

L. L. KYLE

The bill (H. R. 9707) for the relief of L. L. Kyle was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to L. L. Kyle, a citizen of El Paso, Tex., the sum of $3,000 for personal injuries sustained by him in a collision of a wagon in which he was riding and a motor car belonging to the United States Government, the said motor car striking and demolishing the wagon and permanently injuring said Kyle and causing him to lose over a year from his work.

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

BILL PASSED OVER

The bill (S. 4470) authorizing the Secretary of the Navy to turn over the gunboat U. S. S. *Wolverine* to the municipality of Erie, Pa., was announced as next in order.

Mr. KING. Mr. President, I do not want to object, but the Senator from Michigan [Mr. COUZENS] a day or two ago, when the matter was brought up, objected to its consideration and gave some valid reason for the objection.

Mr. REED of Pennsylvania. I understood the Senator from Michigan to have objected on the ground that the city of Detroit might want to buy the ship.

Mr. KING. Not only might, but actually did, and was willing to pay more.

Mr. REED of Pennsylvania. As to that I do not know. However, I think the bill ought to go over until the senior Senator from Pennsylvania [Mr. PEPPER] and the Senator from Michigan [Mr. COUZENS] are here.

Mr. KING. I think so.

The VICE PRESIDENT. The bill will be passed over.

PRINTING OF HEARINGS BEFORE THE COMMITTEE ON PUBLIC LANDS AND SURVEYS

The resolution (S. Res. 208) for the printing of 400 additional copies of part 15 of the hearings held before a subcommittee of the Committee on Public Lands and Surveys, pursuant to Senate Resolution 347, Sixty-eighth Congress, on matters relating to national forests and the public domain, was read, considered, and agreed to as follows:

Resolved, That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Public Lands and Surveys of the Senate be, and is hereby, empowered to procure the printing of 400 additional copies of part 15 of the hearings held before a subcommittee of said committee, pursuant to Senate Resolution 347, Sixty-eighth Congress, on matters relating to national forests and the public domain.

HEARINGS ON GRAZING FACILITIES

The resolution (S. Res. 210) to provide for the printing of additional copies of hearings on grazing facilities on public lands was read, considered, and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Public Lands and Surveys 1,000 additional copies of the hearings by said committee on grazing facilities on public lands, February 15 to March 11, 1926, held in connection with the consideration of the bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes.

CONDITIONS IN TEXTILE AND OTHER INDUSTRIES

The resolution (S. Res. 177) authorizing the appointment of a special committee to inspect, investigate, and report upon conditions in the textile, aluminum, and steel industries was announced as next in order.

Mr. BINGHAM. I move the indefinite postponement of the resolution.

Mr. SHEPPARD. Mr. President, that would bring the matter before the Senate for debate. I doubt whether there is sufficient time to discuss it.

The VICE PRESIDENT. A motion to postpone indefinitely is not debatable.

Mr. SHEPPARD. I want an opportunity to say something regarding the resolution before it is acted on.

Mr. ROBINSON of Arkansas. I suggest that the Senator from Connecticut let the resolution go over.

Mr. BINGHAM. I withdraw my motion, and ask that the resolution go over.

Mr. SHEPPARD. May I have permission of the Senate to insert in the RECORD at this point a summary of the evidence developed at the hearing on this resolution, together with a statement by Mr. Lauck? Prominent representatives of organized labor, of the labor forces employed in important protected industries, stated at this hearing that labor is not receiving proper compensation under the present protective tariff system.

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

The matters referred to are as follows:

SUMMARY OF EVIDENCE PRESENTED TO THE SENATE COMMITTEE ON EDUCATION AND LABOR IN FAVOR OF THE SHEPPARD RESOLUTION CREATING A SENATE COMMITTEE TO INVESTIGATE WAGES AND WORKING CONDITIONS IN TEXTILE AND METAL MILLS

Mr. Thomas F. McMahon, president of the United Textile Workers of America, stated that as a resident of Rhode Island for 40 years he had seen no time, even during the great depression of 1893, when conditions were such as they are to-day in the textile industry, and have been for the past two years. He explained that his figures would indicate that the labor cost is only between 15 per cent and 16 per cent of the entire cost of the finished product, and quoted Mr. Windle, the expert of the Fales & Jenks Machine Co., of Pawtucket, as placing the labor costs at only about one-sixth of the entire cost of the finished yarn and cotton cloth. Mr. McMahon quoted from the report of Secretary Hoover of 1923, giving the average wages of 470,000 textile workers in the cotton division of the textile industry as only $17.30 a week, and stated that with the reduction of 10 per cent which took place in 1925 the average wage in the cotton industry is now only about $15.50 a week. He asserted that an investigation of the cotton industry would show that the wages now paid to workers in these mills amount to less pay per pound or per yard than it was 10 years ago. Despite the claim that the workers are protected by the tariff, Mr. McMahon said that not only in New England but in the Middle States and the South pauperism is no more frequently met with than among the independent American citizens working in the cotton mills.

He said that the textile workers are in favor of a protective tariff but one which should be equitable, fair, and just to all. Mr. McMahon cited the American Thread Co. as an instance. During the year of 1924 this concern with headquarters in New York, working less than six months, reduced the wages of the workers 10 per cent, and yet during this time declared a dividend of 10 per cent and placed in surplus $1,380,000, and during the 10 years of its existence it has declared dividends of 260 per cent and placed in surplus $3,000,000, or more than the amount of its capitalization. Mr. McMahon told the committee that one reason for asking for an investigation of the textile industry is the fact that the wages paid to the workers in the industry are not commensurate with the labor value, and pointed out that the Department of Commerce recently reported that the United States has exported to the Philippines, which is open to all, about four-fifths of the total coarse cotton fabric imported into the Philippines.

Mr. Edward F. McGrady, legislative representative of the American Federation of Labor, asked for the investigation, particularly of the textile industry, because the American Federation of Labor has known for a long time that the textile workers over the country, particularly in New England, are pauperized and that in many places when sickness visits the home they become objects of charity and the community has to support them.

Mr. McGrady further explained to the committee that the Federation of Labor thought the investigation ought to be held because the great mill owners asked for a high tariff for the purpose of protecting American labor, and after being given this high tariff they broke their word with the Congress and their word with the Republican Party. Mr. McGrady said that Congress gave these manufacturers all they asked and they have not kept faith, and that there may be reasons why they have not kept faith, but if they are real reasons the American Federaton of Labor believes that they ought to be made public, and the best way to bring out the facts in the case is having a real investigation of the industry.

Mr. McGrady read into the record two letters written by President William Green, of the American Federation of Labor, to Mr. Andrew G. Pierce, president of the American Woolen Co., on July 27 and August 15, 1925, protesting against the proposed cut of 10 per cent in the wages of the American Woolen Co.'s employees. In his second letter to the president of the American Woolen Co., President Green stated that the latest reduction of 10 per cent imposed in the Willimantic district (Connecticut) is regarded as one of the most uncalled-for and indefensible reductions ever offered or demanded by employers of labor, and stated that in order to enforce these reductions many men, women, and children had been evicted from company-owned houses and were compelled to live in a tent colony. Mr. McGrady also read to the committee a letter to Mr. Robert Amory, president of the American Association of Cotton Manufacturers, by President Green, on July 27, 1925, opposing the cut of 10 per cent in wages that certain cotton-manufacturing companies were putting into effect, and stated that throughout the controversy the owners and operators of these mills have not acted fairly with the workers, that they have refused to receive the committees decently, have refused to answer correspondence, and have refused to enter into negotiations with the wage earners.

Through the courtesy of the chairman and members of the committee, Hon. Henry T. Hunt and Mr. W. Jett Lauck, representing the employees of the Passaic Textile Mills, and Mr. Gustav Deak, an employee of the Botany Mills, now on strike, were permitted to give their testimony. Mr. Hunt stated that the Botany Mills for the seven years ending December 31, 1923, had earned on the average $3,160,000, or about 97 per cent, on their capital of $3,400,000. The Forstmann-Huffmann Co. invested $750,000, Mr. Hunt stated, in their works in 1905, and in a few years they increased their capital to $2,000,000 common stock and $3,500,000 preferred stock, and that in 1913 their assets amounted to $9,858,903 and their surplus and reserve to $1,550,000. In 1924, on the basis of the income tax paid, the profit of the Forstmann-Huffmann Co. was close to $3,520,000, and 1924 was regarded as a bad year in the textile industry.

Mr. W. Jett Lauck stated that the woolen and worsted industry in the Passaic region has an average protective duty of 73 per cent; but charged that mill owners not only repudiated all accepted industrial safeguards but disregarded the most elementary moral and human standards. In 1925 Mr. Lauck reported that 71 per cent of the workers in the Botany Worsted Mills earned less than $1,200, while the remaining 29 per cent earned less than $1,600, although the National Industrial Conference Board as a result of an original investigation in the adjacent textile communities of West Hoboken and Union Hill, N. J., established the sum of $1,604 per annum as the necessary "minimum cost of living among wage earners." Formerly, Mr. Lauck admitted, while it was about $1,620 it is now about $1,400.

Mr. Deak, a young man of 22, stated that he had been working in the Botany Mills since he was 14, and started there because his father could not support his family with his earnings. He started at 19 cents an hour and got 55 cents an hour after seven years, but that they reduced the wages 10 per cent, and he made from $18 to $20 a week for semiskilled work.

A letter was read to the committee from Mr. M. F. Tighe, the president of the Amalgamated Association of Iron, Steel, and Tin Workers, stating that it was very difficult to get anything bearing on wages and working conditions in and around steel mills because they are practically all nonunion and the fear of discharge is so prevalent among the men working in the plants, if they attempt to say anything critical of the management or conditions of work, that their statements could not be taken without investigation.

By the permission of the committee Mr. Lauck submitted a supplemental statement, in which he pointed out that the labor cost of mixtures, serge, and men's wear was 11 per cent of the mill's selling price, 21.78 per cent of the selling price of mill's piece-dyed serge, 28 per cent of the mill selling price of women's fine worsted dress goods, 17 per cent of the mill selling price of broadcloth for women's dress goods, and only 16.32 per cent of the mill selling price of pile fabric for ladies' coats. Mr. Lauck in this statement quoted the figures of Mr. William Goldman, president of Cohen, Goldman & Co., clothing manufacturers of New York, in 1922, in the hearing before the Senate Finance Committee, showing that of the price paid for clothes by the public not over 5 per cent goes to the operators in the worsted and woolen mills—that is, in the case of the suit of clothes for which the retail merchant has paid $30—only $1.50 is received by the workers in the mills for producing the cloth from which this suit is made and the tailoring cost is only 25 per cent of the retail price.

SUPPLEMENTARY STATEMENT OF W. JETT LAUCK, SUBMITTED TO THE COMMITTEE ON EDUCATION AND LABOR, IN CONNECTION WITH SENATE RESOLUTION 177, SIXTY-NINTH CONGRESS, FIRST SESSION

Since the public hearing before the Committee on Education and Labor on May 26, 1926, we have collected detailed data for certain fabrics produced by the mills of Passaic, N. J., against which a strike has been conducted during the past 20 weeks. These data include labor and other costs of production, the relation of labor costs of production to total manufacturing costs, and the relation of labor costs to wholesale and retail prices. They also show the relation of labor cost of manufacturing to the tariff, and to the total cost of men's clothing.

Detailed information for four representative types of cloths manufactured for women's wear, and four for men's wear, have been included in the investigation. In these typical examples, the relation of labor and other items of costs, as well as profit, to total mill selling prices are clearly set forth. They are as follows:

	Per yard	Per cent	Per cent
No. 1			
Men's wear, mixture serge, 56-inch, 16-ounce			
Material	$3.37	76.59	67.40
Labor	.55	12.50	11.00
Overhead	.48	10.91	9.60
Total mill cost	4.40	100.00	88.00
Selling expenses	.25		5.00
Profit	.35		7.00
Mill selling price	5.00		100.00
No. 2			
Men's piece-dyed serge, 58-inch, 15-ounce			
Material	2.05	54.23	45.55
Labor	.98	25.93	21.78
Overhead	.75	19.84	16.67
Total mill cost	3.78	100.00	84.00
Selling expenses	.27		6.00
Profit	.45		10.00
Mill selling price	4.50		100.00
No. 3			
Men's unfinished worsted, 58-inch, 12½-ounce			
Material	1.80	52.32	45.00
Labor	.84	24.42	21.00
Overhead	.80	23.26	20.00
Total mill cost	3.44	100.00	86.00
Selling expenses	.24		6.00
Profit	.32		8.00
Mill selling price	4.00		100.00
No. 4			
Men's piece-dyed serge, 58-inch, 10 ounces			
Material	$1.40	43.89	36.37
Labor	1.04	32.60	27.01
Overhead	.75	23.51	19.48
Total mill cost	3.19	100.00	82.86
Selling expenses	.23		5.97
Profit	.43		11.17
Mill selling price	3.85		100.00
No. 5			
Women's dress goods, 54-inch, 10-ounce, fine worsted			
Material	1.79	42.72	35.80
Labor	1.40	33.41	28.00
Overhead	1.00	23.87	20.00
Total mill cost	4.19	100.00	83.80
Selling expenses	.30		6.00
Profit	.51		10.20
Mill selling price	5.00		100.00
No. 6			
Women's dress goods, 54-inch, 10-ounce broadcloth			
Material	1.44	60.25	52.36
Labor	.47	19.67	17.09
Overhead	.48	20.08	17.46
Total mill cost	2.39	100.00	86.91

	Per yard	Per cent	Per cent
No. 6—Continued			
Women's dress goods, 54-inch, 10-ounce broadcloth—Con.			
Selling expenses	$0.11		$4.00
Profit	.25		9.09
Mill selling price	2.75		100.00
No. 7			
Women's dresses goods, 56-inch, 10-ounce serge			
Material	1.02	56.67	51.00
Labor	.43	23.89	21.50
Overhead	.35	19.44	17.50
Total mill cost	1.80	100.00	90.00
Selling expenses	.08		4.00
Profit	.12		6.00
Mill selling price	2.00		100.00
No. 8			
Pile fabric, for ladies' coats, 56-inch, 17-ounce			
Material	2.70	53.78	43.20
Labor	1.02	20.32	16.32
Overhead	1.30	25.90	20.80
Total mill cost	5.02	100.00	80.32
Selling expenses	.40		6.40
Profit	.83		13.26
Mill selling price	6.25		100.00

LABOR COSTS, PROFITS, AND EFFECT OF 10 PER CENT WAGE INCREASE ON MILL PROFITS AND PRICES

The labor cost of manufacturing woolen and worsted cloth in Passaic ranges from only 10 to 30 per cent of the mill selling price of the cloth and averages for all cloths about 20 per cent. The table below makes a comparison of labor costs, profits, and mill prices for four representative types of goods for men and women's wear produced by Passaic mills. It also shows the relation of a wage increase to Passaic textile workers of only 10 per cent, which they are requesting, to mill profits and prices.

Description of cloth	Labor cost	Profit to mill	Mill price	Cost of 10 per cent wage increase	Mill price after 10 per cent wage increase
Men's wear:					
Mixed serge (Exhibit 1)	$0.55	$0.35	$5.00	$0.055	$5.055
Piece-dyed serge (Exhibit 2)	.98	.45	4.50	.098	4.598
Unfinished worsted (Exhibit 3)	.84	.32	4.00	.084	4.084
Piece-dyed serge (Exhibit 4)	1.04	.43	3.85	.104	3.954
Women's wear:					
Fine worsted dress goods (Exhibit 5)	1.40	.51	5.00	.140	5.140
Broadcloth dress goods (Exhibit 6)	.47	.25	2.75	.047	5.047
Serge dress goods (Exhibit 7)	.43	.12	2.00	.043	2.043
Pile fabric, coat goods (Exhibit 8)	1.02	.83	6.25	.102	6.352

In the foregoing comparison, it is seen that for the eight representative cloths given, the total labor costs of manufacture range from only 43 cents to $1.02 per yard, while, on other hand, the net profits of the mill range from 12 to 83 cents per yard. The range in mill selling prices of these cloths is from $2 to $6.25 per yard and a wage increase of 10 per cent to the Passaic workers would add to selling prices increases of only 5½ to 14 cents per yard. By way of illustration, a mixed serge for men's clothing, which is now sold by the Passiac mills for $5 a yard, would sell for only $5.05 per yard, if a wage advance of 10 per cent were granted to the workers and its cost added to the selling price of the mill. The profit now made by the mills on this particular kind of cloth is 35 cents per yard while the total labor cost of its manufacture is only 55 cents per yard. It is clear from this comparison, and for the other examples submitted in the table, that a 10 per cent increase in wages could be granted to the Passaic workers and be absorbed by profits, and still leave the Passaic mill owners exceedingly generous returns. It is also at once evident from these comparisons, that profits to the mills are excessive and, as compared with labor, constitute a too large proportion of the prices received by the mills.

RELATION OF WAGES OF MILL OPERATIVE TO CLOTHING PRICES PAID BY THE PUBLIC

Details of the items comprised in the cost of a suit of clothes were given by Mr. William Goldman, president of Cohen, Goldman & Co., clothing manufacturers of New York, in the 1922 "Hearings before the Committee on Finance, United States Senate" (pp. 3715, 3716) as follows:

	Amount	Per cent
Cloth, 3½ yards, at $2 per yard	$7.00	23.33
Trimmings (buttons, cotton linings, etc.)	3.00	10.00
Tailoring	7.50	25.00
Selling expenses and profit of clothing manufacturer	3.00	10.09
Wholesale price, $22.50 less 9 per cent discount	20.50	68.33
Selling expenses and profit of retailer	9.50	31.67
Retail price	30.00	100.00

In the manufacture of the cloth itself labor constitutes from 10 to 30 per cent, with an average of about 20 per cent of the mill selling price.

If mill labor constitutes only 20 per cent of the mill selling price of the cloth and the cloth constitutes only 25 per cent of the retail price of a suit of clothes, it is evident that of the price paid for clothes by the public not over 5 per cent goes to the operatives in the worsted and woolen mills. In other words, in the case of a suit of clothes for which the retail merchant is paid $30 only $1.50 represents the amount received by the workers in the mill for producing the cloth of which the suit is made. A 10 per cent increase in their wages would add only about 15 cents to the price paid for a $30 suit if it were passed by the manufacturers and distributers to the consumer. On the other hand, the facts show, as already pointed out, that a wage increase of this or even a larger amount could be absorbed from the excessive prices of the mill owners, and no advance in mill or retail prices would be necessary.

The above details were for a rather cheap suit of clothes, but in suits made to sell at higher prices, although the fabric is usually more costly, better trimmings are used and the tailoring is more carefully done by higher-paid workers, so that in few suits does the cloth constitute as much as 25 per cent of the retail price.

INCREASE IN PRICES OF WOOLEN CLOTH UNDER PRESENT TARIFF LAW

That the present tariff has greatly increased prices is shown by the index number of prices of cloth before and after the passage of the existing tariff law. The authoritative index numbers of the Textile World show that prices have advanced 40 points from April, 1922, preceding the enactment of the present tariff act, to April, 1926. This represents an increase of 21 per cent. Prices were also 20 per cent higher in 1923 and 1924, and 27 per cent higher in 1925, than they were before the tariff duties were advanced by the law of 1922.

PROFITS EXCESSIVE

It might be claimed that large profits per yard of cloth produced does not necessarily mean that profits are unduly large when related to capital invested in the mills. An examination of corporate earnings of the mills, however, conclusively demonstrates that the profits of the Passaic mills are excessive. Mr. Henry T. Hunt, in his statement before the committee on May 26 last, brought out these facts in a very comprehensive way. He showed by way of illustration that the net average earnings of the Botany Mills for the seven years ending December 31, 1923, was about 97 per cent on their invested capital, and that the New Jersey Spinning Co. for 16 years averaged 53 per cent, and during the years 1916–17, 105 per cent. These statements and facts relative to the earnings and alien affiliations of other companies appear in the record of the hearing, and it is not our intention to repeat, but merely to cite them here.

INESCAPABLE CONCLUSIONS

From the facts thus briefly submitted for your consideration, the following conclusions are apparent and inescapable:

1. That the general average of 73 per cent protection on woolen and worsted fabrics established by the existing tariff law does not add to the economic well being of the textile workers, and is a positive detriment to the domestic users of woolen and worsted goods.

2. That labor is exploited on one hand and consumers on the other by the textile manufacturers, the special privileges extended in the law against foreign competition, being entirely absorbed by the mill owners in indefensible prices and profits.

3. That wages paid in the Passaic mills, or, in other words, the labor costs of producing woolen and worsted goods, are not responsible for the increase in prices of these essential fabrics.

4. That a modest wage increase, or even wages sufficiently adequate for the proper support of workers and their families, could be paid without increasing mill or retail prices. All that would be necessary would be to reduce the excessive profits now taken unjustifiably under the advantages established by the tariff law, and to transfer this proportion of excessive profits to the outlay for labor. Even with this deduction from profits they would still be more than just and reasonable.

Under these conditions there can be no dispute as to the duty of the Congress. One of the fundamental reasons advanced in support of the existing tariff law was that it would safeguard American standards of

living and protect American labor against the competition of the cheap labor of Europe. If it is now true, as the facts indisputably show, after four years' operation of the present tariff legislation, in the textile industry of Passaic, which enjoys an extreme protection of 73 per cent; that the workers in the mills are unspeakably exploited; that the wages of heads of families are so pitifully inadequate that mothers have to work at night to supplement the insufficient earnings of their husbands; that children have to go to the mills to add to the combined but inadequate family income worked for by both fathers and mothers; that the mothers are forced to neglect their babies, whose rate of mortality is appallingly high; and that all classes of textile workers are denied the fundamental rights of organizing, bargaining collectively, and resisting the injustices and brutalities of an industrial autocracy created by the mill owners, while at the same time consumers are required to pay increased prices for woolen and worsted fabrics, and the mill owners are reaping excessive and indefensible profits the Congress must take measures to guarantee that these inequalities in the distribution of the alleged benefits of protection must be corrected. Their failure to do this or to face the facts which an investigation would disclose can not be interpreted otherwise than that the 73 per cent protective duty on woolen and worsteds has been established to enhance the personal and corporate fortunes of the Passaic mill owners, and so far as the interests of consumers of these fabrics and of those unfortunate men, women, and children who labor in the mills are concerned, the protective tariff is more than futile. Its objects have been subverted, and it has resulted in a situation which violates the fundamentals of human and industrial justice and which is a menace to democratic institutions and ideals.

Respectfully,

W. JETT LAUCK,
Economist for Striking Employees of Passaic Mills.

BILL PASSED OVER

The bill (S. 3847) to amend and clarify existing laws relating to the powers and duties of the auditor for Porto Rico and the auditor for the Philippine Islands was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE C. MANSFIELD CO. AND GEORGE D. MANSFIELD

The bill (S. 643) for the relief of George C. Mansfield Co. and George D. Mansfield was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert the following:

Be it enacted, etc., That the claim of George C. Mansfield Co. and George D. Mansfield, of Milwaukee, Wis., for losses sustained because of the alleged illegal action of the Federal Food Administration, division of enforcement, in directing and compelling the said George C. Mansfield Co. and the said George D. Mansfield to sell certain cheese products, be referred to the Court of Claims to hear and determine the same and report its findings to Congress: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 2268) for the relief of Michael J. Leo was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 10821) for the appointment of certain additional judges was announced as next in order.

Mr. BLEASE. Over.

The VICE PRESIDENT. The bill will be passed over.

JOE F. JENKINS

The bill (H. R. 2324) for the relief of Joe F. Jenkins was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Joe F. Jenkins, who was a member of the Twenty-ninth Company, Twentieth Engineer Regiment United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of September, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

BILLS PASSED OVER

The bill (H. R. 12393) to amend paragraphs 1 and 2 of section 26 of the act of June 30, 1919, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920," was announced as next in order.

Mr. ASHURST. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4234) for the relief of Franklin B. Morse was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

INVESTIGATION OF CONDITIONS IN VIRGIN ISLANDS

The resolution (S. Con. Res. 19) creating a joint committee of Congress to investigate conditions in the Virgin Islands was announced as next in order.

Mr. BLEASE. Let the resolution go over.

Mr. WILLIS. Mr. President, I beg an opportunity to make a brief statement to the Senate. I wish I might have the attention of every Member of the Senate touching the concurrent resolution. Here is the situation:

The Committee on Territories and Insular Possessions has worked very hard upon the question as to what ought to be done with reference to the Virgin Islands. It is a shame that these islands have been practically forgotten and neglected by the Government of the United States. There are 24,000 people who are living under what is tantamount to an autocratic government. These people came under the American flag with high hopes. They have been neglected. Our committee has done the very best it could to reach a solution of the matter without such an investigation as is here proposed. We have taken testimony and investigated conditions as thoroughly as we could at long range and without personal touch with the situation. My own opinion as a member of the committee was that we had sufficient information to warrant immediate legislation for the establishment of a civil government, but the majority of the committee were of opinion that careful personal investigation on the ground was desirable.

Mr. BRUCE. Mr. President, will the Senator yield to me at that point?

Mr. WILLIS. Certainly.

Mr. BRUCE. I would like to ask the Senator whether the proposal to have the investigation did not originate from a complaint made by some negro of the Virgin Islands against Judge Williams, of Baltimore?

Mr. WILLIS. No; the Senator is mistaken about that. The people to whom the Senator refers were anxious for immediate legislation and were originally opposed to this investigation. As a matter of fact, this inquiry was suggested by the people who opposed the legislation. The Senator is quite mistaken.

Mr. BRUCE. I asked that question because my understanding was, when these charges came to be looked into, that it was found that they were grounded on charges against Judge Williams, of Baltimore.

Mr. WILLIS. I have a petition very largely signed by the people who were opposed to the very legislation which I myself favored and embodied in a bill. They want a committee to look into the situation. I do not believe the Congress of the United States ought to ignore the desire of these people to have something done in their behalf. The resolution proposes a joint committee.

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

Mr. WILLIS. I gladly yield.

Mr. FERNALD. I see there is no report on the matter. Can the Senator advise us about the probable expense of the investigation? We have been carrying on investigations for the past 10 years until it has been asserted, and I think truly so, that the investigations have cost more than $20,000 an hour, and I am told that is not one-half the expense of the investigations. I made up my mind that before I would allow any more of these resolutions for investigations to go through I should make some inquiry and endeavor to ascertain the probable expense.

Mr. WILLIS. That is a perfectly proper inquiry. The Committee to Audit and Control the Contingent Expenses of the Senate looked carefully into the matter and placed a limit of $2,500.

Mr. FERNALD. In my opinion, they will not need that much.

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

Mr. WILLIS. Certainly.

Mr. KING. I would like to say to my friend, the Senator from South Carolina [Mr. BLEASE], that originally I was opposed to the resoluiton, but I have made a considerable study, rather an intensive study, of the situation in the Virgin Islands;

and if I were called upon now to legislate—and we must legislate, and legislate quickly—I would be unable to suggest proper legislation without further investigation. I think it is in the interest of economy, and certainly in the interest of justice, that we send somebody there to find out conditions and tell us just what kind of government we should give those people. Certainly the military government to which they are now subjected is wrong. There is tyranny and oppression, and the condition there is intolerable. I think we ought to know conditions from some of our own representatives, who will be prepared when we meet in December to submit a measure which would be just and proper.

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

Mr. WILLIS. With pleasure.

Mr. ASHURST. I join in the expression of the Senator from Utah. I do not know who will be appointed on the committee. I hope I will not, and I could not serve if I were appointed. So I have no personal interest.

Mr. WILLIS. I will say to the Senator that I know I will not be appointed.

Mr. ASHURST. I feel that the Senator from Utah has correctly stated the situation. If we are going to hold—as we indeed are going to hold—island possessions, the representatives of the people want to know what is going on in those possessions. I appeal to my able friend the junior Senator from South Carolina [Mr. BLEASE] to withdraw his objection.

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

Mr. WILLIS. I will yield to anyone who will help in this matter.

Mr. FERNALD. I am quite in sympathy with what the Senator from Ohio desires to do in the matter, but I am sure the Senator will recall that it is only a few years since we had a commission go to the islands at considerable expense.

Mr. WILLIS. I think $1,100 was the expense.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. BLEASE. To save further discussion, I withdraw the objection.

Mr. PITTMAN. Mr. President, I desire to offer an amendment to the resolution.

Mr. BORAH. Mr. President, I hope the Senator's amendment will include ceding the islands to anybody who will take them.

Mr. PITTMAN. I had not thought of that, but it would be a good thing. On line 9, after the words "United States," I propose to insert the words "and Porto Rico"; also on page 2, line 2, after the words "United States," insert the words "and Porto Rico."

I do not know that the conditions are as chaotic in Porto Rico as they are in the Virgin Islands, but a great many protests and complaints with regard to the administration in Porto Rico have come to my office. Porto Rico is not very far away from the Virgin Islands.

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

Mr. PITTMAN. I yield.

Mr. WILLIS. I think I might be willing to join with the Senator from Nevada subsequently, but I very much fear at this late time in the session that if he adds the amendment which he has proposed it will defeat the whole proposition. We must get some solution of the Virgin Islands matter. I do not believe it would be practicable for the committee which goes there to undertake to investigate conditions in Porto Rico, where there are 1,200,000 people. I think it would destroy the effectiveness of the investigation.

Mr. PITTMAN. The committee itself should decide to what extent it wants to go into the Porto Rican question. I simply want to give the committee authority, while they are down in that vicinity, to look into the Porto Rican question if they see fit to do so.

Mr. WILLIS. I appreciate the Senator's purpose, but I wish he would not insist on the amendment, because I think it would defeat the whole proposition, and we ought to do something for the Virgin Islands.

Mr. PITTMAN. If there is anyone who does not want to investigate Porto Rico, that is the very reason why I think it should be done. I think the administration of Porto Rico, from evidence which I have, is bad. Of course, we can not always rely on evidence and I admit that. There is contradictory evidence. That is one of the reasons why I am in favor of the committee going down there. That is the only excuse for the committee to go there.

Mr. WILLIS. If the Senator will introduce a resolution and let us act on it at the next session, it seems to me it would be very much better. I am sure if he tries to add this amendment it will defeat the whole proposition. I wish the Senator would not insist upon it.

Mr. COPELAND. Mr. President, I hope the Senator from Ohio will accept the suggestion of the Senator from Nevada. Certainly the Senate should have the information which can be had from an investigation of this sort. I am thoroughly convinced that we need to have just such an investigation as is proposed by the Senator from Ohio, but I can see no objection to the addition of Porto Rico.

Mr. BINGHAM. Mr. President, I hope the amendment will not be agreed to. The two problems are entirely separate and distinct. Porto Rico has had a government for a long period of time, and if what the Senator from Nevada [Mr. PITTMAN] says is correct, and I have no reason to doubt it, it would require long and expensive investigation, whereas the Virgin Islands matter is a very small proposition. There are less than 30,000 people there. They have never had a proper form of government and a committee could very properly finish up the work there in a very short period of time, whereas if we add Porto Rico to it and it is done properly, and it ought not to be done at all unless it is done properly, it would take a long time and cost a great deal of money.

Mr. ROBINSON of Arkansas. Mr. President, I would like to ask the Senator from Ohio a question if I may.

Mr. WILLIS. My time has expired.

Mr. ROBINSON of Arkansas. In my time, if I have any. When is it expected the investigation will be made?

Mr. WILLIS. The expectation is that the investigation will be made and the report made so we can act in December. My recollection is the date is fixed in the resolution. I do not have a copy before me at the moment, but the committee is to report so Congress will have the information in December.

Mr. ROBINSON of Arkansas. In view of the fact that the elections are approaching in November, does the Senator think he can escape from the campaign in Ohio long enough to go to the Virgin Islands? Does he not think he had better wait until after election, when he has been defeated for reelection, and then go to the Virgin Islands when he will have plenty of time?

Mr. WILLIS. To relieve the agitation of my friend, I want to say that the consideration to which he has alluded would absolutely preclude my service on the committee, if I should ever be thought of in that connection. Of course, I would not be a member of it. I could not serve on the committee if appointed because of the requirements of the campaign to which the Senator from Arkansas refers.

Mr. McNARY. Mr. President, I insist on the regular order. As I understand it, we are operating under a unanimous-consent agreement to take up bills on the calendar to which there is no objection.

The VICE PRESIDENT. If anybody objects, the resolution goes over, but in the meantime it is before the Senate.

Mr. ROBINSON of Arkansas. I object.

The VICE PRESIDENT. The concurrent resolution will go over.

FOREIGN COMMERCE SERVICE

Mr. WILLIS. Mr. President, the bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes, has been favorably reported from the Committee on Commerce, and on a previous occasion I addressed the Senate in favor of this bill. That the importance of the work done by the Bureau of Foreign and Domestic Commerce is recognized in foreign countries is indicated by the following article from a German trade journal, which I ask to have inserted in the RECORD at this point.

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

The matter referred to is as follows:

We have been envious in Germany of the very different reports regarding the official foreign trade promotion in the United States and have contended that German foreign trade, contrary to American, has at its disposal the tradition of decades which makes such outside assistance unnecessary. This opinion may have been correct up to 1914, though it was only possible for very large concerns to maintain their own information service, which was sufficient to supply them with current information regarding export markets.

After the war the situation has been completely changed. In contrast to business in neutral countries German export trade has lost its whole traditions. At this time when a well-organized export information service could be of untold value the present organizations are complete failures. The official consular reports are of small help to the business man, since they are too general in character and unusually far out of date. The answering of small simple questions regarding foreign firms or reports on detailed market conditions for particular articles takes days in German information services.

Compare this with the reports of the American organization which has been put into operation in the Department of Commerce under Sec-

retary Hoover. About $500,000,000 of the increase in American foreign trade in 1925 can be credited to the activity of this service, which answered over 2,000,000 inquiries from exporters during the year, and to-day handles from 7,000 to 8,000 such inquiries daily. It is astonishing that 50 per cent of all inquiries are handled within 24 hours. For this service Hoover maintains 45 offices abroad and 40 branches in the United States. A special division exists for tariffs, and the Division of Commercial Laws is of untold value to the small business man, who can hardly afford expensive attorneys and transportation specialists. This whole organization costs the American people less than $3,000,000 per annum.

We have in Germany immense files filled with this material, the preparation of which has cost very large sums. In spite of this we have not yet been able, as Hoover and his staff have been doing for years, to regularly obtain concrete results for the benefit of our industry. American exporters are in touch with the commodity divisions of the Department of Commerce and automatically receive free information concerning their own industry, and what is more in a form which is immediately usable.

This triumph of Hoover efficiency over the usual lethargy of the bureaucratic government machine was only possible because Hoover would tolerate no commercial attachés abroad, who were not able to report dollars and cents services. Such persons were simply replaced with better material.

If one looks over a German consular report it is at once apparent how far removed we are from this American example. We need such a service far more than the Americans for whom export trade is only a safety valve in times of business depression on the home market. It is accordingly high time that the present scholarly but impractical services of the present German foreign trade organizations be replaced by practical export trade promotion, which it is possible to obtain by a study of the successful American example.

REGULATION OF RADIO COMMUNICATION

Mr. DILL. Mr. President, I ask the indulgence of the Senate for just a moment or two in order that I may explain the situation regarding the conference on the radio bill. The conferees met yesterday and found, owing to differences in the two bills, that it will be impossible to work out an agreement even though a compromise might be made by both sides. It was felt, however, by all the members of the conference committee, both Houses and Senate Members, that there ought to be some sort of legislation or resolution which would protect the rights of the Government and the public during the interim between now and the convening of Congress, when an agreement might be reached between the two Houses.

For that reason the conference committee prepared a joint resolution which I want to offer to the Senate and after it is read I want to ask for immediate consideration of it. Let me say that the resolution simply provides two things. First, it prohibits the granting of licenses to broadcasting stations for more than 90 days, which is the present practice.

Mr. McNARY. Mr. President, a parliamentary inquiry. I understand that by unanimous consent we are considering bills on the calendar. I ask for the regular order. The Senator can take up the conference report at 12 o'clock.

Mr. DILL. It is not a conference report. It must be passed here and sent to the House and passed there before 3 o'clock. It will only take a moment. If the Senator will indulge me I think I can dispose of it quickly. If it takes any time I will wait, but I hope the Senator will indulge me.

I will say that the joint resolution provides that the licenses for the telegraph stations shall not be for more than two years, which is the present number. It then provides also that anybody asking for a renewal of license or for a new license shall sign a waiver of any claim of vested right to the ownership or use of the wave length. Those two provisions will protect the interests of the public, and will maintain the status quo so far as the public interest is concerned. I ask that the clerk may read the joint resolution which I offer.

The VICE PRESIDENT. The Secretary will read as requested.

The joint resolution (S. J. Res. 125) limiting the time for which licenses for radio transmission may be granted, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That until otherwise provided by law, no original license for the operation of any radio broadcasting station and no renewal of a license of an existing broadcasting station, shall be granted for longer periods than 90 days and no original license for the operation of any other class of radio station and no renewal of the license for an existing station of any other class than a broadcasting station, shall be granted for longer periods than two years; and that no original radio license or the renewal of an existing license shall be granted after the date of the passage of this resolution unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

Mr. SIMMONS. Mr. President, I was very anxious to hear the statement of the Senator from Washington a little while ago, but there was so much noise in the Chamber that I failed to hear what he said with reference to his inability to bring about an arrangement by which the bill which the Senate passed should become a law.

Mr. DILL. The differences between the House and the Senate bills are quite wide. The House could not accept the Senate bill, the House conferees said, and the Senate conferees could not accept the House bill. It was realized that a compromise must be worked out. We had less than 12 hours from the time we met on the bill, in fact, not quite that long. It was apparent that we could not intelligently come to an agreement and work out a rewritten bill, as will be necessary, so we did not disagree; we are continuing the conference; but we recommend the passage of this joint resolution in the interim.

Mr. SIMMONS. I want to ask the Senator was not the vital difference between the Senate and the House bill as to whether this system should be operated under the control of a commission, or under the control of Mr. Hoover and the Department of Commerce?

Mr. DILL. The vital difference was as the Senator from North Carolina has stated.

Mr. SIMMONS. That is what I imagine.

Mr. DILL. Between placing control in a commission and bureau in the Department of Commerce; but I think it possible to work out a compromise. I ask for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

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

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

MICHAEL J. LEO

Mr. WADSWORTH. Mr. President, the Senator from Utah [Mr. KING] informs me that he will withdraw his objection which was made to Order of Business 1145, being the bill (H. R. 2268) for the relief of Michael J. Leo, which was passed over only a moment ago. It is a very clear case where money is due the claimant. The Attorney General has no objection to its payment.

Mr. KING. Mr. President, I made objection to that bill because the report did not quite indicate the reason for its passage. Upon further investigation it seems to me that it is a meritorious claim. The law was declared to be unconstitutional, and under the law which was in force during the Food Administration the claimant paid the amount referred to in the bill. The law having been declared unconstitutional, it seems to me there is no reason why he should not have the money refunded to him.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Michael J. Leo $16,500, the amount of a fine paid by him in pursuance of a judgment entered upon a plea nolo contendre under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, such plea and payment having been made under a stipulation, as follows:

In consideration that the Attorney General and this court shall accept the plea nolo contendre which I hereby tender to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me upon such plea, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment.

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

ADDITIONAL POLICE COURT BUILDING FOR THE DISTRICT OF COLUMBIA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11943) providing for an additional building for the use of the police court of the District of Columbia. It instructs the Commissioners of the District of Columbia to enter into contracts for the erection of a building for the use of the police court of the District of Columbia, but the location, plans, and specifications for such building shall be approved by the Fine Arts Commission and by the chief justices of the

police courts and Supreme Court of the District of Columbia; and authorizes an appropriation for the erection of said building to be made in like manner as other expenses of the District of Columbia.

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

EDITH L. BICKFORD

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2328) for the relief of Edith L. Bickford. It proposes to pay to Edith L. Bickford, widow of the late George F. Bickford, late American consul at Antung, China, $3,500, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and authorizes the appropriation of a sufficient sum to carry out the purpose of the act.

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

GENEVIEVE HENDRICK

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3529) for the relief of Genevieve Hendrick. It proposes to pay to Genevieve Hendrick, widow of Michael J. Hendrick, late consul at Windsor, Canada, $4,000, being one year's salary of her deceased husband, who died while at his post of duty, and appropriates a sufficient sum to carry out the purpose of the act.

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

ETELKA BELL

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4263) for the relief of Etelka Bell. It proposes to pay to Etelka Bell, widow of the late Edward Bell, late counsellor of legation and chargé d'affaires, at the American Embassy at Peking, China, $9,000, being one year's salary of her deceased husband, who died of illness incurred while in the Diplomatic Service; and authorizes the appropriation of a sufficient sum to carry out the purpose of the act.

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

PERSONNEL OF THE PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

Mr. BLEASE. Mr. President, on yesterday I objected to the consideration of the bill (H. R. 11119) to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes. I would now ask the Senate to consider and pass the bill. I am told that it is very important for the District of Columbia. I have conferred with the Senator from Kansas [Mr. CAPPER] in regard to the matter, and I withdraw my objection to the consideration of the bill.

Mr. BRUCE. Mr. President, may I ask the Senator from Kansas whether this is the bill which imposes a very onerous charge on electric companies in the District of Columbia for the purpose of meeting the expenses of some investigation?

Mr. CAPPER. No. The Senator from Maryland has in mind an entirely different bill.

Mr. BRUCE. Very well.

Mr. CAPPER. This bill simply reorganizes the personnel of the Public Utilities Commission.

Mr. BRUCE. That is all right.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with amendments.

The first amendment was, on page 1, line 3, after the word "That," to strike out the words "the first paragraph," so as to read:

That paragraph 97 of section 8, etc.

The next amendment was, in section 1, page 1, after line 8, to strike out:

PAR. 97. (a) The Public Utilities Commission of the District of Columbia shall be composed of three commissioners, to be appointed by the President, by and with the advice and consent of the Senate. Of the three commissioners first appointed after the passage of this amendatory act, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, commencing July 1, 1926. The terms of office of all successors shall expire three years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Each commissioner shall receive a salary at the rate of $7,500 a year. The commission shall at least biennially elect a chairman by a majority vote of its members. No commissioner shall during his term of office hold any other public office. The Commissioners of the District of Columbia shall furnish the commission with suitable offices and quarters.

And in lieu thereof to insert:

PAR. 97. (a) The Public Utilities Commission of the District of Columbia shall be composed of three commissioners as follows: (1) The Engineer Commissioner of the District of Columbia, and (2) two persons appointed by the President, by and with the advice and consent of the Senate. Each of the appointed commissioners shall receive a salary at the rate of $7,500 per annum. Of the two commissioners first appointed after the passage of this amendatory act, one shall be appointed for a term of two years, and one for a term of three years, commencing July 1, 1926. The terms of office of all successors shall expire three years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. The commission shall at least biennially elect a chairman by a majority vote of its members. No commissioner, other than the said Engineer Commissioner of the District of Columbia, shall, during his term of office, hold any other public office. The Commissioners of the District of Columbia shall furnish the Public Utilities Commission with suitable offices and quarters. No person, other than the said Engineer Commissioner of the District of Columbia, shall be eligible to the office of commissioner of the Public Utilities Commission who has not been a bona fide resident of the District of Columbia for a period of at least three years next preceding his appointment or who has voted or claimed residence elsewhere during such period. No person shall be eligible to the office of commissioner of said Public Utilities Commission who is, or who shall have been during a period of five years next preceding his appointment, directly or indirectly interested in any public utility operating, owning, or having an interest in property in the District of Columbia; or in any stock, bond, mortgage, security, or contract of any such public utility. If any such commissioner shall voluntarily become so interested, his office shall ipso facto become vacant; and if any such commissioner shall become so interested otherwise than voluntarily he shall, within a reasonable time, divest himself of such interest, and if he fails to do so his office shall become vacant. Before entering upon the duties of his office each commissioner, the secretary of the commission, the counsel of the commission, and every employee of said commission shall take and subscribe the constitutional oath of office, and shall in addition thereto make oath or affirmation before and file with the clerk of the Supreme Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involuntarily, directly or indirectly, in any public utility in the District of Columbia.

The amendment was agreed to.

The next amendment was in the same section, on page 5, after line 2, to strike out section 2, as follows:

SEC. 2. The second paragraph of paragraph 97 of section 8 of such act of March 4, 1913, is hereby amended by inserting "(c)" at the beginning of such paragraph.

The amendment was agreed to.

The next amendment was, on page 5, line 9, after the word "until," to strike out the words "at least"; and in line 10, after the word "appointed," to strike out the word "to" and insert the word "and," so as to read:

SEC. 2. The commissioners of the Public Utilities Commission of the District of Columbia in office upon the date of the enactment of this act shall continue to hold office and exercise the powers of the commission until two commissioners are appointed and take office under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 2, page 6, after line 2, to insert "in lieu of the attorney at law provided for the Public Utilities Commission in the District of Columbia appropriation act, approved May 10, 1926," so as to read:

PAR. 91A. (a) There shall be appointed by the President, by and with the advice and consent of the Senate, in lieu of the attorney at law provided for the Public Utilities Commission in the District of Columbia appropriation act, approved May 10, 1926, an additional counsel of the commission to be known as the people's counsel, etc.

The amendment was agreed to.

The next amendment was, on page 7, line 2, after the word "years," to insert:

No person shall be eligible to the office of people's counsel who is, or who shall have been during a period of five years next preceding his appointment, directly or indirectly interested in any public utility operating, owning, or having an interest in property in the District

of Columbia, or in any stock, bond, mortgage, security, or contract of any such public utility."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LIEUT. COMMANDER LUCIUS C. DUNN, UNITED STATES NAVY

The bill (H. R. 9061) to authorize Lieut. Commander Lucius C. Dunn, United States Navy, to accept from the King of Denmark a decoration known as a Knight of the Order of Dannebrog was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, I can not see why Congress should authorize the acceptance of decorations conferred in peace times by foreign countries so long as the House of Representatives refuses to authorize the acceptance of decorations conferred by our allies during the World War. There is now pending an omnibus bill in the House of Representatives providing for the acceptance of decorations conferred upon our Army and Navy officers during the World War; not a number of special officers picked out according to their friendships here in Congress, but all of the officers of that war who received decorations from the Allies. There are about 50 such decorations now in the State Department; and so long as the House of Representatives is going to refuse to do justice by those men, I do not think the Senate ought to pass special bills for officers who have acquaintances in the House to authorize the acceptance of peace-time decorations. All ought to be treated alike. Therefore I object.

Mr. BRUCE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. OVERMAN. Mr. President, this morning I moved to reconsider the vote by which Order of Business 628, being the bill (H. R. 9039) to amend section 8 of the act of March 1, 1911 (36 Stat. p. 961), entitled, "An act to enable any State to cooperate with any other State or States, or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers. It was understood that the bill should not be taken up at this session. The bill, however, was passed and went to the House. A motion was made by me this morning and carried, requesting the House to return the bill. There seems, however, to have been some troble about returning the bill, for the House sent over to the Senate an enrolled bill. I ask unanimous consent that the Senate request the Presiding Officer of the Senate to withhold his signature from that bill so that it may come up, if the Senate desires, at the next session in the regular way.

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

ROBERT E. A. LANDAUER

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1598) for the relief of Robert E. A. Landauer.

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

GEORGE A. M'KENZIE, ALIAS WILLIAM A. WILLIAMS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9324) for the relief of George A. McKenzie, alias William A. Williams.

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

CLYDE L. WEST

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11820) granting an annuity to Clyde L. West, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place on the roll of the War Department the name of Clyde L. West, late of Hospital Corps of the United States Army, and pay him for and during his natural life, in lieu of all pension, the sum of $100 per month, in special recognition of the eminent service rendered, suffering endured, and permanent disabilities contracted by him in the interest of humanity and science as a volunteer subject for experiment in the yellow-fever hospital in Cuba.

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

VILLAGE OF HARBOR SPRINGS, MICH.

The bill (H. R. 4307) for the relief of the village of Harbor Springs, Mich., was announced as next in order.

Mr. KING. Mr. President, I should like to ask an explanation of that bill.

Mr. COUZENS. Mr. President, the bill was introduced in the House and passed by that body. It permits the village of Harbor Springs, Mich., to present a case to the Court of Claims. An employee of the Government who was working on an electric-light pole was killed. Suit was brought against the village of Harbor Springs and judgment secured. There was a dual responsibility between the Government and the municipality, and this bill is designed to permit the municipality to present the facts to the Court of Claims for a determination.

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, which had been reported from the Committee on Claims with an amendment, in line 9, before the word "facts," to strike out the words "law and," so as to make the bill read:

Be it enacted, etc., That the claim of the village of Harbor Springs, Mich., for reimbursement for the payment of judgment rendered by the United States District Court, Western District of Michigan, against said village of Harbor Springs, Mich., on account of the death of Ernest H. Haines, an employee of the Department of Agriculture, is hereby referred to the Court of Claims for the determination of the facts as to the liability of the United States as a tort-feasor on account of the death of the said Ernest H. Haines.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ELIZABETH W. KIEFFER

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 244) for the relief of Elizabeth W. Kieffer, which was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Elizabeth W. Kieffer, postmaster at Fort Russell, Wyo., in the sum of $1,508.60, due to the United States on account of loss by theft of post-office funds by Claude E. Davis, on November 14, 1922; and the sum of $1,508.60 is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated, for the payment of this claim.

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

PROHIBITION MEASURES PASSED OVER

The bill (S. 33) to amend the national prohibition act, as supplemented, in respect of the definition of intoxicating liquor was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 34) to amend the national prohibition act, as supplemented, in respect to the issuance by physicians of prescriptions for intoxicating liquors was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 591) to amend the national prohibition act to provide for the manufacture, sale, and transportation of 4 per cent beer under Federal supervision was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. KING. Mr. President, a parliamentary inquiry. Why should not all these bills be indefinitely postponed?

Mr. BRUCE. The Senator from New Jersey [Mr. EDGE] does not happen to be here, and I think in his absence that action should not be taken.

Mr. KING. Very well.

The bill (S. 3118) to amend the national prohibition act, as supplement, in respect of the definition of intoxicating liquor, was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3891) to amend the national prohibition act, to provide for State local option, and for other purposes, was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4203) to amend the national prohibition act, as supplemented, in respect of the manufacture of liquor without a permit, was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 34) proposing an amendment of the eighteenth amendment to the Federal Constitution relating to intoxicating liquors, was announced as next in order. The joint resolution had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 81) providing for a national referendum upon the modification of the national prohibition act, was announced as next in order. The joint resolution had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that it go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 85) proposing an amendment of the eighteenth amendment to the Federal Constitution relating to intoxicating liquors, was announced as next in order. The joint resolution had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that the joint resolution be passed over.

The VICE PRESIDENT. The joint resolution will be passed over.

PROMOTION OF CERTAIN RETIRED ARMY OFFICERS

The bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, that bill merely carries out the same policy that was adopted by the Senate the other night in the passage of the bill of the Senator from Tennessee [Mr. TYSON] authorizing the highest war-time rank. The bill will affect, I think, only two colonels, both of whom were repeatedly commended, both of whom were decorated for gallant service in action. That is all it does, in addition to the effect of the Tyson bill, except in one other respect. I wish the Senator from Utah [Mr. KING] were here, because this bill also would allow the promotion on the retired list of General Crowder. I understand that the Senator from Utah has protested against that feature of the measure.

Mr. ROBINSON of Arkansas. The Senator from Utah spoke to me about this bill, and indicated his purpose to object to its consideration.

Mr. REED of Pennsylvania. In order to take care of the objection of the Senator from Utah I was going to suggest an amendment.

Mr. KING entered the Chamber.

Mr. ROBINSON of Arkansas. The Senator from Utah is now present.

Mr. KING. I object to the bill.

Mr. REED of Pennsylvania. I was going to ask the Senator if he would be satisfied with an amendment which would eliminate all reference to the officer who served as provost marshal general, so as not to bring him within the scope of the bill?

Mr. KING. The Senator knows my objection to the bill. If the bill shall be so amended as not to include the person to whom I referred I will have no objection to it.

Mr. REED of Pennsylvania. That is what I was going to propose to do.

Mr. KING. Very well.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments. The first amendment was on page 1, line 5, after the word "Senate," to insert:

to the grade of lieutenant general on the retired list any officer who performed exceptionally meritorious services in command of a field army in the Army of the United States during the recent war with Germany, and an officer who performed exceptionally meritorious service as provost marshal general in charge of the administration of the selective service law during such war.

Mr. REED of Pennsylvania. I move to amend the committee amendment in line 9, on page 1, by striking out all after the word "Germany" down to the end of line 11.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "Germany," it is proposed to amend the committee amendment by striking out, "and an officer who performed especially meritorious service as provost marshal general in charge of the administration of the selective service law during such war," so as to make the section read:

That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, to the grade of lieutenant general on the retired list any officer who performed exceptionally meritorious services in command of a field army in the Army of the United States during the recent war with Germany.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Military Affairs was, at the top of page 2, to insert the following:

SEC. 2. The President is further authorized in his discretion to appoint, by and with the advice and consent of the Senate.

And in line 12, after the word "general," to strike out the colon and the words "*Provided, however*, That the," so as to read:

SEC. 2. The President is further authorized in his discretion to appoint, by and with the advice and consent of the Senate, to the next higher grade any officer not above the grade of colonel, now on the retired list of the Army who has served with exceptional efficiency as a commissioned officer on the active list for over 40 years, participating in actual field service against hostile Indians, and in the Spanish-American War, and who has been awarded either a medal of honor or distinguished-service medal, and who has served in France in the World War, and before retirement was repeatedly recommended for promotion to the grade of brigadier general.

The amendment was agreed to.

The next amendment was, on page 2, line 13, before the word "promotion," to insert the words "Sec. 3. The," so as to read:

SEC. 3. The promotion authorized in this act shall not carry with it any increased pay or compensation or allowances, the pay, compensation, and allowances to remain the same as the grade from which such officers are respectively promoted under this act, any law to the contrary notwithstanding.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS, ETC., PASSED OVER

The next entry on the calendar was the amendment intended to be proposed by Mr. EDGE to the bill (S. 34) to amend the national prohibition act, as supplemented, in respect to the issuance by physicians of prescriptions for intoxicating liquor.

Mr. WADSWORTH. Let that go over.

The VICE PRESIDENT. The amendment will be passed over.

The next entry on the calendar was the amendment intended to be proposed by Mr. BORAH to the joint resolution (S. J. Res. 81) providing for a national referendum on the modification of the national prohibition act.

Mr. MCNARY and Mr. WADSWORTH. Let that go over.

The VICE PRESIDENT. The amendment will be passed over.

The next entry on the calendar was the amendments intended to be proposed by Mr. EDGE to the bill (S. 3118) to amend the national prohibition act, as supplemented, with respect to the definition of intoxicating liquor.

SEVERAL SENATORS. Let those go over.

The VICE PRESIDENT. The amendments will be passed over.

The bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

LEWIS J. BURSHIA

The bill (H. R. 8564) for the relief of Lewis J. Burshia 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.

REVISION, REPAIR, ETC., OF RECORDS OF THE FIVE CIVILIZED TRIBES

The bill (H. R. 10540) authorizing an appropriation to revise, repair, index, and file various records in the office of the Superintendent for the Five Civilized Tribes at Muskogee, Okla., 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.

INDIANS OF FORT BELKNAP INDIAN RESERVATION

The bill (H. R. 11510) to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes, 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.

CROW INDIANS OF MONTANA

The bill (H. R. 11662) authorizing an expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claims against the United States, 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.

BILL PASSED OVER

The bill (S. 4451) to authorize the payment of drainage assessments on Absentee Shawnee Indian lands in Oklahoma, and for other purposes, was announced as next in order.

Mr. KING. I should like to ask whether these expenses are to be paid from tribal funds or from the Treasury of the United States.

Mr. FESS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF COPYRIGHT LAW

The bill (H. R. 10774) to amend section 15 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, was announced as next in order.

SEVERAL SENATORS. Let that go over.

Mr. BUTLER. Mr. President, do I understand that objection was made to the consideration of the bill? If so, I should like to know who objected.

Mr. BRUCE. Let the bill go over.

Mr. BUTLER. Mr. President, I can not see any objection to this bill. It is simply a proposal to allow authors, particularly college professors, and others to put their productions, when presented for copyright, in mimeographed form instead of in type. I know of no objection whatever to the bill, and its passage is desired by many persons.

Mr. BRUCE. I withdraw my objection.

Mr. McKELLAR. Mr. President, it may be that I shall have no objection to this bill, but I desire to offer an amendment to it, and I have not the amendment prepared. I am perfectly frank to say to the Senator that I think there should be an amendment to the bill.

Mr. BUTLER. I regret very much that the Senator takes that position.

Mr. COUZENS. Does the Senator from Tennessee object?

Mr. McKELLAR. Yes, sir.

Mr. COPELAND. Mr. President, I hope the Senator from Tennessee will withdraw his objection. In college towns—for instance, in Ann Arbor, Mich.—a great many of the lectures are mimeographed and sold in mimeographed form. They are exactly the same as textbooks, but it is not worth while to spend the money to have them printed, because they are not of permanent value; and yet, after all, they have a copyright value. I hope the Senator will withdraw his objection.

Mr. McKELLAR. I have read the bill very hastily, and I am rather inclined to think it is a bill that should pass; but I understand that there has been pending before the Patents Committee for about six years a bill in reference to another matter, concerning broadcasting, and that bill has never been reported out. I should like to have the opportunity of submitting at the next session an amendment to this bill, which can be discussed and, if it is proper, put on here.

Mr. ROBINSON of Arkansas. Mr. President, may I suggest to the Senator from Tennessee that if the provisions of this bill are meritorious it might be well to present his amendment in the form of a separate bill rather than to delay this legislation.

Mr. BUTLER. I think that would be very much better.

Mr. McKELLAR. The suggestion of the Senator is correct; but the trouble about it is that the Patents Committee has never reported out at all, one way or the other, this other measure.

Mr. ROBINSON of Arkansas. The Senator, of course, can at any time move to discharge the committee and test the sense of the Senate on it.

Mr. McKELLAR. Mr. President, I am going to withdraw my objection to the consideration of this bill——

Mr. ROBINSON of Arkansas. I thank the Senator.

Mr. McKELLAR. But I desire to give notice now that this other matter will be voted upon by the Senate in connection with the first legislation that is reported out by the Patents Committee.

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.

STREET-PAVING ASSESSMENTS IN THE DISTRICT

The bill (H. R. 11174) to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes, was announced as next in order.

Mr. BRUCE. Mr. President, what is the nature of that bill? The title does not disclose.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill.

Mr. CAPPER. Mr. President, this bill changes the present law so that the property owner is not held responsible for the cost of repaving and repairing a street after it has once been paved.

Mr. BRUCE. Did this bill originate in general considerations, or was it simply suggested by some individual property holder who thought he had a grievance?

Mr. CAPPER. Oh, no; the District government is very strong for it. In fact, there is a general demand for it here in the city, and no opposition.

Mr. BRUCE. I have no objection.

Mr. KING. Mr. President, I should like to ask the Senator why the abutting owners should not be responsible. I express no opinion in regard to it.

Mr. CAPPER. Because 99 times out of 100 the general public use the pavement, and are responsible for the wear and tear of the pavement; and the abutting proper owner should not be charged with the cost of repairs made necessary by the use of the pavement by the general public.

Mr. KING. The Senator knows that there is a movement now to repeal or modify what is known as the Borland law, and obviously this whole question is going to be considered.

Mr. CAPPER. This is the proposed amendment of that law.

Mr. KING. Oh, this is the amendment?

Mr. CAPPER. Yes. It was carefully considered in the House, and there was no opposition either in the committee or on the floor. It was considered also by our committee.

Mr. KING. Mr. President, I shall object, because a joint committee has been or will be appointed to consider the affairs of the District in every particular—streets, highways, roads, bridges, and sanitation—and this question is one of very great importance. I ask the Senator to let it go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. CAPPER. The District Commissioners urge the passage of this bill.

Mr. KING. The District Commissioners are not infallible.

Mr. UNDERWOOD. Mr. President, I should like to say just a word in reference to this bill before it goes over. Of course, in this state of the calendar it will go over on any objection; but it is perfectly apparent that the equities of the bill are correct.

Under the law the adjacent property owner is required to pay a certain assessment for paving the street in front of his house. When that street is once paved he has performed his duty. The wear and tear on the street in front of his house is dependent on the number of trucks or automobiles that pass in front of it. His own automobile does very little to tear up the street. Therefore if a resident or an owner of an abutting piece of property owns property in the congested part of the town a tribute is levied on him because of the number of automobiles that go in front of his house and destroy the pavement.

As I understand this bill and the change that is proposed to be made, it is merely this: It does not change the law in regard to the abutting property owner paying for the paving of the street in front of his place as an original proposition, because out of that he gets something; it improves the value of his property. When, however, a stream of automobiles passes that property and tears up the street, it is more in the interest of the people generally, and should be more justly a charge upon the city generally than upon the individual, as it is the people of the District in the aggregate who tear up the street and not the abutting property owner.

I have always felt that it would be just, after the property owner has paid for the laying of the original pavement, to allow the burden for replacement to fall on the public generally who use that street. Of course, it is proper for the bill to go over

if there is objection; but I say this in the hope that at some other time there may be an opportunity to pass the bill, merely as a matter of abstract justice to the abutting property owners.

For instance, in many of these congested streets the less rich portion of the population may live—I may say the poorer part of the population—and it is a very great burden on a man who owns a small lot if, because of the trucks that go by and tear up his pavement, his home must be mulcted to pay for damage with which he has nothing to do.

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

Mr. McNARY. I ask for the regular order.

Mr. McKELLAR. I just want to say to the Senator that if this bill should be enacted, in a very short time the front-foot assessments in the city of Washington would be absolutely nullified.

The VICE PRESIDENT. The regular order is demanded. The Secretary will state the next bill on the calendar.

COMMERCE YEARBOOK

The joint resolution (S. J. Res. 54) to provide for the printing of the Commerce Yearbook was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Commerce with an amendment, on page 1, line 5, after the word "commerce," to strike out "of which 10,000 copies shall be for the Senate and 30,000 copies for the House of Representatives," and insert "and to be distributed gratis by the department and the necessary appropriation therefor is hereby authorized"; so as to make the joint resolution read:

Resolved, etc., That there shall be printed annually 40,000 copies of the Commerce Yearbook (beginning with the yearbook for 1925), published by the Department of Commerce, and to be distributed gratis by the department, and the necessary appropriation therefor is hereby authorized.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSTON CHAMBER OF COMMERCE AND OTHERS

The bill (H. R. 7011) for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Hellberg and Laura Lackner and F. W. Lackner was considered as in Committee of the Whole.

Mr. KING. Mr. President, I will ask the Senator from Texas whether the bill provides any greater sum than that recommended by the investigating committee of the War Department?

Mr. MAYFIELD. No, sir; it involves just exactly the same sum. The amounts in the bill are the amounts recommended by the War Department.

Mr. KING. I have no objection, then, if that is true.

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

JAMES L. CARDWELL

The bill (H. R. 814) for the relief of James L. Cardwell 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.

SAM TILDEN

The bill (H. R. 817) for the relief of Sam Tilden 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.

L. J. HOUGHTALING

The bill (H. R. 9606) for the relief of L. J. Houghtaling 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.

MR. AND MRS. CHARLES VANDERVEER

The bill (H. R. 2632) for the relief of Mr. and Mrs. Charles Vanderveer 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.

ANNA JEANETTE WEINRICH

The bill (H. R. 2633) for the relief of Anna Jeanette Weinrich 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.

AGNES DE JARDINS

The bill (H. R. 1692) for the relief of Agnes De Jardins 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.

RUTH GORE

The bill (H. R. 8174) for the relief of Ruth Gore 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.

WEEKLY PAY DAYS FOR POSTAL EMPLOYEES

The bill (S. 2021) to provide for weekly pay days for postal employees was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 4, after the word "America," to insert "serving in States which have weekly payment statutes," so as to make the bill read:

Be it enacted, etc., That on and after July 1, 1926, all postal employees of the United States of America serving in States which have weekly payment statutes shall be placed on a weekly pay-roll basis and shall receive compensation each Friday of each week for services rendered the Government of said United States: *Provided*, That when State or national holidays fall on Fridays, payments shall be made the preceding day: *Provided further*, That any postal employee may request in writing to be paid at less frequent intervals.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF CHIROPRACTIC

The bill (H. R. 9055) to regulate the practice of chiropractic; to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof, was announced as next in order.

Mr. KING. Mr. President, I should like to ask the Senator from New York [Mr. COPELAND] if this bill has the unanimous report of the committee?

Mr. COPELAND. The chairman of the committee will answer the Senator's question.

Mr. KING. It is a long bill for a very small subject. Does the Senator think its passage is imperatively required?

Mr. CAPPER. Oh, undoubtedly there should be some supervision of the practitioners in this city. There is none at all now. They are absolutely without any control or supervision in this city, and it is the only city of half a million people in the United States that has not some sort of supervision of these practitioners.

Mr. KING. Does this bill subject them to the control of the medical board?

Mr. CAPPER. The medical board were represented at the hearing.

Mr. COPELAND. It provides for a separate board.

Mr. CAPPER. They would, of course, rather have a general board which would control all branches of practice; but some amendments were made to this bill that I think remove the objection——

Mr. KING. Let me say to the Senator that if this bill sets up a separate board for chiropractors, and would permit a separate board for the neuropaths and allopaths and everybody else, I object to it; but if all those who are worthy to be called medical doctors are subjected to the control of one board, I have no objection.

Mr. CAPPER. Of course, the chiropractors, the osteopaths, and all these others will object to having a control by the "regulars," as they call them.

Mr. KING. But they ought to have representation upon a board. I object.

Mr. LA FOLLETTE. Mr. President, if this bill is going to lead to debate, in the interest of other bills on the calendar I object.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

ANNA J. LARSON

The bill (H. R. 11376) to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior, 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.

GRANTING PUBLIC LANDS TO THE CITY OF PHOENIX, ARIZ.

The bill (S. 2691) to repeal the first proviso of the act entitled "An act granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes," approved March 3, 1925, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the first proviso of the act entitled "An act granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes," approved March 3, 1925, is hereby repealed.

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

MORGAN MILLER

The bill (S. 597) for the relief of Morgan Miller was considered as in Committee of the Whole and 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 Morgan Miller the sum of $3,000 for injuries sustained on February 3, 1920, while standing in the safety zone waiting for a street car at the corner of Fort Street west and Artillery Avenue, in the city of Detroit, Mich., by being struck by a United States mail truck which was running at a rapid rate of speed and without lights, it being 6 o'clock and 10 minutes antemeridian and quite dark. Said Morgan Miller's head was badly injured, left shoulder and hip greatly bruised, right knee and ankle wrenched quite severely, and the ligaments badly torn. He was in the hospital about five days and was confined to his bed for three months, and as a result of the accident became almost totally incapacitated and has been since that time dependent upon relatives and friends for support.

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

COUNTERFEITING OF GOVERNMENT TRANSPORTATION REQUESTS

The bill (H. R. 8128) to punish counterfeiting, altering, or uttering of Government transportation requests was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments on page 1, line 10, after the word "shall," to insert the word "knowingly," and on line 11, after the word "in," to insert the word "so."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF CODE OF THE DISTRICT OF COLUMBIA

The bill (H. R. 8835) to amend section 1112 of the Code of Law for the District of Columbia was announced as next in order.

Mr. BLEASE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ADMINISTRATION OF OATHS BY NOTARIES PUBLIC

The bill (H. R. 10058) to authorize notaries public and other State officers to administer oaths required by the United States 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.

CLOTHING AND CASH GRATUITIES TO DISCHARGED PRISONERS

The bill (H. R. 11946) to increase the clothing and cash gratuity furnished to persons discharged from prisons, 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.

INVESTIGATION OF ST. ELIZABETHS HOSPITAL

The concurrent resolution (H. Con. Res. 26) directing the Comptroller General of the United States to investigate the administration of St. Elizabeths Hospital since July 1, 1916, and for other purposes, was considered as in Committee of the Whole.

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

INVESTIGATION OF ALIEN PROPERTY CUSTODIAN

The resolution (S. Res. 71) directing a select committee to be appointed by the President of the Senate to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office was considered and agreed to, as follows:

Resolved, That a select committee of five Senators be appointed by the President of the Senate, which committee is hereby authorized and directed to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office, and particularly to investigate the following matters and things: (a) The seizure and appraisal of property, the care of the property seized, whether or not waste has been permitted in relation thereto, and the costs and fees allowed paid for such care; (b) the sale and conversion of property by the Alien Property Custodian, whether or not authorized by law; (c) whether such conversions have been by public sale or through private negotiations; (d) whether or not the moneys received by such conversions were adequate and represent the real value of the properties converted; (e) whether or not sales have been made to agents, officials, attorneys, or other persons having fiduciary relations to such property; (f) the sale of patents, trade-marks, and trade names to the so-called Chemical Foundation, a corporation of Delaware, or to any other persons or corporations, and the sale of properties of the Bosch Magneto Co.; (g) and further to investigate the relations of the Department of Justice to the business and affairs of the Alien Property Custodian, whether there has been any influence or pressure exerted by any Government official or officials, or other persons, to prevent criminal or civil proceedings in relation to any of such transaction; and generally to investigate all matters touching the legality, good faith, and necessity of all transactions and conversions affecting the property held in trust by the Alien Property Custodian.

The committee is authorized to send for persons and papers, to administer oaths, and to sit during the session or during any recess of the Senate and at such places as may be deemed advisable. Any subcommittee duly authorized thereto shall have the same powers as are conferred upon said select committee by this resolution.

The VICE PRESIDENT subsequently said: In accordance with the provisions of Senate Resolution 71, directing a select committee to be appointed by the President of the Senate to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office, the Chair appoints the senior Senator from Idaho [Mr. BORAH]; the junior Senator from Rhode Island [Mr. METCALF]; the junior Senator from New Mexico [Mr. BRATTON]; the junior Senator from Mississippi [Mr. STEPHENS]; and the junior Senator from South Dakota [Mr. MCMASTER].

RICHARD RIGGLES

The bill (S. 452) for the relief of Richard Riggles, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$3,000" and insert in lieu thereof "$500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Richard Riggles, in full payment for injuries sustained by him on the 6th day of February, 1885, while in the discharge of his duties at the navy yard, Washington, resulting in the loss of his right leg.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES DELEGATES TO INTERNATIONAL SANITARY CONFERENCE

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, was considered as in Committee of the Whole.

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

ALBERT REID

The resolution (S. Res. 224) to pay Albert Reid the sum of $200 for expert services rendered to the Committee on Finance was read and agreed to, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Albert Reid the sum of $200 for expert services rendered by him to the Committee on Finance during the Sixty-ninth Congress, first session, in compiling, editing, and indexing hearings, reports, and bills relating to the revenue act of 1926.

BILLS PASSED OVER

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, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1042) to amend the Penal Code was announced as next in order.

Mr. KING. One minute.

Mr. ROBINSON of Arkansas. Some Senator who is familiar with this bill should explain it.

Mr. MCNARY. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1043) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

Mr. ERNST. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 112) authorizing the expenditure of certain funds paid to the United States by the Persian Government was announced as next in order.

Mr. KING. Let the bill be read.

Mr. BORAH. I ask that that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

WABASH RIVER BRIDGE, ILLINOIS

The bill (H. R. 10605) to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill., 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.

LITTLE CALUMET RIVER BRIDGE, ILLINOIS

The bill (H. R. 10929) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River, in Thornton Township, Cook County, Ill., 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.

ISSUANCE OF PASSPORTS

The bill (H. R. 12495) to regulate the issue and validity of passports, and for other purposes, 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.

REGULATION OF SEAMEN ON AMERICAN VESSELS

The bill (S. 1079) to provide seamen on American vessels with a continuous-discharge book, to provide for improved efficiency and discipline, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I want to inquire about an amendment to that bill.

Mr. BRUCE. I call for the regular order.

Mr. LA FOLLETTE. There was one amendment about which there was some question, and rather than have it agreed to, I would like to have the bill go over.

The VICE PRESIDENT. There is a committee amendment on page 3, line 6.

Mr. LA FOLLETTE. If that committee amendment is to be agreed to, I prefer to have the bill go over until the next session.

The VICE PRESIDENT. The bill will be passed over.

RESOLUTION PASSED OVER

The resolution (S. Res. 207) authorizing an investigation of the existing strike of engineers and firemen on the Western Maryland Railroad was announced as next in order.

Mr. ASHURST. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

EXPENDITURES IN SENATORIAL ELECTIONS

The resolution (S. Res. 268) disqualifying Senators elect from holding a seat in the Senate who have expended more than $10,000, or more than the amount (in no event exceeding $25,000) obtained by multiplying 3 cents by the total number of votes cast for all the candidates for the office of United States Senator at the last general election in the State of the residence of such Senator elect was announced as next in order.

SEVERAL SENATORS. Over!

The VICE PRESIDENT. The resolution will be passed over. That is the last order of business, and the consideration of the calendar is concluded.

ALL-GRAVITY AMERICAN COLORADO RIVER CONSTRUCTIVE PLAN

Mr. CAMERON. Mr. President, I ask unanimous consent to have inserted in the RECORD a statement filed before the House Committee on Irrigation and Reclamation by George H. Maxwell relative to the all-gravity American Colorado River constructive plan for the harmonious adjustment of all interests in the United States of America.

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

The matter referred to is here printed, as follows:

[Statement filed before the House Committee on Irrigation and Reclamation by George H. Maxwell, as executive director of the National Reclamation Association, and of the Arizona Highline Reclamation Association, and also as a citizen of Arizona in behalf of Arizona as a sovereign State, following his oral statement before the House Committee on Irrigation and Reclamation on March 10, 1926, and under leave then granted]

THE ALL-GRAVITY AMERICAN COLORADO RIVER CONSTRUCTIVE PLAN FOR THE HARMONIOUS ADJUSTMENT OF ALL INTERESTS IN THE UNITED STATES OF AMERICA

In the matter of the protest against the military menace, the competitive agricultural and industrial conflict, and the economic and racial international controversy that would result from the use of the waters of the Colorado River in Mexico instead of in the United States of America

Statement submitted at the hearings before the Committee on Irrigation and Reclamation of the House of Representatives of the Congress of the United States on the bill H. R. 9826, Sixty-ninth Congress, first session, introduced by Mr. SWING on February 27, 1926, providing for the construction of the Black Canyon Dam and Boulder Canyon Storage Reservoir, and providing that "the short title of this act shall be 'Boulder Canyon Project Act'"

The following is a brief outline of the all-gravity American Colorado River constructive plan for the harmonious adjustment of all American interests that will—

1. Provide for the development of the Colorado River within and for the benefit of the United States of America instead of for the benefit of American land speculators in Mexico, who are scheming to establish a vast competitive Asiatic agricultural colony and Asiatic manufacturing and seaport city in America at the head of the Gulf of California.

2. Reclaim 3,280,000 acres in Arizona and 2,000,000 acres in California and thereby insure the utilization for irrigation of the regulated flow of the now wasted flood waters of the Colorado River within our own country instead of in Mexico.

3. Guarantee every protection, benefit, and advantage for every community and section of the United States of America that has been urged as a reason for building the Black Canyon or Boulder Canyon Dam, without any of the national dangers that would result from the construction of the Black Canyon-Boulder Canyon project.

A STATEMENT OF THE FACTS

A brief statement of the facts is essential to an understanding of the all-gravity American Colorado River constructive plan hereinafter set forth.

The plan contemplates the harmonious adjustment of all conflicting interests, plans, and projects which are for the benefit of the United States of America.

The plan will benefit our own country and our own people. It will benefit the whole United States of America instead of putting a huge personal profit into the pockets of the speculators who are promoting the subtle scheme to secure 8,000,000 acre-feet annually of the waters of the Colorado River for the reclamation of 2,000,000 acres in Mexico on which to establish an Asiatic annex in America.

This all-gravity American constructive plan for the harmonious adjustment of all American conflicting interests should be acceptable to all interests in the United States of America, because it gives to each of them all they require from the control of the Colorado River.

It gives to all who have heretofore advocated the "Boulder Canyon project" everything they contend for as an advantage, benefit, or protection which it has been urged would flow from the construction of the Black Canyon Dam to utilize for storage the Boulder Canyon Reservoir site.

And it does all that without surrendering the water to Mexico for the reclamation of desert lands in that country, to create Asiatic competition in America for every American factory and farm.

This all-gravity American constructive plan for the harmonious adjustment of all conflicting interests in the United States of America will—

1. Fortify the Imperial Valley against the devastating forces of nature as well as against those of a war in the air. It will give to the Imperial Valley complete protection from the floods of the Colorado and Gila Rivers. It will lift the flood menace from every acre of the valleys of the Colorado River below the Glen Canyon dam. It will guarantee absolute immunity from flood devastation for every home and community in that region, and it will—

2. Build the all-American canal to safeguard the people of the Imperial Valley in California from all future dangers arising from the use of a canal though Mexican territory. It will provide for the building and upkeep of the all-American canal not only for that purpose but also as a national military measure to prevent international friction resulting from the use of the waters of the Colorado River in Mexico, either by diversion from the surface flow or by pumping from underground seepage, and it will—

3. Provide for a development of hydroelectric power that will meet all the immediate needs of southern California, Arizona, and Nevada, and, in addition, provide for all the future requirements of those States and the States of the upper basin for power from the Colorado River, generated at or below the Glen Canyon Dam, and it will—

4. Store and control, in the Glen Canyon Reservoir, all the now wasted flood waters of the Colorado River coming from above Glen Canyon; and thereby regulate the annual flow of the river and standardize it not only for flood control, but also for irrigation and for the development of more than 4,000,000 hydroelectric primary horsepower at and below Glen Canyon, and it will—

5. Insure the building of the Arizona-California high-line canal by providing for a diversion from the river at the Bridge Canyon Dam at an elevation of 2,000 feet above sea level, high enough to reclaim and irrigate 3,000,000 acres of desert in Arizona under the Arizona high-line canal, in addition to the 280,000 acres of low river-level lands irrigable in Arizona under the Black Canyon-Boulder Canyon project, thus reclaiming in Arizona a total of 3,280,000 acres, and it will—

6. Reclaim 1,000,000 acres in the Colorado River Basin of California, and also furnish by gravity the water necessary to supplement local supplies for the irrigation of another 1,000,000 acres in the coast basin of southern California now inadequately irrigated. It will do this in addition to supplying all present and future requirements of every city and town in the coast basin of southern California for water for domestic and municipal purposes.

NATIONAL WEALTH TO BE CREATED BY THE ALL-GRAVITY AMERICAN COLORADO RIVER CONSTRUCTIVE PLAN IN THE UNITED STATES OF AMERICA

Let the people of our own country once understand the value of the waters of the Colorado River as a national asset of the United States of America, and that moment the Black Canyon-Boulder Canyon project, with its subtly concealed purpose to surrender 8,000,000 acre-feet of water annually to Mexico perpetually, will be dead beyond hope of resurrection.

No matter what new bill may be introduced—no matter what new schemes may be proposed—no matter what bait or bribe may be offered to Arizona in the form of a royalty on power developed in Arizona for use elsewhere—the acid test that will be applied to that new bill or new scheme, from the point of view of the Nation and by the Congress of the United States, will be: Will it give that 8,000,000 acre-feet annually to Mexico to reclaim and irrigate 2,000,000 acres in the Imperial Valley of Mexico and on the great citrus mesa in Sonora, Mexico?

If it does, then no matter how carefully the wolf may have been concealed in sheep's clothing, the people of the Nation will repudiate the scheme and Congress will reject any proposed bill that will bring the scheme to fruition.

The people of the United States of America, and the Congress of the United States, must know the facts demonstrating the value of this great national asset of the Nation which now lies latent in the flood waters of the Colorado River.

The first fact necessary to be known is the available annual water supply that will be provided for the lower basin after the floods of the Colorado River have been completely reservoired in the United States of America, and the flow of the river thereby regulated and standardized, so that it will flow substantially the same volume of water evenly through the year in all years.

1. The available water supply for use in the lower basin: The most satisfactory table establishing the water supply that will be made available for the lower basin of the Colorado River by the building of the Glen Canyon storage reservoir and Bridge Canyon diversion dam is to be found on page 37 of the Fall-Davis report, Senate Document No. 142, Sixty-seventh Congress, second session.

That table establishes the discharge of the Colorado River at Yuma, averaged from 1902 to 1920, at a total annual regulated flow of 17,550,000 acre-feet. This includes the 150,000 acre-feet diverted above Yuma at the Laguna Dam for the Yuma project. It also includes the now wasted average discharge of the Gila River, estimated at 1,080,000 acre-feet.

That estimate of 17,550,000 acre-feet is a dependable estimate. It may be taken as an established fact in dealing with the problem of the use that is to be made of that water.

One "acre-foot" is water enough to cover an acre 1 foot deep.

Attention is called to the fact, on page 37 of that Fall-Davis report, that the lands on which the waters would be used which were stored at Boulder Canyon are so situated that there would be little return seepage from those lands.

The lands referred to are the 280,000 acres in Arizona and 940,000 acres in California which are elsewhere in that report shown to be irrigable from the Black Canyon-Boulder Canyon project.

Right there is one of the most important advantages of the Glen Canyon-Bridge Canyon-Arizona high-line project hereinafter advocated over the Black Canyon-Boulder Canyon project.

The Glen Canyon-Bridge Canyon-Arizona high-line project provides for the irrigation of high mesa lands sloping always to the river.

1. All the lands irrigated from the Arizona Highline Canal, from the intake of the canal at the Bridge Canyon Dam to Lone Mountain Pass, would drain into the Colorado River between Bridge Canyon and the Laguna Dam.

2. From Lone Mountain Pass to the end of the Arizona Highline Canal, where it would empty into the Waterman Wash, after encircling the Salt River Valley and Casa Grande Valley, the return seepage would be into the Gila River above the Gillespie Dam.

3. That return seepage would be redistributed through canals heading at the Gillespie Dam for use on lands adjacent to and draining into the Gila River between the Gillespie Dam and the mouth of the river.

4. The return seepage coming into the river below the Gillespie Dam and flowing down the Gila River to its mouth, with a low pump lift, could be used to supply lands under the Yuma project for which water is to be pumped, or for the Imperial Valley, or it could be used by gravity to irrigate the 200,000 acres in Mexico heretofore irrigated.

The return seepage from the original diversion at Bridge Canyon would increase the total volume of water available for use in Arizona and in the Imperial Valley of California not less than 4,000,000 acre-feet.

The total water supply for the entire system would thus be increased 4,000,000 acre-feet as time passed and the underground reservoirs became filled and the water table raised.

The proportion of return seepage would steadily increase until it exceeded 4,000,000 acre-feet annually.

Another increase of 1,000,000 or more acre-feet in the total available water supply would result from diverting the water from the river at Bridge Canyon and distributing it in a cemented canal system instead of having it run down the long, shallow, tortuous channel from Bridge Canyon to Yuma.

The flow of the river is increased over 1,000,000 acre-feet between Glen Canyon and Boulder Canyon, but it now loses that increase by evaporation between Boulder Canyon and Yuma. That saving would add another million acre-feet to the total supply available for the lower basin.

The total supply available for the lower basin would thus be:

	Acre-feet
1. Discharge at Yuma, including 150,000 acre-feet diverted above for Yuma project, and also including the 1,080,000 acre-feet coming from the Gila River	17,550,000
2. Return seepage from waters originally diverted into the Arizona high-line canal at Bridge Canyon Dam	4,000,000
3. Saving of evaporation losses between Bridge Canyon and Yuma	1,000,000
Total annually	22,550,000

The question of subsequent depletion of this total available quantity for irrigation in the lower basin is an intricate and complicated question, and has never been sufficiently studied to make it possible to reach an entirely satisfactory conclusion.

This thorough study is one of the things most necessary to be done before any plan is irrevocably adopted for the development of the Colorado River.

There are those who have studied the question for many years, and are qualified to form an expert opinion on the subject, who are satisfied that future irrigation in the upper basin will never appreciably deplete the flow of the river at the north line of Arizona or at the Glen Canyon Dam.

There are those who have made the most careful estimates and studies based on thorough investigation of the known facts who believe that the upper basin never could use more than half of the 7,500,000 acre-feet reserved for the upper basin in the Colorado River compact and that the only effect of that reservation would be to increase the quantity that would go to Mexico if the compact were ratified.

The Fall-Davis report, Senate Document No. 142, above referred to, gives the following estimate of future depletion from use in the upper basin and from reservoir evaporation, on page 37:

	Acre-feet
Future depletion from development in upper basin	4,230,000
Future depletion from evaporation from reservoirs in canyon section	2,070,000
Total future depletion	6,300,000
As heretofore shown, the total available supply, including return seepage, for the lower basin, amounts to	22,550,000
Deduct from this the total estimated depletion	6,300,000
And it leaves the total annually available for use	16,250,000

2. The areas that can be irrigated in the lower basin: The 16,250,000 acre-feet that ultimately will be available for use in the lower basin includes 4,000,000 acre-feet from return seepage into the natural channels which can again be diverted and used for irrigation in Arizona and California.

It takes several years for this return seepage to develop. Until that happens the quantity available is limited to the original flow of the stream, but the return seepage is a steadily enlarging reflow into the river, increasing each year for a long period of time.

If the 4,000,000 acre-feet of return seepage be deducted from the 16,250,000 acre-feet estimated to be the ultimate quantity available, it

leaves 12,250,000 acre-feet available from the moment the construction of the irrigation works is completed.

But that is not all the water that will be available.

The 4,320,000 acre-feet estimated in the Fall-Davis report as the eventual depletion in the upper basin will continue to come to the lower basin for many years to come. It will flow down the river to the Glen Canyon Reservoir until in the course of time it has been actually consumptively used in the upper basin.

The process of depletion will be slow, extending over many years, before the water will all be used in the upper basin. The period that will elapse before that consumptive use has been fully accomplished has been variously estimated at from 25 to 150 years.

In the meantme, until the water has been so used in the upper basin, it will continue to flow down to the lower basin, and the total quantity available in the lower basin to start with when the irrigation works are first built and irrigation begun will be as follows:

	Acre-feet
Available quantity without return seepage	12,250,000
Amount reserved for upper basin depletion	4,230,000
Total quantity annually available for lower basin	16,480,000

If the depletion were not offset by return seepage, that annual supply might slowly decrease from year to year as the depletion resulting from irrigation of larger areas in the upper basin increased from year to year.

But this fact must never be overlooked: Any depletion in the lower basin of the supply available for that basin resulting from a larger use in the upper basin would be more than offset each year by the steadily increasing reflow due to return seepage from lands irrigated under the Arizona Highline Canal.

Consequently the total quantity available for the lower basin would never be less than the quantity available when the water was first turned out of the river into the canals.

The importance of that fact can not be realized unless thought is given to it, so that the mind will fully grasp the fundamental fact that before the depletion by a larger use in the upper basin has been felt in the lower basin, it will be more than compensated for by the increased return seepage in the lower basin.

The return seepage will always more than counterbalance the depletion, and there will always continue to be 16,250,000 acre-feet or more available for use in the lower basin, provided the Arizona Highline Canal is built.

This remarkable creation by the Arizona Highline Canal of reflow or return seepage, which will make it possible to increase the total supply available until the return seepage exceeds 4,000,000 acre-feet, and at all times exceeds the greatest possible depletion resulting from the enlarged use in the upper basin, never has been taken into consideration heretofore as one of the values created by the Arizona Highline Canal.

Four million acre-feet of return seepage is water enough to irrigate more than 1,000,000 acres of land in Arizona and southern California, and is worth for that purpose more than $300,000,000.

Three hundred million dollars is more than enough to build the Arizona Highline Canal. The George W. Sturtevant estimate of its cost from Bridge Canyon to the end of the canal at Waterman Wash is $212,000,000.

He estimates the cost of the Glen Canyon and Bridge Canyon Dams at $90,000,000.

If the Black Canyon Dam were built, and the Arizona Highline Canal were thereby made impossible, the loss of this return seepage from the Arizona Highline Canal would be a loss large enough to cover the cost of building both the Glen Canyon and Bridge Canyon Dams, in place of the Black Canyon Dam, with a surplus left over that would build the Arizona Highline Canal.

With such facts as these staring anyone in the face who will take the trouble to ascertain them, can it be possible that the public can be permanently deceived or deluded by any smoke screen that can be thrown out to get the Black Canyon Dam built and a profit of close to a billion dollars put into the pockets of American speculators in Mexican lands and the Japanese capitalists who would become their successors in interest?

Therefore, from the completion of the Bridge Canyon Dam and the Arizona-California Highline Canals, the full quantity of the permanent supply of 16,250,000 acre-feet for the lower basin will be available.

That 16,250,000 acre-feet will adequately irrigate the following lands:

	Acre-feet
In Arizona—	
280,000 acres, comprising 130,000 acres in the Yuma project, 110,000 in the Parker Indian Reservation project, and 40,000 acres of other river-level lands, requiring for its irrigation	740,000
3,000,000 acres irrigable from the Arizona Highline Canal system, requiring for its irrigation	8,000,000
In California—	
1,000,000 acres in the Colorado River basin, in the Imperial, Palo Verde, and Coachella Valleys	4,000,000
1,000,000 acres in the coast basin of southern California, and including all irrigable lands not now irrigated between Ventura and San Diego	1,750,000
The Mulholland project for pumping water 1,400 feet over Shavers Summit for a domestic water supply for Los Angeles, if built, will require	1,000,000
Total in the United States of America	15,490,000
In Mexico—	
The above apportionment and use of the available water supply will leave a surplus of 760,000 acre-feet for use in Mexico, which is enough to irrigate 200,000 acres. That is all they can claim a right to irrigate in Mexico. This 760,000 acre-feet would flow down to the international border in the channel of the Colorado River	760,000
Total uses of available supply for the lower basin	16,250,000

3. *Land values created in the United States of America*

The Black Canyon-Boulder Canyon project, as shown by the Fall-Davis report, will irrigate 1,220,000 acres in the United States of America, of which 280,000 acres are in Arizona and 940,000 acres in California, all worth, when irrigated, within 20 years	$610,000,000
The Glen Canyon-Bridge Canyon project, in addition to this 1,220,000 acres, will irrigate the following lands, which will remain unirrigated forever if the Black Canyon Dam is built:	
3,000,000 acres under the Arizona Highline Canal, in Arizona, worth, when irrigated, within 20 years	$1,500,000,000
1,000,000 acres in the coast basin of southern California, between San Diego and Ventura, worth, when irirgated, within 20 years	1,000,000,000
Total additional land values created by the Glen Canyon-Bridge Canyon project	$2,500,000,000

These additional land values in the United States of America will never come into existence if the Black Canyon Dam is built, because the water necessary for the irrigation of the land will be surrendered to Mexico irrevocably if that dam is built.

Can the United States of America afford to make such a stupendous national sacrifice as that merely to enable a group of American speculators in Mexican lands and their Japanese successors in interest to realize a profit of approximately a billion dollars from their speculation of selling to Asiatics lands irrigated with the water of the Colorado River, when that water, if used in the United States of America, would create land values of $2,500,000,000 within 20 years?

There will be no return seepage if the water goes to Mexico.

The losses from evaporation between Bridge Canyon and Yuma, which will be saved if the waters are diverted at Bridge Canyon, will continue forever if the waters are first used in Mexico.

The losses from those two causes will aggregate 5,000,000 acre-feet annually, and continue forever, if the right is established to use the waters in Mexico, as must happen if the Black Canyon Dam is built.

The Glen Canyon-Bridge Canyon project will provide enough water to irrigate the 200,000 acres heretofore irrigated in Mexico, which is all they can by any possibility claim a right to under the comity of nations.

The Black Canyon-Boulder Canyon project will provide not less than 8,000,000 acre-feet of water for Mexico, which will increase the irrigated area in that country ten times and bring 2,000,000 acres under irrigation, to be sold to Asiatics to compete with American agriculture.

American agriculture has troubles enough now without subjecting it to the competition of 2,000,000 acres in Mexico intensively cultivated with Asiatic coolie labor and irrigated from the Colorado River.

The contrast between the plan for the highest utilization of the regulated flow of the waters of the Colorado River, which constitutes the all-gravity American Colorado River constructive plan, and is based on the construction of the Glen Canyon Dam for storage and the Bridge Canyon Dam for diversion, on the one hand, and on the other hand, the Mexican-Asiatic low-line river level plan based on the Black Canyon Dam utilizing the Boulder Canyon Reservoir site, ought to be enough to satisfy any fair and unprejudiced American citizen that the Black Canyon Dam should be abandoned, and the Glen Canyon Dam built as a substitute for it.

4. The Black Canyon Dam gives 8,000,000 acre-feet to Mexico: The reason the Black Canyon Dam gives 8,000,000 acre-feet annually to Mexico is that the dam is located so far down the river that after the water has dropped over the dam to develop power it has fallen to so low an elevation above sea level that it can never be afterwards diverted from the river high enough for the lands that are to be irrigated in Arizona, or high enough to be taken by gravity to the coast basin of southern California.

The level of the bed of the river at the base of the proposed Boulder Canyon Dam is 706 feet above sea level. Black Canyon is

farther down the river and still lower. The elevation of the base of the Black Canyon Dam is only 645 feet above sea level.

The water must be diverted from the river at an elevation of 2,000 feet if it is to be used for irrigation in Arizona or taken by gravity to the coast basin of southern California.

Any scheme for pumping for reclamation is uneconomic and impracticable, and many years before it could be put through the waters would have been used in Mexico so long that the claim to them would have ripened under the comity of nations.

As a natural and inevitable consequence, once the waters have fallen to the base of the Black Canyon Dam, they must go to Mexico by the law of gravity, and there they will continue to go forever.

The quantity going to Mexico is easily established.

On page 5 of the Fall-Davis report, Senate Document No. 142, is a table showing the average discharge of the Colorado River at the Laguna Dam, not including the Gila River.

It is fixed at 16,400,000 acre-feet.

From this must be deducted all that can be used for irrigation in the States of Arizona and California, if the Black Canyon Dam is built.

This irrigable area in Arizona and California is fixed by the Fall-Davis report at 1,220,000 acres.

	Acre-feet
The water required for its irrigation is	5,000,000
Add the quantity required for the Mulholland-Los Angeles aqueduct scheme	1,000,000
And the total quantity that can be diverted from the river below the Black Canyon Dam, so that it will not go to Mexico, is	6,000,000
From the amount going to Mexico a further deduction must be made of the quantity estimated on page 37 of the Fall-Davis report as the reservoir evaporation	2,070,000
This makes a total deduction of	8,070,000

Deduct this 8,070,000 acre-feet from the total discharge at the Laguna Dam of 16,400,000 acre-feet, and it leaves to go to Mexico 8,330,000 acre-feet.

That is more than enough to irrigate the 2,000,000 acres for the Asiatic principality in America.

The foregoing facts are absolutely and unqualifiedly true.

They are "the truth, the whole truth, and nothing but the truth."

They are as conclusively demonstrated by undeniable facts as that the Washington Monument stands in Washington or that the United States of America exists as a Nation.

It would be a national crime to despoil Arizona, a sovereign State of this Union, and rob her of a natural resource of such stupendous magnitude as the waters to reclaim from the desert 3,000,000 acres of irrigable land, leaving it an irreclaimable desert forever, and give that water to a group of conscienceless if not criminally treasonable conspirators against the peace and welfare of their own country.

If the water goes to Mexico, it will be used to drive an Asiatic wedge into the heart of America at the head of the Gulf of California and establish an Asiatic world seaport at the back door of Los Angeles and Arizona.

That proposed national iniquity raises an "irrepressible conflict," as to which there can be no compromise, no concession, no adjustment.

It is a shock to the moral sense and patriotic instincts of the American people.

Eliminate that contemplated national crime from the problem, and every difference between citizens or sections of the United States of America, or projects proposed for the benefit of the people of our own country, can be amicably adjusted.

Arizona insists that the Colorado River shall not be stolen from her for the benefit of American speculators in Mexican lands.

The objections of southern California will be just as vigorous and just as implacable whenever the people of the coast basin discover that water enough to furnish an abundant water supply for Los Angeles and every other city and town in the coast basin from Ventura to San Diego, and every acre of inadequately irrigated land in that territory, aggregating at least a million acres, can be taken by gravity from Bridge Canyon to Los Angeles and to that entire region between the mountains and the ocean.

Let it be once definitely determined that waters shall not be surrendered to American speculators in Mexico to which they have no right, morally or legally, under international law or under the comity of nations, and no controversy remains that can not be amicably adjusted between the interests in the United States of America.

The total area irrigated in Mexico from the Colorado River was fixed by the Fall-Davis report in 1922 at something less than 200,000 acres, requiring for its irrigation not more than 760,000 acre-feet annually.

If it were assumed that Mexico should be conceded a right under the comity of nations to the water necessary for the continued irrigation of that 200,000 acres, the claim could not be for more than 760,000 acre-feet annually.

Seven hundred and sixty thousand acre-feet annually is the maximum limit of Mexico's moral claim under the comity of nations.

Whether that claim should be allowed for the benefit of the American speculators who would profit by it depends on facts which cast a doubt upon it.

The American Government, before conceding the claim, should demand to know the whole truth as to the methods that have been adopted to frustrate every effort to bring about the utilization of the waters of the Colorado River in the United States of America instead of in Mexico.

"He who comes into equity must come with clean hands" is a motto of courts of equity that would apply with full force to that speculative conspiracy against the United States of America.

There can be no doubt that there is in Mexico more than 2,000,000 acres of irrigable land which could be irrigated from the waters of the Colorado River if the Black Canyon dam were built.

A large map which has hung in the office of the Committee on Irrigation and Reclamation of the House of Representatives for many months specifies the lands irrigable in Mexico, as follows:

"AREAS IN MEXICO

"(A) Under present canal system: Land & Water Co., of Lower California, 72,000 acres; small tracts near Mexicali, 10,000; International Co., 12,000; Imperial Development Co., 15,000; Easton tract, 15,000; Government lands, 8,000; Colorado River Land Co., 208,000; total under present canals, 340,000 acres.

"(B) Additional lands: Mesa lands under all-American canal, 43,000 acres; delta lands, chiefly Colorado River Land Co., 510,000; Sonora lands, 550,000; Pattie Basin, 400,000; total, 1,503,000.

"Making a total irrigable area in Mexico of 1,843,000 acres."

And this estimate does not include more than 200,000 acres of the finest citrus-fruit land in the world, in an absolutely frostless region, on the great citrus mesa in the Mexican State of Sonora, lying farther east than the 550,000 acres of "Sonora lands" referred to above. Those Sonora lands would ultimately be irrigated for citrus-fruit culture by pumping, as the Yuma mesa is now being irrigated.

The total area eventually irrigable in Mexico exceeds 2,000,000 acres.

If the water to irrigate that 2,000,000 acres goes to Mexico, it deprives the United States of America of water which if used first in the coast basin of southern California and on the high mesa lands of Arizona lying under the Arizona high-line canal will make 1,000,000 acres of land in southern California worth $1,000,000,000 more than it is worth to-day and will make 3,000,000 acres in Arizona worth $1,000,000,000 more than it is worth to-day.

It will transform that 3,000,000 acres in Arizona into a fertile and populous region large enough to be the equivalent of 10 units each the equal in wealth and population of the Salt River Valley unit under the Roosevelt Dam.

Arizona's revenue from State, county, and municipal taxation on that vast wealth-producing territory would exceed $25,000,000 per annum.

That is what Arizona loses if the Black Canyon-Boulder Canyon project is built.

Is it conceivable that the Congress of the United States, representing the whole American people, will wreck that vast national resource in order to present a fortune of $1,000,000,000 or more to a group of American land speculators in Mexico and their Japanese successors in interest?

It is unbelievable!

And it is still more unbelievable when the fact is known that by building the Glen Canyon-Bridge Canyon project this huge national sacrifice becomes unnecessary.

Arizona can not, under any circumstances, consent to the Black Canyon-Boulder Canyon project without consenting to her own ultimate ruin.

The question to be first determined is whether some other plan can be evolved which will not ruin Arizona and will at the same time afford to all other interests and sections in the United States of America all the advantages they seek from the development of the Colorado River.

If everything those interests or sections require can be given to them without injuring or destroying the future development of Arizona, the plan that will do that will be adopted, whenever the facts are made known to the people of the entire Nation.

The Black Canyon-Boulder Canyon project should be known as the Asiatic-Mexican low-line river-level Colorado River project, because if built it will surrender 8,000,000 acre-feet a year of water to Mexico and create an Asiatic annex in America.

The Glen Canyon-Bridge Canyon project should be known as the all-gravity American Colorado River project, because it will utilize that same water in Arizona and California, where it will irrigate over 3,000,000 acres in Arizona that must remain a desert forever if the water goes to Mexico, and 1,000,000 acres in the coast basin of southern California having no other source for an adequate water supply.

ENGINEERING WORKS NECESSARY TO BE BUILT FOR THE ALL-GRAVITY AMERICAN COLORADO RIVER CONSTRUCTIVE PLAN

1. The all-American canal: Whatever plan may be adopted for the financing of the proposed "Boulder Canyon project," including the Black Canyon Dam, will fit just as well the Glen Canyon-Bridge Canyon project, so in that respect there is no difference between the two.

The all-American canal for the Imperial Valley is an integral part of both plans, and it matters not to the people of the Imperial Valley which plan may be adopted, so far as the all-American canal is concerned.

It is urged under both plans that the all-American canal should be built and its cost eventually financed and paid for from the power resource, so that no burden shall rest on the local landowners, either now or hereafter, as the result of its construction.

The Glen Canyon-Bridge Canyon project as embodied in the American Colorado River constructive plan, goes further, however, and contemplates that the all-American canal shall be cemented for the entire distance that it parallels the international boundary line, and covered wherever necessary to protect it from shifting sands.

This additional cost should be regarded as a measure for military safety for the Nation and should be financed from the power resource, the same as the cost of construction for the all-American canal as included in the Black Canyon-Boulder Canyon project.

2. Flood protection for Imperial Valley and other communities: The Glen Canyon Dam will provide flood protection for the Imperial Valley, the Palo Verde Valley, the Yuma Valley, and all communities and lands in the entire flood-menaced region of the Colorado River country from Glen Canyon to the international boundary line.

All the waters coming into the river below the Glen Canyon Reservoir from every source could never create a flood below that reservoir that could by any possibility endanger the Imperial Valley.

The Glen Canyon Dam and storage reservoir would furnish complete flood protection from the Colorado River.

The Sentinel Dam on the Gila River should be built as an additional safeguard, solely as a flood-control dam, like the Miami River flood-control dams.

The cost of the Sentinel Dam would not exceed from three to five million dollars, and should be added to the project and its construction cost financed the same as other construction units.

The necessity for flood protection for the Imperial Valley has been the point most vociferously urged by those whose interest in the Black Canyon-Boulder Canyon project is chiefly because it will send the waters to Mexico.

That protection is completely given, without sending the waters to Mexico, by the Glen Canyon Dam and storage reservoir.

3. Regulation of the flow of the Colorado River.

(a) The people of the Imperial Valley want the flow of the river regulated so as to increase the low-water flow for irrigation.

(b) The people of Los Angeles want the low-water flow increased to supply their infiltration canal from which Mulholland proposes to pump the water 1,400 feet over Shaver's summit to Los Angeles for a municipal supply.

(c) The people of Los Angeles want the flow of the river regulated and standardized throughout the year so it may be used for hydroelectric power development.

For all three of these purposes the flow of the river will be regulated just as well, and, in fact, far better, by building the Glen Canyon Dam as by building the Black Canyon Dam.

For increased irrigation supplies in the low-water season, for a municipal supply for Los Angeles, and for power development, the Glen Canyon Dam will serve just as well, and it has many advantages even for those three purposes over the Black Canyon Dam.

The Black Canyon Dam is referred to by its proponents as creating a storage reservoir with a capacity of 26,000,000 acre-feet.

This is a delusion.

The Black Canyon Dam will hold behind the dam 26,000,000 acre-feet but 10,500,000 acre-feet of that reservoir capacity is "dead storage." Once filled, it will never again be emptied. If that space were filled with silt, it would serve every useful purpose just as well. The available storage is only 15,500,000 acre-feet.

The Glen Canyon Dam can be built to a height that will create available storage of 26,000,000 acre-feet for less money than the Black Canyon Dam can be built to provide only 15,500,000 acre-feet of available storage.

And even though the Glen Canyon Dam were only built to a height sufficient to hold 8,000,000 acre-feet, as suggested in the La Rue report, Water Supply Paper 556, it would provide all three of the requirements above specified: (a) Increased water for irrigation in the low-water season; (b) the increased flow necessary to provide the 1,000,000 acre-feet annually to be diverted into the Mulholland-Los Angeles-Colorado River aqueduct system; (c) hydroelectric power development for Los Angeles.

4. Hydroelectric power for Los Angeles: The most insistent influence behind the Black Canyon-Boulder Canyon project has been the municipal power bureau of the city of Los Angeles. They have spent huge sums conducting a local campaign in behalf of it, subsidized the Boulder Dam Association, and spent a large amount in newspaper advertisements of the project in the Los Angeles newspapers.

The Boulder Canyon Dam originally advocated, has been abandoned because of the great depth to bedrock making it impracticable to build a dam at Boulder Canyon.

The Black Canyon Dam is now advocated as a substitute for the Boulder Canyon Dam.

The objections to the Black Canyon Dam hereinbefore set forth furnish a much weightier reason for abandoning the Black Canyon Dam and the whole "Boulder Canyon project" and substituting for it the Glen Canyon storage dam and the Bridge Canyon diversion dam.

There is nothing that the Black Canyon Dam can provide for Los Angeles in the way of power development that can not be provided better by the Glen Canyon-Bridge Canyon project.

The Black Canyon Dam sends 8,000,000 acre-feet of water to Mexico and the Glen Canyon-Bridge Canyon project does not send that water to Mexico.

Los Angeles has filed on the Parker site for a power dam which their application states will develop 100,000 horsepower.

The Glen Canyon Dam will regulate the flow of the river so as to make the immediate utilization of this Parker power plant by the city of Los Angeles practicable.

This site will supply Los Angeles with all immediate needs for power. If Los Angeles wishes to build the Parker Dam and power plant, well and good. It is entirely within the resources of the city.

If Los Angeles wishes to have this Parker Dam and power plant made one unit of the Glen Canyon-Bridge Canyon project, well and good. In either way it provides Los Angeles with power for immediate use while the larger units of the system are being built.

No California interest need have any anxiety about whether or not the Arizona-California transmission canal from Bridge Canyon to the Needles is or is not practicable, or whether the waters of the Colorado River can be taken from Bridge Canyon to southern California by gravity.

If California does not want the 1,750,000 acre-feet of water required for the irrigation of 1,000,000 acres of the coast basin, and does not want the Los Angeles municipal supply to be taken to Los Angeles by gravity instead of pumping it 1,400 feet forever, it is not necessary to force it upon her.

All the water California does not use can and will be used in Arizona, and that will prevent it from going to Mexico.

The Bridge Canyon Dam being built, the drop is so much greater at Bridge Canyon than at Black Canyon that half the regulated flow of the river at Bridge Canyon will develop more power than all the flow at Black Canyon.

If California should take only the 4,000,000 acre-feet required for the irrigation of the lands in that State in the Colorado River Basin, and the additional 1,000,000 acre-feet required for the Mulholland aqueduct pumping scheme, making 5,000,000 acre-feet in all, that water, supplemented by the Arizona water to be used on low river-level lands, falling over the Bridge Canyon Dam and producing power there, and again falling over the Parker Dam and developing more power there, would generate as much power as would be developed at Black Canyon.

California would have to go about 50 miles farther than to Black Canyon for the power at Bridge Canyon, but the power at Parker would be nearer to Los Angeles than at Black Canyon.

And California would get just as much power without additional cost.

5. Taking the whole project into consideration: (1) The cost of the all-American canal for the Imperial Valley would be the same under either project. If the cost were increased to cover cementing the canal and covering it where necessary, that additional cost would be advanced by the National Government and repaid out of the revenues from the power resource.

(2) The Glen Canyon Dam for flood prevention and protection and for river regulation would cost no more than the Black Canyon Dam and would develop at the Glen Canyon Dam 334,000 horsepower, enough to finance the cost of the dam. That power would be immediately needed and used in Arizona, Utah, Colorado, and New Mexico.

(3) The cost of the Parker Dam and also of the Sentinel Flood Control Dam could be added to that of the Glen Canyon Dam, and the cost would still be less than the Black Canyon Dam if built to provide the same storage capacity.

When the situation is thus analyzed it becomes manifest that if the Mexican scheme is eliminated every other interest in the United States of America can be provided with every benefit sought from the Colorado River, without any additional cost, under the Glen Canyon-Bridge Canyon project.

6. The financing of the Bridge Canyon Dam: No matter which of the alternative systems may be adopted for the use of water from the Colorado River in California, that State can be supplied with as much power from the Bridge Canyon system as from the Black Canyon system and at no greater cost.

The power developed by the building of the Bridge Canyon Dam will entirely finance the cost of the dam, and the power developed from the Arizona high-line canal will finance the construction of that canal, just as it financed the Roosevelt Dam and the Salt River reclamation project and is now expected to finance the all-American canal.

The entire development of primary power at the Black Canyon Dam will be only 550,000 horsepower. The dam will be 552 feet in height, but the static head for power development will be only 417 feet.

At the Bridge Canyon site, if the dam were built to a height of 566 feet, as suggested on page 75 of the La Rue report, U. S. G. S. Water Supply Paper 556, the power development would be 1,015,000 primary horsepower.

If the dam were built to its full height of 800 feet, the static head being 785 feet, as stated on page 77 of the La Rue report, the development of primary power would be 1,280,000 horsepower.

Note here again that one-third of the water required to develop 550,000 horsepower at Black Canyon would develop over 400,000 horsepower at Bridge Canyon, and one-half of the water would develop 640,000 horsepower.

This gives an idea of the power that would be developed at Bridge Canyon with the California water if it were dropped over the dam at Bridge Canyon and power developed with it there and all the water for Arizona taken out into the Arizona high-line canal at Bridge Canyon Dam.

If 60 per cent of the water were taken out at Bridge Canyon for Arizona, it would develop 660,000 horsepower from the drops in the Arizona canal.

Any way it may be figured, there is over 600,000 horsepower available to finance the cost of the Bridge Canyon Dam and more than another 600,000 available to finance the cost of the Arizona high-line canal.

If California does not participate in the benefits of the transmission canal from Bridge Canyon to the Needles, more power can be developed for California under the Glen Canyon-Bridge Canyon project, at the Bridge Canyon Dam, and at less comparative cost than can be developed at the Black Canyon Dam, because of the large share of the cost of the Bridge Canyon Dam that would be allocated to the Arizona high-line canal.

Why, then, must the Black Canyon-Boulder Canyon project be built instead of the Glen Canyon-Bridge Canyon project, and why do its promoters cling with such desperate tenacity to the Black Canyon Dam if it is not because it gives the water to Mexico?

Under the Glen Canyon-Bridge Canyon project (1) the Imperial Valley gets the all-American canal; (2) the Imperial Valley gets complete flood protection; (3) the Imperial Valley gets increased irrigation water; (4) the city of Los Angeles gets more hydroelectric power; (5) the city of Los Angeles gets 1,000,000 acre-feet for its Colorado River municipal aqueduct; and, in addition to all this, (6) southern California gets by gravity water to adequately irrigate 1,000,000 acres; (7) Arizona gets 3,000,000 acres reclaimed that will remain a desert forever if the Black Canyon Dam is built.

Respectfully submitted.

GEORGE H. MAXWELL.

VERDE RIVER IRRIGATION PROJECT

Mr. CAMERON. Mr. President, I rise to a point of personal privilege, to discuss a carefully prepared attack against me which is being conveniently released through the columns of the notorious Los Angeles Times. The Members of this Chamber, as well as other prominent people throughout the United States, have been personally supplied with these so-called special articles by one Will Irwin. At the outset, Mr. President, I want to brand this well devised, carefully written story of my connection with the Colorado River, as the blackest, most damnable lie that ever came from the pen of any writer. I shall not burden the Senate with too much detail, but as my personal integrity and that of my many friends and associates has been attacked by these sinister influences through the well-known pen of Bill Irwin, I must recount the history of my connection with the Colorado River, and after that I shall draw back the curtain from the real stage and describe the actors who have performed in perpetuating this blackmail scheme, which, of course, will fail to obtain the results desired by those perpetrating it.

Mr. President, I was born on the rocky coast of Maine. I am sorry to say that I never enjoyed the benefits of a good education, but through the long years of my life I have, in a measure, graduated from the school of hard knocks. At an early age I drifted to sea as a fisherboy, where I spent some five years in that hazardous vocation.

One day while having a hurried lunch on the Boston Common I was reading Powell's Exploration of the Colorado River, and in consequence, after many ups and downs, I found myself slipping from a freight train at a little flag station in the Territory of Arizona now known as Flagstaff, which, in the ensuing years, I helped to build, improve, and develop. Those were the days of the real West, with its broad open spaces. The inhabitants of northern Arizona were few and far between, with the exception of Indians, desperadoes, coyotes, and wild game. Flagstaff is some 70 miles from the Grand Canyon of the Colorado.

In the course of months I was selected as scout for an exploration party headed by the president of the Lord & Ayer Tie & Timber Co., to scout the rim in the vicinity of the canyon with a view of locating various timber belts. My first contact with the canyon prior to that time was in the company of a well-known Indian scout. I scaled its walls, crossed its mighty canyons and ravines, and, at first hand, gained a wide knowledge of what it really was. From that day to the present time that great chasm, which thus far is unexplainable, has been a part of my every existence. I have lived in it, with it, and for it during all these years.

Some 40 years ago I staked out certain mining claims, worked them and held them in good faith, and added additional claims thereto in the course of years. In those early days we pioneers and prospectors gave but little attention to the technicalities of titles. We had a code of honor among ourselves. In fact, we were our own law. It is difficult for the casual reader to appreciate at this time the state of mind of those God-fearing men and women who endured the hazards and hardships of frontier life, and, consequently, it is an easy matter for an astute writer, after a span of some 40 years, to take up the threads of various events in the long life of a constructive, energetic, pioneering prospector and weave a story to suit his evil purpose and get it over to the gullible public. This Bill Irwin has done to perfection, but it ill becomes a writer of his caliber, heretofore known as one of ethics, to prostitute his reputation as he has done in this instance.

Referring back to my connection with the Canyon, as the years passed I developed certain prospective mines, some of which I sold, and others I held under the well-known practice of keeping up the necessary assessments, which did not require application for patent or perfection of titles. When we realize that the Grand Canyon of the Colorado 35 or 40 years ago was as open to entry in any form as any part of the public domain of the great West it can not in good faith be charged that my activities at that time were not reasonable or legal.

Let us now take up the story of some 20 years ago, when civilization was fast filling up the West, and, naturally, more and more did the country learn the possibilities of Arizona, the West, and the Grand Canyon section. Up until this point, as I have stated, my associates and I held a number of legitimate mining claims. We had built the first hotel, the first camp, the first shack upon the rim and in the Grand Canyon. We had laid out the first wagon road from the Santa Fe Railroad to the canyon itself.

I became associated with that great pioneer, soldier, and patriot, Bucky O'Neil, in the construction of a railroad from Williams to the Grand Canyon. The Spanish-American War followed. O'Neil joined the colors and was killed on the battle field, and, true to the usual condition of a pioneer, our worldly goods were soon exhausted. The public had come to know and appreciate the wonders and possibilities of the Grand Canyon.

Then enters the Santa Fe Railroad Co. Like all powerful corporations it seized the opportunity to gain a foothold in the canyon. The fight was on, and it has lasted to the present time. The railroad was taken over at a forced sale, was completed to the rim of the canyon, and to this day has furnished one of the best revenues to that railroad of any part of its system. They have spent millions of dollars in holding their so-called rights and concessions. They fought anyone, inclusive of my associates and myself, who dared to compete with them or even remain in that territory. That fight lasted for more than a quarter of a century, resulting in their attempts to buy Territorial legislatures, the keeping of a multitude of assistants in Washington, the planting of their copperhead stool pigeons in the departments of the Government, and of course the ultimate success of their efforts, because money will prevail against the life of a mere pioneer.

They say I had no mining claims. Mr. President, my associates and I owned and operated mines in the canyon for more than 13 years. We realized only a fair profit because of the crude transportation facilities and hazards in getting ore out of the canyon. Consequently, I built the Bright Angel Trail at an expense of something like $100,000, for the one purpose of furnishing the needed burro transportation for the ores from the mines below. As the builder of the Bright Angel Trail from the rim to the bottom of the canyon, naturally I have considerable pride. The history of the fight that followed between myself and the Santa Fe Railroad Co. over this trail is well known to every Arizonian. I am not unmindful of the confidence and justice reposed in me by that well-known Territorial legislature when my titles were approved and my ownership restored in the operation of the trail, which I later turned over to the county of Coconino, now enjoying revenues therefrom. The

Congress is familiar with the fights I have made on this floor in which I sought to protect Coconino County and my friends from the damnable oppression of these sinister corporations who have grown fat from their monopolies, who have their tentacles fastened around the canyon itself, defying any or all who come unless they bow to their will. Yes, Mr. President, I who have dared to expose them and their methods have made it so hot that this new line of attack on me is but a smoke screen to cover their own rotten thievery and plunder. The work of these same sinister influences who sought to take away from the county of Coconino its title to this trail, and the attacks flowing from the Los Angeles Times, are just another step in their program of hammering away, regardless of the time element, until their every desire is satisfied.

At this point I desire to recall for the benefit of the record that in 1905 this railroad corporation, with its copperheads in the departments, including the Commissioner of the General Land Office himself, declared in a formal opinion that I had no rights or titles to the Bright Angel Trail. I learned of this, borrowed money, and came to Washington. After I had repeatedly been refused any consideration whatever on the part of the Interior Department I personally appealed to that great American, President Theodore Roosevelt, who listened intently to my side of the story. True to his well-known character, President Roosevelt ordered that the Secretary of the Interior recall the decision of the Commissioner of the General Land Office and hear in person evidence on the rights and titles of the Bright Angel Trail. This was the culmination of the first great struggle that I had over my holdings in the Grand Canyon. The decision of the Secretary of the Interior is well known. It was a complete vindication of my rights and titles, and I was restored to the full benefit thereof. It is easy to see, Mr. President, the rub of this fight, because the trail was being used by tourists and the revenues therefrom were well known and were highly desirable to the Santa Fe Railroad Co. It is an easy matter for a clever writer like Mr. Irwin to pick the high spots and twist the facts, give unfair inferences and innuendoes with the avowed purpose of misleading the public, but it is another thing to have the real facts, which I am now seeking to give, and is quite another thing to resolve itself into such a decision that was handed down as heretofore mentioned.

In these years of fight, any of you can picture what I was up against, as I had no money. I had plenty of friends, but they were without funds. These great giant corporations had millions, which were spent like water. By this continual bombardment over a period of 25 years, by every unfair device imaginable, chicanery, deceit, even fraud, they snatched from me valuable holdings in the Grand Canyon which were justly mine. They enjoy all these benefits which were the results of my pioneering and hard effort. What individual without funds could stand alone and fight corporations of this caliber over a period of a quarter of a century? I have spent months alone in the Grand Canyon a mile below the rim without seeing a human being, a newspaper, or having the pleasure of a shave—eating hardtack and drinking water from seeps that I would strain through my hat in order to strain the gnats and vermin away—sleeping on rocks, doing work under the most hazardous conditions, all in order to protect the mining claims that were later taken away from me. This plea to-day, Mr. President, is not sour grapes. I have lost too many fights to worry. The pioneer takes life as it comes and never flinches; but now they say that I, as United States Senator RALPH H. CAMERON, tried to steal the Colorado River. It is the most inhuman, the most culpable, the blackest, the most damnable lie ever told.

Mr. President, I do not fear the same judgment of my Arizona friends and neighbors. This line of attack has followed me every time I have appeared as a candidate for public office, and at this juncture I wish to express my full appreciation for the wonderful publicity and help that one Bill Irwin, as the paid agent of these same sinister influences, has given in this cruel and inhuman attack upon me and my associates. The people of my State know the hardships and the life of a pioneer. They appreicate the struggles and the desperate road he travels to fortune or fame. God knows that mine has never run to fortune. I am content with the public service I have been called upon to render for them, although continually menaced by these same sinister forces which have always sought to tear me down.

To recapitulate some more of the history of my connection with certain mining claims, I want to say that my associates and I have put more than $400,000 of hard-earned money into the development of our various mining activities within the canyon. I fought a good fight. I parallel it with any other pioneer who has felt the same crushing heel of the mighty corporation, all of whom ultimately, by death or otherwise, must bow to the power of money and influence. But even so, Mr. President, the pioneer can take his medicine, accept what seems to be a defeat, but can rejoice with good conscience because he was honorable, aboveboard, fearless, and courageous, even though the wail of blood money deprived him of his earthly goods. So runs the history of most of our worthy pioneers and the developments of their genius and vision. The people of my State know RALPH H. CAMERON. He knows most of them. He has faith in their fairness and judgment, and this reply on the floor of the Senate is not made for the purpose of an appeal of a martyr, but is made to keep the record straight for posterity.

As I stated before, I kept up this fight until a few years ago. At times my family was in need. At other times my associates gave up in despair. Finally, I concluded that in justice to them I should make over in toto all equities and titles that I had or did enjoy, as a reimbursement for the amounts of money that they expended in carrying on my activities. This was done in the utmost good faith. In 1920 I went before the people of the State of Arizona for election to the Senate. This same old "bogie man" was again put forth, hoping at this time that it would insure my defeat. The good people of my State sent me here as their representative. I have served in my meager way and have done the very best I could to properly represent them.

In the meantime, my previous associates sought to carry on the developments of their mining properties and to clear up their titles to what remained of them in the Grand Canyon. It is a well-known fact that these same sinister influences, with all the money that was necessary, became so intrenched in the necessary avenues of our Government that the strong arm continued to strike, and consequently these associates, worthiest of the worthy, honest and faithful in their activities, have been driven almost completely out of business. This same Bill Irwin returns with the story and connects my name in a way, seeking to show that I have been the culprit and have used my office as United States Senator to carry on the pillage of a great natural resource. Nothing is further from the truth. I have risen in this Chamber, in the courts of the land, in the departments of this Government, and tried in some small way to plead the justness of their cause, feeling it an honor and a duty to do so. It would be inhuman and dishonest for me to have done otherwise.

But, Mr. President, that is not the meat of the coconut, which I shall show later. It is attempted to be brought forth and charged by these same articles that I was not content with the grab of the Grand Canyon, but that I moved farther down the river and plastered a distance of some 20 miles with mining claims in order to make sure that I could interfere and hold up the construction of any dam, or what is known as the Boulder Dam site. But before I refer to that, I desire to specifically refer to the statement which Irwin has made. He is but the paid mouthpiece of those I shall name later who really hatched this proposition. He stated that I merely played the game of a nuisance in order to hold up the Santa Fe Railroad Co. He points to a certain contract of sale which was negotiated, stating that I was a party thereto, under which the Santa Fe Railroad was to pay $100,000 for certain mining claims, and so forth. I shall explain that incident and Senators can draw their own conclusions.

In the first place, Mr. President, that is but a glaring example of Irwin's malicious fabrications. I never entered into any contract of sale in any form at any time with the Santa Fe. The fact is, I sold certain mining claims, equities, and so forth, to Frank Doebler and associates for a contracted price of $200,000. Months later, Doebler entered into a contract with the Santa Fe Railroad Co. to turn over certain equities and titles of some of the claims I had sold him for the consideration of $100,000. Forty thousand dollars of this was paid in cash, and this, in turn, was used by Doebler for reimbursing counsel and other associates. To this day that contract remains unfulfilled, and the result was Doebler and associates failed to perform the contract of sale with me. I went into court and at a foreclosure bought back the claims I had so transferred. Is it reasonable to assume, bearing in mind the history I have related in the fight between my associates and the Santa Fe Railroad Co., that any individual under these circumstances could shakedown this great corporation for $100,000 in the mere turning over of something which they claim Doebler or I did not have? Any of the hard-headed business men of this Senate know full well from past experience that great corporations, with the best legal talent that money could buy, are not given to yielding to a shakedown in any form, regardless of price or place. It is so absurd and childish that it makes my blood boil to even refer to it, but

it is an evidence, Mr. President, that my claims and titles had great monetary value. It is evidence that the Santa Fe Railroad Co. was willing to pay and did pay a part of the contract which they have never fulfilled. It is evidence that my activities were in good faith, that I had just claims, and that the sum agreed upon, which was large to Doebler and small to them, was not commensurate with the value of what he was turning over.

Referring again to the activity of my associates and myself near what is termed the Boulder Canyon, I want to say that we sent our best engineers and geologists into that section several years ago; that we had it in mind for some time before doing so. We located certain mining claims over a considerable area of ground in strict accordance with the law and spent our hard-earned money in the proper pioneering and development thereof. We had every reason to believe, and it is believed now, that these claims cover one of the most important placer areas in the United States. If these sinister influences desire to know the truth they can acquaint themselves with the earnestness of my associates, who repeatedly tried to raise funds sufficient to buy necessary dredges to begin active work. It costs some five or six hundred thousand dollars for one dredge. It is a proposition similar to the Yuba River section near Marysville, Calif. It is a most hazardous way of mining. The crash of the war was on us. Funds were hard to get and anyone knows what the miner was up against in those perilous times when it came to the proposition of raising funds.

I draw the attention of the Senate and the country to the contention and well-known fact that it was not until 1921 or 1922 that the interest of the Government or private individuals other than myself and my associates was crystallized looking to the proper development in a comprehensive way of the potential possibilities—reclamation, electricity, flood control, and otherwise—of the Colorado River. I make bold to state, although not in a spirit of braggadocio, that for 25 years I have been preaching the possibilities of a proper development of the Colorado River in terms which are set forth in the various pieces of legislation now before the Congress. So it is a singular thing that I would be pointed out, having been the pioneer and having had the vision to see what was coming, as the culprit, as the thief who sought to steal the entire Colorado River. It is a peculiar thing, Mr. President, that until this late date no one scarcely appreciated the Colorado River situation, and that now, since it has become a political football, since it has become so well known, since it has become such a great necessity for immediate development, everybody is shouting from the housetops, "Keep down the private thief. We must have this as the savior of the Southwest."

And now comes the drawing of the curtain so that we may turn the spotlight behind the scenes of the stage and see the actors perform in this matter which the Irwin articles have opened up.

Mr. President, the first actor who appears upon the stage in this program is one Stephen T. Mather, self-styled keeper and protector of all the national parks of this country, officially designated as Director of National Parks. He opens up the plot, because it was Mather who first took up the fight for the great corporations. Heretofore, I have never spoken an ill word of any man on the floor of the Senate, but this arch-conspirator, the leader of the plot, the well-known schemer that he is, can not escape notice. This man Mather, through systematic propaganda, fooled that great Secretary of the Interior, Franklin K. Lane, and succeeded in having himself called to Washington and designated as Director of National Parks when these great playgrounds were first authorized. His pleasing personality is well known. His genius of being a Doctor Jekyll and Mr. Hyde fits him well to play his rôle. He has constantly held himself out as a man of considerable wealth, contributing to campaign funds of both national parties. He has an obsession for the headlines of the various newspapers; spends his time traveling in private cars of the various railroad officials, prancing up and down the country letting all of us know that he is the keeper of all the outdoor playgrounds of the Government, opens his pocketbook for private purchases in the parks; but at the same time there are others who know that all this money, all these favors shown him by these giant corporations are but the usual trimmings given to those who favor their special interests.

It has been said that one Stephen T. Mather was at one time poor like the rest of us. Possibly he could not play the rôle of the western pioneer, but having a place of confidence in the well-known Borax Co., of Nevada, it is said that he learned of certain defective titles to certain lands held by the company for which he was working, that he tipped this confidential information to others, who jumped the claims. Mather resigned from the company and the borax corporation was made to pay until "it hurt." Thus, it is said that this same Mather could well afford to expend these enormous amounts under the guise of his personal fortune, which, it was said, were obtained in the manner just related.

No wonder he can build gilded apartment houses in Chicago and ride in palace cars over the country, crush his underlings at the first sign of opposition, play in the headlines of the various fantastic organizations of the United States, curry favor with powerful persons in authority, all because in his Doctor Jekyll and Mr. Hyde make-up he has through his power turned over to monopolistic control great concessions in the national parks in this country. The shoe that pinches Mr. Mather, that makes him the leader of the stage at the moment, is the fact that the Senate Committee on Public Lands, under a resolution which I secured, went to the very roots of the corruption and rottenness of the national-park administration, and it is now thought by the shrewd Mather, if he can be the leader in using such a powerful newspaper as the Los Angeles Times to come forth with such culpable and scandalous attacks on me, that he can thus save his own hide. Far from it, Mr. President. We have only begun to fight this bureaucratic system of monopolistic control.

It is a peculiar thing, Mr. President, that every piece of constructive legislation that I have initiated, the passage of most of which into final law I have secured, has met somewhere along the path the daggers of Mr. Mather and his cohorts. I dislike to refer to certain gentlemen in high authority as the representatives of the people, who have tuned in on the program of Mr. Mather as now coming from the Los Angeles Times. Mather and his kind mean nothing to me or to the future of Arizona. We are used to fighting "copperheads" all along the way. Last June a year ago a subcommittee of the United States Senate, of which I had the honor to be the acting chairman, in company with my distinguished colleague, spent weeks of faithful effort traveling the blistering desert of Arizona and listening to the testimony of the worthy livestock men of my State, trying to give relief to a paralyzed industry. It was during that time, Mr. President, that this line of attack was hatched; the place was the north rim of the Grand Canyon, and the leader of that little band was none other than Stephen T. Mather. Others, of course, present were innocent as to what was taking place. As the weeks wore on Mather's well-thought-out program of attack was taking concrete form. Certain very well-known writers were approached on the subject, but turned it down. They did not desire to prostitute their reputation to appease the desires of a plutocrat of his style. Finally one Bill Irwin, who, I suppose, was in need of revenue, consented to send his writers to collaborate with the henchmen of Mather and his conspirators to gather details and everything connected with my personal life. Mather was too shrewd to pay all of this money himself. He no doubt exacted it from those who sought special favor with him, and thus the story of the plot widens.

For months these investigators, generally working in pairs, combed Arizona and its record, delved deep into everything recorded in Washington, scoured the entire Southwest, and picked from the millions of details the threads of the story which they reported for their master to write. Personal friends of mine, including those of the Democratic faith, came to me and reported what was going on. They decried what they termed as the part that a certain gentleman, who is to be my opponent in the coming election, was playing in this program. I make no statements in that regard, because I do not have positive information, but I read various signs that have appeared in connection with important legislation which I have initiated for the welfare of Arizona, which seem circumstantially to point the finger of suspicion at that gentleman. I shall refer to this a little later.

Now, Mr. President, several weeks ago this story was announced as complete. It had been written, rewritten, and made over many times. Naturally, Mr. Mather and his collaborators were chuckling over the success of their efforts. The fifty or one hundred thousand dollars expended for writing these articles meant nothing in their life. They probably would exact it from concessionaires enjoying monopolistic control over the great playgrounds of this country who are dependent upon the personal whim of the director himself.

Now, with the completion of this story, what else do we see on this stage? These hirelings were sent with appropriate instructions from the conspirators themselves to the Los Angeles Times; and, mind you, Mr. President, at that particular time my position with respect to the Colorado River legisiation then pending in Congress had not yet been announced. We see entering on the stage that well-known Shylock character, one Harry Chandler, editor and publisher of that scandalous newspaper, the Los Angeles Times. Chandler considered the publi-

cation of these articles. Finally, after deliberate thought, he turned it down for two reasons—because, first, my position with respect to the important legislation pending before the Congress which sought to grab the Colorado River for the benefit of California and Mexico was not known. Secondly, his legal advisors told him of the libelous statements contained therein and the possibility of court action and results thereon. Yet, Mr. President, these hirelings of Mather and his cohorts were undismayed. Other newspapers of better standing but with less circulation were approached on the subject, including those in my own State, and they, too, refused to publish the articles. Mather's representatives returned to Washington, and in that usual clever way new faces were selected to present these articles to Members of both Houses of Congress, with the request that they be published in the CONGRESSIONAL RECORD.

At this time, Mr. President, I particularly want to thank a distinguished Member of this body, who is of opposite political faith to my own, for arising in his office when importuned by these scalawags and telling them that he would have nothing to do with it; and he showed them the door. God help this Nation if we ever forget to reward such courageous, faithful servants as that particular Senator, who at that time was being hounded and persecuted, and this, no doubt, was put forth as an olive branch.

Metropolitan newspapers of the East were requested to release the same stories. Unanimously they refused. In the meantime, Mr. President, weeks had gone by, the Congress was nearing a close, and it came when I, with all sincerity of purpose and regard for the justice of everyone to be affected, announced my opposition to the Colorado River legislation which is now before this Congress. Then followed other hurried conferences of the conspirators. They sent their representatives again to bow and scrape before the mighty Shylock Chandler in Los Angeles. Further consideration was given to the subject. Chandler, in all of his majesty, approved the publication of the articles that he had once refused, and they are coming forth from the Sunday issues of that notorious scandal sheet. No doubt, Mr. President, had I stood on this floor and announced myself in favor of the construction of the Boulder Canyon Dam and sacrificed my honor and the birthright of my State and knuckled to the greedy wants of one Harry Chandler, these scandalous articles would not have appeared; but because others who enjoy their fabulous millions made from squeezing the pioneer and prospector desire to bargain and sell their souls as a traitor is no reason for me to subscribe myself to any other course than the one I have adopted.

Let us analyze Mr. Chandler. Less than half a century ago he was a straggler upon the streets of the little village of Los Angeles. He married the daughter of the then owner of the Los Angeles Times. Fortune smiled upon the growth of that little city, and it stands as the metropolis of the Southwest. The natural development gave opportunity for the building of a large newspaper and the conversion of attendant resources held by the Otis family into the present Chandler millions. In this making hundreds of thousands of acres of the delta lands of the Colorado River within the boundaries of Mexico just below Arizona were secured by Chandler and his associates. Necessarily my stand as a Republican Senator against the program which they sought to put through at this Congress was a dagger into the heart of Chandler's Asiatic empire; and, Mr. President, if my position on the Colorado River development which has gained the scathing disfavor of Shylock Chandler causes me the loss of my present seat in the United States Senate, I hope that it will be recorded in my obituary that RALPH H. CAMERON "died with his boots on," upholding the heritage and birthright of good old Arizona.

It is unthinkable even to analyze the methods of Chandler and his proposed grab of the Colorado River under the guise of California's benefits. His one purpose is to develop these hundreds of thousands of acres of Mexico lands, continue to place thereon multitudes of Asiatic peons, and hold them in bondage and slavery, producing farm products to compete with our own. That dream, Mr. President, is just as far away as we can imagine. I see before me that distinguished senior Senator of California, that peerless leader, the man that smashed more trusts and sinister interests in California than any other in the history of the State, and my mind goes back to the many denunciations that this great statesman has turned loose against Shylock Chandler. I apologize for offering that example in substantiation of my feeble attempts in that connection, but I know the distinguished Senator appreciates the spirit and the sincerity of my efforts. If I only had his tongue, these halls would ring to-day with the most bitter, yet justified, denunciation that Chandler has ever had. No, Mr. President, the great people of Arizona will never knuckle or bow to Harry Chandler. He may enslave his Asiatics in Mexico and crush his opponents in his own section of the country, but he can not exact from us the pound of flesh, as he is now attempting to do. We can attend to our own business in Arizona, and we shall have none of Chandler or his kind. I might remark in passing that the present strained feelings existing between Arizona and California over the solution of the Colorado River problem are chargeable to the damnable, un-American methods of one Harry Chandler.

Now, Mr. President, going back to the time before the Los Angeles Times finally agreed to publish these articles, and after every other periodical in the country had turned them down, inclusive of Members of this and the other Chamber of Congress, these blackmailers had the audacity to send a representative to my office and offer to withhold publication of these articles on the payment of $20,000. The people of Arizona do not need me to relate what I told them. Suffice it to say that I told them to go straight to h——, to bring on Chandler or any other wolves that they had set on my trail, that I am yet able to defend myself, and that the people of Arizona can not be led astray by highly paid newspaper propaganda. Borax Mather sits behind the scenes, but, with his well-known Italian hand, is the genius in directing the stage. Just a few days before the first publication in the Los Angeles Times, evidently one of their own "insiders" who could not swallow these tactics sent me an anonymous statement, which I ask permission to insert in the RECORD at this time.

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

The matter referred to is as follows:

[Anonymous]

JUNE 5, 1926.

The Los Angeles Times will publish a story about you—six installments—relating to the United States Platinum Co., the Stetsons, the Boulder Dam, etc. They will also carry many of the letters you wrote to C. Frank Doebler and the wires for money you sent to the Stetsons and others during your campaign for Senator. The story is highly libelous.

Mr. CAMERON. I also ask unanimous consent to introduce two editorials, one appearing in the Miami Silver Belt, a leading Democratic newspaper in my State, and another in the Superior Sun. The first deals with their opinion of these character assassins. The second is but an example of how the good people of my State feel with reference to my constructive work in the Congress.

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

The matter referred to is as follows:

[Miami Silver Belt]

HIRED CHARACTER ASSASSINS

Will Irwin, nationally known journalist, has written a series of articles which pretend to reveal the activities of Senator RALPH H. CAMERON over a long period of years.

They are about the most unfair and biased articles that we have ever seen published. Their entire fabric is composed of innuendoes, insinuations, slurs, false interpretations of events, and untruthful deductions.

Their preparation, publication, and advertising has cost someboly many thousands of dollars. Irwin is a high-priced writer. The full-page advertisement in several newspapers of the State calling public attention to the articles cost a lot of money. The advertisements are unsigned. They should excite suspicion. The public is not let in on the secret of who furnished the money for all the work and publicity.

It is highly significant, however, that, up to date, the series has appeared only in the Los Angeles Times and the Prescott Courier.

The Times belongs to Harry Chandler, who, with his associates, owns several hundreds of thousands of acres of land in Mexico which are irrigated from the waters of the Colorado River. The Swing-Johnson bill providing for the construction of a dam at Boulder Canyon, if passed by Congress, would have guaranteed waters for another million acres of land in Mexico controlled by the Chandler syndicate, to the exclusion of lands in Arizona.

Senator CAMERON early expressed absolute opposition to the Swing-Johnson bill in the United States Senate. He threatened to conduct a filibuster against it on the floor of the Senate if such a course were necessary to obtain its defeat.

That is very probably the rub with the Times. The Times owner seeks the consummation of a scheme which would mean economic ruin to Arizona. Senator CAMERON was prompt and vigorous in his defense of the State which he represents.

The Times's motive in attacking Senator CAMERON is easily discernible to thoughtful persons.

Nor is it hard to find the reason why the Courier would welcome an opportunity to publish the anti-Cameron articles. The Courier has always been an eager champion of the actions of the Forest Service,

Indian Department, and Park Service when controversies have arisen between them and the State of Arizona. Senator CAMERON was largely instrumental in clipping the claws of some of these Washington exponents of bureaucracy and in reestablishing the principle of State rights and State sovereignty as against their encroachments.

Hence the Courier's animosity is easily accounted for. The editor of that journal and the junior Senator from Arizona possess radically different political philosophies. One stands for the rule of oligarchies of the select; the other stands for the principles of the rules of the majority in the interests of the majority.

It is well for the public to investigate the identity of those who launch such movements, to review their records, and to conjecture their probable motives, as we have remarked before.

Only a foolish people will desert their tried and proven friends in order to seek counsel and guidance from their enemies.

UNBIASED PRAISE

"The development of the San Carlos irrigation project is advanced much farther than is commonly believed, only awaiting the appropriation of additional funds by Congress before the dirt will be flying at the site on the Gila River of the Coolidge Dam," Edward A. Smith, special assistant to the United States Attorney General, declared in an address which he delivered here before the local chapter of the American Association of Engineers.

"Not only is the advancement of the project underestimated, but also the magnitude of the undertaking. It is most probable that the San Carlos project will ultimately develop into a proposition as extensive as the Salt River project," he emphasized.

"The Coolidge Dam will be the first to be built on the river. It will correspond in position and importance to the Roosevelt Dam on the Salt River, will be quite as large, and will be much more impressive in appearance. The dam will impound 1,285,000 acre-feet of water, a volume about equal to the original capacity of the Roosevelt Reservoir—that is, before the 25-foot gates were added. Provisions will be made for the addition, when necessary, of gates to the Coolidge Dam," the speaker continued.

"Whenever the necessity arises additional dams may be built at the Granite Basin and the Christmas dam sites for the retention for power purposes, making a system parallel to that of the Salt River project, not only in position, but in size," he continued.

"The lands to be irrigated by the Coolidge Dam lie almost directly to the south of Phoenix, the principal town on the project being only about 60 miles from Phoenix. The region has every advantage of climate enjoyed by the lands of the Salt River Valley. Cotton and grain have been grown there for centuries. Many excellent citrus fruit-growing areas are said to have been found there, and it is expected that the date will flourish abundantly in many parts."

After touching up the early history of the San Carlos project and coming to the time that Senator CAMERON introduced in the United States Senate what has now become generally known as the Cameron San Carlos bill, Attorney Smith said emphatically: "By the introduction of the San Carlos bill in Congress and the great fight made for its passage Senator CAMERON has achieved a result which should not only mark him a sterling statesman but also should gain him an everlasting gratitude of all Arizona, Indians as well as the whites. If you had a hall of fame, his likeness would occupy one of its most prominent positions. One can hardly realize what was accomplished in getting the President's signature affixed to the San Carlos bill without a deep study of the problem. The more I pore over the voluminous material on the subject the greater becomes my respect for this pioneer of your State. I believe that I can truly say all this without bias, for I am but a newcomer here and hardly interested in anything else save to see that the water rights of the Indians and whites are adjudicated without prejudice. That is the object the Attorney General sent me to obtain," the speaker stated in concluding his address.

Mr. CAMERON. Mr. President, other actors have recently come upon the stage. We have pending one of the most bitter political battles ever staged within a State. We fight each other with all the instruments known in the game, with all the heat and passion possible; but in the midst of our own fights we can about face and form a united front to fight the common enemy without.

Chandler and Mather have been recently joined by the dual copper manipulators of this country, who have contributed their share to the jack pot of this huge slush fund, seeking my political obliteration. Nevertheless, right must and will prevail. There will be a copper tariff in due course, and the 600,000 struggling miners of the copper industry in this country will be protected and given a living wage.

In the last few days I have noticed the withdrawal from the race for governor of my State of that venerable leader of the common masses, and in his withdrawal he set forth his basic reasons as follows:

That because of his health and small personal fortune he could not combat successfully the hordes of money California interests are pouring into Arizona to defeat him because of his opposition to their Colorado River program.

The big guns have been turned loose. He, of opposite political faith, being in responsible executive authority, and I, as a Member of the United States Senate, are the targets. I am sure that that great leader can take care of himself, and I am sanguine as to my own ability to do so.

In conclusion, Mr. President, there are three propositions entering into this personal attack upon me: One, Stephen Mather, who has pillaged, plundered, and turned over, body and soul, the great national parks of this country to the various concessionaires of monopolies, seeks to cover up the rottenness exposed in the recent Senate investigation. Secondly, a certain gentleman, whom I am reluctant to refer to, who has only one ambition, and that is to become United States Senator from my State. Third, the master Shylock, Chandler, with his hundreds of thousands of acres of Mexican land now being tilled by Chinese and oriental labor, seeks to drive me from the Senate because, as he has told others—

With CAMERON, a Republican Senator, displaced by one of the Democratic faith, Arizona will have but little recognition in a Republican administration in Congress; consequently, our well-devised program of the development of the Colorado River Boulder Canyon Dam can be carried through.

This statement, Mr. President, removes the mask and shows the real situation. Through cunning and every device they tried to enmesh me in their program. My record is an open book. The people of Arizona know that I have been bitterly opposed in all these years by the powerful corporations and sinister influences within our borders. In making this statement, I do so, referring not to personalities in the make-up of these various industries. No one can say but what I, either in or out of office, have always given each and every one, rich or poor, a square deal. That is all that anyone in this world is entitled to. That is all I have ever asked, but I am too old and have stood too long in the forefront fighting for the rights of the masses to bow at this age and accept the copper collar, or a mess of pottage filled with California gold, for sacrificing our just rights in the Colorado River. Harry Chandler and his conspirators are the cause of the present unpleasant condition of the Colorado question.

I am not unmindful, Mr. President, that these statements of mine to-day will open the wrath of the Chandler and Mather and other millions and the well-known stream of gold that is now flowing to Arizona to insure my defeat is only beginning, and from now on the floodgates will be turned wide open, but be it never said that these character assassins have ever pinned their stripes upon me. They have picked the fight. They have made their own bed. I challenge their program and defy their bunch of wolves. Arizona, as a sovereign State, can always take care of itself with honor and decency.

Mr. President, if in my reply I have overstepped the bounds of propriety, I sincerely apologize to this august body. All that I have left in this world is my integrity, which has been attacked. After giving vent to my feelings to-day I am confident of living a few years longer, and I can go home to my State with head erect and look my friends and neighbors squarely in the eye and tell them that I defied these sinister combinations, these blackmailers, and conspirators on the floor of the Senate and threw down the gauntlet, challenging the statements made; that I am still the RALPH H. CAMERON of old, seeking no fights, but fearing none; and that so long as I remain as their representative in the United States Senate these copper-railroad-Chandler barons shall never exact the pound of flesh from Arizona's own.

Specifically referring to Harry Chandler and his un-American newspaper, the Los Angeles Times, once again let us look into the background of this realm of greed and selfishness, where we see these sinister forces emitting the jagged forkings oftimes seen within the Sierras. We also seem to see a bejeweled rajah, an oriental despot, surrounded by his cringing, docile, and beturbaned servitors.

This losexican levantine lover seems to be the one they all dread. I am content to have him as the power behind the throne directing the opposition for my defeat for United States Senator—Shylock Chandler, with the glittering cobraic gleam of the oriental, who desires to transfix the servants of two political realms; Chandler, who sends his oriental slaves into the delta domain of the Colorado on the one side and demands the economic lifeblood of Arizona from the other side—God forbid that the day shall ever come when those who oppose his greedy, sordid commercialism will be bludgeoned with type and poisoned with printers' ink—Chandler and his conspirators, who sent his correspondents of native birth into all of the by-

ways of Arizona's pioneering realm with the command to assassinate all those who dispute his control of the mighty Colorado. This despot of inherited fortune and fame from within the castellated corner tower of this angel's realm will find an end awaiting his oriental cunning, Neronian in its sordid details.

Mr. President, I ask unanimous consent at this time to take up Senate bill 3342, Order of Business 755, to remove clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes.

Mr. NEELY. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. JONES of Washington obtained the floor.

Mr. CAMERON. Mr. President, I move to take up Senate bill 3342.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Arizona.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington.

Mr. WILLIS. Mr. President, will the Senator yield to me for a brief statement?

Mr. JONES of Washington. I yield.

Mr. CAMERON. I have the floor, I think.

Mr. JONES of Washington. Mr. President, who has the floor?

Mr. CAMERON. I have the floor.

The PRESIDENT pro tempore. The Senator from Arizona still held the floor; and the question is on agreeing to the motion of the Senator from Arizona. [Putting the question.] The noes have it, and the motion is lost.

Mr. JONES of Washington. Mr. President——

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

Mr. JONES of Washington. Is that motion debatable?

Mr. WILLIS. It has been defeated.

Mr. CAMERON. I call for the yeas and nays.

The PRESIDENT pro tempore. The motion is debatable, and the Senator from Washington is recognized, although the Chair had declared the motion lost.

Mr. JONES of Washington. Mr. President——

Mr. CAMERON. I still have the floor; have I not?

Mr. SMOOT. I thought the motion was defeated.

The PRESIDENT pro tempore. A Senator can not make a motion and then hold the floor indefinitely, of course. The Senator from Arizona having made his motion, and the Senator from Washington being recognized to debate it, the Senator from Washington has the floor.

Mr. CAMERON. I ask for the yeas and nays on the motion.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. Did not the Chair announce that the motion was lost?

The PRESIDENT pro tempore. The Chair did.

Mr. LA FOLLETTE. Therefore, Mr. President, if this motion is debated, is not the proper motion a motion to reconsider?

The PRESIDENT pro tempore. It would be; but the Senator from Washington was recognized in any event, there being nothing before the Senate.

Mr. LA FOLLETTE. That may be true, Mr. President; but I was inquiring as to whether or not he was recognized to debate a motion which had already been lost.

The PRESIDENT pro tempore. No; the Senator from Washington was recognized following the declaration of the Chair that the motion had not been agreed to.

Mr. JONES of Washington. I desire to say that the Senator from Washington was seeking recognition when the Chair put the motion.

Mr. McNARY. I think that is correct, and the Chair should not have made the decision so peremptorily.

The PRESIDENT pro tempore. Very well. In view of the protest which is voiced by the Senator from Oregon, the Chair will withdraw his decision that the "noes" have it; and the Senator from Washington is recognized to debate the motion.

BARTHOLDI FOUNTAIN

Mr. WILLIS. Mr. President——

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

Mr. JONES of Washington. I yield to the Senator from Ohio, if it will not take any time.

Mr. WILLIS. I thank the Senator.

Mr. President, I desire to make a very brief statement, and to withdraw a motion.

On April 10 the Senate passed Senate bill 3423, introduced by the Senator from Pennsylvania [Mr. PEPPER], authorizing the removal of the Bartholdi Fountain. I felt that that was unwise, and therefore, within the proper time, I made a motion to reconsider. That motion never has been acted upon. Since then the Senate has passed the resolution introduced by my colleague [Mr. FESS], providing for a change in the Botanic Garden, and the removal of the Bartholdi Fountain. That removes my objection. I do not desire to delay the work on the Meade Monument; and I therefore withdraw my motion for reconsideration of the vote whereby Senate bill 3423 was passed.

The PRESIDENT pro tempore. Without objection, the Senator from Ohio will be permitted to withdraw his motion to reconsider.

VERDE RIVER IRRIGATION PROJECT

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Washington [Mr. JONES] has the floor. To whom does he yield?

Mr. ASHURST. I am not asking anybody to yield. I desire to propound a parliamentary inquiry.

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

Mr. ASHURST. What happened to Order of Business 755, Senate bill 3342?

Mr. McNARY. That bill is the subject of the motion made by the junior Senator from Arizona [Mr. CAMERON].

The PRESIDENT pro tempore. The colleague of the Senator has moved to proceed to the consideration of that bill; and, that motion being debatable, the Senator from Washington [Mr. JONES] was recognized to debate it.

Mr. ASHURST. I hope that motion will be defeated. I am very much opposed to that bill.

Mr. SMOOT. I will say to the Senator from Arizona——

The PRESIDENT pro tempore. One moment: To whom does the Senator from Washington yield?

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

Mr. JONES of Washington. Mr. President, I do not desire to yield the floor. There are many Senators to whom I am perfectly willing to yield if nobody objects to it, provided they do not take me off the floor.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Just a moment, please.

Mr. JONES of Washington. I desire——

The PRESIDENT pro tempore. All Senators will suspend, please. For the information of the Senate, and for the edification of the Chair also, the Chair wishes to read Rule XIX:

> 1. When a Senator desires to speak he shall rise and address the Presiding Officer and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington has the floor. To whom does the Senator yield?

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

Mr. JONES of Washington. If I may yield without any objection on the part of anybody, I shall be glad to yield to the Senator from Idaho, who addressed the Chair first.

Mr. ASHURST. Inasmuch as my colleague is in favor of this bill and I am against it, I think we ought to have a quorum here in order to hear the debate. Will the Senator from Washington yield to me to call a quorum? I do not intend that this bill shall pass.

Mr. BORAH. Mr President——

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

Mr. ASHURST. I withdraw the request for a quorum.

PAYMENT BY PERSIAN GOVERNMENT TO MRS. ROBERT W. IMBRIE

Mr. BORAH. Mr. President, when the calendar was being called this morning Senate Joint Resolution 112, Order of Business 1215, was called, and the title was read, authorizing the expenditure of certain funds paid to the United States by the Persian Government. I objected to the consideration of the joint resolution, being misled by the title. I am very sorry I did object, because I am interested in having this measure passed, but the title misled me. I desire now to withdraw the objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of Senate Joint Resolution 112? The Chair hears none, and the clerk will report the amendment.

Mr. BLEASE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. BLEASE. Can we pass a measure while a motion is pending on another bill?

The PRESIDENT pro tempore. The Senator from Washington having yielded for that purpose, and unanimous consent having been granted, yes. If the Senator desires to object to the consideration of the joint resolution, he may do so.

Mr. BLEASE. I will object.

The PRESIDENT pro tempore. Objection is made.

MILEAGE FOR CLERKS TO SENATORS

Mr. HEFLIN. Mr. President, will the Senator yield to me to have considered Senate Resolution 226? If it leads to any debate, I will withdraw it.

The PRESIDENT pro tempore. For the information of the Senate, the resolution will be read.

The legislative clerk read as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, to not more than one clerk or one assistant clerk to each Senator, 10 cents per mile each way traveled, by the most direct route, from Washington, D. C., and return, to the legal place of residence of the Senator by whom appointed, as reimbursement for money expended by such clerk or assistant clerk for railroad fare, Pullman charges, meals en route, and other necessary expenditures incurred in connection with such trip: *Provided, however*, That such reimbursement shall be limited to the expenses of one round trip for each regular or extra session of Congress or special session of the Senate, and shall be paid on vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate, when the Senator by whom appointed certifies in writing that said clerk or assistant clerk traveled at his direction.

The PRESIDENT pro tempore. Is there objection?

Several Senators addressed the Chair.

Mr. SMOOT. I object. That would have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. Numerous objections having been made, the resolution can not be considered.

Mr. NEELY. Mr. President——

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

Mr. JONES of Washington. I yield.

Mr. HEFLIN. Mr. President, I ask that the resolution to which I just referred be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The Chair will say for the information of the Senator that this resolution was, on May 21, referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HEFLIN. It is now in the hands of that committee?

The PRESIDENT pro tempore. It is.

VERDE RIVER IRRIGATION PROJECT

Mr. BLEASE. Mr. President, I object to the consideration of any other business until the pending motion is disposed of. The Senator from Washington has the floor, and I think he ought to be allowed to speak. I object to anything else until this question is disposed of. If Senators want to talk about something else, very well, but we will not transact any other business.

Mr. NEELY. I ask unanimous consent——

Mr. BLEASE. I object. It makes no difference what it is, I object.

The PRESIDENT pro tempore. The Senator from South Carolina will at least permit the Senator from West Virginia to prefer his request.

Mr. BLEASE. I think we should go on with the Senator's motion. His character has been attacked, and it is an outrage on him or it is the truth, and I believe it is an outrage; but I believe he ought to have a chance to bring the matter before the Senate, and I am going to object to any unanimous consent until that is disposed of by the Senate.

Mr. NEELY. Mr. President, I ask unanimous consent for the immediate consideration of Senate Resolution 268, which has been reported by the Committee on Rules without a dissenting vote.

The object of the resolution is to prevent the expenditure of excessive sums of money in senatorial primary elections, or, in other words, the purchasing of nominations.

At the moment the people are more deeply interested in the subject matter of this resolution than they are in any other question before the Senate.

But 2 hours and 10 minutes of this session of Congress remain.

Will not the Senator from South Carolina withhold his objection and let us pass the resolution without further delay?

The PRESIDENT pro tempore. Is there objection?

Mr. BLEASE. Mr. President, it would take me at least an hour to state why I believe that the Senate is wrong in interfering in primaries. I have taken that position all my life. When I was governor of my State there was an attempt made to pass some laws governing primaries, and I said that the legislature had not anything to do with that proposition, except so far as it could go to prevent fraud. To express my reasons for opposing this resolution would take me at least an hour, and I do not care to take the time at this hour. I object.

The PRESIDENT pro tempore. Objection is made. The Senator from Washington has the floor.

Mr. JONES of Washington. Mr. President——

Mr. NEELY. Permit me to urge the Republican Senators to conclude their debates in time to let me make a motion to take up my resolution. Fortunately, the Senator from South Carolina can not defeat a motion. If he wants political corruption in South Carolina, he may continue to object, but he shall not prevent the Senate from denouncing the iniquity which he apparently seeks to defend.

Mr. BLEASE. Mr. President, I rise to a point of personal privilege.

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

Mr. BLEASE. For just a moment.

Mr. JONES of Washington. If it will take only a moment.

Mr. BLEASE. It will take only a moment. If the Senator from West Virginia will have an investigation, and South Carolina does not show a better character and a better reputation for fair elections than West Virginia does, I will send him up a prettier suit of clothes than I have ever seen him wear.

Mr. NEELY. Unless South Carolina has more character than her junior Senator has courtesy, an investigating committee would find none at all.

The PRESIDENT pro tempore. The Chair has to observe that both Senators are violating the rule.

LEAVES OF ABSENCE TO VETERANS TO ATTEND PARIS CONVENTION

Mr. COUZENS. Mr. President, will the Senator from Washington yield to me at this time?

Mr. JONES of Washington. If it will not cause any discussion.

Mr. COUZENS. The House has just passed House bill 12890, to correct an error that was made in a bill that passed both the House and the Senate granting World War veterans leaves of absence to attend the convention of the American Legion in Paris in 1927.

Inadvertently the field men were left out of the measure. This bill corrects that error and permits the field men, as well as the men in the District of Columbia, to pyramid their periods of vacation to attend the American Legion convention in 1927. I ask unanimous consent that the bill be considered.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The legislative clerk read as follows:

Be it enacted, etc., That the act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926, be amended to read as follows:

"That the heads of the executive departments and independent establishments of the Government be, and they hereby are, authorized to grant, in their discretion, extended leave not to exceed 60 days in the calendar year 1927 to ex-service men and women for the sole purpose of attending the annual convention of the American Legion, in Paris, France: *Provided, however*, That this statute shall not be construed to modify the provisions of the act approved March 3, 1893, the act approved May 23, 1908, and the act approved February 28, 1925, limiting the annual leave which may be granted with pay to 15 or 30 days in any one year except that any portion of the 15 or 30 days' leave not granted or used during the calendar year 1926 or the fiscal year 1927 may be allowed to accumulate and be pyramided for the purpose herein specified in addition to the 15 or 30 days' leave with pay in the calendar year 1927 or the fiscal year 1928."

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.

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

INVESTIGATION OF ALIEN PROPERTY CUSTODIAN

Mr. JONES of Washington obtained the floor.

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

Mr. JONES of Washington. I will yield if the matter does not lead to any discussion.

Mr. KING. Inadvertently, in the resolution (S. Res. 71) adopted this morning, an amendment providing that the expenses thereof should be paid out of the contingent fund of the Senate was omitted. I ask unanimous consent to reconsider the vote by which the resolution was agreed to for the purpose of offering that amendment and eliminating a sentence. The amendment I send to the desk.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and without objection the vote whereby Senate Resolution 71 was agreed to is reconsidered.

Mr. KING. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, in line 6, strike out the words "and further to investigate the relations of the Department of Justice to the business and affairs of the Alien Property Custodian, whether there has been any influence or pressure exerted by any Government official or officials, or other persons, to prevent criminal or civil proceedings in relation to any of such transactions"; and in line 19, after the word "advisable," strike out the period and insert comma and the words "the expense thereof to be paid out of the contingent fund of the Senate," so as to make the resolution read:

Resolved, That a select committee of five Senators be appointed by the President of the Senate, which committee is hereby authorized and directed to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office, and particularly to investigate the following matters and things: (a) The seizure and appraisal of property, the care of the property seized, whether or not waste has been permitted in relation thereto, and the costs and fees allowed paid for such care; (b) the sale and conversion of property by the Alien Property Custodian, whether or not authorized by law; (c) whether such conversions have been by public sale or through private negotiations; (d) whether or not the moneys received by such conversions were adequate and represent the real value of the properties converted; (e) whether or not sales have been made to agents, officials, attorneys, or other persons having fiduciary relations to such property; (f) the sale of patents, trademarks, and trade names to the so-called Chemical Foundation, a corporation of Delaware, or to any other persons or corporations, and the sale of properties of the Bosch Magneto Co.; (g) and generally to investigate all matters touching the legality, good faith, and necessity of all transactions and conversions affecting the property held in trust by the Alien Property Custodian.

The committee is authorized to send for persons and papers, to administer oaths, and to sit during the session or during any recess of the Senate and at such places as may be deemed advisable, the expense thereof to be paid out of the contingent fund of the Senate. Any subcommittee duly authorized thereto shall have the same powers as are conferred upon said select committee by this resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS. Mr. President, I ask unanimous consent for the immediate consideration of the resolution, which I send to the desk.

The resolution (S. Res. 275) was read, considered, and agreed to, as follows:

Resolved, That a committee of two Senators be appointed by the Vice President to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them.

The PRESIDING OFFICER (Mr. FESS in the chair) appointed Mr. CURTIS and Mr. ROBINSON of Arkansas as members of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 4331) prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action.

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 39) providing for the final adjournment of Congress.

The message further announced that the House had passed the bill (S. 1035) relating to contempts, with an amendment, in which it requested the concurrence of the Senate.

ADDRESS BY COL. WILLIAM J. DONOVAN

Mr. WADSWORTH. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Col. William J. Donovan at the annual convention of the New York State Bankers' Association, held at Quebec, Canada, June 22, 1926.

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

ADDRESS OF COL. WILLIAM J. DONOVAN, ASSISTANT TO THE ATTORNEY GENERAL, AT THE ANNUAL CONVENTION OF THE NEW YORK STATE BANKERS ASSOCIATION, HELD AT QUEBEC, CANADA, JUNE 22, 1926

THE RÔLE OF FINANCE IN OUR ECONOMIC SYSTEM

The efficient administration of our financial system is a matter of concern to all persons and all classes. The growth of our commercial and industrial organizations have been dependent upon the development of the credit system. In the working out of that system the banker has been the financial intermediary. He is the credit merchant—the indispensable middleman who gathers together small savings from a multitude of individuals and turns them over as aggregations of capital for the growth and expansion of industry.

The banker performs not only an advisory but often a controlling function in modern economic society. It is essential that he should study and analyze economic trends and be alert to detect abuses and correct them. There are many questions arising out of banking and industrial development which exact your attention. There are only two, however, that I shall ask you to consider. The first is the present diffusion of ownership of corporations, its reason, its extent, and its result. The second is the tendency toward combination in business.

These two tendencies are now frequent topics of discussion. They have not been, so far as I know, discussed as part of the same movement. Seemingly widely divergent and mutually antagonistic, in reality they form a confluence in the trend of modern industry. Indeed, there is strong indication that the so-called democratization of industry by the stock holdings of many individuals is being employed as an agency for the increase of combinations and the growth of monopolies.

In this movement the banker, whether consciously or unconsciously, is playing an important part. It is well, therefore, that he consider the exact situation.

II

Political economists, public men, magazine writers have pointed out the very significant change in the nature and conduct of corporations. This change, as described by Professor Ripley, is in the "wide and ever accelerating diffusion" of the ownership of property represented by stock holdings of employees and of the direct consumers. This idea has been elaborated and popularized by a recent magazine article entitled "Who Owns America?", in which the author points out that with the passing of the old captains of industry the ownership of a great portion of industrial capital has been transferred to an investing public which is rapidly increasing.

The extent of this movement has been studied by governmental agencies. Recently, in response to a Senate resolution, the Federal Trade Commission, after an extensive survey, submitted a report on "National Wealth and Income." In it the commission estimated that in 1922 the total national wealth was about $353,000,000,000, and that nearly one-third of this was devoted to corporate business. Its analysis of data of several thousand representative corporations disclosed that individuals as a class far exceeded all other classes of corporate stockholders, both in numbers and in value of holdings. Of the total number of stockholders represented individuals (and this did not include brokers, trustees, or foreign holders) comprised 90 per cent and held about 65 per cent of the total par value of common stock and nearly 60 per cent of the preferred stock.

While this movement may have had its origin in the effort of promoters to interest the public in the consolidation of industry, it received a great impetus in the Liberty bond campaigns. Previously the Government when it decided to borrow money sold its bonds to bankers. The marketing was limited to a relatively small group. But during the war the Government, by its direct appeal to the individual, tapped a new source of capital in the citizen of small income. This citizen, previously had never thought of buying more than a small house. But he learned that a piece of paper might be an article of value. His experience with his Government led him to try other sources of investment. The difficulty is that while he knew his house from cellar to garret, he does not and can not know the working of the corporation in which he has invested. He must take that on faith and upon the character and integrity of those who manage the business.

So we have this result. By the eagerness of the small investor to intrust his savings to corporate activity, there has been created a great reservoir of capital for the development of industrial enterprise. The effect of this is to dilute the holdings of those who would normally own an industry and to distribute that ownership among an unorganized and unrelated group of investors who have no knowledge of the business and no effective method of control. Management is thus separated from ownership, and in addition the savings and thrift of a vast multitude is made available for the uses and purposes of a few.

This tendency has undoubtedly been stimulated by a gradual increase in the average amount of small incomes which enables the individual to have a margin of saving, and also by the desire of those with larger incomes to seek relief from excessive taxation in the higher brackets by investing in tax-exempt securities.

III

Let us now consider the tendency to combination and consolidation in business. That this movement exists is recognized. That it is growing is evident from even a hasty reading of the newspaper financial page. It would appear to be a recrudescence of that movement which had its beginning in the late years of the nineteenth century and its close in the financial depression of 1903. Coincident with the movement was the rapid evolution of banking in order to care for the increased demands of industry. These two movements developed together, each being necessary to the other. Large banking institutions made possible the handling of capital required for corporate mergers. Consolidations of business with their need for financial assistance made profitable the development of banking institutions to care for these needs.

Beginning in 1915, and evidently as a consequence of the war in the increased demand for manufactured products as well as higher prices, we find the inception of that revival of consolidations which continues to manifest itself to-day. Doctor Walker, the economist of the Federal Trade Commission, has pointed out these present consolidations differed in certain respects from the combinations of 20 and 30 years ago.

The earlier combinations were directed more against the competitor. Attempt was made to secure all the plants in an industry, whatever the condition or the character, and in that way to eliminate competition. To-day in mergers and combinations selection of plants is made with regard to strategic location and efficiency of operation.

The object of the old type of consolidation was to kill off the remaining competitors, if any. To-day there is more the spirit of cooperation in industry, and it is sought by agreement and understanding to stabilize prices, the effect of which may be to limit production, and to allot territory and customers. So that in the present era of combination the consumer has more to fear than has the competitor.

Another difference may be noted between the old type of combination and the new; the earlier combinations dealt with the basic supplies of industry; and while the effect on the individual was known and resented it was not immediate and direct. Present-day combinations, for the most part, deal with the immediate necessities of life and are all the more likely to arouse public indignation.

Very often, however, the chief purpose of combination is to secure additional capital. In the necessity of expansion these corporations take over plants as incidents to their primary purpose, which was increase of capacity, and to accomplish this money is needed. To secure the needed capital we find these large corporations pursuing a deliberate policy of attracting the small investor, and in the case of public utilities we see definite drives being made for customer and employee ownership.

IV

We have then existing these two factors—one a reservoir of untouched capital; the other, industry in its desire to expand seeking this capital. There can be but one result and that is that the two shall meet. Properly directed and guided this meeting can be a most happy one for the economic life of the country, but it places a heavy responsibility upon those who are charged with such direction and guidance. Those who are charged with managing business in which the great bulk of the stock is held by individuals who have neither the training nor the opportunity of participating in the activity of the business owe a peculiarly high obligation to their stockholders. They bear not only responsibility for the direction of the business but are charged with the conservation and protection of the funds intrusted to them in the management of the business. They are in a position of stewardship. As trustees they owe a duty to their shareholders that often is not truly recognized.

There is necessity for organization of effort in a society so highly industrialized as is ours. It may well be that business consolidations can be effected so as to eliminate waste of economic effort without detriment to the public. Size in and of itself is not an evil; it is the abuse that constitutes the evil. The one justification for the effecting of a consolidation is the serving of the public interest. The means taken either to regulate or to operate industry must be decided by the application of that principle.

If within this principle there shall be a fusion of these two movements under discussion, then the result will be beneficial to the country. But there are two dangers to be feared. One is that the natural separation of ownership from management, which is the inevitable result of the diffusion of stock holding, shall be further accentuated by the effort of those in control to make it impossible for the stockholders ever to assert their rights. This is attempted to be accomplished by legal devices, which, while depriving the shareholders of the right to vote, equally deprive them of the means of holding their management to strict accountability.

The other is that with the undue concentration of power placed in the hands of a few, there will be increased temptation to violate or evade those laws which were enacted for the preservation and maintenance of the competitive system.

Whether diffusion of ownership of stock shall result in a true democratization of industry is dependent upon the manner in which industry shall be managed and controlled.

With the separation of management from ownership, the more heavily there is impressed upon management the obligation of trusteeship. An obligation that can be met not only by giving the public the best service for which it is willing to pay the cost, and labor a return sufficient to furnish an incentive for genuine cooperation, but to their owners, the small investors, a fair return on their investment. Perhaps the primary thing for the management to learn under the new order is the high obligation which as trustees they owe to their stockholders.

Overdevelopment and speculative expansion is seldom indulged in by those who are dealing with their own money. There is a tendency, however, to expand and amalgamate without a proper regard for the law of diminishing returns by those, who, charged with the responsibility of management are lacking in a proper sense of obligation to those whose money is being handled. A man of property tempers the temptation to enlarge his business or to project it into a new field by the desire to conserve what he has for those dependent upon him. The employee type of corporate manager has no such deterring influence.

We are reminded that in this change of control from owner to agent there is a greater tendency on the part of the corporate managers, instead of paying earnings to the stockholders as dividends, to turn them back into the business of the corporation, and the earnings so turned back are used not for maintenance and improvement but too often for unsound expansion and the acquisition of competing properties. It is a significant fact that business men who seek advice of the Government in devising means for cooperative effects in overcoming evils alleged to exist in unrestrained competition almost always assign excess capacity in the industry as the foundation of their difficulty.

The bankers occupy a position which gives to them unusual opportunity for properly directing the course of conduct and management of business and of saving from ruin the small investor who has placed his funds in the business, relying upon the standing and character of the banker.

The other danger is that which results from the concentration of great power in the hands of a few. It has already been pointed out that business combinations to the extent that they advance the interest of economic life should not be condemned, but where the purpose of men in industry is by combination and consolidation to so control that industry that they may eliminate competition, destroy individual initiative, and by skillful devices award themselves profits disproportionate to their services, then these combinations are a serious economic and social danger.

V

Legislation enacted against the monopolies and combinations which grew up during the period of the nineties was prompted by the deep fear in the American people that these combinations constituted a menace to their economic and social organization. The Sherman Antitrust Act was the direct result of aroused public opinion produced by that fear.

It may be remarked that if existing legislation is adequate to avert the dangers apprehended, it only remains for prosecuting officers to enforce the law in order to insure our safety. But the history of recent years reveals that despite the ernest efforts made to enforce the law, the trend toward combination has continued. This can only mean that the existing laws are not adequate to meet all the varying forms of combination that have been devised; and that fact already is a matter of public discussion.

Of course, certain types of combinations are plainly illegal and these have been attacked and thwarted almost in their inception.

Our civilization is based upon the principle of competition. The whole spirit of our law is to foster competition, and monopolies and restraints of trade have always been regarded with suspicion. The definite policy of our legislative bodies has reflected that principle and our courts have sustained and enforced it.

There are those who believe that the general business interest will be best promoted if the general rule of competition be not applied. There are others who believe that such a rule is more necessary in these days of great wealth than ever before. But, as the Supreme Court has pointed out, whether the free operation of the normal rule of competition is a wholesome rule for trade and commerce or not,

it is the settled law of this country that public convenience and welfare demand that the natural lines of competition be left undisturbed and that the control of prices through combination tends to restraint of trade and monopoly; and is an evil thing.

To this rule of law business men must conform, and it is the high duty of bankers, who by reason of their position of dominance and control in the industrial world to-day are able to influence the conduct of the managers of business to see that this principle is adhered to. They should feel impelled to do so not only because it is the law of the land but because intelligent self-interest directs them to do so.

There is in the mind of a certain group of thinkers a very definite policy which seeks to abolish our present capitalistic system. They would substitute for it outright community ownership of basic industries, or, at any rate, a complete public regulation of these industries, leaving no scope for what we consider the free play of individual effort. This group views with increasing satisfaction the evident tendency of modern industrialism by community of interest, by the attempted control of markets and of prices, and by the cooperation in interest and of action to establish unrestricted monopolies. They recognize that the growth of these monopolies with attendant illegal methods adds force to their project for increased governmental control. If, then, there is to be a carrying out of the expressed desire of the business man that government be kept out of business, it is incumbent upon the business man and banker that he so conduct his business that there be no necessity for the intrusion of government into business.

Good sense alone should prompt the leaders of industry to apply an economic brake to undue combination and consolidation, and particularly to those calculated to violate the competitive principle. And banking institutions, upon whose support these expansions must necessarily depend, should direct their effort also to that end. It is infinitely better that the reformation should come from within and corrective methods should be applied by industry itself. Certainly there are many identified with industry who recognize that it is only by the rigid maintenance of the competitive system that ultimate governmental regulation or ownership may be averted.

The present evils of modern industrial development are coming to be recognized. There is the beginning of the same resentment toward consolidation of industry that was so evident against the combinations of the early nineties. It is not a fanciful notion that as a result of unrestrained and illegal combination the people of the country may be aroused to the point of destructive anger so that all consolidations may suffer, those that are economically sound and beneficial as well as those that are uneconomic and prejudicial.

It is not difficult to conceive that as a result of huge combinations being illegally formed and arbitrarily administered, government should be forced to interfere and take over and regulate these corporations, even though in so doing there might be developed a bureaucracy in the country with attendant evils greater than those sought to be corrected.

If that day should come, it will be due not so much to the desire of the people of this country to accept socialistic doctrine as it will be due to the folly of those who in their domination of the industry have failed to conform to that principle of competition upon which our economic life has been based.

NAMING OF TRANSCONTINENTAL TRUNK HIGHWAY

Mr. SHORTRIDGE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the San Francisco Examiner of June 26, 1926, entitled "President's name should be given to one highway."

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

PRESIDENT'S NAME SHOULD BE GIVEN TO ONE HIGHWAY

The Coolidge Highway!

That is what the Government should name one of the great transcontinental trunk lines to be built under the Federal road aid bill.

The credit for this epochal piece of legislation goes to the President largely. He supplied the leadership, and it was at all times forceful, determined, and enthusiastic.

There were Members of Congress who, in the name of economy, would have crippled this magnificent program. But President Coolidge, the greatest economist of them all, knew that the cause of national thrift and prosperity would be immeasurably advanced by the creation of a complete general road system.

The President had the vision to see the country as it is and as it should be. Under the former head he saw isolated State road systems, some of them fairly good and others fragmentary. The only connections between these separate regions, he saw, were, in most cases, miserable roads that were practically impassable throughout much of the year.

He saw that the marvelous national parks in the western and southern areas were inaccessible by automobile to most Americans. His survey showed him that the so-called national highways are a dot-and-dash system, the dashes being long stretches of rough dirt road. There was not, he discovered, a single continuous paved transcontinental highway.

More important, however, was the picture that the President was able to conjure of a national highway system as it should be. He saw splendid, wide, paved roads running from the Atlantic to the Pacific, many of them; and others crossing them, stretching from Canada to the Gulf and the Mexican border.

What he hoped to see realized was such a gridironing of the country with good roads that America's 20,000,000 motor-car owners would be able to know and enjoy their country to the fullest; that they would be able to go from any point to any other in comfort and with speed. He saw a practical invitation to see America laid down to virtually every dooryard.

That was the new America of President Coolidge's vision, and he set about to make it a reality by encouraging through every means possible the adoption of the Federal road aid bill. He succeeded. He had the satisfaction the other day of signing this measure. Through its provisions the Federal Government will spend $165,000,000 in the two years ending June 30, 1929, not counting the $75,000,000 that is appropriated for the current fiscal year.

This act insures a comprehensive and complete transcontinental highway system—10 roads from ocean to ocean and 10 from Canada to the southern border. One of these East-West highways is to be completed next year and 20 will be ready for travel by 1931.

It is the most gigantic highway building program in the world's history. There will be 200,000 miles of national paved roads and the ultimate cost to Federal and State governments will be $10,000,000,000.

The President's invaluable service to the country in this legislation should be permanently remembered and honored by a grateful people. One of the first and greatest roads in the system should be named after him!

RETIREMENT OF CIVIL-SERVICE EMPLOYEES

Mr. STANFIELD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof, be, and they are hereby, amended to read as follows:

"ELIGIBILITY FOR SUPERANNUATION RETIREMENT

"SEC. 1. All employees to whom this act applies who, before its effective date, shall have attained or shall thereafter attain the age of 70 years and rendered at least 15 years of service computed as prescribed in section 5 of this act shall be eligible for retirement on an annuity as provided in section 4 hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea post clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at 65 years of age and that railway postal clerks and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall be eligible at 62 years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined jointly by the Civil Service Commission and the head of the department, branch, or independent office of the Government concerned: *Provided further*, That any such employee who was employed as a mechanic for the major portion of his service, and not less than 15 years, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this act: *Provided further*, That any mechanic, having served 30 years, who was, through no fault of his own, transferred or reduced to a minor position and who shall have attained, or who shall thereafter attain the age of 62 years, shall have his annuity computed upon his average annual basic salary, pay, or compensation, for the last 10 years of his service as a mechanic.

"*Provided further*, That the term 'mechanics' as used in this act shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

"AUTOMATIC SEPARATION

"SEC. 2. All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section and having rendered 15 years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if not less than 30 days before the arrival of an employee at the age of retirement the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission, and at the end of the two years he may, by similar approval and certification, be continued for an additional term, not exceeding two years, and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

"Whenever an employee shall make application for such continuation in the civil service, and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to obtain from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

"No person separated from the service who is receiving an annuity under the provisions of section 1 of this act shall be employed again in any position within the purview of this act.

"EMPLOYEES TO WHOM THE ACT SHALL APPLY

"SEC. 3. This act shall apply to the following employees and groups of employees:

"(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions, or authorizing the appointment of individuals to positions within such service.

"(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, and of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, whose tenure of employment is not intermittent nor of uncertain duration.

"(c) All employees of the Panama Canal on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

"(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

"(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

"(f) All employees and groups of employees to whom the benefits of the act of May 22, 1920, and amendments thereof, shall have been extended by Executive orders.

"(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

"This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled 'An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes,' nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration: *Provided*, That the provisions of this act shall apply to anyone who entered the United States mail service as a rural carrier before January 1, 1897, and who continued in the service as such carrier continuously for 20 years or more, and who was honorably separated from the service. Such carrier shall be paid such compensation under this act as his length of service entities him to receive.

"METHOD OF COMPUTING ANNUITIES

"SEC. 4. The annuity of an employee retired under the provisions of the preceding sections of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,500 per annum, received by such employee during the 10 years of allowable service next preceding the date of retirement, by the number of years of service, not to exceed 30 years, and dividing the product by 45. In no case, however, shall the annuity exceed $1,000 per annum. For the purposes of this act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be fixed at the nearest multiple of 12.

"The term 'basic salary, pay, or compensation,' wherever used in this act shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

"COMPUTATION OF ACCREDITED SERVICE

"SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, including periods of service at different times and in one or more departments, branches or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the war risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the war risk insurance act in addition to the annuity herein provided.

"In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

"In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated.

"DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

"SEC. 6. Any employee to whom this act applies who shall have served for a total period of not less than 15 years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class

of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof. *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

"Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 90 days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination, as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

"In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 12 hereof, upon application therefor in such form and manner as the Comptroller General may direct. In case of reemployment in a position within the purview of this act the amount so refunded shall be redeposited as provided in section 12 hereof.

"No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

"Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

"INVOLUNTARY SEPARATION FROM THE SERVICE

"SEC. 7. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 1 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he or she may elect, either—

"(a) The amount of the deductions from his basic salary, pay, or compensation made under section 10 of this act and under act of May 22, 1920, including accrued interest thereon computed as prescribed in section 12 hereof; or

"(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity, beginning at the age at which the employees would otherwise have become eligible for superannuation retirement computed as provided in section 4 of this act; or

"(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 4 of this act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

"Any employee who has served for a period of not less than 15 years, and who is 45 years of age, or over, and less than 55 years, and who becomes separated from the service under the conditions set forth in this section shall be entitled to a deferred annuity, but such employee may, upon reaching the age of 55 years, elect to receive an immediate annuity as provided in paragraph (b) of this section.

"Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this act, or in any other position in the Government service, the annuity shall cease, and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

"This section shall include former employees within the provisions of the act of May 22, 1920, or said act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has withdrawn his deductions from the 'civil-service retirement and disability fund,' such employee shall be required to return the amount so withdrawn with interest compounded on June 30 of each year at the rate of 4 per cent per annum before he shall be entitled to the benefits of this section.

"BENEFITS EXTENDED TO THOSE ALREADY RETIRED

"SEC. 8. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date.

"CREDIT FOR PAST SERVICE

"SEC. 9. Beginning with the effective date of this act, all employees who may be brought then or thereafter within the purview of the act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the 'civil-service retirement and disability fund' a sum equal to 2½ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to the effective date of this act, and also 3½ per cent of the basic salary, pay, or compensation for services rendered after the effective date of this act, together with interest computed at the rate of 4 per cent per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled.

"DEDUCTIONS AND DONATIONS

"SEC. 10. Beginning as of July 1, 1926, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 3½ per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the 'civil-service retirement and disability fund' created by the act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

"The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from

salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

"INVESTMENTS AND ACCOUNTS

"SEC. 11. The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the 'civil-service retirement and disability fund' as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 12 of this act.

"The Comptroller General shall establish and maintain an account showing the annual liabilities of the Government under this act, and shall keep such other accounts as may be deemed necessary for a proper administration of the act.

"RETURNS OF AMOUNTS DEDUCTED FROM SALARIES

"SEC. 12. In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the total amount of deductions of salary, pay, or compensation heretofore or hereafter made with accrued interest computed at the rate of 4 per cent per annum, compounded on June 30 of each fiscal year, shall be returned to such employee: *Provided*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

"The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

"In case an annuitant shall die without having received in annuities an amount equal to the total amount of deductions from his salary, pay, or compensation, with interest thereon at 4 per cent per annum compounded as herein provided up to the time of his death, an amount equal to the excess of the said accumulated deductions over and above the annuity payments made shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor.

"In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for amounts, the total amount of deductions with accrued interest thereon as herein provided shall be paid to the legal representatives of such employee.

"In case a former employee entitled to return of deductions with accrued interest thereon as herein provided shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

"If the amount accrued annuity, or of accumulated deductions, or of refund due a former employee who is legally incompetent, together with accrued interest thereon payable under the provisions of this act, does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

"PAYMENT OF ANNUITIES AND FORM OF APPLICATION

"SEC. 13. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

"Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

"Annuities granted under this act for retirement under the provisions of section 1 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 6 and 7 hereof shall be subject to the limitations specified in said sections.

"SEC. 14. Employees who have gone from employment within the purview of this act to other employment under the Government and have returned to a position under the purview of this act shall have the time of such other service included in the computation for his retirement: *Provided*, That such employee shall contribute to the retirement fund upon reentering such employment within the purview of this act an amount, including interest, equivalent to that which would have been paid if such employee had continued in such employment.

"DUTIES OF THE CIVIL SERVICE COMMISSION

"SEC. 15. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act; and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

"BOARD OF ACTUARIES

"SEC. 16. The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the Board of Actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the 'civil-service retirement and disability fund' at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this act. The compensation of the members of the Board of Actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

"ADMINISTRATION

"SEC. 17. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

"The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the Board of Actuaries.

"The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary

to finance the retirement and disability fund and to continue this act in full force and effect.

"EXEMPTION FROM EXECUTION, ETC.

"SEC. 18. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

"EFFECTIVE DATE

"SEC. 19. This act shall become effective as of July 1, 1926, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed as of said effective date."

And the Senate agree to the same.

ROBT. N. STANFIELD,
KENNETH MCKELLAR,
Managers on the part of the Senate.

FREDERICK R. LEHLBACH,
ADDISON T. SMITH,
EMANUEL CELLER,
Managers on the part of the House.

The report was agreed to.

PROMOTION OF CERTAIN RETIRED ARMY OFFICERS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist on its amendment, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REED of Pennsylvania, Mr. WADSWORTH, and Mr. GEORGE conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 126) authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. SPEAKS, and Mr. QUIN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to a resolution (H. Res. 315) providing for the appointment of a committee of two Members of the House, to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 2188. An act for the relief of G. C. Allen;

S. 4171. An act to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.;

H. R. 814. An act for the relief of James L. Cardwell;

H. R. 1394. An act for the relief of Henry O'Brien;

H. R. 2268. An act for the relief of Michael J. Leo;

H. R. 2324. An act for the relief of Joe F. Jenkins;

H. R. 2328. An act for the relief of Edith L. Bickford;

H. R. 4033. An act granting consent of Congress to the Hidalgo & Reynosa Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;

H. R. 8048. An act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes;

H. R. 8564. An act for the relief of Lewis J. Burshia;

H. R. 8961. An act for the relief of William E. Jones;

H. R. 9707. An act for the relief of L. L. Kyle;

H. R. 11510. An act to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes;

H. R. 11820. An act granting an annuity to Clyde L. West;

H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga.;

H. R. 4307. An act for the relief of the village of Harbor Springs, Mich.;

H. R. 9324. An act for the relief of George A. McKenzie, alias William A. Williams;

H. R. 2633. An act for the relief of Anna Jeanette Weinrich;

H. R. 3529. An act for the relief of Genevieve Hendrick;

H. R. 11943. An act providing for an additional building for the use of the police court of the District of Columbia;

H. R. 1598. An act for the relief of Robert E. A. Landauer; and

S. J. Res. 51. Joint resolution providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery.

THE MERCHANT MARINE

Mr. JONES of Washington. Mr. President, on June 27, I introduced Senate Resolution 262, which reads as follows:

Resolved, That the United States Shipping Board be, and it is hereby, requested to prepare and submit to the Senate not later than January 1, 1927, comprehensive and concrete plans for building up and maintaining an adequate merchant marine for commerce and national security (1) through private capital and under private ownership and (2) through construction, operation, and ownership by the Government.

If I can not get unanimous consent for the passage of this resolution, I hope that the Shipping Board will take notice of it and act along the lines suggested in it. I appreciate the fact that we have no authority to direct the Shipping Board to take this course, but I do feel that upon a mere suggestion of this kind it will be disposed to do it, and before asking for the consideration of the resolution I desire to submit a few remarks bearing upon the matter.

When the World War broke out there were only 15 vessels under the American flag of over 1,000 gross tons engaged in the overseas trade. The aggregate gross tonnage of these ships was 164,526. We had 868 other ships registered for the foreign trade of an aggregate tonnage of 720,609 plying between points in Canada, the West Indies, South America, and the United States. Under the act of August 18, 1914, admitting certain foreign-built vessels to American registry 103 vessels of 368,242 tons were admitted for the foreign trade. Two ships were built after June 30, 1914, of a gross tonnage of 9,813, so that on January 1, 1915, we had 973 vessels of a gross tonnage of 1,098,664 registered for the foreign trade. There may be added to this tonnage 200,000 or 300,000 tons of coastwise vessels that may be deemed to be suitable for the foreign trade under the American flag January 1, 1915, making in all 1,298,664, or 1,398,664 tons of shipping available for the foreign trade.

About midnight on September 8, 1913, while the Simmons-Underwood tariff act was under consideration, I made a speech in support of the discriminating duty provision contained in that bill designed to aid and encourage the development of our merchant marine. I said:

British ships transport the greater part of our foreign commerce. Suppose England should engage in a war with a great power, thousands of her ships would be taken for transports and other thousands might be destroyed and the products we now send abroad would be left on our hands glutting our markets and bringing upon our industry ruin and widespread commercial disaster. Farmers and manufacturers would suffer alike and the laborer and his family would face the wolf of hunger in his home.

When the World War broke out this very thing happened. It was inevitable. Ships that had been engaged in peaceful trade were diverted to carry troops and war supplies. It is estimated that on January 1, 1915, the tonnage of ships so diverted amounted to from 6,000,000 to nearly 10,000,000 tons. Our merchants, business men, and farmers were the greatest sufferers from this loss of transportation facilities.

We were supplying and were called upon to supply the world with food and war materials, depending largely upon foreign shipping to get our goods to market. This shortage in transportation fell upon our people with most disastrous results, and taught us what a lack of shipping means to a country like ours whose trade is so great with the world. It taught us a lesson it would seem that we would not forget, and yet I fear we are forgetting it. I fear that as the years go by and the period of the World War recedes along memory's highway, we are prone to forget the lesson the facts should teach us.

We had the greatest crops of cotton and grain in our history. With this came the demand growing out of the needs of the war. Our shipping facilities were wholly inadequate. We had to depend largely upon belligerent ships, and were forced to face the chances of war to get our products to the markets that were eagerly looking for them. Large profits were alluring bait. Speculation based upon actual needs came into play, and

led all to seek to take full advantage of a situation that promised great reward.

Under the impulse of this situation, what happened? The products of the farm, the mine, and the factory were rushed to our shipping ports. Docks, wharves, and warehouses were loaded with them awaiting transportation facilities.

The following was written in 1916, and portrays the actual condition then existing:

No nation can endure half free and half slave commercially any more than it can socially. In the sixties we had to prove for ourselves the social side of that theorem in the hell-fire of fratricidal strife. Since 1914 nearly a half of the rest of civilization at death grips has been proving the commercial equation.

No sooner had the United States burst the bonds of physical slavery 50 years ago than she supinely submitted herself to the gyves of a commercial serfdom equally as intolerable. We freed a section only to enslave the whole commonwealth. No hour, no day has passed since then that has not beheld the forging of some new rivet, some new link in the shackles. In this year of 1916 the United States, without a merchant marine, bereft of ships, is more than half the slave that she was in 1861. What boots it that labor is free if the products of its industry and enterprise are denied their markets?

Turn where one will and it is to behold the evidence of this vassalage. Leave any one of our glutted seaports, with piers and warehouses and freight terminals burdened beyond capacity by an immovable commerce, and follow the railroad lines into the interior, across the continent; go north, go south, go east, go west, and there is no a mile that has not a chapter to contribute to the tale. All of the conceivable products of a hundred millions of people lie along those steel arteries arrested by embargoes. What moves is what the warring nations choose to buy and will receive from the railroads at tidewater. All else must abide its time or rot; for as Europe controls the world's deep-water tonnage, so our market is limited to her will. It matters not that there are other markets in which we could sell and intrench ourselves to the advantage of future trade and expansion. We haven't the ships to reach them.

Turn from the railroads and go into the orchards of the West and Northwest and it is to find the fruit of last season mattressing the earth against the shaking down of the worthless crops of the coming one. Hearken for the sound of ax and saw in the lumber regions of Oregon and Washington and California, and hearken in vain. An army of labor stands idle; its accumulated product lies shipless in gorged outports. Nor are there cars to move a cutting for domestic use. The Middle West and the South are utilizing the rolling stock of our rails as granaries and warehouses, and New England's depleted forests, the conservations of 25 years, are being slaughtered to supply the needs of the eastern seaboard.

Turn from field and plain and orchard and forest to the manufacturing centers and it is to find the same paralysis of industry, for industry lives by import as well as by export. Here a factory stands silent because it can not get tin from England; there a silk loom lies manacled because it can not obtain the raw product from China. As Britain controls her shipping so does Japan control hers. Japan has but to say to her merchant marine, "Our ships will carry Japanese exports from December to May and imports from December to May and imports for Japanese consumption only from June to November," and that is sufficient. The rest of the world may whistle. What is true of those two nations is likewise true of all others.

As this is being set down comes news that Britain is promulgating an order in council prohibiting among other things the importation of automobiles for private use, fruit, musical instruments, cutlery of all kinds, hardware, yarns, chinaware, fancy goods, and even soaps. And it is explained that this is being done, not as a matter of policy, but because of a shortage of ships; that Britain must have American wheat and corn and meat and that other things can not be permitted to take up the space of her vessels. Yet wheat and corn and meat and munitions of war are but a part of American commerce.

At peace and neutral though we are, belligerency in the present situation could exact no more of us.

As a neutral power we had the right to trade with the belligerents. They all sought our products. We had few ships of our own. We had to depend largely upon the ships of the warring nations for the carriage of our products, and so our products had to face the danger of these ships. The inevitable happened. With an extreme demand for our products and with shipping facilities greatly reduced, rates increased by leaps and bounds.

Mr. President, on December 18, 1914, the Senate passed this resolution:

Resolved, That the Secretary of the Treasury and the Secretary of Commerce be requested to furnish all available information in relation to the increased rates for ocean transportation which have taken place since July 1, 1914, and any and all other facts relating to ocean transportation which adversely affect or injure American commerce.

On pages 13 and 14 of this report which I hold in my hand are tables showing the increases in rates on the different articles, and I read this note:

In order that the increase in ocean freight rates since July, 1914, may be more fully appreciated, the following tables, made by the actuary of the Treasury Department, and based upon the best obtainable information, are submitted.

I ask that I may insert these without reading.

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

The tables are as follows:

Freight rates, New York to European ports

	July 1, 1914	Jan. 19, 1915	Increase
Grain (per bushel):			*Per cent*
Liverpool	$0.05	$0.20	300
Rotterdam	.06	.60	900
Havre	.06		
Bremen	.0714		
Mediterranean	.0825		
Flour (per 100 pounds):			
Liverpool	.10	.40	300
Rotterdam	.10	.60	500
Havre	.18	.47	161
Cotton (per bale):			
Liverpool	1.00	5.00	400
Rotterdam	1.25	10.00	700
Havre	1.25	5.00	300
Meat and lard (per 100 pounds):			
Liverpool	.24	.36	50
Rotterdam	.28	.75	168
Havre	.30	.60	100

Freight rates—Baltimore

	July 1, 1914	Jan. 20, 1915	Increase
Grain (per bushel):			*Per cent*
European ports	$0.03	$0.30	900
Mediterranean	[1].05⅝	.32¼	473
Flour (per 100 pounds):			
European ports	.14	.65	364
Mediterranean			
Cotton (per bale):			
European ports	1.75	12.50	614
Mediterranean			
Meats and lard (per 100 pounds):			
European ports	.27		
Mediterranean			

[1] Sept. 1.

Freight rates—Philadelphia

	July 1, 1914	Jan. 21, 1915	Increase
Grain (per bushel):			*Per cent*
European ports	$0.04	$0.20	400
Mediterranean ports	.06¾	.28¼	318
Flour (per 100 pounds):			
European ports	.14	.41	192
Mediterranean ports	.187	.75	301
Cotton (per bale):			
European ports	1.15	5.00	335
Mediterranean ports	1.25	6.26	400
Provisions (per 100 pounds):			
European ports	.22½	.3937	75
Mediterranean ports	.321	.9640	200

Freight rates—Norfolk, Va.

	July 1, 1914	Jan. 20, 1915	Increase
Grain (per bushel):			*Per cent*
Liverpool	$0.06–$0.07	$0.18	157–200
France-Atlantic	.067	.205	206
Mediterranean	.063	.27	329
Rotterdam		.2525	
Denmark	.135	.28875	114
Flour (per 100 pounds):			
Liverpool	.21	.40	90
France-Atlantic	.25	1.00	300
Mediterranean	.35	0.55– .70	57–100
Rotterdam	.25	.60	140
Denmark	.32	.70	119
Cotton (per bale):			
Liverpool	1.75	5.00	186
France-Atlantic	2.25	10.00	344
Mediterranean	3.25	5.00– 6.25	54–92
Rotterdam	1.75	10.00	471
Germany	1.25	15.00	1,100
Provisions (meat and lard) per ton—large packages:			
Liverpool	6.05	8.50	40
France-Atlantic	8.00	12.00	50
Mediterranean	9.70	24.33	151
Rotterdam	7.60	12.00	58
Denmark	8.62	24.33	182

Freight rates on cotton from Savannah, per bale

	July 1, 1914	Jan. 20, 1915	Increase
			Per cent
Liverpool	$1.50	$5.25	250
Rotterdam	1.50	11.25	650
Bremen	1.50	15.00	900

No exports other than cotton.

Freight rates—New Orleans

	July 1, 1914	Jan. 21, 1915	Increase
Grain (per bushel):			Per cent
Continental Europe, excluding Germany	$0.08½	$0.34–$0.50	300–488
Mediterranean	.11½	.40	248
Flour (per 100 pounds):			
Continental Europe	.18	.70–.78	289–333
Mediterranean	.22	.69	214
Cotton (per bale):			
Continental Europe	1.60	7.50–13.75	369–759
Mediterranean	1.90	8.75	360
Meats and lard (per 100 pounds):			
Continental Europe	.33	.84–.95	155–188
Mediterranean	.34	.84	147

Freight rates—Galveston

	July 1, 1914	Jan. 21, 1915	Increase
Grain (per bushel):			Per cent
Liverpool	$0.07⅛	$0.19½	174
Havre	.10⅞	.18	65
Barcelona	.12	.33	175
Genoa			
Cotton (per bale):			
Liverpool	1.30	6.00	361
Havre	1.50	7.00	366
Barcelona	2.25	7.00	211
Genoa	1.90	10.00	426
Bremen	1.40	16.25–17.50	1,061–1,150

No flour, meats, or lard now moving from Galveston.

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

Mr. JONES of Washington. I will yield if the matter the Senator has in mind will not lead to any debate.

Mr. NEELY. Mr. President, reserving the right to object, I think there is an understanding somewhere that consideration of the corrupt-practices resolution is to be defeated. I am going to object to every other request that is made, after the request of the Senator from Connecticut has been acted upon, until Republicans in the Senate stop consuming time and talking against the consideration of the corrupt practices resolution.

Mr. JONES of Washington. Mr. President, I want to state to the Senator from West Virginia that I do not intend to delay the consideration of his resolution at all. If the Senator thinks anything like that I shall not yield at all.

Mr. NEELY. I shall not object to the Senator yielding to the Senator from Connecticut, but I shall object to every other similar request. I shall have to object to the further reading of papers and reports by the clerk. If any Senator wants to have anything of that sort read, he will have to do it by making a speech on his own responsibility.

Mr. JONES of Washington. I desire to say that I shall not yield to anyone to present any resolution or bill, because I do not seek to delay the consideration of any measure such as the Senator from West Virginia has suggested. I am making this address, so far as I am concerned, in perfect good faith.

Mr. President, I believe Senators who are present will be interested in noticing the increased freight rates summarized on page 15 of the report to which I have referred, as follows:

MAXIMUM NOT IN SIGHT

While this report is being written, information is received that rates are higher than those given in some of the tables herein presented, and that even at these extraordinary figures it is difficult to obtain cargo space for earlier sailings than March and April.

SUMMARY OF THE MOST STRIKING INCREASES

From the foregoing tables it will be observed that ocean freight rates on grain from New York to Rotterdam have been increased since the outbreak of the war 900 per cent; on flour 500 per cent; on cotton 700 per cent.

From New York to Liverpool the rates on the same commodities have increased from 300 to 500 per cent.

From Baltimore to European ports (excepting German) rates have been increased on grain 900 per cent; on flour 364 per cent; on cotton 614 per cent.

From Norfolk to Liverpool rates on grain have been increased from 157 to 200 per cent; on cotton 186 per cent.

From Norfolk to Rotterdam the rates on cotton have been increased 471 per cent; to Bremen the rates have increased on cotton 1,100 per cent, namely, from $1.25 per bale to $15 per bale.

From Savannah to Liverpool the rates have been increased on cotton 250 per cent; to Bremen the rates have been increased on cotton 900 per cent.

From Galveston to Liverpool the rates have been increased on grain 174 per cent; on cotton 361 per cent; to Bremen the rates have been increased on cotton 1,061 to 1,150 per cent.

Not only did the shortage and lack of ships result in greatly increased transportation charges but we were unable to take full advantage of unparalleled business opportunity that faced us. We could not meet the export demand simply because we could not get the ships.

On pages 19 and 20 of the same report there is a further striking statement in this regard, as follows:

While it is true that there has been a great growth of our export trade in recent months, we are satisfied that this growth would have been much greater if there had been ample steamship tonnage and if ocean freight rates had been maintained at a reasonable level. We are satisfied that the removal of the oppressive restraints now exercised by foreign steamship companies upon our export trade will give it an extraordinary impetus, and bring to our country a period of enlarged and unexampled prosperity.

We are the one great agricultural, industrial, and mineral producing Nation which is not only at peace, but is far from the menace of war. We are the only market in which orders can be placed with expectation that they will be filled in reasonable time. The leading nations of the earth are turning to us now as the most reliable source of supply.

The fact that our expanding trade shows, at the moment, favorable balances is no argument that our commerce moves freely and without injury or undue burdens. On the contrary, it is a fact that through scarcity of tonnage and the extortionate freight rates imposed upon our commerce by foreign-owned and domestic steamship companies our export trade is greatly hampered, and the most wonderful business opportunity ever presented to any country is put in needless jeopardy. We believe that the favorable trade balance in December of over $100,000,000 might have been doubled in January if sufficient ships had been available at reasonable rates, so that the orders which are pouring in upon us from every source could have been promptly filled.

* * * * * * *

This is signed:

W. G. McAdoo, Secretary of the Treasury; William C. Redfield, Secretary of Commerce.

Mr. BRUCE. Mr. President, I would like to ask the Senator from Washington what is the date of the report?

Mr. JONES of Washington. The resolution of the Senate was passed December 18 and the preliminary report was made December 26.

Mr. BRUCE. What year?

Mr. JONES of Washington. 1914. I am reading part of this from the first report. Then under date of January 25, 1915, there was a supplemental report sent in. That was the date of the letter of transmittal and from that I have read.

Mr. BRUCE. Mr. President, I want to ask the Senator from Washington, if there is no other alternative presented to the people of the United States, would not the wisest thing they could possibly do be to have the entire American merchant marine taken out on the bosom of the ocean somewhere and sunk to the bottom of the seas?

Mr. JONES of Washington. No; I do not think so, and I am going to present some facts a little further on which justify me in making that statement.

Mr. BRUCE. Just what is the total loss estimated to be on the operation since 1914?

Mr. JONES of Washington. I am going to call attention to some facts which I think probably will meet what the Senator has in mind.

Agriculture was the greatest sufferer. The farmer is most vitally interested in having adequate shipping for his surplus products. They are a large part of our exports. They are perishable and can not remain long in the warehouse or on the dock without loss nor can the farmer pass the increased carrying charge to the buyer or consumer, and so high freight charges are reflected generally in the low prices to the producer.

From page 17 of this report I desire to have printed in the RECORD without reading, if there is no objection, another statement.

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

The statement is as follows:

EFFECT OF HIGH OCEAN FREIGHT RATES ON AMERICAN FARMER

It will be observed that the greatest increases in rates and the heaviest tax has been imposed upon the products in which the American farmer is most concerned, namely, grain and cotton. These commodities constitute the great bulk of our export trade and have the largest influence in throwing the balance of foreign trade in favor of this country.

While the steamship companies have imposed conscienceless taxes in the form of increased rates on grain, amounting, as already shown, to as much as 900 per cent to some ports, they have placed an even heavier burden upon cotton, where the increase in rates to some ports is as high as 1,100 per cent. This increase is particularly onerous upon the cotton producers of the South, because it comes at a time when the effects of the war have greatly reduced the value of cotton and when the southern farmers are least able to bear additional burdens.

Grain, cotton, and other commodities are usually sold "delivered" at the port of destination. When steamship companies raise the cost of delivery of grain from 6 cents to 60 cents per bushel, it makes a vast difference in the price the farmer receives for his product; and when ocean freight charges on cotton are raised from $1.25 to $15 per bale the price at which the farmer sells his cotton is seriously reduced.

To show what the burden imposed on the farmers by these high ocean freight rates means, it is necessary only to bring out the fact that while the total freight cost on our exports by sea for December, 1914, was $30,742,500, the great commodities of grain, cotton, and flour bore $11,782,250 of this charge, or more than 36 per cent of the entire freight cost on all exports by sea for December, 1914.

Mr. JONES of Washington. Is anything more needed to show the American farmer his vital interest in an American merchant marine than these facts? Surely not, if he would have regard for his own interests. If there is any class of our people that should insist upon any steps being taken that will give us an adequate merchant marine, it is the farmer.

No one can tell what our lack of ships has cost the Nation. No one can tell what our farmers and business men paid in increased rates after the war began because of our lack of ships. It was estimated by the Secretary of the Treasury, however, that during the year 1915 agriculture and industry would pay in increased freight charges $311,864,400. This continued more or less until we entered the war, and it is entirely safe to assume that our people were taxed over a billion dollars on the transportation of their products through increased rates. This practically all went into the pockets of foreign shipowners.

If we had had an adequate American merchant marine when the war began, there would, no doubt, have been some increases in rates, but not nearly so great as did occur, and this increase would have gone largely to Americans and into American industry, and the loss from congestion and destruction on the docks and in the warehouses would have been much less.

Business was taxed approximately a billion dollars in increased carrying charges, solely because we did not have an adequate merchant marine when the World War began. This was a double loss, in that it went largely to foreigners. The farmer paid much of it, because he was less able than anyone else to recoup himself.

The loss by deterioration from congestion and delay at our shipping ports can safely be put at not less than $500,000,000, and here again the farmer was the greatest sufferer because his products are most perishable.

No one can measure the injury to business that can be traced directly to our lack of ships, but it was doubtless in excess of $500,000,000.

Under the stern need for ships we spent over $3,000,000,000 in building them. This money was taken from the pockets of our people through the sale of Liberty bonds. This sum was more than the estimated value of all the merchant ships of the world when the war began. It is the equivalent of $30,000,000 a year for more than 100 years. On this sum our people are paying $120,000,000 a year in interest and will continue to do so for many years to come. It is safe to say that we will pay in interest alone, on the average, $50,000,000 a year for 50 years. What do we get for it? Nothing! Not a ship is built! Not a service is rendered! We get nothing, but we must continue to pay.

This is not all. These ships that cost so much are wasting away. They will soon be gone. What will we have to show for them? Nothing! The ships that cost over $3,000,000,000 are estimated to be worth now only about $200,000,000. It is a conservative estimate, in my judgment, that our lack of ships at the beginning of the World War has cost our people more than $7,500,000,000. This is equivalent to an annual expenditure of $75,000,000 a year for a hundred years. What more is needed to show an intelligent and patriotic man, from the financial side alone, that we can well afford to pay out twenty-five or thirty millions of dollars a year for new ships and aid in the construction of new ships and their operation. No matter what others may do, I consider it so important for us to have a merchant marine that I am prepared to vote for any measure, no matter what it is nor by whom proposed, that offers a reasonable hope of giving us merchant ships.

The Shipping Board passenger ships that cross the North Atlantic, except two, are from 15 to 20 years old. They will soon have to be replaced or that service will be a memory. This illustrates the vital situation we face. The real problem confronting us is that of continuance of the service, and the vital phase of that is replacement. The sales we have made have been on the basis of the continuance of existing service for five years. The purchasers are dealing with these ships and the services on a purely business basis. If they do not derive a profit, they will quit running the ships or put them into the intercoastal and coastwise trade and surrender their business to their foreign competitors. Unless they can see such a profit as will warrant replacement their service will come to an end when the ships wear out. No one can blame them for not continuing the service at a loss. Only the Government could do that.

The freight money that the Government receives for the carriage of its cargoes while it owns and operates the ships is not the sole measure of its profits and the value of these ships. While we have had to take money from the Treaury to make good the deficit in their operation, we must not overlook the tremendous influence these ships have had in holding down ocean carrying charges. Surely no one can doubt that if we had not had American ships on the seas as we have had during the last five years ocean rates would have been much higher, to the great advantage of the foreign shipowner and to the great disadvantage of the American producer and manufacturer. The benefit to American business of every kind far exceeds any Treasury outlay.

Mr. President, I noticed in the press reports just a few days ago that to meet the emergency growing out of the need of transportaion for grain the Shipping Board has put into commission and allotted to that purpose, I think, some twenty-odd ships. Surely no man can underestimate the value of such action by the Shipping Board; no one can measure the value of the fact that we are in a position to meet an emergency of that character, that the ships are available and are put into use.

The time is fast approaching when the American people through its Congress must determine whether it is going to have a merchant marine or whether it is going to surrender the field it was forced to enter by war necessities and which, as a great commercial Nation with an ocean on each side of it, I think it should continue to occupy.

Our ships are fast wearing out. Every day they are facing the competition of more modern, efficient, and up-to-date ships. Business men at home and abroad are becoming more and more doubtful of the continuance of service we are now furnishing them. If there is one thing more essential than another in the development of a shipping business it is regularity and certainty of service.

To have a permanent American merchant marine we must adopt a policy that will induce private capital not only to take over services but to maintain them by replacing the present ships as they wear out with the most modern and efficient ships afloat, or else the Government must make provision for building ships to replace the present ships and so assure business men that the service will be maintained, or else we must frankly confess our inability to maintain a merchant marine and surrender this field to our commercial rivals.

In my judgment, we must determine this question very soon. It is not enough to declare that we are in favor of an adequate merchant marine and that we will take the steps necessary to have it, but we must take those steps. We must adopt the policy we propose to follow; we must provide in some way for the building of ships to maintain the needed services. We are slowly but surely coming back to where we were before the war. Then we carried about 10 per cent of our imports and exports.

I have here, Mr. President, a table submitted by the Shipping Board giving the percentage from 1921 of exports carried in Shipping Board vessels, the percentage carried in independent American vessels, and the percentage carried in foreign ships,

and the same information with reference to imports. I ask that the table may be inserted here in my remarks without reading.

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

The table referred to is as follows:

Percentage of exports and imports carried in Shipping Board, independent American, and foreign vessels during the calendar years 1921 to 1925, to March 31, 1926

	Exports			Imports		
	Shipping Board	Independent American	Foreign	Shipping Board	Independent American	Foreign
	Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*
1921	18	16	66	16	53	31
1922	19	16	65	13	47	40
1923	17	14	69	8	42	50
1924	15	17	68	7	44	49
1925	13	18	69	6	38	56
1926 [1]	11	16	73	7	33	60

[1] To Mar. 31, 1926.

Mr. JONES of Washington. Mr. President, I want to see the merchant marine privately owned and privately operated. I am sure that such a merchant marine will be more cheaply built and more efficiently and economically operated than a Government merchant marine, and I will gladly support any measure that will insure such a merchant marine. If we will not do, if we can not do, what is necessary to give us such a merchant marine through private ownership and operation, then I am in favor of the Government adopting such a program and carrying it out as will keep running under the American flag such ships as will insure American producers adequate shipping service at reasonable rates and make it certain that, if any great danger should threaten us from without, we will be reasonably well prepared with the means of ocean transportation for troops and supplies and also that our commercial needs will be reasonably well cared for if the shipping of the other nations should be diverted to war purposes.

Without an adequate merchant marine the reduction of navies will leave us at the mercy of any nation in peace or in war that has an adequate merchant marine.

Mr. President, I wish to quote just a brief statement from a speech made by Secretary McAdoo in Chicago on January 9, 1915, in which he stated very clearly and concisely the importance of a merchant marine, especially from the economic standpoint. He said:

> Regardless of these hazards, it is even greater folly, from an economic point of view, to continue deliberately the policy of trying to build up a great foreign trade by leaving to our rivals the control of the vitally important instrumentalities of ocean transportation. So long as our competitors own the ships they make the rates, they control the service, and they determine the route. With this power it is easy to favor their own commerce and discriminate against ours.

The shipping problem is not a partisan one. It is an American question and should be dealt with in a purely patriotic way.

Mr. President, the Senator from West Virginia [Mr. NEELY] makes a very solemn plea to me to yield to him. I will do it, though if it leads to any discussion I shall withdraw my consent.

Mr. NEELY. Mr. President, I want to ask unanimous consent for the immediate consideration and adoption of Senate Resolution 268, to prevent corruption in primary elections.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will report the resolution.

The legislative clerk read Senate Resolution 268.

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

Mr. HEFLIN. Mr. President, I want to amend that by striking out——

Mr. JONES of Washington. If this is going to lead to discussion, I will have to withdraw my consent.

Mr. REED of Pennsylvania. If the Senator from Alabama is going to move to strike out any words in the resolution, I shall object.

The PRESIDING OFFICER. Objection is made.

Mr. JONES of Washington. I withdraw my consent.

I wish to make a suggestion, Mr. President, as to how it may be possible for us to work out a policy which we can adopt. Farmers, laborers, manufacturers, shipbuilders, ship operators, and shipowners are interested in the adoption of a wise policy. We are not likely to adopt a policy opposed by one or two of these great activities. It is most important that a policy should be decided upon that will have the substantial support of all of them. Representatives of these lines of effort should get together around the consultation table and earnestly and patriotically seek to harmonize their differences and agree upon the fundamental principles of such a policy. Politics should be laid aside, selfish interests should be subordinated to the public good as fully as possible. Unless this can be done wise action upon this vital American need is almost hopeless. Surely the Shipping Board can bring about such a conference. It is the agency, in my judgment, which should do it.

So, Mr. President, I wish to suggest, and this is the purpose of my resolution, that the Shipping Board in conjunction with the Department of Commerce should consider this question without delay. It ought to be better able to determine what should be done than any other agency. It can render no better service to the country than to devote its time during the summer and fall to the study of this problem and submit to Congress such concrete plan as it believes is necessary and will induce private capital and energy to go into the shipping field in such a way as to insure us the merchant marine we should have to care for our commerce and insure national security and submit an alternative plan and program for the Government to adopt if it should be found necessary for the Government to do this great thing. This is a great task, but a most important one. It will take time for Congress to consider and act upon it. This problem can not be delayed much longer. We should take it up seriously, with a view to taking action.

I ask unanimous consent, Mr. President, for the present consideration of the resolution which I have submitted, requesting the Shipping Board to prepare such plans and report to the Senate by January 1, 1927. I trust that along with their report will be submitted drafts of bills to carry out the plans which may be proposed.

The PRESIDING OFFICER. Is there objection?

The resolution (S. Res. 262) submitted by Mr. JONES of Washington June 23 (calendar day, June 25), 1926, was considered by unanimous consent and agreed to, as follows:

> *Resolved*, That the United States Shipping Board be, and it is hereby, requested to prepare and submit to the Senate not later than Janury 1, 1927, comprehensive and concrete plans for building up and maintaining an adequate merchant marine for commerce and national security (1) through private capital and under private ownership and (2) through construction, operation, and ownership by the Government.

CALL OF THE ROLL

Mr. COPELAND obtained the floor.

Mr. WILLIS and Mr. HOWELL addressed the Chair.

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

Mr. COPELAND. For what purpose?

Mr. WILLIS. I desire to suggest the absence of a quorum.

Mr. COPELAND. Mr. President, I am sure that nobody will be interested in the speech which I desire to deliver.

Mr. WILLIS. I know there are Senators who desire to be present, and I suggest the absence of a quorum.

Mr. COPELAND. I will not yield for that purpose.

Mr. WILLIS. Mr. President, I raise the point that there is no quorum present.

The PRESIDING OFFICER. Does the Senator from Ohio on a point of order raise that question?

Mr. WILLIS. I raise the point of order that no quorum is present.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The VICE PRESIDENT. Seventy-two Senators having answered to their names, a quorum is present.

DETAIL OF AIR CORPS OFFICERS

Mr. BINGHAM. I ask unanimous consent to submit a report from the Committee on Military Affairs.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. BINGHAM. I report a joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution (S. J. Res. 126) authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation was read the first time by its title, the second time at length, and considered as in Committee of the Whole, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail officers of the Air Corps of the Army of the United States to duty under the Secretary of Commerce in connection with the work of promoting civil aviation as provided for in the air commerce act of 1926: *Provided*, That such detail shall not be for a period of more than one year.

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

CONTEMPTS OF COURT

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1035) relating to contempts, which was to strike out all after the enacting clause and insert:

That whenever letters rogatory shall issue out of any court of the United States, either with or without interrogatories addressed to any court of any foreign country, to take the testimony of any witness, being a citizen of the United States or domiciled therein, and such witness, having been personally notified by it according to the practice of such court, to appear and testify pursuant to such letters rogatory and such witness shall neglect to appear, or having appeared shall decline, refuse, or neglect to answer to any question which may be propounded to him by or under the authority of such court, to which he would be required to make answer were he being examined before the court issuing such letters, the court out of which said letters issued may upon proper showing order that a subpœna issue addressed to any consul of the United States within any country in which such witness may be, commanding such witness to appear before the said court at a time and place therein designated.

SEC. 2. Whenever the attendance at the trial of any criminal action of a witness, being a citizen of the United States or domiciled therein, who is beyond the jurisdiction of the United States, is desired by the Attorney General or any assistant or district attorney acting under him, the judge of the court before which such action is pending, or who is to sit in the trial of the same, may, upon proper showing, order that a subpœna issue, addressed to any consul of the United States within any country in which such witness may be, commanding such witness to appear before the said court at a time and place therein designated.

SEC. 3. It shall be the duty of any consul of the United States within any country in which such witness may be at the request of the clerk of the court issuing any subpœna under this act or at the request of the officer causing such subpœna to be issued, to serve the same personally upon such witness and also to serve any orders to show cause, rules, judgments, or decrees when requested by the court or United States marshal, and to make a return thereof to the court out of which the same issued, first tendering to the witness the amount of his necessary expenses in traveling to and from the place at which the court sits and his attendance thereon, which amount shall be determined by the judge on issuing the order for the subpœna and supplied to the consul making the service.

SEC. 4. If the witness so served shall neglect or refuse to appear as in such subpœna directed, the court out of which it was issued shall upon proof being made of the service and default, issue an order directing the witness to appear before the court at a time in such order designated to show cause why he should not be adjudged guilty of contempt and be punished accordingly.

SEC. 5. Upon issuing such order the court may, upon the giving of security for any damages which the recusing witness may have suffered, should the charge be dismissed (except that no security shall be required of the United States), direct as a part of such order that the property of the recusing witness, at any place within the United States, or so much thereof in value as the court may direct shall be levied upon and seized by the marshal of said court in the manner provided by law or the rule of the court for a levy or seizure under execution, to be held to satisfy any judgment that may be rendered against such witness in the proceeding so instituted.

SEC. 6. The marshal, having made such levy, shall thereupon forward to the consul of any country where the recusing witness may be a copy of the order to show cause why such witness should not be adjudged guilty of contempt with the request that said consul make service of the same personally upon the recusing witness, and shall cause to be published such order to show cause and for the sequestration of the property of such witness, in some newspaper of general circulation in the district within which the court issuing such order sits, once each week for six consecutive weeks.

SEC. 7. On the return day of such order or any later day to which the hearing may by the court be continued, proof shall be taken; and if the charge of recusancy against the witness shall be sustained, the court shall adjudge him guilty of contempt and, notwithstanding any limitation upon the power of the court generally to punish for contempt, impose upon him a fine not exceeding $100,000 and direct that the amount thereof, with the costs of the proceeding, be satisfied unless paid, by a sale of the property of the witness so seized or levied upon, such sale to be conducted upon the notice required and in the manner provided for sales upon execution.

SEC. 8. Any judgment rendered pursuant to this act upon service by publication only may be opened for answer within the time and in the manner provided in section 57 of the Judicial Code.

Mr. WALSH. I move that the Senate concur in the amendment of the House.

Mr. SMOOT. Mr. President, will the Senator please explain what this is?

Mr. WALSH. This is the bill which passed the Senate some time ago to take care of the case of the witnesses desired in the oil cases who fled the country, and have remained in Europe since that time. As passed by the House with an amendment, the bill provides that in criminal cases where witnesses are outside of the country the Attorney General or the district attorney may make application to the court for a subpœna requiring the attendance of the witness. The expenses of his travel are to be estimated by the court, and provision made for the payment of his traveling expenses. The subpœna is to be transmitted to the United States consul nearest the place in a foreign country at which the witness appears; service is to be made upon him, and his expenses are to be tendered him. If he does not appear, proceedings in contempt may be instituted against him, as in the case of a witness refusing to testify.

Mr. SMOOT. Has the Judiciary Committee agreed to the amendment of the House?

Mr. WALSH. It has not gone to the committee.

Mr. SMOOT. I am not a member of that committee, and of course I do not know its attitude on the matter.

Mr. WALSH. I am very sure that there is no member of the Senate Committee on the Judiciary who is not in entire sympathy with the amendment proposed by the House. The report of the committee upon the original bill was without objection from any source.

Mr. SMOOT. Yes; but this is an amendment to a Senate bill; is it not?

Mr. WALSH. This is an amendment to further the purpose of the bill.

Mr. SMOOT. Of course, I know nothing about it. I am just asking the Senator whether the members of the committee are agreeable to it.

Mr. WALSH. I am sure the members of the committee are.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana that the Senate concur in the amendment of the House.

The motion was agreed to.

NAVAL PETROLEUM RESERVES

Mr. WALSH. Mr. President, if the Senator will pardon me, I desire to make a suggestion with regard to the bill just passed.

The VICE PRESIDENT. Does the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. WALSH. Mr. President, considerable interest has been exhibited concerning the progress that has been made in the litigation with relation to the naval oil leases. I have from the counsel representing the Government in the case a summary of the proceedings in each case, and I ask that it be printed in the RECORD.

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

The matter referred to is as follows:

In re United States Naval Petroleum Reserves

CHRONOLOGY OF UNITED STATES OIL CASES

CRIMINAL CASES

Pursuant to acts of Congress, of February 8 and February 27, 1924, special counsel were appointed by the President, and confirmed by the Senate, as follows:

Atlee Pomerene, on February 16, 1924, and

Owen J. Roberts, on February 18, 1924.

Grand jury proceedings were conducted by special counsel during the month of June, in the District of Columbia, and resulted in the return of four indictments on June 30, 1924, in the Supreme Court of the District of Columbia. These will be referred to separately below, with the proceedings taken under each.

I. UNITED STATES AGAINST EDWARD L. DOHENY AND EDWARD L. DOHENY, JR., NO. 42305

On June 30, 1924, a grand jury returned an indictment against the above-named defendants for violation of section 39 of the Criminal Code—offering a bribe.

On July 7, 1924, both defendants filed pleas in abatement identical in substance and differing only as to names of the defendants, the pleas in abatement being Nos. 1, 2, and 3. These were in substance as follows:

(1) That Atlee Pomerene and Owen J. Roberts were present before the grand jury as special appointees of the Attorney General, and not as special counsel.

(2) That the indictments were signed by them as special appointees and not as special counsel.

(3) That Oliver E. Pagan, as special appointee of the Attorney General, and Peyton Gordon, the United States attorney for the District of Columbia, were unlawfully present before the grand jury.

On July 9 bench warrants were issued for each defendant. On July 12 the United States filed a motion to strike the pleas in abatement of each defendant as premature, defendants not having appeared or entered bail to the charge.

On August 12, 1924, each of the defendants filed an additional plea in abatement No. 4, which alleged in substance that a radio address delivered by Senator THOMAS J. WALSH during the period of the grand jury proceedings prejudiced the minds of the grand jurors. On August 14 the United States filed a motion to strike, said additional plea assigning certain reasons in support of said motion. On December 13, 1924, the United States withdrew its motion to strike the first three pleas—Nos. 1, 2, and 3—and on December 19 filed in lieu thereof a special traverse to the plea No. 1 and demurrers to the pleas Nos. 2 and 3 of each of the defendants. To said special traverse each of the defendants on December 30, 1924, demurred. As will appear below, similar pleas had been filed in the other three cases and the issues arising thereon were argued before the Supreme Court of the District of Columbia on January 23, 1925, after the submission of printed briefs on both sides.

On April 3, 1925, Mr. Chief Justice McCoy filed an opinion, holding that the second and fourth pleas in abatement in each of the four cases were without substance, but that the first and third pleas were valid, and therefore that the indictments should be and were quashed.

An appeal was immediately noted by the United States, and assignments of error were filed in each of the four cases on April 17, 1925, and a designation of the record on appeal was filed on April 23, 1925. In order that the record might be made up in time for the next term of the Court of Appeals of the District of Columbia, viz, the November term, special counsel were permitted to lend the assistance of their stenographers. This case became No. 4363 on the docket of the Court of Appeals of the District of Columbia, wherein the transcript of record was filed August 6, 1925, and was set down for hearing in said court as No. 19 on its list for the November term, beginning November 2, 1925. A brief was filed by the United States on or about September 22, 1925, and an answer brief by the appellee on or about October 23, 1926. The case, along with No. 4362, below, was argued before the court on November 3, 1925. On December 28, 1925, mandate from court of appeals reversing judgment filed and transmitted to United States attorney. On January 26, 1926, mandate presented to court (Stafford, J.). On February 6 exceptions by defendants filed. On February 16 demurrers filed. Have not yet been set for argument.

II. UNITED STATES AGAINST ALBERT B. FALL, NO. 42304

On June 30, 1924, a grand jury returned an indictment against Albert B. Fall, under section 117 of the Penal Code, for accepting a bribe. A bench warrant was issued July 9. On August 13, the defendant appeared by attorneys and filed pleas in abatement, Nos. 1, 2, and 3. These pleas are practically identical with the pleas filed in No. 42305. On August 14 the United States filed a replication to these pleas, and on December 19, pursuant to leave of court, withdrew said replication and in lieu thereof filed a special traverse to the plea in abatement No. 1 and demurrers to the pleas Nos. 2 and 3. The defendant demurred to the special traverse on January 3, 1925. The issues arising on these pleas in abatement were argued, in consolidation with the other three cases, on January 23, 1925, as noted above, under case No. 42305. After the quashing of the indictment by the decision of the Supreme Court April 6, 1925, the case was appealed to the court of appeals and heard in conjunction with the Doheny case, as above noted, on November 3, 1925. No decision has yet been rendered.

III. UNITED STATES AGAINST DOHENY, DOHENY, JR., AND FALL, NO. 42302

On June 30, 1924, a grand jury returned an indictment against the above-named defendants for conspiracy in violation of Penal Code, section 37.

On July 3 a bench warrant issued for each defendant.

On July 7, 1924, the defendants, Edward L. Doheny and Edward L. Doheny, jr., filed pleas in abatement. These pleas are in substance the same as those noted above in case No. 42305. As neither said Edward L. Doheny nor Edward L. Doheny, jr., had appeared or entered bail to the charge, the Government, on July 12, 1924, filed a motion to strike these pleas from the record as premature.

Subsequently, on July 31, the defendants, E. L. Doheny and E. L. Doheny, jr., appeared and duly entered bail for their appearance at the October session of the court.

The United States on December 19 withdrew its motion to strike and in lieu thereof filed as to the first plea in abatement a special traverse, and as to the second and third pleas demurrers.

To the special traverse filed by the United States to the first plea, the defendants, Edward L. Doheny and Edward L. Doheny, jr., demurred on December 30, 1924.

Meantime, on August 12, 1924, the defendants, Edward L. Doheny and Edward L. Doheny, jr., filed an additional plea in abatement, No. 4, with reference to the radio address of Senator THOMAS J. WALSH, August 14, 1924, the United States moved to strike this plea, assigning certain reasons in support of its motion.

As to the defendant Fall, after he had appeared and entered bail, he filed pleas in abatement, Nos. 1, 2, and 3, which are practically identical with those filed by the other two defendants. A replication was filed to these pleas on August 14, 1924, but was, by leave of court, withdrawn on December 19, 1924, and in lieu thereof the United States filed a special traverse to the plea No. 1 and demurrers to the pleas Nos. 2 and 3. To the special traverse to plea No. 1 the defendant Fall demurred on January 3, 1925. The issues on the pleas in abatement were heard, in consolidation with the other three cases, on January 23, 1925, and the indictment was quashed of record on April 6, 1925, and an appeal to the court of appeals noted.

New grand jury proceedings were instituted by special counsel during the latter half of the month of May, 1925, as a result of which two new conspiracy indictments were returned and filed in the Supreme Court of the District of Columbia on May 27, 1925, said indictments being in substance similar to cases Nos. 42302 and 42303. These new indictments will be taken up separately below.

Subsequent to the return of the new indictments, special counsel elected to proceed with reference to them, and no further proceedings were taken in the present case No. 42302 and No. 42303.

IV. UNITED STATES AGAINST FALL AND SINCLAIR, NO. 42303

On June 30, 1924, a grand jury returned an indictment against the above-named defendants for conspiracy, in violation of Penal Code, section 37. On July 7 a bench warrant issued for the defendant Sinclair. On July 8 Sinclair filed his pleas in abatement, Nos. 1, 2, and 3. These were in substance the same as the pleas noted under No. 42305 above. As Sinclair had not appeared or entered bail to the charge, the Government on July 12, 1924, filed a motion to strike these pleas from the record as premature. Subsequently, Sinclair appeared and duly entered bail for his appearance at the October session of the court.

The United States withdrew its motion to strike, and in lieu thereof filed as to the first plea in abatement a special traverse, and as to the second and third pleas demurrers, on December 19, 1924.

To the special traverse filed by the United States to the first plea defendant Sinclair demurred on December 30, 1924.

Meantime, on August 20, 1924, defendant Sinclair filed an additional plea in abatement, No. 4, with reference to the radio address of Senator THOMAS J. WALSH, and on August 22, 1924, the United States moved to strike this plea, assigning certain reasons in support of its motion.

As to the defendant Fall, after he had appeared and entered bail, he filed pleas in abatement, Nos. 1, 2, and 3, which are practically identical with those filed by Sinclair. A replication was filed to these pleas on August 14, 1924, but was, by leave of court, withdrawn on December 19, 1924, and in lieu thereof the United States filed a special traverse to the plea No. 1, and demurrers to the pleas Nos. 2 and 3. To the special traverse to plea No. 1, the defendant Fall demurred, January 3, 1925.

The issues on these pleas were heard in consolidation with the other three cases on January 23, 1925, and the indictment was quashed of record on April 6, 1925, and an appeal noted. Subsequent to the finding of a new conspiracy indictment between Fall and Sinclair, on May 27, 1925, special counsel elected to take no further proceedings in the instant case.

SECOND INDICTMENTS IN CONSPIRACY CASES

As a result of grand jury proceedings held under the direction of special counsel during the latter half of May, 1925, two new indictments for conspiracy to defraud the United States, in violation of Penal Code, section 37, were returned and filed in the Supreme Court of the District of Columbia on May 27, 1925, as follows:

United States *v.* H. F. Sinclair and A. B. Fall (Crim. No. 43324), and United States *v.* E. L. Doheny and A. B. Fall (Crim. No. 43325).

A demurrer on behalf of Sinclair and Fall was filed to the indictment, No. 43324, on or about October 15, 1925. Similar demurrer was filed

in No. 43325 on behalf of Edward L. Doheny on or about November 3, 1925.

December 4, 1925, the demurrers were argued and submitted. On January 4, 1926, the court requested additional briefs on particular questions. February 15 demurrers overruled, and memorandum opinion filed (Stafford, J.). On March 23 an order was made allowing special appeals from the order overruling the demurrers. On March 30 assignment of errors filed, and on April 8 transcript of record was filed. These cases are the fifth and seventh cases on the special calendar and will probably be reached for argument about October 4 or 5, 1926.

INDICTMENT FOR CONTEMPT

UNITED STATES AGAINST HARRY F. SINCLAIR

A grand jury of the District of Columbia found an indictment against Harry F. Sinclair on March 31, 1924, based on violation of Revised Statutes, section 102, for refusing to answer certain questions propounded to him by the Committee on Public Lands and Surveys of the United States Senate.

On April 12, 1924, a demurrer was filed to each count of the indictment.

On April 12, 1924, defendant also filed a motion to quash the indictment on the ground that it appeared of record that the refusal to answer the questions was based on the Senate committee's lack of jurisdiction of the subject matter.

On April 18, 1924, the United States filed a motion to strike the motion to quash on the ground that the latter was inconsistent with the demurrer and that the grounds thereof were such as should be raised under the plea of "not guilty."

Briefs were submitted on both sides, and the issues arising on the demurrers and motion to quash were argued in the Supreme Court of the District of Columbia (Crim. No. 42060) on or about ——.

On July 14, 1924, Mr. Justice Hoehling filed his opinion (a) overruling the demurrer to six counts of the indictment and sustaining it to the four other counts, (b) overruling the motion of defendant to quash the indictment, and (c) overruling the motion of the United States to strike.

Subsequently the defendant filed a petition in the Court of Appeals of the District of Columbia for the allowance of a special appeal from the order of the Supreme Court of the District of Columbia overruling defendant's motion to quash and overruling defendant's demurrer to the first, second, fourth, fifth, eighth, and ninth counts of the indictment. Special counsel filed a brief in opposition. On September 2, 1924, the court entered an order allowing said special appeal.

Thereafter, on December 30, 1924, appellant filed his brief in the Court of Appeals of the District of Columbia, and the United States thereupon filed its answer brief. The case came on for argument as No. 4213 and was argued before said court on February 2, 1925. No decision has yet been rendered therein, and no further proceedings have occurred.

CIVIL SUITS

UNITED STATES AGAINST PAN AMERICAN PETROLEUM CO. ET AL.

Original bill of complaint was filed in the United States District Court for the Southern District of California, sitting at Los Angeles, March 17, 1924, and receivers pendente lite then appointed.

On April 15, 1924, defendants obtained an order extending time to plead.

On April 22, 1924, plaintiff by leave of court filed an amended bill of complaint. Thereafter defendants filed an answer. July 21, 1924, motion of special counsel heard to have case assigned for trial. This motion was granted and case was assigned for trial October 20, 1924.

The case was assigned for trial October 20 and the trial in fact began on October 21, 1924, said trial continuing until November 18, 1924, and at its conclusion printed briefs were filed by both sides with requests for findings of fact and conclusions of law.

On May 28, 1925, opinion of court was filed, together with findings of fact and conclusions of law.

On July 11, 1925, the court entered a decree ordering the lease and contracts canceled, in accordance with the prayer of the bill, and ordering an accounting in which defendants were held to be entitled to certain credits, viz, drilling and production expenses and construction work at Pearl Harbor. Supplemental findings of fact were entered on the same day.

On July 15, 1925, petition for allowance of an appeal was filed by defendants and granted, and bond on appeal filed. On the same date, petition for allowance of a cross appeal was filed by the United States as to so much of the aforesaid decree as relates to credits to be allowed defendants, and said cross appeal was allowed by the court.

On July 15, 1925, the United States filed its assignment of errors as cross-appellant and its designation of record on appeal. On the same date defendants filed their assignments of error and designation of record on appeal.

On July 15, 1925, defendants gave notice of lodging a statement of the evidence, as required by equity rule 75, in the office of the clerk of the United States District Court for the Southern District of California.

On or about September 9, 1925, the United States, as cross-appellant, mailed its brief, to be filed in the United States Circuit Court of Appeals of the Ninth Circuit, and thereafter, on or about September 12, 1925, appellants filed their brief. Answer brief was mailed for filing by appellee on or about September 24, 1925.

On October 5 and 6, 1925, the case was argued before the United States Circuit Court of Appeals for the Ninth Circuit, sitting in San Francisco.

On January 4, 1926, favorable decision rendered by Circuit Court of Appeals. On February 24, 1926, application for a writ of certiorari was made, which was granted on March 22. On April 26 motion to advance was made, which was granted on May 3. Set for argument on October 10, 1926.

UNITED STATES AGAINST MAMMOTH OIL CO. ET AL.

On March 13, 1924, bill of complaint was filed in the United States District Court for Wyoming, sitting at Cheyenne, and temporary injunction was granted and receivers pendente lite appointed.

On April 10, 1924, answers of the Mammoth Oil Co., the Sinclair Crude Oil Purchasing Co., and the Sinclair Pipe Line Co. were filed.

On May 12, 1924, an order setting down the case for trial on October 7, 1924, was entered.

On various dates thereafter plaintiff filed depositions of sundry witnesses on its behalf, viz, on the following days: June 5, 13, and 24; July 5 and 7; September 29, 1924.

Defendants filed depositions as follows: July 21, August 16, September 18, 1924.

On September 5, 1924, the court granted a commission to take depositions of sundry Canadian witnesses on behalf of the plaintiff.

On September 17, 1924, defendants' motion for a continuance was denied by the court.

On September 23, 1924, Canadian witnesses appeared before commissioner, pursuant to order of Supreme Court of Ontario, but refused to be sworn or testify. On September 27 motion was made in said court for committal of these witnesses for contempt and a cross motion made by them to set aside the order.

On September 25, 1924, motion for continuance concurred in by both parties was granted, continuing the case until January 6, 1925.

On October 18, 1924, a new petition and order for commission to take depositions of the aforementioned Canadian witnesses on behalf of plaintiff were filed. On October 27, 1924, motion for an order to take depositions under the new commission was filed in the Supreme Court of Ontario, and was argued on October 30, and an order made granting said motion on the last-stated date.

On November 25, 1924, pursuant to notice, depositions were taken before commissioners at Toronto, Canada, of the following witnesses on behalf of plaintiff, viz, H. S. Osler, S. M. Fordyce, B. Osler, L. Samuel, H. W. Boston, M. H. Bruels, N. E. Strickland.

On December 1, 1924, certain depositions taken at Toronto, Canada, on behalf of plaintiff pursuant to the aforesaid commission were filed.

On December 8, 1924, motion to commit H. S. Osler for contempt in refusing to answer certain questions, contrary to orders of commissioner, was filed in the Supreme Court of Ontario. Said motion was argued December 10, 1924.

On December 13, 1924, Mr. Justice Riddell, of the Supreme Court of Ontario, granted the motion and directed the reattendance and reexamination of said witness.

On December 18, 1924, H. S. Osler's counsel filed notice of appeal from order of Mr. Justice Riddell to the appellate division of the Supreme Court of Ontario. Special leave was obtained by counsel for plaintiff to argue motion to expedite the appeal on January 19, 1925.

On December 20, 1924, plaintiff filed a motion for continuance of the case, and on December 26 said motion was granted and the case set down for trial March 9, 1925.

On December 20, 1924, plaintiff's counsel argued in opposition to motion of one H. Leslie Parker for leave to intervene in suit, and on December 26, 1924, the United States district court denied said motion.

Hearing on plaintiff's motion to expedite appeal of H. S. Osler was granted by the appellate division of the Supreme Court of Ontario on January 20 (by adjournment from January 19 at Osler's request), January 26, and January 30, and court granted said motion and advanced said appeal to February 9.

On January 31, 1925, petition for letters rogatory to take depositions of certain witnesses in France on behalf of plaintiff were filed, and on February 7, 1925, letters rogatory were issued.

On February 9 and February 11, 1925, the Appellate Division of the Supreme Court of Ontario heard argument in the appeal of H. S. Osler from the Supreme Court of Ontario, and took the case under advisement.

On February 23, 1925, motion for continuance was filed on behalf of plaintiff in the United States district court at Cheyenne, supported by affidavits. Same was argued in open court on February 26, 1925.

On February 27, 1925, memorandum and order of court denying motion for continuance was filed.

On March 7, 1925, certain depositions taken in Toronto, Canada, pursuant to commission were filed.

On March 9, 1925, certain depositions taken in France pursuant to letters rogatory were filed.

On March 9, 1925, trial of this case began and continued until March 26.

On March 11, 1925, the Appellate Division of the Supreme Court of Ontario handed down a decision denying the appeal of H. S. Osler, and affirming the order of Mr. Justice Riddell, that the said witness answer the questions as required of him by the commissioner in the course of his deposition.

On April 13, 1925, and within the time fixed by the court, plaintiff filed its brief in the trial court, which was answered on May 4, 1925, by brief of the Mammoth Oil Co.

Memorandum opinion of the court, dismissing bill of complaint, was filed by the court as of June 19, 1925.

On July 6 the court entered a decree (dating same June 19) dismissing plaintiff's bill and making findings of fact in support of the decree.

On July 6, 1925, plaintiff's petition to reopen the case for further hearing was filed and denied by order of the court then entered.

On July 30, 1925, the court entered an order allowing plaintiff's petition for an appeal to the United States Circuit Court of Appeals for the Eighth Circuit. Thereupon plaintiff filed its assignments of error and citation on appeal.

On September 25, 1925, the court entered an order allowing plaintiff's motion for an enlargement of time within which to docket case and file record in the United States Circuit Court of Appeals until October 18, 1925.

On September 28, 1925, record of the case was filed in the clerk's office of the United States Circuit Court of Appeals in St. Louis.

May 10, 1926, argued in circuit court, eighth circuit, at St. Paul No decision as yet.

VERDE RIVER IRRIGATION PROJECT

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Arizona?

Mr. COPELAND. I yield to the Senator.

Mr. ASHURST. The junior Senator from Arizona [Mr. CAMERON] has moved that the Senate proceed to the consideration of Order of Business 755, Senate bill 3342. Of course the Senator has a right to make that motion, and I do not quarrel with his exercise of that right; but I am so much opposed to the bill that I would be justified in resorting to any honorable method to defeat the motion.

The hour of adjournment is approaching. If it be necessary, I must employ all the available intervening time in order to defeat that bill, and I shall go to every honorable length to defeat it. If I could have the floor for the purpose of making a motion to lay my colleague's motion on the table, we could settle the question and other important bills could then come up.

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

Mr. ASHURST. I have not the floor.

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

Mr. SMOOT. I am going to ask the junior Senator from Arizona [Mr. CAMERON] to withdraw his motion to proceed to the consideration of the bill. It can not be passed at this session.

Mr. CAMERON. Mr. President, I have waited here for months; I have been patient, and I have not taken up very much of the time of the Senate. I must insist on the motion at this time, whether I lose or not.

Mr. ASHURST. Mr. President, I move to lay the motion of the junior Senator from Arizona on the table.

The VICE PRESIDENT. Does the Senator from New York yield for that purpose?

Mr. COPELAND. If I do not lose the floor, I yield for that purpose.

Mr. ASHURST. And on that motion I demand the yeas and nays.

Mr. BORAH. Mr. President, if the Senator yields——

The VICE PRESIDENT. If the Senator from New York yields the floor for that purpose, he will lose the floor.

Mr. COPELAND. I am sorry, then, but I can not yield.

Mr. BORAH. Mr. President, I ask for the regular order. The regular order is the speech of the Senator from New York.

Mr. ASHURST. He has yielded to me.

Mr. BORAH. Exactly; but there is no use in discussing this bill and taking all the time in the discussion of it. We might just as well permit the Senator from Arizona [Mr. CAMERON] to have his bill before the Senate; and if the Senator from New York wants to hold the floor he had better proceed.

Mr. COPELAND. Mr. President, I will proceed in my own way.

ECONOMY OF CONGRESS

Mr. McKELLAR. Mr. President, if the Senator from New York will yield to me——

Mr. COPELAND. I yield.

Mr. McKELLAR. It is very seldom that the Washington newspapers or any other newspapers have a pleasant thing to say about the Congress. The Washington Post of a day or two ago had an editorial upon the economy of Congress. I ask unanimous consent that it may be printed in the RECORD; and I, as one Senator, thank the Post for the truth of the statement.

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

The matter referred to is as follows:

ECONOMY OF CONGRESS

In his budget address of last year the President paid tribute to Congress and its cooperation in the matter of cutting Government expenses.

Chairman MADDEN, of the House Appropriations Committee, announces that Congress has cut $4,275,000,000 from the requests of administrative officials since the close of the World War; and Congress has cut approximately $360,000,000 from the administrative officials since the Budget act went into effect. Mr. MADDEN says: "If we had not done that, no one could have made the reduction in the public debt that has been effected."

The annual interest on the public debt has been reduced by over $200,000,000; and Chairman MADDEN adds: "This could not have happened if we had granted all the appropriations that were requested, and neither could the tax reduction have come about if we had continued to appropriate up to the demands."

It has been fashionable to condemn Congress; but from these statements, not a little credit belongs to Congress for its efficient program of economy, even beyond the recommendations of the Budget Bureau.

THE INSINCERITY OF THE REPUBLICAN ADMINISTRATION

Mr. COPELAND. Mr. President, it is my purpose to be critical of the Republican administration. If I were to tell all that I feel about it, it would take a long time.

I want it understood when I speak in criticism of the President and of the administration I am not personal in the least. I have very high regard for Mr. Coolidge, the President of the United States. I have very high regard for the Senators on the other side of the aisle. So what I am proposing to say is in criticism of the official acts of the administration.

THE PRESIDENT SHIFTING POSITION

In the New York World of Thursday, July 1, is an editorial. It is the leading editorial of that issue, and it is headed "More Vermont granite."

One of the elements of Mr. Coolidge's hold upon public sentiment has been the impression that he is a man of grim adherence to conviction. In his taciturn way he is supposedly as unrecking of expediency as Cleveland. Having made up his mind upon a question of principle, he stands like the hills about his native Plymouth. Yet as the smoke clears away from the battle over the Fess bill it discloses—wheat? That this same Mr. Coolidge has been beaten off the field while trying to execute a smart political stroke by an ignominious surrender of principle. After announcing his adherence to a courageous decision, after reiterating it, after marshaling Congress to support it, he suddenly took fright, yielded completely, used his Secretary of Agriculture as a lobbyist to make Congress yield also, and was shown the door of the Senate for his pains.

Let anyone who believes in Mr. Coolidge's high consistency try to square his championship of the Fess bill with his rejection of the Haugen bill. The President on December 7 made an explicit statement in Chicago of his position on farm legislation. He opposed any plan "to put the Government into the farm business"; he gave warning that "no matter how it was disguised, the moment the Government engages in buying or selling, by that act it is fixing prices," and he declared that if farming is worth anything "it must rest on an independent business basis." The Mellon statement was an argumentative elaboration of this position. Mr. Mellon asserted that the proposed use of Federal money was unsafe, for it would not be repaid; that it was unwise, for it would stimulate overproduction; and that is was unfair, for it would artificially raise food prices at the cost of the public.

Yet Mr. Coolidge, who till June 24 was so firmly opposed to Federal aid that he refused an open indorsement to the Tincher bill, on June 25 issued an appeal to Congress in behalf of the Fess bill. This bill would have put the Government into the farm business to the extent of $100,000,000. It would have taken it off "an independent business basis" by creating a Government marketing commission. It would have risked Federal funds in a venture that could never command private money, and that even Senator Fess merely "thought" would be "reasonably" safe. The design of its authors was precisely that of Representative HAUGEN, to create an artificial scarcity on the home market, raise the price of food ad libitum, and burden the American consumer while benefiting the foreign buyer.

In fine, the essentials of the Fess and Haugen bills were identical; only in the externals were they different. It is the business of statesmanship to pierce to the essentials. The shifty politician can use phrases and surface aspects to confuse the public, but the statesman

scrutinizes the inner meaning of a proposal. Had Secretary Mellon furnished an analysis of the Fess bill he would unavoidably have used the same terms as for the Haugen bill. Yet President Coolidge tried to rush Congress off its feet by issuing a sudden demand for a measure which he and everybody else had theretofore ignored. His motive in all this was transparent.

The Haugen bill came to defeat late on June 24. It was debated amid predictions from Senators BORAH, CUMMINS, and CAPPER of a revolt against the tariff. Senator GOODING declared an hour before the vote that the farmers would rise and throw the protective system into the sea. On the morning of June 25 occurred a White House breakfast of the Republican Senatorial Campaign Committee. Gloomy Senators told the President that the chances of holding a majority were dark in the extreme. The President—this unflinching adherent to principle—closeted himself with Jardine and Hoover and late in the afternoon came his resounding flop in favor of all that he had denounced.

The stupidity of the performance is mirrored in the Senate vote of 54 to 26. But it is not its stupidity which will most impress those who had regarded Mr. Coolidge as a man of immovable fidelity and courage.

NEGLECT OF THE FARMER

Mr. President, in the New York Evening World of July 1 was an interesting editorial, which I read:

LOVE 'EM AND LEAVE 'EM

Any other assumption than that the Fess bill would be voted down would have been a reflection on the sincerity and intelligence of the Senate. The result, let us hope and believe, was inevitable. The chief interest in the defeat of the measure is in an analysis of the vote. The measure drew its support almost exclusively from the Senators who may be put down as distinctively administration Senators. Most of them were men of the type of Senator BUTLER, who have no real interest in the relief of the farmers. The Democrats lined up almost solidly against this hypocritical measure, which was merely designed to meet a political emergency. The members of the so-called farm bloc refused to take the bait and voted against it. There was nothing else to do.

Speculation in the newspapers of how the politicians will seek to shift responsibility for its defeat is sheer nonsense. The farmers did not want it, and they who voted against it need have no fear in that quarter. The one thing that will make, or should make, an impression on the farmers is the fact that the administration has failed utterly in finding a remedy for their ills. There is no evidence that it seriously sought a remedy. The tillers of the soil do not come within the scope of Mr. Mellon's vision. Love 'em just before election and leave 'em immediately afterward has been a successful policy a long while, and so long as it works why worry?

Mr. President, we saw the attitude of the administration toward the McNary bill. It was pointed out how "economically unsound" that bill was, and then just for the sake of political expediency, on the eleventh-hour appeal of the President of the United States, the died-in-the-wool administration Senators flopped and voted for a measure just as unsound economically as the McNary bill.

I can not believe that the farmers, who have long been imposed upon by the Republican Party, who have been willing to retain it in office, will be fooled any longer. If there is anything in the world more "economically unsound" than the protective tariff system as laid down by the Republican Party, I can not imagine it.

So, among the first of the criticisms which I have to pass upon this administration is the apparent insincerity as regards farm relief.

THE BONUS AND TAX REDUCTION

I desire to speak about the bonus and tax reduction. It will be recalled that Mr. Mellon, the "greatest Secretary of the Treasury since Alexander Hamilton," wrote a letter on the 10th of November, 1922, to Mr. GREEN, the acting chairman of the Committee on Ways and Means of the House of Representatives.

I quote:

New or enlarged expenditures would quickly eat up the margin of revenue which now appears to be available for reducing the burden of taxation, and to embark on any soldiers' bonus such as was considered in the last Congress or any other program calling for similarly large expenditures would make it necessary to drop all consideration of tax reduction and consider instead ways and means for providing additional revenue. A soldiers' bonus would postpone tax reduction not for one but for many years to come. It would mean an increase rather than a decrease in taxes, for in the long run it could be paid only out of moneys collected by the Government from the people in the form of taxes. Throughout its consideration of the problem the Treasury has proceeded on the theory that the country would prefer a substantial reduction of taxation to the increased taxes that would necessarily follow from a soldiers' bonus, and I have faith to believe that it is justified in that understanding. Certainly there is nothing better calculated to promote the well-being and happiness of the whole country than a measure that will lift, in some degree, the burden of taxation that now weighs so heavily on all.

Mr. Mellon said in this letter:

A soldier's bonus would postpone tax reduction not for one but for many years to come.

Senators will remember that. And they remember some other things that Mr. Mellon said at that time. He made an appeal to Representative ANDREWS, pointing out that it would be absolutely impossible to have any tax reduction if a bonus bill were passed.

I call attention to what actually happened, and to a colloquy I had at the time with the Senator from Utah [Mr. SMOOT], the chairman of the Finance Committee. This was on May 24, 1924, when we had completed the consideration of the tax reduction bill, and I asked this question of the Senator from Utah:

Mr. COPELAND. What is the amount of savings made by the new bill over the existing law?

Mr. SMOOT. About $490,000,000.

Mr. COPELAND. The amount of savings is about $490,000,000?

Mr. SMOOT. Yes; I will tell the Senator the exact amount. I think it is $499,900,000, if the Senator wants to know exactly.

Mr. COPELAND. There is a reduction of approximately $491,000,000; provision is made for the payment of the bonus, and in all probability a half billion dollars will be paid off on the national debt.

As a matter of fact, there was paid off on the national debt in that year about $734,000,000. So when the President of the United States in his message said that he was opposed to the bonus, that it would interfere with tax reduction; and when Mr. Mellon, the outstanding voice of the administration, said that there could be no tax reduction if there was a bonus bill, both the President of the United States and the Secretary of the Treasury were mistaken in their guesses. Mr. Mellon made a mistake in his estimate that year of over a billion dollars. As a matter of fact, we did pass the bonus bill, and we did pay off, in addition, more than a half billion dollars of the national debt.

THE TREASURY SURPLUS AND TAX REDUCTION

Mr. President, we have had some discussion lately about the surplus. We have now a great surplus, running up to $400,000,000 or more. There is no reason in the world why this Congress might not have enacted legislation and given the taxpayers of the country the benefit of a 25 per cent reduction in taxes this year.

In a similar situation, in January, 1924, I introduced a resolution calling upon the Secretary of the Treasury to present a plan for a percentage reduction of taxes in order that there might be in that year a reduction.

On the 11th of March, 1924, two months after my resolution was presented, the President of the United States asked for a 25 per cent reduction on payments which must be made the 15th of March, four days later. Of course, it was absurd to expect legislative action in so brief a time.

I quote the President's letter:

To the Congress of the United States:

It had been my earnest hope that a 25 per cent reduction in taxes to be paid for the current year might be provided by law before the 15th of March current. Many people have been expecting that such would be the case and deferred their tax returns accordingly. It is a matter of such imminent importance that I have no hesitation in recommending that the public welfare would be much advanced by temporarily laying aside all other legislation and enacting a resolution for this purpose, which ought to be by unanimous consent. The taxpayers, the business interests, agriculture, industry, finance; in fact, all the elements that go to make up the economic welfare of the people of America would be greatly benefited by such action. It would remove an element of uncertainty from the current financial year at once, which would be a strong stimulant to business with its resultant benefit to the wage earner and the agriculture of our country. It is impossible to see that any harm could accrue from this action, and there is every prospect of resulting benefits which would be very great. It would be a positive step in the right direction, which is much needed at this time to justify the confidence of the people that the Government is intent solely on the promotion of the public welfare without regard to any collateral objects.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 11, 1924.*

It seems to me there is no great evidence of sincerity on the part of an administration that proposes in four days to put through an act of that sort.

DENBY'S RESIGNATION

I want now to call attention to a little episode which happened in February, 1924. I have here the New York Times of February 11, in which is an article stating:

The statement issued by President Coolidge to-night in reply to the Senate resolution calling for the resignation of Secretary of the Navy Denby is as follows:

"No official recognition can be given to the passage of the Senate resolution relative to their opinion concerning members of the Cabinet or other officers under Executive control."

The President said:

I do not propose to sacrifice any innocent man for my own welfare, nor do I propose to retain in office any unfit man for my own welfare. I shall try to maintain the functions of the Government unimpaired, to act upon the evidence and the law as I find it, and to deal thoroughly and summarily with every kind of wrongdoing.

The President of the United States having made up his mind upon a question of principle, to quote the editorial I have here, "he stands like the hills about his native Plymouth."

Yet on the 17th of February, six days after this great letter of the President, Mr. Denby is forced out of the Cabinet.

DAUGHERTY'S DISMISSAL

I find in the New York Times of February 25 a statement:

The President confirms refusal to dismiss Daugherty.

On the 27th of March, in a letter which I here present, the President asked Mr. Daugherty to retire from the Cabinet.

MARCH 27, 1924.

MY DEAR MR. ATTORNEY GENERAL: Since my conference with you I have examined the proposed reply you suggest making to the demand that you furnish the committee investigating the Department of Justice with files from that department relating to litigation and to the bureau of investigation. You represent to me and to the committee in your letter that it would not be compatible with the public interest to comply with the demand and wish to conclude your letter with the statement that I approve that position.

* * * * * * *

I am sure you will see that it is necessary for me to have the advice of a disinterested Attorney General in order that I may discharge the duties of my office in this and other matters. I feel certain that you will know how deeply I regret that this situation has arisen. It only illustrates the difficulties which are certain to recur with ever increasing embarrassment and your inability to perform satisfactorily the duties of Attorney General under present conditions.

You will readily understand that it is not now my intention to prejudice the issues which remain to be developed in this investigation. I recognize that you are entitled to a full and fair hearing, but as there is no way by which you can divest yourself of the interest you have personally in the investigation, I can see no way but for you to retire as Attorney General, and I am, therefore, compelled to request your resignation.

Very truly yours,

CALVIN COOLIDGE.

So, "having made up his mind upon a question of principle" in that case, the President stood firm for a period of one month.

Then I find that on March 15 the President is reported by the New York Times as saying that he will consider no other appointment for the vacant attorney generalship than Mr. Warren.

On the 17th of March the President appointed to that office John Garibaldi Sargent. It looks very strange to me that in the brief period of 48 hours the President could have changed his mind to that extent.

The President has lauded the labor of the hard-working employees of the Government and the sacrifices of those who suffer because of war. I cite the veto of the postal salaries bill and the veto of the pension bill as evidence of the insincerity of the administration.

FAILURE OF COAL LEGISLATION

I desire here to say a word about the coal situation. I have in my hand an editorial from the New York Evening World of July 1. From it I quote as follows:

After all of the political discussion over fuel supplies during the anthracite strike Congress refused to enact a code for supervisory regulation of the industry, the Senators from the soft coal States having blocked every move by Senator COPELAND of New York to obtain action. The bill is on the calendar. It may command more respect when winter comes again. The President did nothing to advance the case of the coal bill, although he had contended vigorously he was without power to act in the anthracite strike because Congress had not devised legislation.

Mr. President, if we could have had the support of the administration and of the administration Senators, we could have passed through the Congress the coal bill, which at one time received the vote of almost one-half of the Senators on a motion to take it up. I have no doubt if there had been any real desire on the part of the administration to look after those who are likely to suffer and to freeze because of failure of action, that action would have been taken. On the 1st of next April, when the next great coal strike becomes a reality, I have no doubt there will be the same inactivity on the part of the administration. Is it possible the invisible coal lobby has paralyzed the present administration?

THE WILLIAMSBURG SPEECH AND PROHIBITION ORDER

Mr. President, I want to refer to the Williamsburg speech of the President and then to his remarkable prohibition order following immediately thereafter. To this end I include an editorial from the Richmond Times-Dispatch quoted by the Senator from Arkansas [Mr. ROBINSON] in his remarks on the 24th of May. In this is the President's statement, exalting the right of the States to look after their own affairs and then only a few days later the same President issued his prohibition order to violate the right of the States.

[From the Richmond Times-Dispatch, May 23, 1926]

COOLIDGE'S ASTOUNDING ORDER

Within one week of the day he stood at Williamsburg and pleaded for State rights—not, as this newspaper observed then, because they were inherent rights of the States, but because the Federal Government was being overburdened—President Coolidge has put into execution the unveiled threat he then made that if the States did not assume enforcement of laws satisfactory to the Federal Government the latter perforce would step in and assume authority. Mr. Coolidge did not voice his threat in those words, but no other intelligent construction could be placed upon them. The Williamsburg address was hailed in many quarters as a real defense of State rights, a defense worthy of being voiced in the place where liberty was cradled; in view of developments of the past 48 hours it stands wholly revealed as a stern threat of further centralization, a further gathering of power in Washington to be exerted when the States fail to obey the crack of the administration's whip.

It is no wonder that President Coolidge's order authorizing the placing of State, county, or municipal officers on the Federal pay roll for the better enforcement of the Federal prohibition statutes has raised a storm of indignant protest. It is the most ruthless invasion of the powers reserved to the States of which any centralizationist has been guilty in a generation. Even the most ardent of the drys stand aghast at the temerity the President has shown in this overriding the sovereignty of the States in encroaching upon their police powers. He has deliberately invited a conflict in which, at least in the South and certainly in some of the Northern States, the wet and dry cleavage will be lost in the greater issue of how far the Federal Government can go in denuding the States of their rights under the Constitution. The cloak of charity can hardly be spread wide enough to make it appear that the President has acted hastily or in ignorance, as some of his supporters incline to believe; it must be, as others aver, he has definitely decided to be a candidate for reelection in 1928 and is willing to ride roughshod over the States in order to bring to his side the united support of the drys.

If that be the President's thought, then he is likely to be hoist on his own petard, for even the Republicans are amazed by the boldness of his order, which is said to have been requested by Gen. Lincoln Andrews, in charge of prohibition enforcement. Even the constitutionality of his action seems not to have been taken into consideration by the President, and constitutional authorities can find no ground for it in that document. Congress never has issued such an authorization, and Mr. Coolidge will stand practically alone if he seeks to carry out his threat of coercing the States. If he stands to his resolution, he will plunge into greater complexity than has existed since the days of slavery the whole question of the relation between Federal and State powers and give the lie to the brave words he uttered at Williamsburg when he talked of the powers and duties of statehood.

[From the President's Williamsburg address]

While we ought to glory in the Union and remember that it is the source from which the States derive their chief title to fame, we must also recognize that the national administration is not and can not be adjusted to the needs of local government. It is too far away to be informed of local needs, too inaccessible to be responsive to local conditions. The States should not be induced by coercion or by favor to surrender the management of their own affairs.

The Federal Government ought to resist the tendency to be loaded up with duties which the States should perform. It does not follow that because something ought to be done the National Government ought to do it. But, on the other hand, when the great body of public opinion of the Nation requires action the States ought to understand that unless they are responsive to such sentiment the national

authority will be compelled to intervene. The doctrine of State rights is not a privilege to continue in wrongdoing but a privilege to be free from interference in well-doing. This Nation is bent on progress. It has determined on the policy of meting out justice between man and man. It has decided to extend the blessings of an enlightened humanity. Unless the States meet these requirements, the National Government reluctantly will be crowded into the position of enlarging its own authority at their expense. I want to see the policy adopted by the States of discharging their public functions so faithfully that instead of an extension on the part of the Federal Government there can be a contraction.

A WASTED SESSION

Finally, Mr. President, I want to say that, in my opinion, there has been every evidence of a lack of sincerity on the part of the administration to enact bills and measures of real interest to the people. How else can we estimate the useless and weak steps of the administration wasting its time on the migratory bird bill? How else can we estimate the time wasted on the radio bill, which is not permitted to become a law? If there had been a genuine desire on the part of the administration to enact these measures which had to do with the common welfare, there might have been action instead of delay.

I refer particularly to the message of the President in 1925 calling attention to the necessity for action regarding alien property. Why have we not had action?

Why have we not put humanity into the immigration law as proposed by the President in his message?

Why have we not had action on Muscle Shoals?

Mr. President, it seems to me that in every way the administration has utterly failed to live up to its fair promises. It certainly has failed to put humanity in Government and to do for the people the many things which the people should have if they are to be contented and prosperous.

How long, I ask, will the people continue in power an administration so deaf to the appeals of the American Nation?

This administration has failed, as I see it, in all its important undertakings. It has disappointed its friends and grieved all the lovers of progressive government.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 4480) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War.

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

S. 1035. An act relating to contempts;

S. 4331. An act prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action;

H. R. 7. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof;

H. R. 817. An act for the relief of Sam Tilden;

H. R. 1692. An act for the relief of Agnes DeJardins;

H. R. 2632. An act for the relief of Mr. and Mrs. Charles Vanderveer;

H. R. 4263. An act for the relief of Etelka Bell;

H. R. 7011. An act for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Hellberg and Laura Lackner and F. W. Lackner;

H. R. 8174. An act for the relief of Ruth Gore;

H. R. 9606. An act for the relief of L. J. Houghtaling;

H. R. 10058. An act to authorize notaries public and other State officers to administer oaths required by the United States;

H. R. 10277. An act to amend the World War adjusted compensation act;

H. R. 10504. An act to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.;

H. R. 10605. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;

H. R. 10774. An act to amend section 15 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 12495. An act to regulate the issue and validity of passports, and for other purposes;

H. R. 12890. An act to amend an act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926;

H. R. 11376. An act to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior;

H. R. 11946. An act to increase the clothing and cash gratuity furnished to persons discharged from prisons;

S. J. Res. 126. Joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation; and

H. J. Res. 232. Joint resolution to provide for the expenses of delegates of the United States to the International Sanitary Conference to meet at Paris on May 10, 1926.

AGREEMENT FOR EXECUTIVE SESSION

Mr. CURTIS. Mr. President, I ask unanimous consent that at 2.15 o'clock p. m. the Senate shall go into executive session and remain in executive session until half-past 2.

Mr. CAMERON. Mr. President——

Mr. CURTIS. That will not interfere with consideration of the Senator's bill.

Mr. CAMERON. I shall object unless I can have the floor afterwards.

Mr. CURTIS. It will not interfere with the Senator's bill.

Mr. CAMERON. Very well.

Mr. HARRISON. Mr. President, it is perfectly appropriate that the session of the Senate should end behind closed doors, and I hope that no one will object to that course being taken.

The VICE PRESIDENT. Is there objection? If not, it is so ordered, and the Senate will be in executive session from 2.15 until 2.30 p. m.

TRIBUTE TO MINORITY LEADER AND OTHERS

Mr. HARRISON. Mr. President, I want to express not only my personal gratification, but I am sure the pride which every Senator on this side of the aisle feels in the high degree of leadership which has been manifested by the distinguished Senator from Arkansas [Mr. ROBINSON], the minority leader. I am confident that no one could have performed with more grace a better service for the people and for his party, or have molded the various elements together on this side and put up a more militant fight for the people and democracy, than he.

Of course on the other side of the aisle the distinguished Senator from Kansas [Mr. CURTIS] has shown fine qualities of leadership, but he has been up against a mighty hard proposition. The Senator from Arkansas had in many respects an easier task than the Senator from Kansas. On this side of the Chamber we are together as we have not been together for many years. We are champing at the bit and ready to go in solid phalanx. Over on the other side, while the distinguished Senator from Kansas has worked night and day, in season and out of season, and has exhibited the finest diplomatic qualities in endeavoring to mold his elements together, he was confronted by an impossible task. His task was impossible of accomplishment. So disorganized, so torn asunder, so discouraged, so void of any spirit or morale are Senators on the other side that it was impossible for the Senator from Kansas to lead them to success.

The session closing, as it is, makes some of us feel rather sorrowful because there are faces on the other side of the Chamber which will not be here much longer politically. We have had over the country primary after primary this summer. While the weather gets hotter and hotter we find all the country and all the people getting cooler and cooler toward Coolidge. Few of them are clinging to him now.

Yesterday I read in the paper that the rule has been changed by Republican Senators. When the primary election was held in Illinois the administration Senator [Mr. MCKINLEY], as soon as he found that he was running away behind, made a public announcement and acknowledged defeat. His opponent was far in the lead. In Pennsylvania the distinguished administration Senator, running far behind, saw how the election was going, and so he announced his defeat. Out in Oregon the administration Senator, seeing from the returns that he was far behind his opponent, made public announcement and conceded his defeat. Over in Iowa the administration Senator, after the votes were counted, saw that his opponent was away in the lead and conceded his own defeat. But day before yesterday when the returns were coming in from North Dakota, where the administration had a candidate trying to defeat the present Senator from North Dakota [Mr. NYE], I was interested to read in the New York Times a dispatch from Fargo, N. Dak., as follows:

Recognizing the trend of the vote during the day, Hanna conceded NYE'S victory both for the short term and the nomination, even while the Senator was several thousand votes behind in actual tabulation.

So there is a new rule adopted by the Republican Senators. Even when they are running ahead in the votes from which they have heard, they are willing to concede defeat and the election of the opponent even though the rural precincts have not yet been heard from. So, may I suggest to some of the Senators coming up for reelection this year that they had better concede their defeat before even the voting is begun in their respective States?

Mr. President, I think it is fine that the President should desire to go to the cool regions of the Adirondacks.

There are reasons why he should want to go up there; in the first place, to get just as far away from you as he can; and then I congratulate you for wanting to adjourn quickly so that you can get just as far away from him as you can. [Laughter.] It is natural, too, that you over there should want to adjourn so that you can separate yourselves from each other. [Laughter.] You have made such a miserable mess out of trying to stay together. That is about all I desire to say.

EXECUTIVE SESSION

Mr. CURTIS. I ask unanimous consent that the Senate proceed to the consideration of executive business until half past 2 o'clock.

Mr. CAMERON. With the understanding that the Senate will resume legislative session at that hour?

Mr. CURTIS. Yes.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Thereupon (at 2 o'clock and 15 minutes p. m.) the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVALS

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

On July 2, 1926:

S. 1963. An act authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims.

On July 3, 1926:

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;

S. 4059. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes;

S. 1472. An act to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.;

S. 2516. An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States;

S. 3148. An act to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia;

S. 3405. An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys;

S. 3453. An act to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek, in the District of Columbia;

S. 4408. An act to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927;

S. 4419. An act authorizing the Shipping Board to give a preference rate to alien veterans and their families;

S. J. Res. 25. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam;

S. J. Res. 47. Joint resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918;

S. J. Res. 51. Joint resolution providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery;

S. J. Res. 104. Joint resolution authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii;

S. J. Res. 126. Joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation;

S. 569. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department;

S. 1035. An act relating to contempts;

S. 1344. An act to amend paragraph (11), section 20, of the Interstate Commerce Act;

S. 2042. An act relating to the office of Public Buildings and Public Parks of the National Capital;

S. 2188. An act for the relief of G. C. Allen;

S. 2273. An act conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;*

S. 3053. An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes;

S. 4033. An act to authorize the Secretary of War to grant easements in and upon the public lands and properties at Canal Bridge, on the Fox River, in Kaukauna, Wis., to the city of Kaukauna for public-road purposes;

S. 4171. An act to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.;

S. 4320. An act for the relief of the State of North Carolina;

S. 4331. An act prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action;

S. 4348. An act granting the consent of Congress to compacts or agreements between the States of Idaho, Wyoming, Washington, and Oregon with respect to the division and apportionment of the waters of the Snake River and its tributaries;

S. 4431. An act to authorize the sale of a parcel of land in the town of Westport, Conn.; and

S. 4430. An act authorizing the Department of State to deliver to Hon. WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS and Mr. ROBINSON of Arkansas appeared, and Mr. CURTIS said:

Mr. President, the committee appointed by the two Houses to wait upon the President and advise him that the Senate and the House had concluded their work for the session, unless he had something further to communicate, have performed that duty and report that the President advises that he has no further communication at this time and knows of no reason why the Senate and the House should not adjourn.

VERDE RIVER IRRIGATION PROJECT

The VICE PRESIDENT. The question before the Senate is the motion of the Senator from Arizona [Mr. CAMERON] that the Senate proceed to the consideration of Senate bill 3342, to remove clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes.

Mr. CAMERON obtained the floor.

Mr. MCKELLAR. I move that the Senate go into executive session; and upon that I ask for the yeas and nays.

Mr. CAMERON. Mr. President, I have the floor, I think.

The VICE PRESIDENT. The Senator from Arizona has the floor.

Mr. CAMERON. I refuse to yield.

Mr. MCKELLAR. I thought I was recognized.

Mr. CAMERON. Mr. President, if the Senator from Tennessee will allow me to make a statement, I think I can help him out.

In deference to the Senators here assembled in the United States Senate, and realizing how many important matters there are to come before this august body before we adjourn, and in view of the statement made by my colleague, the senior Senator from Arizona, HENRY F. ASHURST, that he would filibuster until 3 o'clock on this motion, if I can get an agreement from the Senate to take up this bill on the first day of the coming session, next December, I shall be pleased to withdraw my motion.

Mr. ASHURST. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. ASHURST. My colleague has stated that I said that I would "filibuster against this bill." Mr. President, I call for the reading of the reporter's notes. I did not use the word "filibuster."

Mr. CAMERON. I hope——

Mr. ASHURST. Let me finish. I never used the word "filibuster." I never threatened to indulge in a "filibuster." On the contrary, I distinctly said I would use all "honorable" means to beat the bill.

Mr. CAMERON. I stand corrected if I have made a mistake.

Mr. ASHURST. I did not use such an opprobrious epithet as "filibuster."

I object to the request of my colleague to fix a date for the consideration of this bill.

Mr. CAMERON. I withdraw that part of my remarks. I did not intend to misquote my colleague's statement.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Tennessee?

Mr. CAMERON. I can not afford to yield, Mr. President, because if I can not get an agreement of the Senate to take up the bill on the first day of the coming session I will use up the time, because I must do so.

Mr. SMOOT. Mr. President, will the Senator yield to me just in order to have a letter printed in the RECORD?

Mr. CAMERON. I will if I do not lose the floor.

Mr. SMOOT. The Senator will not lose the floor.

Mr. McKELLAR. Mr. President, if the Senator is going to yield around, I make the point of order that he will lose the floor.

Mr. CAMERON. I can not afford to yield.

Mr. McKELLAR. Mr. President, a point of order.

Mr. CAMERON. If Senators will allow me to finish my statement, I think we can settle this thing in about two minutes. I ask that I be permitted to take up this bill at the beginning of the next session of Congress.

Mr. ASHURST. Mr. President, to that I object.

TREASURY SURPLUS

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Utah?

Mr. CAMERON. If I do not lose the floor.

Mr. McKELLAR. Mr. President, I object. The Senator can not hold the floor and parcel it out in that way.

Mr. SMOOT. I have here a letter from the Secretary of the Treasury in answer to a letter from the Finance Committee in regard to Senate bill 4506, and I ask that the letter be printed in the RECORD.

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

The letter is as follows:

JUNE 30, 1926.

DEAR MR. CHAIRMAN: I have the request of your committee of June 24, 1926, for my comments on S. 4506, "to provide for the refund to taxpayers of the surplus in the Treasury and to provide for the reduction of admission, automobile, and other taxes in the event of an anticipated surplus during the fiscal year 1927."

The purpose of this bill, as stated in its title, is to distribute "the surplus in the Treasury" by way of a refund to income taxpayers. It apparently contemplates the existence in the Treasury of a cash fund in excess of the requirements for the current operations of the Government. This view is a misconception of Treasury "surplus." The surplus of any fiscal year is the excess of governmental receipts over governmental expenditures chargeable against such receipts. If there was no national debt the surplus would pile up in cash and a fund would exist to distribute. The United States, however, owes to-day over 19½ billion dollars. During the present fiscal year there have been debt maturities in September, December, March, and June. On each of these quarterly maturity dates, the Treasury taking into consideration (1) the amount of cash in the general fund, (2) the Government receipts which may be expected in the succeeding quarter, (3) the amount of cash necessary to pay maturing obligations, and (4) the probable expenses of the Government through the next quarterly period, borrows only enough new money to meet the maturing obligations and to pay the expenses of Government for three months.

If receipts are exceeding expenditures, less of new securities are sold than the amount of old securities maturing and paid off. The effect is automatically to apply the surplus to debt reduction. For example, on the 15th of June of this year the Treasury had some three hundred and thirty-three million dollars of certificates maturing, but with the cash then in the general fund plus the expected income taxes and other receipts for June and the succeeding two months, the Treasury found that it could retire these certificates and pay the Government expenses to the next borrowing date in September without a new flotation of securities, and therefore no new securities were sold in June to replace the $333,000,000 paid off.

By the close of this fiscal year on June 30 the entire surplus will have gone into debt reduction and we will have in the general fund about $215,000,000, which is substantially the same as we had in the general fund a year ago. This $215,000,000, with the receipts for the next two months, is only sufficient to pay regular Government expenditures into September. If the proposed bill were passed and refunds made, the refunds would not come from surplus, since such surplus does not exist in cash, but the Treasury would be obligated to go into the market and borrow new money to pay the refunds.

Section 2 of the bill provides that the joint congressional committee shall investigate and determine "the amount of surplus that will be available on June 30, 1927," and "shall recommend to the Ways and Means Committee of the House an immediate consideration of legislation reducing or repealing" certain taxes to the extent that the anticipated surplus will warrant. The surplus to be examined is that for the fiscal year 1927. The taxes to be reduced are not only taxes to be collected in 1927 but presumably taxes to be collected in 1928 and subsequent years. In other words, it is proposed to make a permanent annual reduction in revenue based on an excess of receipts over expenditures in one fiscal year. If there should be an estimated surplus of $100,000,000 in 1927 but none in 1928 or subsequent years, the committee is required to recommend a reduction in taxes of $100,000,000, which would leave 1927 accounts balanced but would mean a deficit in 1928 and every year thereafter. It would be fatal to an orderly handling of Government revenue to base any permanent reduction on one year's figures. Before again reducing taxes Congress should consider revenues and expenditures not for one year but for several years.

There are nonrecurring items of Government receipts which have increased our revenues in the past and will be less material in the future. Upon termination of Government control large loans were made to the railroads. This investment is being repaid. Last year we received $144,000,000 of revenue on this account. This year it was $37,000,000, and since most of the strong roads have paid we may expect less in the future. The War Finance Corporation is in process of liquidation. Last year it paid the Treasury some $43,000,000 in excess of expenditures; this year twenty million. In order to assist the farm-loan banks the Treasury invested $196,000,000 in farm-loan bonds. This year twenty-eight million of bonds were repurchased from the Treasury, and early in the next fiscal year the Farm Loan Board expects to pay off another forty-three million, leaving but seventeen million to be realized on during the remainder of the fiscal year 1927 and thereafter. Back taxes—that is, taxes collected upon an audit of returns for past years—have brought in over three hundred million of revenue, but as the Internal Revenue Bureau becomes current this item will be most materially reduced. Through these nonrecurring receipts a surplus might be shown in 1927 which would not occur again.

If we take into account what may be considered the recurring Government receipts from taxation, even then it can not be safely assumed that because 1927 shows a surplus 1928 will show the same surplus. Income taxes peculiarly reflect general conditions. If the country is prosperous, the taxpayers make money and the Government revenue therefrom is large. If a decline in the high level of business in this country should take place, Government receipts from income tax must fall off. Customs also are affected by changes in trade conditions. So much for the receipt side of the Government accounts. Any change in expenditures, of course, affects the surplus. Expenditures, therefore, must also be considered not only for the year 1927 but for subsequent years.

I am of the opinion that the proposed bill does not represent a sound approach to our taxation problems, and I am therefore opposed to it.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. REED SMOOT,
Chairman Committee on Finance,
United States Senate.

APPROPRIATIONS, 1927

Mr. WARREN. Mr. President, in pursuance of the authority granted me by the Senate, I present herewith certain figures and tables concerning appropriations and estimates for the fiscal years 1926 and 1927.

Congress reduced the estimates for the fiscal year 1927 submitted by the Bureau of the Budget in the sum of $6,802,000.

The appropriations made during the first session of the Sixty-ninth Congress exceeded those made during the second session of the Sixty-eighth Congress by $470,886,681.15. Deducting the appropriations for the Postal Service, payable from postal revenues, there remains a difference of $273,603,305.34.

The Postal Service is growing very rapidly, but, notwithstanding this, it is predicted by the Department that its receipts will be very nearly if not quite ample to pay all expenses during the fiscal year 1927. Our Air Mail Service is gradually forging to the front, with bright prospects for the future. It is safe to say that it has already emerged from the experimental stage.

Our country is growing and expanding by leaps and bounds. Our postal receipts for the fiscal year 1927 are expected to be $43,000,000 in excess of the same for the fiscal year 1926. This is positive and conclusive proof, as nothing gauges our success more accurately than postal receipts.

The increase of $273,603,305.34 is accounted for in the appropriations for eleven purposes as enumerated below, to which I

invite the attention and closest scrutiny of all. They are as follows:

Veterans' Bureau, for the care, comfort, and welfare of soldiers, sailors, and marines of the World War, for hospital facilities and services, additional hospital and out-patient dispensary facilities, adjusted service certificate fund, military and naval compensation, and military and naval insurance	$173,515,000.00
Construction of rural post roads and forest roads and trails	26,675,000.00
Construction of public buildings in accordance with the public buildings act approved May 25, 1926	13,987,810.00
Enforcement of the national prohibition act (including increases made for Coast Guard for enforcement purposes)	13,167,403.00
Maintenance and improvement of existing river and harbor work, etc	10,000,000.00
Judgments and audited claims (appropriations over which Congress usually assumes no supervision)	8,751,702.86
Air Service of the Army, $1,345,503; of the Navy, $4,615,288; in all	5,960,791.00
Army and Navy pensions for invalids, widows, minor children, and dependent relatives, etc., of soldiers, sailors, and marines	5,467,000.00
Refund of taxes illegally collected	4,500,000.00
Arlington Memorial Bridge, authorized in the act approved February 24, 1925	2,500,000.00
Military post construction fund (paid from receipts from sale of surplus War Department real property)	2,250,000.00
Total	266,774,706.86

The increase of $273,603,305.34 for 1927 over 1926 is nothing more nor less than what was expected. In fact, in my remarks on this question at the close of the second session of the Sixty-eighth Congress, I called attention to what I believed to be a fact—that reductions in appropriations could not reasonably be looked forward to in the very near future, and that I believed we were then at rock-bottom figures, as our appropriations had been gradually coming down since the World War and we were then on a genuine peace basis.

Good times and prosperity are immediately reflected in a demand for increased as well as new governmental functions.

No session of Congress has ever made a greater record, or a harder and more honest and faithful effort for economy in public expenditures. The Bureau of the Budget is maintaining its reputation in saving the taxpayers' money. All items are carefully scrutinized, and the day for obtaining unwarranted appropriations has passed. We have all worked together in peace and harmony. We have reached a point where increased expenditures are absolutely necessary. It is not economy or sound business sense to permit our barracks and quarters and other governmental buildings to decay for want of minor repairs and paint. It is not economy to employ people at an insufficient wage. It is not economy to house our Army in tents. Ours is not that kind of a country. The time comes for governments as well as individuals to expend their money for their own protection and welfare, not extravagantly, but cautiously, and with a due regard for the future.

The three following tables are submitted:

Table A: Comparison of Budget estimates and appropriations.

Table B: Showing that, irrespective of fiscal years, the appropriations made during the first session of the Sixty-ninth Congress amount to $4,409,377,454.15.

Table C: Showing that appropriations made during the first session of the Sixty-ninth Congress exceeded those made during the second session of the Sixty-eighth Congress.

TABLE A.—*Comparison of budget estimates and appropriations, Sixty-ninth Congress, first session*

Title of act	Budget estimates Sixty-ninth Congress, first session	Appropriations Sixty-ninth Congress, first session	Increase (+) or decrease (−) appropriations compared with Budget estimates
REGULAR ACTS, FISCAL YEAR 1927			
Agriculture, Department of	$130,016,508.00	$127,924,573.00	−$2,091,935.00
District of Columbia	34,053,022.00	33,918,571.00	−134,451.00
Independent offices	512,870,315.64	512,928,376.64	+58,061.00
Interior Department	227,288,452.00	226,332,918.00	−955,534.00
Legislative Establishment	16,512,381.70	16,437,327.20	−75,054.50
Navy Department	320,955,030.00	319,650,075.00	−1,304,955.00
Departments of State, Justice, Commerce, and Labor	79,936,971.90	79,963,851.90	+26,880.00
Treasury and Post Office Departments	872,482,861.63	868,281,501.63	−4,201,360.00
War Department	338,494,225.00	342,609,611.16	+4,115,386.16
Total, regular annual acts	2,532,609,767.87	2,528,046,805.53	−4,562,962.34
DEFICIENCY ACTS			
First deficiency, 1926	425,573,865.65	426,298,681.19	+724,815.54
Second deficiency, 1926	54,434,660.45	50,822,696.22	−3,611,964.23
Pension deficiency, 1926	10,730,000.00	10,730,000.00	
Total deficiency acts	490,738,526.10	487,851,377.41	−2,887,148.69
Total, regular annual and deficiency acts	3,023,348,293.97	3,015,898,182.94	−7,450,111.03
Miscellaneous relief and claims acts (estimated)		648,111.03	+648,111.03
Total, regular annual, deficiency, and miscellaneous	3,023,348,293.97	3,016,546,293.97	−6,802,000.00
Permanent and indefinite appropriations	1,392,831,160.18	1,392,831,160.18	
Grand total	4,416,179,454,15	4,409,377,454,15	−6,802,000,00

TABLE B.—*Recapitulation of appropriations by acts, irrespective of fiscal years, Sixty-ninth Congress, first session (December 7, 1925, to July 3, 1926)*

Title of act	Amount
REGULAR ANNUAL ACTS, FISCAL YEAR 1927	
Agriculture	$127,924,573.00
District of Columbia	33,918,571.00
Executive office and independent offices	512,928,376.64
Interior	226,332,918.00

TABLE B.—*Recapitulation of appropriations by acts, irrespective of fiscal years, Sixty-ninth Congress, first session (December 7, 1925, to July 3, 1926)*—Continued

Title of act		Amount
REGULAR ANNUAL ACTS, FISCAL YEAR 1927—continued		
Legislative establishment		$16,437,327.20
Navy		319,650,075.00
State, Justice, Commerce, and Labor:		
State	$16,480,792.90	
Justice	24,094,407.00	
Commerce	29,852,347.00	
Labor	9,536,305.00	
		79,963,851.90
Treasury and Post Office:		
Post Office	738,805,303.00	
Treasury	129,476,198.63	
		868,281,501.63
War:		
Military activities	263,948,856.16	
Nonmilitary activities	78,660,755.00	
		342,609,611.16
Total regular annual acts		2,528,046,805.53
DEFICIENCY APPROPRIATION ACTS, FISCAL YEAR 1926 AND PRIOR YEARS		
First deficiency act, fiscal year 1926		426,298,681.19
Second deficiency act, fiscal year 1926		50,822,696.22
Pension deficiency act, fiscal year 1926		10,730,000.00
Total deficiency acts		487,851,377.41
MISCELLANEOUS ACTS CARRYING APPROPRIATIONS, FISCAL YEAR 1926		
Miscellaneous relief and other acts (approximated)		648,111.03
Total, regular annual, deficiency, and miscellaneous acts		3,016,546,293.97
PERMANENT AND INDEFINITES, FISCAL YEAR 1927		
Agriculture		11,351,250.00
Commerce		3,000.00
Independent offices		7,445,000.00
Interior		25,638,900.00
Labor		25,000.00
Legislative		800.00
Navy		2,144,400.00
State		136,139.74
Treasury:		
Interest on the public debt	$795,000,000.00	
Sinking fund and other public debt retirement funds	515,583,398.44	
Ordinary permanent and indefinites	26,782,415.00	
		1,337,365,813.44
War:		
Military activities	900,000.00	
Nonmilitary activities	6,247,300.00	
		7,147,300.00
District of Columbia		1,573,557.00
Total, permanent and indefinites		1,392,831,160.18
Grand total		4,409,377,454.15

TABLE C.—*Comparison of appropriations made during the first session of the Sixty-ninth Congress with those of the second session of the Sixty-eighth Congress*

Title of act	Appropriations, Sixty-eighth Congress, second session	Appropriations, Sixty-ninth Congress, first session	Increase (+) or decrease (−) first session, Sixty-ninth Congress, compared with second session of the Sixty-eighth Congress
REGULAR ANNUAL ACTS			
Agriculture	$124,774,441.00	$127,924,573.00	+$3,150,132.00
District of Columbia	31,827,797.00	33,918,571.00	+2,090,774.00
Executive Office and independent offices	452,434,334.00	512,928,376.64	+60,494,042.64
Interior	239,702,926.00	226,332,918.00	−13,370,008.00
Legislative establishment	14,910,971.80	16,437,327.20	+1,526,355.40
Navy	287,402,328.00	319,650,075.00	+32,247,747.00

TABLE C.—*Comparison of appropriations made during the first session of the Sixty-ninth Congress with those of the second session of the Sixty-eighth Congress*—Continued

Title of act	Appropriations, Sixty-eighth Congress, second session	Appropriations, Sixty-ninth Congress, first session	Increase (+) or decrease (−) first session, Sixty-ninth Congress, compared with second session of the Sixty-eighth Congress
REGULAR ANNUAL ACTS—continued			
State, Justice, Commerce, and Labor:			
State	$16,011,512.77	$16,480,792.90	+$469,280.13
Justice	24,205,822.00	24,094,407.00	−111,415.00
Commerce	22,917,334.00	29,852,347.00	+6,935,013.00
Labor	8,602,625.00	9,536,305.00	+933,680.00
Total, State, Justice, Commerce, and Labor	71,737,293.77	79,963,851.90	+8,226,558.13
Treasury and Post Office:			
Treasury	126,951,947.00	129,476,198.63	+2,524,251.63
Post Office	636,269,415.00	738,805,303.00	+102,535,888.00
Total, Treasury and Post Office	763,221,362.00	868,281,501.63	+105,060,139.63
War Department:			
Military activities	259,491,250.00	263,948,856.16	+4,457,606.16
Nonmilitary activities	72,791,421.00	78,660,755.00	+5,869,334.00
Total, War Department	332,282,671.00	342,609,611.16	+10,326,940.16
Total, regular annual acts	2,318,294,124.57	2,528,046,805.53	+209,752,680.96
DEFICIENCY ACTS			
First, fiscal year 1925	159,504,838.19		
Second, fiscal year 1925	58,065,318.66		
First, fiscal year 1926		426,298,681.19	
Second, fiscal year 1926		50,822,696.22	
Pensions, 1926		10,730,000.00	
Total, deficiency acts	217,570,156.85	487,851,377.41	+270,281,220.56
MISCELLANEOUS ACT CARRYING APPROPRIATIONS, FISCAL YEAR 1926			
Miscellaneous relief and other acts	2,569,183.34	[1] 648,111.03	−1,921,072.31
Total, regular annual, deficiency, and miscellaneous acts	2,538,433,464.76	3,016,546,293.97	+478,112,829.21
PERMANENT AND INDEFINITES			
Agriculture	12,340,750.00	11,351,250.00	−989,500.00
Commerce	3,000.00	3,000.00	
Independent offices	7,446,500.00	7,445,000.00	−1,500.00
Interior	28,081,457.50	25,638,900.00	−2,442,557.50
Labor	25,000.00	25,000.00	
Legislative	800.00	800.00	
Navy	2,460,050.00	2,144,400.00	−315,650.00
State	131,139.74	136,139.74	+5,000.00
Treasury:			
Interest on the public debt	830,000,000.00	795,000,000.00	−35,000,000.00
Sinking fund and other public debt retirement funds	484,766,130.00	515,583,398.44	+30,817,268.44
Ordinary permanent and indefinites	26,087,825.00	26,782,415.00	+694,590.00
Total, Treasury	1,340,853,955.00	1,337,365,813.44	−3,488,141.56
War Department:			
Military activities	900,000.00	900,000.00	
Nonmilitary activities	6,249,300.00	6,247,300.00	−2,000.00
Total, War Department	7,149,300.00	7,147,300.00	−2,000.00
District of Columbia	1,565,356.00	1,573,557.00	+8,201.00
Total, permanent and indefinites	1,400,057,308.24	1,392,831,160.18	−7,226,148.06
Grand total	3,938,490,773.00	4,409,377,454.15	+470,886,681.15
Postal Service (regular annual and deficiency acts)	645,039,535.11	842,322,910.92	+197,283,375.81
Grand total, exclusive of Postal Service payable from postal revenues	3,293,451,237.89	3,567,054,543.23	+273,603,305.34

[1] Estimated.

VERDE RIVER IRRIGATION PROJECT

Mr. CAMERON. Mr. President, the Verde irrigation and power district is an irrigation district organized under the provisions of the State laws of Arizona, enacted for the organization of irrigation districts. The State law governing irrigation districts maintains to a certain extent supervision of those districts by certain county and State officials. I wish to state that this district has had the complete cooperation of all county and State officials whose duties as county and State officials require their approval or disapproval. In other words, Mr. President, the organization and functioning of the district so far has been the work of the district officers, under the direction and jurisdiction of county and State officials, up to and including the final certification of the district's bonds.

Mr. President, I want to state that this district does not in any way infringe upon the vested rights of any individual or organization. If it did the parties affected would have a remedy through the State courts. In fact, if there were any apparent conflict the State would not have certified the district's bond issue. It might be a matter of enlightenment to state here that there does seem to be an attitude on the part of those opposing this development to acquire in some way or other the rights and privileges that the people of this district now legally enjoy, and for that reason they seem to believe that the only hope they have to procure those rights is through the Salt River Valley Water Users' Association.

Mr. President, allow it to be properly understood, I have no complaint against the Salt River Water Users' Association, the greatest in the United States, but this district has secured water rights through the State water commissioner of the State of Arizona, rights of way over State lands for its canals, and permission through the State water commission to construct dams for storage to store the State's water which the State has seen fit to grant for these lands. It has thus acquired from or through the State of Arizona all of the rights and powers incident to an irrigation and power district except the right to use such public land of the United States as is needed for reservoir and canal purposes. In its relation to the project the status of the United States is the same as a private owner of land whose land would be subject to condemnation; but, of course, the State could not grant the power to condemn lands of the United States. The United States, however, long ago adopted the policy of encouraging and aiding irrigation projects promoted under State auspices, by donating the use of the public lands of the United States that might be needed for reservoirs, canals, and irrigation works, and for the purpose of developing power as incidental to the main purpose of irrigation, and by the act of March 3, 1891, and the amendatory act of May 11, 1898, such policy was incorporated into a general law.

The act of 1891 in section 18 provides:

That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation, and duly organized under the laws of any State or Territory, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its article of incorporation and due proofs of its organization under the same to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof—

And in section 19:

That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way.

And the act of 1898 provides that rights of way granted by the act of 1891 may also be used for the development of power as incidental to the main purpose of irrigation.

The district then made application to the Secretary of the Interior for permission to build dams and canals over Government land in compliance with the act of Congress of March 3, 1891. A hearing was held in May, 1920, for this purpose. The district's application was opposed by the Salt River Valley Water Users' Association and others interested. This hearing lasted several days, from May 17 to May 25, 1920, inclusive. Complete minutes of the hearing are published in connection with the minutes of hearings before the subcommittee of the Committee on Irrigation and Reclamation, United States Senate, of which I had the pleasure of being chairman, held at Phoenix, Ariz., November 27 and 28, 1925.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Virginia?

Mr. GLASS. Will the Senator yield to me for a moment to propound a unanimous-consent request that will require only a moment?

Mr. CAMERON. If it will not take me from the floor, I will yield for a moment. I ask the Chair if it will take me from the floor. I do not want to obstruct important legislation, but can not sacrifice the opportunity now in my hands to tell the Senate of the sufferings of these pioneers and the assistance we should give them.

The VICE PRESIDENT. If the Senator yields to anything but a point of order or a question, he will lose the floor, if anybody insists.

Mr. CAMERON. I am sorry. I can not yield then, because this is the day in court of my pioneer friends. Their cause shall be heard.

For the information of the Senate I wish to state that when it became apparent to the Salt River Valley Water Users' Association that the then Secretary of the Interior, Hon. John Barton Payne, intended to grant to the Verde River irrigation and power district rights and privileges for dams and canals the Salt River Valley Water Users' Association commenced to talk compromise and cooperation. The Salt River Valley Water Users' Association membership were not unmindful of the time when they once struggled and occupied the same position. To confirm my statements I wish to quote from the minutes of a hearing held before Secretary John Barton Payne:

Secretary PAYNE. Now, I gathered that the Salt River people perhaps might be disposed to cooperate, and I am going to give them an opportunity to see if you can work it out, and if you can't I am going to grant the permit of the Paradise people. That is the long and short of it.

I wish to quote further from another place in the hearing:

Secretary PAYNE. I am not going to decide that now. Of course, my deciding faculty is the most active faculty I possess, so I will decide anything; but what I want to do is to try to make you all decide it. I want you to get your heads together. I will give you a room and lock you up in it if necessary. I want you to work it out. I want you to look at it as statesmen having the public good at mind rather than any private interest—or see if you can't—on the lines suggested by Mr. Davis or yourselves. We do not care; work out a plan that we can all adopt, and then I have indicated that if you do not do that I will simply grant their permit and let the Lord provide.

Such fairness, Mr. President; the real American spirit. My position in this controversy has been consistent. I am for the pioneer, whoever or wherever he may be. The rank and file of the Salt River water users are not unmindful of the day when they demanded recognition, when they wanted the realization of their long fight. These same God-fearing pioneers after the realization of their long struggle now do not want to see their friends and neighbors shut out in a similar situation of that of their own. They are not built that way. They are fair and American.

Mr. STANFIELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Oregon?

Mr. CAMERON. I am sorry, but I can not yield, because I am pleading for a cause of justice which has no peer.

Mr. STANFIELD. I should like the decision of the Chair as to whether the request I am about to make will take the Senator off the floor.

The VICE PRESIDENT. The Senator can yield for a question.

Mr. CAMERON. If it does not take me off the floor, I will gladly yield.

Mr. STANFIELD. I will ask the Senator to yield for the purpose of requesting unanimous consent for the immediate consideration of a joint resolution which is of very great importance.

The VICE PRESIDENT. Does the Senator from Arizona yield for that purpose?

Mr. CAMERON. If it takes me off the floor, no; otherwise I shall yield for any meritorious measure.

Mr. ROBINSON of Arkansas. What is the joint resolution, Mr. President?

Mr. STANFIELD. The joint resolution is for the appointment of a commission to make a study——

Mr. CAMERON. With apology to my good friend, I must proceed. After considerable argument between Secretary Payne and Mr. Reid, president of the Salt River Valley Water

Users' Association, pertaining to this cooperation, I wish to further quote Secretary Payne, as well as Mr. Reid:

Secretary PAYNE. Here is the point. There is no use to argue it. Unless we can do a wise, constructive thing by cooperation, I am going to grant this permit.

Mr. REID. Well, that is your privilege.

Secretary PAYNE. And let them proceed now in a way by a wise cooperation. Is it your present disposition to aid in solving this rather difficult question?

Mr. President, that is the inspiring spirit that has been instilled in these worthy settlers, pioneers, if you please, to carry on.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Virginia?

Mr. GLASS. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GLASS. I can not state it while the Senator is talking.

The VICE PRESIDENT. The Senator rises to a parliamentary inquiry, which he will state.

Mr. GLASS. I want to inquire, Mr. President, if it is not competent——

Mr. CAMERON. I will finish in just a moment if the Senator will let me, and then I will give him the floor.

Mr. GLASS. Oh, well, go ahead, then.

Mr. CAMERON. I quote further from the hearing:

Mr. REID. It has been our position to do that very thing all the time.

Secretary PAYNE. I don't care about the past.

Mr. REID. It is still.

Secretary PAYNE. It is the present disposition to do it?

Mr. REID. Yes, sir.

Mr. NEELY. Mr. President, will the Senator yield to me for a question?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from West Virginia?

Mr. CAMERON. I am sorry, but I can not yield, because to do so would displace this opportunity to present the cause of these long-suffering pioneers of the desert.

An agreement was prepared jointly by the Secretary of the Interior on behalf of the Government, the Verde River Irrigation and Power District, and the Salt River Valley Water Users' Association, all three participating in the formulating of this agreement, and was signed by the Secretary of the Interior and the Verde River Irrigation and Power District by two of its directors. The president of the Salt River Valley Water Users' Association, Mr. Reid, then asked permission to submit it to his board of governors at Phoenix, Ariz., before signing this agreement. Upon being submitted to the board of governors of the Salt River Valley Water Users' Association they refused to become a party to this agreement. It was then submitted to the shareholders of the Salt River Valley Water Users' Association for their approval or disapproval, and was voted down by a majority of the shareholders of the association.

The association never did become a party to this agreement, but continued their opposition to this development. The district has always contended and still contends that the Secretary of the Interior and his successors in office, from this on, should not have recognized and permitted the Salt River Valley Water Users' Association to intervene and interfere in matters in which they were not concerned. Mr. President, the Salt River water users nor I or anyone else would allow any other to interfere with their own rights. The Verde River Irrigation and Power District believed the Government was acting in good faith and would cooperate with them in their development, as they have always done in other worthy and pioneering projects. The district, realizing that the Salt River Valley Water Users' Association not becoming a party to this agreement left their rights of way in a somewhat clouded condition, proceeded as speedily as possible to make temporary surveys, sufficiently accurate to file maps and make application for rights of way, in compliance with the act of March 3, 1891, and the act of 1898. These applications were approved by the Secretary of the Interior, but unknown to the Verde River Irrigation and Power District, they were approved subject to the above-mentioned triparty agreement.

The district made further application to have the district approved by the Secretary of the Interior. Under the act of 1916, the Government sent its engineers and made a thorough examination of the proposed works of the district, said examination covering the water supply for the district, the soil, the general set-up of irrigation works, and the feasibility of the undertaking. Upon this report the Secretary of the Interior approved the district June 21, 1921, as will be shown by two certified letters of even date which I wish to read, as I wish to comment on them later. Before doing so, Mr. President, I wish to say that my honest judgment is that no Arizonan, whether a member of the Salt River Water Users' Association or not, would at any time, just because he happened to be enjoying the good fortune of Government help, stand in the way and seek to block the full realization of the long years of hope of the worthy, struggling pioneer, who through years has clung to the desert, confident and courageous, undismayed and feeling hopeful that in due course his reward in the way of necessary Government relief would be forthcoming.

DEPARTMENT OF INTERIOR,
GENERAL LAND OFFICE,
Washington, June 21, 1921.

Paradise-Verde irrigation district, act of August 11, 1916. Instructions.

REGISTER AND RECEIVER,
Phoenix, Ariz.

SIRS: I am transmitting herewith a copy of the map of the Paradise-Verde irrigation district, which was approved by the department on June 7, 1921.

You will cause proper notations to be made on your records and inform the district of the approval of its application. The inclosed copy must be retained in your files for reference.

You are further directed to observe strictly the provisions of circular of March 6, 1918 (46 L. D. 307), especially paragraphs 15 to 18, inclusive, as to all lands within the district affected by this approval.

Very respectfully, (Signed) D. K. PARROTT,
Acting Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 21, 1921.

Paradise-Verde irrigation district, act of August 11, 1916. Instructions in re desert-land entries.

REGISTER AND RECEIVER,
Phoenix, Ariz.

SIRS: Paragraph 18 of the desert-land circular approved September 30, 1910 (39 L. D. 253), requires, in substance, that before an expenditure for stock or for an interest in an irrigation company shall be accepted as satisfactory annual expenditure on desert-land entries, such company must be reported upon by an authorized officer to determine its resources and reliability and that such report must be favorably acted upon. A like provision is also contained in the desert-land circular approved May 18, 1916, No. 474. These regulations have been construed as also applying to irrigation districts.

Under date of June 7, 1921, the department approved the map of the Paradise-Verde irrigation district, thus bringing all public lands within the boundaries of such district, where subject to entry, and entered lands for which no final certificates have been issued, under provisions of the act of August 11, 1916 (39 Stat. 506).

In connection with the approval of the district, the department also approved the recommendation of this office, affecting desert land within its boundaries, which was as follows:

"There are a number of desert-land applications pending before this office, wherein either this district or its predecessor, the Paradise-Verde Water Users' Association, is alleged as the source of water supply, also in a number of allowed desert cases, yearly proofs have been submitted wherein expenditures are alleged either to the association or the district. It is my opinion that these desert-land applications, where otherwise regular and involving lands within the boundaries of the district, should be allowed and that expenditures on the part of entrymen whose entries are so situated, where regularly made either to said association prior to its succession by the district, or to the district, should be accepted. * * *"

In view of the foregoing you are directed as follows:

1. All desert-land applications involving lands within the legally established boundaries of said district will, in the absence of objection disclosed by the record, be allowed.

2. You will accept annual desert-land proofs where based on expenditures made either to the Paradise-Verde Water Users' Association, prior to its succession by the Paradise-Verde irrigation district, or to the Paradise-Verde irrigation district; provided such entries are within the exterior boundaries of such district, and the irrigable portions thereof can be reclaimed under the system planned or constructed by the district.

3. On the submission of a desert land final proof, wherein the required irrigation is alleged by the use of water supplied by said district, you will suspend such proof and refer the case to the chief of field division at Santa Fe, N. Mex., directing his particular attention to this letter.

Said chief of field division will, without additional instructions from this office, cause a further investigation of said district to be made, and have supplemental report submitted thereon, whereupon proper and additional instructions will be given you.

You will act on annual and final desert-land proofs in accordance with the instructions herein contained.

Applications for relief and applications for extensions of time within which to submit final proof should be disposed of in the manner prescribed in Circulars Nos. 490 and 533, respectively.

A copy of this letter is inclosed to be submitted to said irrigation district at Phoenix, Ariz.

Very respectfully,

——— ———, *Commissioner.*

Mr. KING. Mr. President, will the Senator yield to me to present a privileged matter? I shall accompany the request for unanimous consent with a request that the Senator shall not be taken from the floor, and I will not take 30 seconds.

Mr. CAMERON. If the Senator can get unanimous consent without taking me from the floor, I will gladly yield. Otherwise, I can not.

Mr. KING. I ask unanimous consent that while presenting the privileged matter the Senator will not lose his right to the floor.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. Is that request for unanimous consent debatable?

The VICE PRESIDENT. A request for unanimous consent is always debatable.

Mr. CAMERON. Mr. President, inasmuch as this is debatable, I shall have to proceed. These worthy people now have their inning. In carrying out the provisions of the act the Secretary of the Interior caused another letter to be written to the desert-land applicants of said district, which I wish to read, as I want to make reference to it later.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Phoenix, Ariz., September 29, 1921.

Mr. DANIEL MCDERMOTT,
1229 N. First St., Phoenix, Ariz.

SIR: You are hereby advised that your desert-land application No. 038251 for the NW. ¼ SE. ¼, S. ½ SE. ¼ sec. 11, township 3 N., range 2 E., G. & S. R. meridian, is now subject to allowance upon your furnishing a certificate by the proper officer of the Paradise-Verde irrigation district that all proper assessments against the land have been paid.

You are allowed 30 days from receipt of this notice in which to furnish such certificate, and upon failure to furnish same, your application, now held for rejection, will be rejected and closed. However, you are granted the right of appeal during such period to the Commissioner of the General Land Office, Washington, D. C., from such action, if desired.

Very respectfully,

JOHN R. TOWLES, *Register.*
SCOTT WHITE, *Receiver.*

It is only natural to suppose the officials of this district, as well as the landowners, homesteaders, and desert-land entrymen, had a right to believe that the Government was acting in good faith and that the Government would not attempt to breach its contract with its home makers. The officers of the district then caused to be made extensive surveys of the various canals to be built and a complete contour survey of the lands to be irrigated. They had borings made for bedrock at the various proposed locations for dams to ascertain the depth of bedrock and the quality and character of the rock. The district employed technical engineers to design the structures proposed to be built by the district, and under this agreement these designs were approved by the Secretary of the Interior.

The district caused to be presented to the reclamation department, Denver, Colo., several sets of drawings for the various dam sites, most of which were approved with some minor alterations or suggestions. These alterations, changes, and suggestions have been complied with, and for the information of the Senate I wish to quote:

In courtesy to the above-mentioned officials of the district, it should be stated that the plans have been prepared and presented in excellent form for consideration by our engineers. The district deserves credit for the earnest effort that has been made to comply fully with the requirement of paragraph 8 of the contract and it is my opinion that the district is to be congratulated as regards the personnel of its engineering staff.

The detail information shown on the drawings indicates that extensive field investigations have been made, including diamond-drill borings at the different dam sites. A large amount of survey work has evidently been accomplished on which to base the various plans and a considerable amount of office study is evidenced by the plans submitted for approval.

All of the plans show evidence of skillful design and in general the types recommended are suitable to the ground conditions represented on the drawings. The plans have all been prepared on the basis of providing permanent construction at the least possible cost.

The Government engineers approved, which indicates that the reclamation engineer recognized that those designs were prepared by competent engineers in a very careful manner.

It will be seen, Mr. President, by the letters sent out by the United States Land Office, Department of the Interior, of which I have read a certified copy, the desert entrymen were required to pay assessments that had legally been made on this land or their applications would be rejected. This amounted to approximately $725 per quarter section. That money was paid on the part of the applicants because they had faith in the Government's lending a helpful hand, and they never thought that the Government would breach its contract and attempt to cancel and annul their rights, which they had been compelled to pay for.

Mr. President, the attempted act of the Secretary of the Interior is very far-reaching. If the Secretary's act of attempted cancellation should be carried out, the Secretary of the Interior would usurp State rights in controlling the State's water by manipulating the control of the rights of way over the Government's domain. The Supreme Court of the United States has held that the Secretary of the Interior had no right to alter or change, add to, or take from, any act of Congress. In this instance the approval of the district's right of way being made conditional deprived the district of the full benefit of the act of Congress of March 3, 1891, and the act of 1898, as well as the act of Congress of 1916. Herein, Mr. President, lie the hazards, causing the present attempt of mine, through legislation, to right the whole situation. It is true that the Secretary of the Interior did grant several short, hampering, and harmful extensions of time in order that the district might complete financing. A study of these extensions of time will conclusively show to anyone that the district could not market its bonds under such restrictions and conditions; in fact, the rights of way, granted by the Government apparently in good faith, never were in the form laid down by the various acts of Congress, and it should be readily apparent to anyone that with any deviation from said acts the district's titles to their rights of way might at least be questionable. I might here remark that the thoughtful members of Salt River Valley would not to-day be enjoying their abounding prosperity and well-being had they contended with such stumbling blocks as these circumstances have imposed on these good people; hence I feel and know they truly sympathize with their desert neighbors in this struggle.

The purpose of this bill is to remedy and clarify the questionable character of the district's rights of way. It should not have been the attitude of any Government department to interfere with the State's privileges, in which they were not concerned, and thereby enable a small group of parties to usurp the duties of the State and the county officers. This decision of the Secretary of the Interior, if carried out, while probably not intended, would bring about such a lamentable condition. It should be apparent to the Senate that these home makers have already acquired an equity in rights of way and privileges granted by the State, as well as the United States Government. Now, the Secretary of the Interior proposes to cancel and annul these rights of way and thus destroy the equity they have compelled these citizens to pay for without any hope of repayment of the money that these hard-working, deserving, conscientious pioneers have expended.

I want to state to the Senate that there are 900 families living adjacent to these lands in the desert. They have been there for years. They are the hardiest pioneers of the West, and the Secretary of the Interior by his late rulings in effect destroys their rights. The State of Arizona in every way, shape, and form has given them their rights, as all the other States have done to their citizens similarly situated. The great State of Arizona is for those people. Arizona has given them vested rights as sacred as any known to man, rights which are as well known to law and common usage as those of any time, and in so doing has carried out the idea of shifting the development of reclamation projects from the Federal Government to the States and subdivisions thereof.

If every Senator in this Chamber could appreciate the conditions under which those worthy people have struggled for so many years, out on the desert, in the hot, blistering sun, in the Paradise Valley, watching, waiting, hoping that the Government of the United States, as it should, would give them their rights, they would favor this measure. Those people are asking only for their rights. They are not asking the Government to put up a dollar of money. Those people are bona fide settlers, with the exception of a few carpetbaggers and others who have gone in there for speculation. The majority of these people are bona fide landowners and settlers.

Out on the desert they have waited for years for the Government to protect them, and what do they get? They come here to Washington and ask to have their rights. Two Secretaries of the Interior have passed on their claims for rights of way, and for dam sites. They are not asking for anyone else's water. Their rights require only the flood waters, which are not used by any other people at this time. They ask only for rights away from the Federal Government based on precedents as old as our existence, through desert spaces which can never be used for any other purpose; requests which are negligible and unimportant, yet ruthlessly refused by decisions which forever seal the doom of some 3,000 Americans, worthy of the worthiest.

They do not interfere with any other settlers. They are the people God put in there to build the West, and I want to say to my colleague from Arizona that he was with us for five years on this proposition; he was the first to vote in loudest tones for a favorable report of the committee on this bill, but a few days ago he changed his mind, for what reason I know not. That is his business. But I want to say to the Senate of the United States that there never was a bill presented to the Senate that had behind it more honest conviction than this bill has. The great Governor of Arizona and his various assistants favor this legislation and highly commend it for favorable action here. I know I will not get a vote on it to-day, but I say to the Senate that at the next session I will be on the floor the first day of the session, and I will keep this matter before the Senate until you pass this bill, because I know that when Senators understand all the conditions it will pass.

Now I want to read. [Laughter.]

Mr. NEELY. Mr. President, a point of order. I object to any reading.

Mr. CAMERON (reading)—

This is to certify that the attached copy of the findings of the Verde irrigation and power district, before the State certification board of the State of Arizona——

Mr. NEELY. A point of order.

The VICE PRESIDENT. A Senator has a right to read anything he pleases. A point of order can be made against the clerk's reading, but not against a Senator reading.

Mr. CAMERON. This is germane to my motion:

To whom it may concern:

This is to certify that the attached copy of the findings of the Verde River irrigation and power district, before the State certification board of the State of Arizona, is a true and correct copy.

[SEAL.] A. T. HAMMONS,
Superintendent of Banks.

BEFORE THE STATE CERTIFICATION BOARD OF THE STATE OF ARIZONA

In re Verde River Irrigation and Power District. Findings

This board having heretofore, and on the 30th day of December, 1922, made its findings relative to the Paradise-Verde irrigation district, now the Verde River irrigation and power district, pursuant to application made therefor, and by virtue of the authority of section 11, subdivision (a) of chapter 149 of the Arizona Session Laws of 1921 and amendments thereto, and having thereafter, and on the 3d day of July, 1923, made its further findings upon supplemental application therefor, all pursuant to the provisions of section 11, subdivision (a) of chapter 149 of the Arizona Session Laws of 1921 and amendments thereto; and the district having thereafter and on the 5th day of December, 1924, presented its application for a further certification of its bonds and filed therewith a certified copy of a resolution of the board of directors of the district in compliance with section 39 of the irrigation district act declaring that it deems it desirable that its authorized bond issue in the sum and amount of $23,000,000 be made available for the purposes set forth in section 44 of the irrigation district act.

Now, therefore, this board having fully considered the said resolution, and having made an investigation of the affairs of said district pursuant to the authority vested in it by section 40 of the irrigation district act, submits its written findings, as follows:

1. The board finds that the irrigation and power projects of the district for the construction of which the said bonds under consideration are proposed to be used are feasible.

2. The board further finds that the district's bonds in the sum and amount of $23,000,000 are the only bonds issued by the district, and that the amount of the bonds when allocated between the proposed irrigation system and power plants to be constructed do not exceed 60 per cent of the aggregate market value of the lands embraced within the district and of the water, water rights, canals, reservoirs, reservoir sites, irrigation works, power canals, dams, reservoirs, and other power works to be acquired and constructed with the proceeds of the said bond issue.

The board further finds the total value of the lands and works above referred to to be $41,829,925, and that $23,900,000 of such value should be allocated to power, and the remaining portion thereof, to wit, $17,929,925, should be allocated to the lands within the district, the water, water rights, canals, reservoirs, reservoir sites, dams, and irrigation works.

3. The board finds the present indebtedness of the district, aside from the bond issue, to be $159,310.04, making the entire indebtedness of the district, including the bonds under consideration to be sold, $23,159,310.04.

The board further finds that the ratio which the aggregate market value of the lands within the district and the irrigation and power systems proposed to be constructed with the proceeds of the bond issue bears to the entire indebtedness of the district, including the bonds under consideration, is the ratio that 100 bears to 55.

4. The board further finds the total taxes levied for all purposes for the current year against the lands embraced within the district to be $25,609.63.

5. It is ordered and directed that these findings be made and signed in triplicate; that one copy thereof be delivered to the State auditor, another copy thereof to the Verde River irrigation and power district, and a third copy be filed in the office of this board.

Done this 10th day of December, A. D. 1924.

STATE CERTIFICATION BOARD,
By A. T. HAMMONS,
Superintendent of Banks.
W. C. LEFEBVRE,
State Engineer.
JOHN W. MURPHY,
Attorney General.

During the reading of the foregoing,

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

Mr. BLEASE. Would the Senator yield just to allow the Senator from Virginia——

Mr. CAMERON. I yield to any Senator on any worthy legislation if I will not lose the floor.

Mr. BLEASE. To ask for unanimous consent?

Mr. CAMERON. That will take me from the floor.

Mr. President, in the dying minute of this Congress, I implore you to study the contents of this meritorius measure. Arizonians are for each other; we survive because of our pluck and tenacity; hardships through the years mean but little if in the end justice shall prevail.

At the conclusion of Mr. CAMERON'S speech, on request of Mr. ASHURST, the following was ordered to be printed in the RECORD:

VERDE RIVER IRRIGATION AND POWER DISTRICT

Mr. ASHURST, from the Committee on Irrigation and Reclamation, submitted the following minority views, to accompany S. 3342:

For the past six years I have rendered all possible assistance to the settlers under the Paradise Verde irrigation district (now the Verde River irrigation and power district) in the hope that a plan could be adopted to finance the project so that the lands thereunder might be irrigated. Unfortunately it has been impossible to accomplish that beneficent result and I am now forced to the conclusion that other methods must be pursued which include close cooperation with the Salt River Valley Water Users' Association and with the Department of the Interior. To enact the bill S. 3342 would indefinitely prolong the delay in developing these lands.

In confirmation of this view attention is directed to the exhibits hereunto attached.

In the Supreme Court of the District of Columbia, Holding an Equity Court. Verde River Irrigation and Power District, Plaintiff, *v.* Hubert Work, Secretary, etc., and William Spry, etc., Defendants. Equity No. 45255

MEMORANDUM

There is a motion to strike out the defendants' answer.

It would serve no purpose but to further delay this decision were the court to take time to state at length the facts as they appear in the pleadings and to discuss the numerous acts of Congress relied upon and the cases cited by plaintiff where it is sufficient to say that the Secretary of the Interior was given power by the act of February 21, 1911 (36 Stat. 925), to do the acts complained of. The cases cited to the effect that the Secretary may not impose conditions unless Congress has authorized him to do so have no application.

The bill is without equity, in any event, as the plaintiff and its predecessor accepted the contract, got extensions of time to perform, and were treated altogether fairly by the defendant and his predecessor in office. Now that plaintiff has not by performance shown its ability to carry out the terms of the contract, having had its benefits, it for the first time attacks it. The United States has interests which should be protected against such inequitable conduct.

This decision is on the merits. No decision is made on the objections to the answer as argumentative matter and conclusions of law. It is bad in that respect, but the plaintiff was the first offender in its bill, and the court will not be astute to analyze the bill and

answer to determine how much of the defendants' pleading which is objectionable is directly due to the equally objectionable matter in the bill.

Settle order on written consent or on two days' notice in writing.

WALTER I. McCOY, *Chief Justice.*

MAY 7, 1926.

STATEMENT OF MR. C. H. TINKER, MANAGER VALLEY BANK, GLENDALE, ARIZ., BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON IRRIGATION AND RECLAMATION, UNITED STATES SENATE, SATURDAY, NOVEMBER 28, 1925, AT PHOENIX, ARIZ.

Mr. TINKER (reading). The undersigned association, composed of landowners of the Verde River irrigation and power district, under the name of Deer Valley Protective Association, whose holdings aggregate about 45,000 acres of said district lands, or approximately one-half of the entire area, have organized for the purpose of uniting our district with that of the Salt River Valley Water Users' Association, being convinced that the project is too extensive for the Verde River irrigation and power district to carry through successfully by itself. There are numerous reasons why we believe the project should be handled by the Salt River Valley Water Users' Association, and among these reasons we submit the following:

"1. The Verde River irrigation and power district, at an election held August 7, 1923, by vote of 255 ayes to 1 no, authorized the district to issue its bonds in the sum of $23,000,000, bearing interest at the rate of 6 per cent per annum, for the construction of an irrigation and power system. At the time this election was held there were, according to the books of the company, 885 landowners in the project. Of these at the present time 439 reside in the State of Arizona, 110 appear as nonresidents, and 336 appear as having no address, which probably means that they are nonresidents. These bonds have been offered for sale, without any offer being made. We oppose this bond issue for the reason that it would mean a burden on the lands of approximately $250 per acre, which is excessive. You may be informed that the power will pay the greater part of the principal and interest of this bond issue, but this assertion can not be supported by facts.

2. The Salt River Valley Water Users' Association, which is one of the most successful irrigation and power projects in the United States, with trained, experienced, and capable men at his head, has agreed, in writing, to irrigate about 80,000 acres of lands and to develop all the power of which the project is capable at a burden that will not exceed $70 per acre. All the power thus generated is to be devoted to our project exclusively, first to the payment of the interest and principal of the investment and thereafter to the reduction of operating costs. Of course, this proposition includes full control and management of the project by the Salt River Association, which we consider extremely desirable, as our directors have had no experience with irrigation or power projects on a large scale. Moreover, the combination would greatly reduce overhead expenses and operating costs. The Salt River Valley Water Users' Association enjoys very high credit, and their cooperation and aid will materially help the credit of the district, making it possible to immediately raise all of the money necessary to complete and equip our project. It is idle to believe that this capital can be raised by the Paradise-Verde standing by itself.

3. As the case stands to-day all of the normal flow of the Verde River, and considerable percentage of the flood flow, has been appropriated years ago and is now held by the members of the Salt River Valley Water Users' Association under vested rights. The amount of water remaining, in the opinion of all governmental and of high-standing private engineers, would not irrigate, under the most favorable circumstances, more than 30,000 to 35,000 acres. Should any attempt be made by the Paradise-Verde to apply more of the waters of the Verde than this residue, there would be immediate resistance by the Salt River Valley Association, which would mean prolonged and disastrous litigation so far as our project is concerned. On the other hand, by an acceptance of the Salt River Valley plan all conflict and possible litigation is avoided. The plan proposed by the Salt River Valley Association, which is on file in the office of the Secretary of the Interior at Washington, contemplates that the unappropriated waters of the Verde River will, under careful usage, irrigate 35,000 acres of land; that by cooperative arrangement, whereby water could be drawn alternately from the Verde reservoir and the Roosevelt reservoir, an additional 5,000 acres could be irrigated; that by lining the canals of the Salt River system with cement 30,000 acres more could be irrigated; and that by utilizing certain secondary power that could be brought in through the development of the Verde system 10,000 acres more could be irrigated by pumping. It also proposes, in case actual experience shows that more acreage can be irrigated, to extend the irrigated area so far as safety and economy will permit.

4. The present management of the Paradise-Verde oppose the foregoing plan of the Salt River Valley Water Users' Association upon two principal grounds; first, that they do not wish to relinquish control of the project to the Salt River Association; second, because they insist that there is enough water to irrigate 103,000 acres and will not consent to a combination unless the Salt River Valley people will unequivocally agree to irrigate that acreage. We consider both of these grounds as untenable and unreasonable and as opposed to the best interest of all concerned.

5. Many of us have been waiting more than 15 years for water with which to irrigate. We are no nearer that object than we were when we started so far as our own management is concerned. Our only hope lies with the Salt River Valley Water Users' Association, and we are unreservedly in favor of accepting its proposal.

6. The financial and business methods of the present Paradise-Verde administration are, to say the least, extravagant. At the close of the year 1924 nearly $400,000 had been expended, all of which constitutes a burden on the landowners of the district with no appreciable results.

7. The Phoenix Chamber of Commerce has, through an impartial committee of leading business and professional men of this city, investigated this situation and has unanimously recommended the plan of the Salt River Valley Water Users' Association. We take the liberty of quoting from the conclusions reached by this committee as appears by their report, submitted December 30, 1924:

"The committee therefore has reached the conclusion that not only has the district made no real progress toward financing, but that it is not likely to under the plans now proposed. This leads, naturally, to the further conclusion that the Paradise-Verde project not only has a much better prospect of successful and practical financing under the plan proposed by the Salt River project than it has by proceeding independently, but that its chance of financing independently is so remote as to be negligible. The Salt River project has very large resources, an established credit, and enjoys business and technical management of a high order. It has a distinguished record of success in its undertakings and has the confidence of the Government. Should it undertake the task of developing the Paradise-Verde it will do the work promptly, efficiently, and to the benefit of all concerned. There will be no delay, no litigation, no conflict over rights or details of administration. There would be harmony, stability, and economy.

"The business and agricultural community of the Salt River Valley is obviously interested vitally in this matter. This committee believes it voices the sentiment of the overwhelming majority of business men and farmers in stating that the development of the Paradise-Verde project can be worked out more beneficially by the Salt River project than in any other way. Viewing it even from the standpoint of the Paradise-Verde itself, we do not think that it is sound business judgment to hazard the immediate and certain development of 80,000 acres under a conservative acreage burden against the remote and uncertain development of twenty-odd thousand acres more under an excessive acreage burden. This statement becomes more forceful when it is considered that the Salt River project declares its willingness to irrigate as much more than 80,000 acres from time to time as the amount of water available and sound economy will permit. Under no reasonable conditions could the Paradise-Verde itself hope to do better than this.

"The matter of administrative control is also one that appeals to the business sense of the community. This seems to be a sensitive point with the Paradise-Verde management, and perhaps very properly so. But in the kindliest spirit, and without any intention of disparagement, we do not think it can justly be said that the management of the Paradise-Verde thus far shows any superiority over that of the Salt River project. Even if it did, we could still feel inclined to hold that from the standpoint of the community at large the advantages afforded by the Salt River plan so far outweigh all others that we are justified in favoring it. Also large property interests of the latter project might easily be menaced if not actually damaged should there be a full control of Paradise-Verde development in which it should have no voice. We are unanimous and positive in the belief that the business and agricultural community will be benefited much sooner and to a greater extent by the adoption of the Salt River project program than in any other possible way and that the greatest gainers will be the members of the Paradise-Verde itself. We think the business community should, and we believe it does, stand in support of the plan proposed by the Salt River Valley Water Users' Association, and that the board of directors of this chamber should so represent to the Secretary of the Interior."

We attach hereto a copy of our list of landholders, together with a copy of the agreement with the Salt River Valley Water Users' Association as presented to the Secretary of the Interior at a hearing held in his office in Washington, January 25, 1925.

Respectfully submitted.

PARADISE-DEER VALLEY PROTECTIVE ASSOCIATION,
By C. T. TINKER, *President.*

Signatures on the Paradise-Deer Valley Protective Association petition with acreage:

	Acres
Mrs. Axie Reese	120
Edith Heim	160
Hans Weaver	168
Hattie A. Coldwell	10
Fred J. Hoffstaedt	160
Geo. H. Lewellen	320
J. A. Howard	40
A. C. Jacobus	80
James Glassett	40

	Acres
H. V. Cowan	160
L. A. Wittenmeyer	40
J. D. Stewart	40
S. J. Jolly and wife	40
H. H. Alexander	10
Wm. H. Libby	307.89
Mrs. F. J. Workey	280
Ray D. Stevens	40
Geo. H. Massey	162
J. S. R. Hammitt	80
Ella McDaniels	160
Mary E. Welch	320
H. F. Lynn	320
F. D. Stevenson	160
J. P. Tinezle	160
J. B. House	45
W. L. Lee	34
J. M. Chumbley	160
M. R. Chumbley	20
E. M. Chumbley	20
J. C. Hendrixon	159
E. A. Nesbet	160
Elmer Elkin	80
Mrs. F. C. Stimmel	80
M. E. Gilliam, Green	160
Mrs. M. S. Allee	80
C. A. Standridge and Hattie	80
J. B. Lammers	160
L. M. DeFever	80
DeFever & Reid	920
W. H. Linnville	70
E. M. Lynn	40
J. E. Phelps	140
A. B. Laing	47
Geo. W. Hulse	40
Russell McDaniel	640
R. H. Whyman	240
M. C. Halmer	40
G. Austin	40
L. E. Schoch, Mary E	1,080
T. H. Hyatt	320
Marth Hyatt	10
W. L. Hyatt	160
E. P. McDowell	80
Mrs. I. Scott	----------
Amsie May Stoke	20
C. C. Canfield	1
D. W. Kinney	.50
J. E. Piper	160
L. R. McDonald	80
M. E. McBridge	120
T. H. Wright	120
Mary A. Thomas	80
Emily G. Phipps	75
Geo. C. Keeling	160
W. J. and L. B. Osburn	200
H. C. Lockett	600
J. H. Buss	88
E. B. LeGate	120
S. E. Haeberlin	320
John Adams	80
W. E. Steinman	160
F. E. Ginn	62
Clarence W. Westover	82.45
Ray C. Harker	160
J. E. Sandy	80
D. Vondracek	574
Samuel Wilson	80
Joseph Pavlista	320
Willard Scott	80
Ralph Acker	160
Amma J. Brought	200
Mary S. Gibby	120
T. Thomas	120
C. Eagan	320
K. Petty	196
Ben McDaniels	129
Chas. B. Williams	80
Francis Gossett	80
T. Thornton	160
Geo. O'Clair	160
A. B. Norton Smith	210
C. H. Tinker	160
Alice Williams	307
Sears-Kay Cattle Co	640
J. L. Conrad	320
William G. Elder	160
J. L. B. Alexander	72
J. G. Whitney	200
George R. Linsey	72
M. L. Eagan	427
C. E. Harris	155
William O. Taylor	40
F. M. Thornton	160
E. W. Clayton	160
H. T. Duffey	160
W. L. Goldsworthy	160
W. J. Osborn	80
L. M. Fitzhugh	40
H. S. Keene	240
S. W. Higley	1,420
D. B. Webster	160
Maricopa Creamery	160
J. W. Sullivan	240
D. MacDonald	130
J. MacDonald	17
Jean MacDonald	90
T. H. Flynn	40
F. L. Balzer	320
J. W. Soloth	2
Emma M. Firth	156.30
B. H. Alexander	80
F. Snyder	80
Mrs. J. C. Ryan	80
J. C. Ryan	80

	Acres
R. H. Fuqua	80
Elizabeth Fleet	15
F. W. Dobroosky	80
Anna H. Redenour	80
C. A. Freelove	160
E. F. Sumwalt	80
D. McRuer	80
Mrs. Effie E. Sobey	140
Mrs. P. W. Sobey	140
William Gunedlach	30
Thomas Sobey	40
S. Bloomfield	80
S. N. Pullins	1
Louis Sands	640
S. Nordyke	3
W. O. Senseman	400
E. L. Senseman	160
Mrs. M. J. Minter	40
R. P. Davie	260
J. A. Kuhne	80
L. M. Hackler	6
Roy H. Marshall	20
F. C. Pursell	320
J. Lacey	30
L. E. Archer	320
C. E. Dale	10
C. E. Pierce	80
Mary Topale	160
Mrs. K. Ficas	40
B. F. Goodwin	7
Amos Christian	40
J. C. Henderson	160
Mrs. C. Campbell	80
Mrs. and J. Boswell	80
D. F. Rogers	155
C. H. Abels	49.13
W. H. A. Lamb	40
H. Lowensteln	65
O. E. Brodersen	80
W. F. Purcell	1,920
S. E. Belbaze	5
Edith E. Erickson	160
W. L. Varney	145
T. Kinnyon	10
L. H. Vandracek	40
J. A. R. Irvine	10
Mary A. Staast	160
S. Vondracek	40
W. L. James	68
D. M. Francis	1,280
J. F. White	110
Ruby E. M. Irion	120
J. B. Jones	160
Bertha Case	80
C. Hess	980
J. D. Halstead Lumber Co	160
E. Kile	160
William E. Linsey	320
W. Wylie	520
J. F. Clayton	160
F. Hamblen	80
J. W. Hawker	80
Valley Bank (Glendale)	80
A. M. Hoel	80
C. S. Howe	95
C. A. Canan	160
C. Canon	190
Mrs. and J. Cassidy	46
G. W. Walters	26
M. W. Walter	160
G. W. Protzman	80
F. M. Gulick	42
C. A. Parker	20
J. E. Douglas	7
Mrs. H. Rogers	1.50
Mrs. M. Z. Summers	160
B. M. Casey	80
E. T. Hooper	80
W. Hyatt	540
K. D. Hellsworth	155
J. Balke	160
T. Blake	100
G. E. Taylor	160
A. E. Taber	20
F. W. Griffen	160
Emilie Goodwin	2
Peal K. Betty	3
H. C. Bennitt	16
Eliza Ainsworth	90
Andrew Fyfe	160
C. H. Miller	136
C. C. Johnson	160
H. H. Lahr	80
Ethel Rosenberry	80
Clay Noble	320
L. F. George	40
L. E. Bayless	40
R. A. Hatcher	10
H. A. Severinghouse	160
G. A. Oleny	40
J. G. Hardin	144.14
W. H. Marshall	160
W. Thomburg	120
J. O. Carter	80
Mary Washburn	240
P. Bock	80
Frances T. Brumbough	80
N. Friedman	160
A. J. Smith	80
F. G. Stephen	80
P. O. Donnell	162
M. Sylvia	40
H. A. Orput	40
B. Gates	40

	Acres
A. Dye	40
T. A. Bailey	80
A. B. and W. R. Norton	200
E. E. Helfrick	100
J. J. Phillips	50
C. Renner	17.35
S. Smith	16
F. Jacobs	80
J. R. Lambert	80
J. E. Vardermon	10
A. A. Janes	160
V. G. La Tourette	160
J. D. Kennison	320
Ida B. Bly	310
A. F. Janes	40
Mrs. C. A. Stevenson	160
E. H. McCreqry	160
L. A. and U. G. Hill	160
McIntyre-Davie	480
R. P. Davie	240
Emiley W. Scherzel	160
C. F. Gerard	47
Russell McDaniel	360
C. R. Cox	80
D. McDermitt	120
M. Kisselburg	40
L. Conner	320
M. Obrien	8
Lulu A. Obrien	8
K. Burroughs	120
Etta R. Johnson	160
L. D. Lauterette	160
W. G. Wolfley	40
L. H. Rhuart	185
Florence T. Hinman	160
C. E. England	160
J. W. Walker	20
A. E. Banks	40
Chris Eckerman	150
M. D. Savoy	120
D. Miller	120
C. T. Nelson	224
Wm. Van Benscoten	320
Mrs. E. A. Thomas	132
Marjory H. Thomas	120
Mattie E. Ormsby	320
F. Welch	40
W. Price	160
Chas. Welch	320
W. Turney	160
M. Gilbert	160
T. Rynning	160
Alla Fowler	160
James Jackson	40
Jesse Evans	160
L. Jones	160
Total	44,047.77

We have 302 landowners' signatures on this petition averaging 146 acres to a signature. You will appreciate the fact that a great many will not take sides and quite a number could not be reached on account of being out of the State.

RESOLUTION

Be it resolved by the board of governors of the Salt River Valley Water Users' Association, That the president, the general superintendent, and the attorney of this association be, and hereby are, authorized and empowered to formally request the Secretary of the Interior to turn over and grant to this association all reservoir, canal, and power sites and rights on the Verde River now covered by or mentioned or included in that certain contract of February 20, 1920, and February 25, 1920, between the Secretary of the Interior and the Paradise-Verde irrigation district upon and subject to terms and conditions as follows:

(a) That the association shall, as speedily as conditions warrant, proceed to finance the development of the Verde River project as set forth in paragraph (*b*) hereof, upon the security of said project, and construct such dams, canals, irrigation works, power plants, and power lines on the said Verde River as may be found economical and feasible or practicable; all financial arrangements, designs, plans, and type of construction to be subject to the approval of the Secretary of the Interior.

(b) The association shall deliver all waters made available by storage or developed by said works described in the preceding paragraph (a), together with such additional waters as the association shall find it economically feasible to conserve, develop, divert, and (or) utilize from or on other streams or rivers, by lining canals or laterals of the Salt River project, or by other means mutually agreed upon, either in connection with works of the Salt River project or otherwise for the irrigation of such lands in Paradise and Deer Valleys, within the original confines of the Paradise-Verde irrigation district, as the association shall find may be economically served and adequately irrigated from or by means of any or all of the works and (or) sources above named: *Provided*, That if the association shall ultimately find the amount of water made available from or by means of the before-mentioned sources to be sufficient to adequately and economically serve lands in addition to those lying within the said original boundaries of the Paradise-Verde irrigation district, then such waters shall be used for the irrigation of such additional land outside the said original boundaries of the Verde irrigation and power district as the association shall find to be susceptible of economical service and adequate irrigation in addition to the area theretofore served from and by means of the said works and sources: *Provided*, That all such water shall be developed and delivered at the expense of said Verde project: *And provided further*, That the detailed plans of the proposed Verde River development and the selection of the lands to be irrigated hereunder shall be subject to the approval of the Secretary of the Interior of the United States.

(c) That the association shall regulate the use of water from the storage reservoirs on the Salt and Verde Rivers as it shall find to result in the greatest degree of beneficial use for its shareholders and the owners of Paradise and Deer Valley lands to be served hereunder; such use to be in accordance with the respective rights of said shareholders and landowners in and to said water.

Where the coordinated operation of the storage reservoirs on the Salt and Verde Rivers shall result in a net saving of water, the saving so effected shall be credited to the Verde project on some mutually agreeable basis.

(d) That supplemental to dams and irrigation works constructed on the Verde River the association shall as speedily as shall be practicable and economically feasible, install power plants and develop and market power thereby and therefrom and all the net revenues derived by the association by marketing power so developed at and by means of said Verde River power plants shall be devoted to the payment of the construction costs of such irrigation and power works and to the reduction of the cost per acre therefor to landowners of the Paradise and Deer Valley, served under such construction, such power revenues to be and remain the property of the said Verde River project.

(e) That if the Secretary of the Interior is willing to and does grant to the association the irrigation and power rights on the Verde River as herein requested, the said president, general superintendent, and attorney of the association are hereby authorized and empowered to make and enter into a formal contract with the said Secretary of the Interior embodying the above conditions and such other reasonable conditions as the Secretary of the Interior may impose or require to fully protect and preserve the rights of landowners in Paradise and Deer Valleys and to which the said president, general manager, and attorney of this association may agree, and this board of governors hereby pledges its support to the execution of any agreement fairly made along the lines hereinabove indicated that may be entered into by its representatives at the hearing above mentioned. Such agreement, however, to be submitted to this board of governors for its approval before becoming a binding agreement upon the association, and in so far as said agreement may involve features which under its articles of incorporation are required to be submitted to shareholders subject to the approval of the shareholders of the association.

STATE OF ARIZONA, *County of Maricopa, ss:*

I, F. C. Henshaw, secretary Salt River Valley Water Users' Association, hereby certify that the above and foregoing is a true, correct, and complete copy of a resolution unanimously adopted by the board of governors of said association on December 12, 1924.

[SEAL.] F. C. HENSHAW,
Secretary Salt River Valley Water Users' Association.

DEPARTMENT OF THE INTERIOR,
Washington, March 12, 1926.

Hon. CHARLES L. MCNARY,
Chairman Committee on Irrigation and Reclamation,
United States Senate.

MY DEAR SENATOR MCNARY: In response to your request of March 3, 1926, for report on Senate bill 3342, introduced March 1, 1926, by Senator CAMERON, I have the honor to state:

The records of the department show that on May 21 and 25, 1920, the then Secretary of the Interior entered into contracts with the Paradise-Verde irrigation district, now the Verde River irrigation and power district, whereby it was granted the "right and privilege" under Government supervision to erect along the Verde River and other minor streams on lands withdrawn under the reclamation act of June 17, 1902 (32 Stat. 388), and amendments thereto, storage dams and other irrigation works looking to the use of the flood waters of the streams for the irrigation of approximately 100,000 acres of land within the Paradise and Deer Valleys, which lands are adjacent to the lands of the Government Salt River project.

The lands affected by the contracts were not restored from the reclamation withdrawal, as it was never intended, because of the vital Government rights affected, especially with respect to Indian lands and also the Salt River project, in which the Government was and still is interested to the extent of approximately $7,000,000 for unpaid construction charges, to entirely relinquish its control or supervision of these valuable reservoir and power sites.

In the contracts mentioned it was provided that the necessary funds for the construction of works should be provided within three years and that the construction should be started within that time and completed within six years.

It was also provided that the district should make application under the appropriate laws for rights of way over unreserved lands.

Subsequent to the signing of these contracts the district filed certain rights-of-way applications under the act of March 3, 1891 (26 Stat. 1095), and May 11, 1898 (30 Stat. 404), on which were outlined the entire proposed irrigation system as affecting both the withdrawn and unwithdrawn lands.

These applications, which are described in the first section of the proposed act, were accompanied by a map showing the entire project which was approved by the department December 1, 1920. This approval was recited to be pursuant to the acts of 1891 and 1898, and also pursuant to the contracts of May 21 and 25, 1920.

Later the district filed under the acts of 1891 and 1898, supra, amended applications Phoenix 054822, Phoenix 054936, and Phoenix 054937, described in section 2 of the proposed bill. May 19, 1923, the department suspended action on these applications until January 25, 1924, to which date the district's time within which to finance the project had been extended.

The district having failed to finance this project, these applications were rejected February 25, 1926.

In order to assist the district in its efforts to finance the project, it was, on June 7, 1921, granted the right under the act of August 11, 1916 (39 Stat. 506), to tax the unentered public lands and the entered public lands on which no final certificates had been issued within its boundaries. The right or privilege granted under this act was also made subject to the terms of the contracts of May 21 and 25, 1920.

The last formal extension of time granted the district within which to finance its project expired December 4, 1925. Accordingly, as no satisfactory showing in this connection had been made and in conformity with the provisions of section 12 of the contract that upon the district's failure to finance "the Secretary of the Interior may declare this contract abrogated in whole or in part," on January 16, 1926, all rights granted the district under and pursuant to the contracts mentioned were canceled and revoked.

The district on January 25, 1926, filed motion for reconsideration of this decision, which motion was denied February 13, 1926.

February 15, 1926, the district instituted in the Supreme Court of the District of Columbia a suit asking that the Secretary of the Interior be enjoined from carrying into effect the decision of January 16, 1926. This case is still pending.

It will be observed that the contracts of May 21 and 25, 1920, with the district, which were entered into pursuant to the terms of the act of February 21, 1911 (36 Stat. 925), amending the reclamation act gave the district six years within which to construct its project, whereas the acts of 1891 and 1898, supra, grant only five years for construction purposes. Furthermore, even after the lapse of almost six years the district remains unfinanced. It is claimed that the district has raised by the taxation of the settlers in the neighborhood of $400,000, but the expenditure of this money shows no tangible results, the greater part having been paid out in the form of salaries to the district's officers and its employees.

Settlers under the proposed project have complained of the taxes being assessed against their lands, especially as no beneficial results appear to be forthcoming, and it was largely in the interest of the settlers that the action of January 16, 1926, abrogating the contracts was taken.

Considering these facts and especially the legal action now pending in court and doubting the ability of the district as thus far proved to finance a $23,000,000 undertaking, I have to recommend that Senate bill 3342 be not enacted into law.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1926.

Verde River Irrigation and Power District. "F." Phoenix 050246.
Denied

PETITION FOR RECONSIDERATION

May 21, 1920, the then Secretary of the Interior entered into a contract with the Paradise-Verde irrigation district (now the Verde River irrigation and power district) wherein there was granted the right to construct and maintain storage reservoirs on the Verde River upon lands withdrawn under the provisions of the reclamation act, and the district agreed to construct reservoirs, a diversion dam, canals, and laterals for the irrigation of certain lands in Arizona.

The agreement provided that the district should, within three years, show to the satisfaction of the Secretary of the Interior that it had made arrangements for the necessary funds, and that the funds should be available for the construction of the project, should have begun construction, and should prosecute the same diligently, so that the storage dams should be completed within six years from the date of the contract.

The agreement further provided that upon failure of the district to comply with these provisions within the time specified, or within such extensions as might be granted, "the Secretary of the Interior may declare this contract abrogated in whole or in part."

This contract was supplemented May 25, 1920, so as to grant the district the right to use certain withdrawn lands for canals for irrigation and power development.

Under and pursuant to the terms of the contract cited, the district made application for the approval of certain rights of way and easements under the act of March 3, 1891 (25 Stat. 1095), and the act of May 11, 1898 (30 Stat. 404). These applications were approved by the department December 1, 1920, subject to the contracts of May 21 and May 25, 1920, and to stipulations therein set forth.

February 5, 1921, the district made application for approval under the act of August 11, 1916 (39 Stat. 506), which application was approved June 7, 1921, expressly subject, however, to the terms of said contract of May 21, 1920.

February 3, 1923, the then Secretary of the Interior, on application of the district, and after a hearing, extended the time of the district within which to make showing as provided by the prior contracts for nine months from May 25, 1923.

May 19, 1923, the department denied the district's application for approval of an amended application under the act of August 11, 1916, supra, and at the same time suspended action on the district's application for amended canal rights of way, and for the Camp Verde and Bartlett Reservoirs, pending submission, within the time set, of evidence of the successful financing of the project. A further extension was applied for by the district, and after hearing and full consideration the department held, January 20, 1925: "A further extension does not appear to be warranted and would not be in the interests of the parties concerned, including the settlers and landowners in the district. The petition is accordingly denied."

Subsequently, on petition by the district, and to afford an opportunity to parties in interest to effect a compromise of the differences, further extensions for limited periods were granted, the matter coming up for final determination January 16, 1926, on which date the department, after reciting the facts, held:

"Over $300,000 has been raised by the district through assessments on the landowners for this purpose. No moneys have been expended for construction work. After more than five years the district has been unable to finance or begin construction, or to file satisfactory evidence that it can finance or construct. Accordingly, in view of the foregoing, further delays or extensions are not warranted, and the action of January 20, 1925, is hereby adhered to and made effective as of this date."

On January 25, 1926, there was filed in the department a petition for reconsideration of said matter, and request that representatives of the district be heard orally. Thereupon, the Commissioner of the General Land Office was directed to hear the matter, and oral argument was presented at a hearing held in the office of the Commissioner of the General Land Office January 28, 1926.

The record has been forwarded to the department, and, as stated in the commissioner's report, it appears from the record of proceedings and the transcript of the oral hearing that no evidence has been presented which would warrant the department in changing or modifying the action heretofore taken.

As stated in previous decisions, the original contract and all grants of rights of way and approvals of the district were on the express conditions, agreed to by the district, that the district would, within three years from date of the original contract, or within such extensions as might be granted, show to the satisfaction of the Secretary of the Interior that it had made arrangements for the necessary funds to construct the project and had actually begun construction thereof, and that it would prosecute the same with diligence, so that the storage dams should be completed within six years from the date of the original contract or within such extensions as might be granted.

The district has failed within the time specified and within the various extensions mentioned to arrange for the financing of construction, has done no construction work, and up to the present time has failed to submit any evidence which satisfies the department that it is or will be able to construct the project.

Accordingly, and in view of the foregoing, the petition for reconsideration is denied.

Under and pursuant to the express terms and conditions of the contracts entered into between the department and the district, and under the conditions expressly set forth in connection with the rights of way and the approval of the district organization, all conditional rights of way granted or made to the district for reservoirs, dams, canals, laterals, and other structures are hereby canceled and set aside. The approval of the district for taxation purposes under the act of August 11, 1916, likewise conditioned on compliance with the terms of the contract of May 21, 1920, which conditions have not been met, is also hereby canceled and revoked.

The Commissioner of the General Land Office is hereby directed to issue notices to all parties in interest hereof, and to cause the proper notations to be made upon the records of his office and of the local land office, and take any further steps which may be necessary to formally carry this decision into effect.

HUBERT WORK, *Secretary.*

In this connection a chronological history of the Verde River irrigation and power district's dealings with the Interior Department from the first grant, on May 20, 1920, to the decree of Supreme Court of the District of Columbia denying an application for an injunction on May 25, 1926. It follows in full:

"May 21, 1920: The then Secretary of the Interior entered into a contract with this district granting the right to construct and maintain storage reservoirs on the Verde River upon land withdrawn under the reclamation act.

"The district agreed to show within three years to the satisfaction of the Secretary of the Interior that it had made arrangements for the necessary funds to construct the project, should have begun construction and should prosecute same diligently, so that the storage dam should be completed within six years from the date of the contract.

"Upon failure to comply with the terms of the contract the Secretary of the Interior was to abrogate the agreement.

"May 25, 1920: A supplemental contract of this date granted the district the right to use certain withdrawn lands for canals for irrigation and power development.

"December 1, 1920: The department approved under the terms of the contract application for rights of way and easements under the acts of March 3, 1891, and May 11, 1898.

"February 5, 1921: The district made application for approval, under the act of August 11, 1916, which was approved by the department June 7, 1921, expressly subject, however, to the terms of the contract of May 21, 1920.

"February 3, 1923: The then Secretary of the Interior, on application of the district and after a hearing, extended the time of the district within which to make showing, as provided by the prior contracts, for nine months from May 25, 1923.

"May 19, 1923: The department denied the district's application for approval of an amended application, under the act of August 11, 1916, and at the same time suspended action on the district's application for amended canal right of way and for the Camp Verde and Bartlett Reservoirs, pending submission, within the time set, of evidence of the successful financing of the project.

"January 20, 1925: A further extension was applied for by the district, and, after hearing and full consideration, the department held that a further extension did not appear to be warranted and would not be in the interest of the parties concerned, including the settlers and landowners in the district.

"At the foregoing hearing representatives of a part of the people in the Verde district and representatives of the Salt River Valley Water Users' Association were heard in opposition to further extension.

"Subsequently, on petition by the district, and to afford an opportunity to the parties in interest to effect a compromise of the differences, further extensions for limited periods were granted, the matter coming up for final determination January 16, 1926, on which date the department, after reciting the facts, held:

"'Over $300,000 has been raised by the district through assessments on the landowners for this purpose. No moneys have been expended for construction work. After more than five years the district has been unable to finance or begin construction, or to file satisfactory evidence that it can finance or construct. Accordingly, in view of the foregoing, further delays or extensions are not warranted, and the action of January 20, 1925, is hereby adhered to and made effective as of this date.'

"January 25, 1926: A petition for reconsideration was filed by the district, with request that representatives of the district be heard orally, and on January 28, 1926, an oral argument was presented at a hearing held in the office of the Commissioner of the General Land Office on this date, but the commissioner reported that no evidence had been presented which would warrant the department in changing or modifying its previous action.

"February 13, 1926: The Secretary of the Interior found that the district had failed, within the time specified and within the various extensions mentioned, to arrange for the financing of construction and the prosecution of construction work, and had failed to submit any evidence that satisfied the department that it will be able to construct the project, and accordingly the petition for reconsideration was denied.

"All conditional rights of way granted or made to the district for reservoirs, dams, canals, laterals, and other structures were canceled and set aside, as was the approval of the district for taxation purposes under the act of August 11, 1916.

"February 15, 1926: The district instituted in the Supreme Court of the District of Columbia a suit asking that the Secretary of the Interior be enjoined from putting said decision into effect.

"May 25, 1926: While the suit is still pending in the Supreme Court of the District of Columbia, the court on this date entered a decree denying the application of the irrigation district for the injunction sought. This action would seem to be decisive of the claims of the district, although it is possible that some further proceeding in this litigation may be undertaken by it."

Mr. GLASS. Mr. President——

FINAL ADJOURNMENT

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Chair, in accordance with the provisions of House Concurrent Resolution 39, declares the Senate adjourned until 12.30 o'clock p. m., Wednesday, November 10, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 3, 1926

FOREIGN SERVICE

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Robert P. Skinner to be envoy extraordinary and minister plenipotentiary to Greece.

COLLECTOR OF CUSTOMS

Jennie P. Musser to be collector of customs, with headquarters at Salt Lake City, Utah.

MEMBER FEDERAL RESERVE BOARD

Charles S. Hamlin to be a member of the Federal Reserve Board for a term of 10 years.

PROMOTIONS IN THE ARMY

TO BE LIEUTENANT COLONEL

Francis Henry Burr.

TO BE MAJOR

Robert George Guyer.

TO BE CAPTAIN

Charles Stalsburg.

TO BE FIRST LIEUTENANTS

Duncan Philip Frissell.
Henry Hammond Duval.

PROMOTIONS IN THE NAVY

TO BE LIEUTENANT COMMANDERS

Samuel P. Jenkins.
Francis S. Low.
Morris H. Spriggs.
Horace D. Clarke.
Ralph Kiely.
Archer E. King, jr.
Harold O. Hunter.
George C. Kriner.
Forrest K. Libenow.

TO BE LIEUTENANTS

Thomas H. Binford.
William Butler, jr.
Russell H. Quynn.
Edward E. Dolecek.
Charles E. Bauch.
August V. Zaccor.
George L. Richard.
George H. Hasselmann.
Thomas G. Richards.
Clarence E. Bence.
Arnold J. Isbell.
Morgan C. Barrett.
William R. Millis.
Walter F. Boone.
Charles A. Whiteford.
Andrew P. Lawton.

TO BE ENSIGN

Cecil C. Adell.

TO BE LIEUTENANTS (JUNIOR GRADE)

Robert A. Casson, jr.
Neil K. Dietrich.
Richard W. Ruble.
Thomas B. Williamson.
George K. Hodgkiss.
Sanford D. Fulton.
Thayer T. Tucker.
William T. Rassieur.
Louis F. Teuscher.
Frederick A. Edwards.
Walter C. Russell, jr.
Edwin R. Duncan.
George A. Dussault.
Louis A. Reinken.
Balch B. Wilson, jr.
Dwight H. Day.
Frank Monroe, jr.
William D. Wright, jr.
Gilbert L. Burt.
Frederick J. Nelson.
Claude F. Sullivan.
William M. Hobby, jr.
Robert R. Buck.
Thomas H. Hederman.
Henry F. Agnew.
Robert K. Walker.
Gilbert R. Crowther.
Charles S. Walsh.
Beverley R. Harrison, jr.
William A. Graham.

TO BE PAYMASTERS

George H. Williams.
Richard A. Vollbrecht.

TO BE CHIEF BOATSWAIN

Alfred S. Harer.

TO BE CHIEF PAY CLERK

Donald W. Davidson.

POSTMASTERS

ALABAMA

Arthur H. Mershon, Fairhope.

ARKANSAS

Clyde E. Mitts, Swifton.

CONNECTICUT

Charles W. Birely, New Haven.

GEORGIA

Lois A. Roberts, Bowman.
John R. Barrett, Demorest.
Clara L. Claridy, Experiment.
Allen E. Pettitt, Nelson.
Nathaniel O. Carter, Vidalia.

ILLINOIS

Charles T. O'Boyle, Ingleside.
Frank G. Berger, Lake Forest.
John B. Porter, Olney.
Allie M. Reineke, Perry.
Willie E. Rudolph, Sibley.
Charles E. Van Buren, Victoria.
Edward H. Hannant, Mount Sterling.

INDIANA

James W. Gardner, Reynolds.

IOWA

Luvern Leigh, Rockford.

KANSAS

Carl F. Wendt, Manter.

KENTUCKY

Robbie M. Ray, Columbus.

MASSACHUSETTS

James C. Smith, Leominster.

MISSOURI

Phill H. Hawkins, Buffalo.
Ulysses G. Sterling, Latham.

NEBRASKA

Leora E. Bowley, Taylor.

NEW HAMPSHIRE

Lloyd T. Garland, Center Conway.
Wilbur L. Wadleigh, Twin Mountain.

NEW JERSEY

Marguerite Higgins, Lindenwold.

NEW YORK

Edith P. Patterson, Youngsville.

NORTH CAROLINA

James O. Carter, Ahoskie.

OHIO

James B. Emery, London.

OREGON

William J. Norris, Westfir.

PENNSYLVANIA

Clarence W. Foster, Beallsville.
Charles H. Stormfeltz, Lancaster.
Vincent S. Pownall, Swarthmore.

PORTO RICO

Leonides M. Lopez, Camuy.
Felix P. Hernandez, Quebradillas.

SOUTH CAROLINA

James L. McCown, Cheraw.
Hiram A. Costner, Greenville.

SOUTH DAKOTA

Thomas J. Dolan, Camp Crook.
Jennie Geddes, Forestburg.
Ethel C. Kinyon, Harrisburg.
Adolph C. Koch, Harrold.
Elsie M. Romereim, Roslyn.
William O. Brennan, Sherman.
John E. Toft, White River.

TENNESSEE

Malcolm D. Biggs, Martin.

TEXAS

George A. Tohill, Big Sandy.
William H. Burns, Louise.

VERMONT

Mary R. Walker, Hartland.

WASHINGTON

George H. Shanafelt, Kennewick.
Samuel E. Edwards, Ritzville.
Myrtle B. Bridgman, Vashon.

WEST VIRGINIA

Verna F. Ridenour, Hopemont.
Robert E. Ingram, Page.
Julius Thompson, Petersburg.
Thomas E. Pownall, Romney.

WISCONSIN

Henry J. Altschwager, Columbus.
Elmer A. Disgarden, Ellison Bay.
Wilbur S. Wurm, Shullsburg.

WYOMING

Nels J. Simpson, Cambria.

HOUSE OF REPRESENTATIVES

SATURDAY, *July 3, 1926*

The House met at 10 o'clock, a. m.

The Chaplain, James Shera Montgomery, D. D., offered the following prayer:

Almighty God and our most merciful Father, blessed is the man who loves Thee and keeps Thy commandments. There is nothing sweeter in heaven and in earth than divine love, and God is love. Do Thou give us the blessing of Thy grace that we may never be tempted to dishonor Thee or our country. Enlarge our soul's desire, help our infirmities, and give us warmth of feeling. Guard us against all danger by keeping our thoughts and desires upon the good things that make up life's supreme success. May we be true to ourselves, true to our country, obedient to the divine law, and submissive to the will of God. Under the shadow of Thy wing keep and preserve our homes. At evening time when the shades of life gather and thicken, may the light of the fadeless star of Bethlehem break through and receive us to the Father's arms, the Father's heart, and to the Father's home. Through Jesus Christ our Lord, Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 1252. An act for the relief of John Regan;

H. R. 1257. An act for the relief of Silas Overmire;

H. R. 2042. An act for the relief of Joseph L. Keresey;

H. R. 2676. An act to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86 representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war;

H. R. 4677. An act for the relief of the Carroll Motor Co.;

H. R. 5218. An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868;

H. R. 9234. An act to change the military record of Thomas Dowling, alias James Murphy;

H. R. 10446. An act validating the application for and entry of certain public lands by Myrtle Sullinger;

H. R. 11713. An act to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi;

H. R. 12211. An act to amend section 4009 of the Revised Statutes;

H. R. 12264. An act to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes; and

H. R. 12369. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended.

The message also announced that the Senate had passed with amendments bill and House concurrent resolution of the following titles:

H. R. 10547. An act to require the filing of an affidavit by certain officers of the United States;

H. Con. Res. 39. Concurrent resolution providing for adjournment of Congress;

H. R. 8048. An act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes;

H. R. 10739. An act to prevent purchase and sale of public office; and

H. R. 10901. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding