the enactment of the bill providing for the registration of aliens; to the Committee on Immigration and Naturalization.

1266. By Mr. MANLOVE: Petition of sundry citizens of Nevada, Mo., against compulsory Sunday observance; to the Committee on the District of Columbia.

1267. By Mr. O'CONNELL of New York: Petition of the Moran Towing & Transportation Co., of New York, for favoring the passage of House bill 5709; to the Committee on Naval Affairs.

1268. Also, petition of the Chamber of Commerce of the United States of America, Washington, favoring the passage of House bill 10200, for the acquisition and construction of American Government buildings in foreign cities; to the Committee on Foreign Affairs.

1269. Also, petition of the United States Customs Guards Association of the Port of San Francisco, Calif., appealing to Congress for a living wage scale; to the Committee on the Merchant Marine and Fisheries.

1270. Also, petition of the Teachers' Union of New York, against all proposed amendments to the District appropriation bill in its present form that tend to cast suspicion on loyal and law-abiding teachers; to the Committee on Appropriations.

1271. Also, petition of the National Association of Manufacturers of New York, favoring the passage of the Graham bill (H. R. 7907) to increase the salaries of Federal judges; to the Committee on the Judiciary.

1272. Also, petition of the Associated American Chamber of Commerce of China and Seattle Chamber of Commerce, favoring the passage of House bill 10200, the consular buildings bill; to the Committee on Foreign Affairs.

1273. By Mr. PERKINS: Petition placing the Real Estate Board of Rutherford, N. J., on record in favor of House bill 4798, introduced by MARTIN L. DAVEY, of Ohio; to the Committee on Rules.

1274. By Mr. TILSON: Petition of G. B. MacDonald and others, of West Haven, Conn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1275. Also, petition of Mrs. Mabel E. Ladd and others, Los Angeles, Calif., urging the passage of House bill 98; to the Committee on Pensions.

1276. By Mr. WELSH: Petition of the Rotary Club of Philadelphia, by its secretary, Mr. Frank Honicker, protesting against the passage of the bill known as the compulsory Sunday observance bill for the District of Columbia; also telegrams protesting against compulsory Sunday observance bill, signed by Rev. W. A. Nelson, Frank Honicker, C. V. Leach, and Newton H. Graw; to the Committee on the District of Columbia.

1277. Also, petition of New Jersey branch of the Women's International League for Peace and Freedom, favoring the passage of House bill 8538 to prohibit "any course of military training from being made compulsory as to any student in any educational institution other than a military school"; to the Committee on Military Affairs.

1278. Also, petition signed by residents of Philadelphia, Pa., protesting against the passage of compulsory Sunday observance bills (H. R. 7179 or 7822) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

SENATE

TUESDAY, *March 16, 1926*

(Legislative day of Monday, March 15, 1926)

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

Mr. JONES of Washington. 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	Dale	Harreld	Metcalf
Bayard	Deneen	Harris	Moses
Bingham	Edwards	Harrison	Neely
Blease	Ernst	Heflin	Norris
Borah	Fernald	Howell	Nye
Bratton	Fess	Johnson	Oddie
Brookhart	Fletcher	Jones, Wash.	Overman
Broussard	Frazier	Kendrick	Phipps
Bruce	George	Keyes	Pine
Butler	Gerry	King	Pittman
Cameron	Gillett	La Follette	Ransdell
Capper	Glass	McKellar	Reed, Pa.
Caraway	Goff	McLean	Robinson, Ind.
Copeland	Gooding	McNary	Sackett
Couzens	Greene	Mayfield	Sheppard
Cummins	Hale	Means	Simmons
Smoot	Trammell	Warren	Willis
Stanfield	Tyson	Watson	
Stephens	Wadsworth	Wheeler	
Swanson	Walsh	Williams	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that, pursuant to the act of June 5, 1924, the Speaker had appointed Mr. WINTER and Mr. HILL of Washington as members of the joint congressional committee created to investigate the land grants of the Northern Pacific Railway Co. in place of Mr. WILLIAMS and Mr. RAKER, deceased.

The message returned to the Senate, in compliance with its request, the following bills:

S. 2141. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes; and

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

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 122. An act granting the consent of Congress to the Iowa Power & Light Co. to construct, maintain, and operate a dam in the Des Moines River; and

S. 3173. An act granting the consent of Congress to the State roads commission of Maryland, acting for and on behalf of the State of Maryland, to reconstruct the present highway bridge across the Susquehanna River between Havre de Grace, in Harford County, and Perryville, in Cecil County.

The message further announced that the House had passed the following bills and a joint resolution in which it requested the concurrence of the Senate:

H. R. 96. An act authorizing an appropriation of not more than $3,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation;

H. R. 292. An act to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber;

H. R. 2830. An act to legalize a wharf and marine railway owned by George Peppler, in Finneys Creek, at Wachapreague, Accomac County, Va.;

H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.;

H. R. 6117. An act to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914;

H. R. 6244. An act to authorize the Secretary of the Treasury to exchange the present Federal building and site in the city of Rutland, Vt., for the so-called memorial building and site in said city, to acquire such additional land as may be necessary, and to construct a suitable building thereon for the use and accommodation of the post office, United States courts, and other governmental offices;

H. R. 6260. An act to convey to the city of Baltimore, Md., certain Government property;

H. R. 6730. An act to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State;

H. R. 7081. An act to authorize reimbursement of the government of the Philippine Islands for maintaining alien crews prior to April 6, 1917;

H. R. 7086. An act providing for repairs, improvements, and new buildings at the Seneca Indian School at Wyandotte, Okla.;

H. R. 7178. An act authorizing the sale of certain abandoned tracts of land and buildings;

H. R. 7752. An act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes;

H. R. 8646. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 8918. An act authorizing the construction of a bridge across the Mississippi River at or near Louisiana, Mo.;

H. R. 9037. An act validating certain applications for and entries of public lands, and for other purposes;

H. R. 9346. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 9393. An act authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 9455. An act to dedicate as a public thoroughfare a narrow strip of land owned by the United States in Bardstown, Ky.;

H. R. 9460. An act granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.;

H. R. 9596. An act granting the consent of Congress to the board of county commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River;

H. R. 9599. An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city;

H. R. 9634. An act granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.;

H. R. 9688. An act granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio;

H. R. 9971. An act for the regulation of radio communications, and for other purposes;

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; and

H. J. Res. 131. Joint resolution authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y.

ENROLLED BILLS SIGNED

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

H. R. 8316. An act granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.;

H. R. 8382. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainsville-Aliceville road in Pickens County, Ala.;

H. R. 8386. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River, on the Athens-Florence road, between Lauderdale and Limestone Counties, Ala.;

H. R. 8388. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8389. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry, on the Huntsville-Lacey Springs road, between Madison and Morgan Counties, Ala.;

H. R. 8390. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road, between Washington and Clarke Counties, Ala.;

H. R. 8391. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, on the Butler-Linden road, between the counties of Choctaw and Marengo, Ala.;

H. R. 8463. An act granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La.;

H. R. 8511. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville, on the Gainesville-Eutaw road, between Sumter and Green Counties, Ala.;

H. R. 8521. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg, on the Childersburg-Birmingham road, between Shelby and Talladega Counties, Ala.;

H. R. 8522. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala.;

H. R. 8524. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Samson on the Opp-Samson road in Geneva County, Ala.;

H. R. 8525. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Geneva on the Geneva-Florida road in Geneva County, Ala.;

H. R. 8526. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River on the Wicksburg-Daleville road, between Dale and Houston Counties, Ala.;

H. R. 8527. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River at Elba, Coffee County, Ala.;

H. R. 8528. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Clanton-Rockford road, between Chilton and Coosa Counties, Ala.;

H. R. 8536. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 8537. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road, between St. Clair and Calhoun Counties, Ala.; and

H. R. 9095. An act to extend the time for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, supplementary schedules and lists of papers and documents, etc., on the files of the Treasury Department which are not needed in the transaction of public business and have no permanent value, and asking for action looking to their disposition, which was referred to a joint select committee on the disposition of useless papers in the executive departments. The Vice President appointed Mr. SMOOT and Mr. SIMMONS members of the committee on the part of Senate.

PETITIONS AND MEMORIALS

Mr. WARREN presented a petition of the Societa Italina Di M. S., A. Diaz, of Cheyenne, Wyo., praying for the acceptance by the Senate of the terms of the Italian debt settlement, which was ordered to lie on the table.

Mr. BINGHAM presented the petition of the League of Women Voters of the Territory of Hawaii, praying for the reapportionment of Members of the Senate and House of Representatives of the Territory of Hawaii, which was referred to the Committee on Territories and Insular Possessions.

Mr. WILLIS presented a letter, in the nature of a petition, from Greer Maréchal, president of the Dayton (Ohio) Patent Law Association, protesting on behalf of the association against the passage of the bill (S. 2547) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes, which was referred to the Committee on Patents.

He also presented papers in the nature of memorials of the Board of Commerce of Lima, and the Chamber of Commerce of Mansfield, both in the State of Ohio, protesting against the passage of the so-called Gooding long and short haul bill, which were ordered to lie on the table.

He also presented a resolution adopted by the Akron (Ohio) Chamber of Commerce protesting against the passage of the so-called Gooding long and short haul bill, which was ordered to lie on the table and to be printed in the RECORD, as follows:

AKRON CHAMBER OF COMMERCE,
Akron, Ohio, March 6, 1926.

Senator FRANK B. WILLIS,
Washington, D. C.

MY DEAR SENATOR WILLIS: The board of directors of the Akron Chamber of Commerce, upon the recommendation of the chamber's transportation committee, unanimously adopted the following resolution:

"Whereas bill S. 575, introduced by Senator GOODING December 8, 1925, is now before Congress for consideration; and

"Whereas the bill in effect will require a rigid application of the fourth section of the interstate commerce act when freight rates are made in competition with rates via water routes either actual or potential, direct or indirect; and

"Whereas such bill would remove the discretion now vested in the Interstate Commerce Commission to authorize departures from the act; and

"Whereas it would result in economic loss to established industry designed to serve markets under rate structures that have built up the country along practical lines; and

"Whereas we believe that authority to depart from rigid application of fourth section of the act should remain with the commission, in whom we have confidence: Be it

"*Resolved*, That the Akron Chamber of Commerce is opposed to the passage of the Gooding bill, S. 575, and that copies of this resolution be sent to our representative in Congress."

Respectfully submitted in behalf of the directors.

VINCENT S. STEVENS,
Secretary.

Mr. McLEAN presented petitions of the retail board of the chamber of commerce, the Association of Insurance Agents, Business and Professional Women's Club (Inc.), American Society of Mechanical Engineers, Associated General Contractors of America, Association of Credit Men, the Traffic Association, the Rotary Club, and the Kiwanis Club, all of Bridgeport, Conn., praying the granting of an appropriation for the construction of a new post-office building in the city of Bridgeport, Conn., which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the retirement committee of the National Association of Postal Supervisors, of New Haven, Conn., praying for the passage of the so-called civil service employees' retirement bill, which was referred to the Committee on Civil Service.

He also presented a memorial of Charity Chapter, No. 61, Order of the Eastern Star, of Mystic, Conn., remonstrating against the passage of the so-called Kendall bill (H. R. 4478) to prevent the United States Government from printing stamped envelopes with return card on corner, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Walter L. Bevin's Auxiliary to Charles B. Bowen Camp, United Spanish War Veterans, of Meriden, Conn., praying for the passage of legislation granting increased pensions to Spanish-American War veterans, their widows, and dependents, which was referred to the Committee on Pensions.

He also presented a petition of New Haven Council, No. 293, United Commercial Travelers of America, of New Haven Conn., praying for the passage of House bill 4497, providing for the repeal of the so-called Pullman surcharge on railroad tickets, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of St. Monica's Guild, of Pomfret Center, Conn., remonstrating against the passage of the so-called Curtis-Reed bill, creating a Federal department of education, as being an interference with the rights of the States, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Manufacturers' Association of Hartford County, Conn., remonstrating against the passage of House bill 10, providing for compulsory use of the metric system, which was referred to the Committee on Manufactures.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 4505) to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district, reported it without amendment and submitted a report (No. 385) thereon.

Mr. BINGHAM, from the Committee on Commerce, to which was referred the bill (H. R. 9007) granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill., reported it with amendments and submitted a report (No. 386) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. McLEAN:

A bill (S. 3575) granting an increase of pension to Virginia Tysoe (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 3576) authorizing interstate compacts between the States of Oklahoma, Kansas, Colorado, New Mexico, Texas, Arkansas, Louisiana, Mississippi, or between any of them, or between any of the States of the Union; for the purpose of control of floods and the conservation of flood waters, and the application of such waters to beneficial uses; and for the diminution of injury and damage by floods; for the security of intrastate and interstate commerce, and the transportation of the United States mails, and military; and for the purpose of agreeing upon control of conservation districts created under such compact, and promoting agreement on the apportionment of benefits and costs thereof, and assumption of benefits and cost thereof; for division of revenue, if any therefrom, and for other purposes, and providing for the participation of the United States of America therein, and making appropriation therefor; to the Committee on Interstate Commerce.

By Mr. FESS:

A bill (S. 3577) granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio; to the Committee on Commerce.

By Mr. FLETCHER:

A bill (S. 3578) for the relief of William C. Harllee; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 3579) extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation; to the Committee on Indian Affairs.

By Mr. COPELAND:

(By request.) A bill (S. 3580) to retard the extermination of migratory game and legitimate sport by the reduction of bag limits and open seasons; to the Committee on Agriculture and Forestry.

A bill (S. 3581) granting a pension to Thomas Armstrong; and

A bill (S. 3582) granting a pension to Michael H. Daly; to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 3583) to provide for the appointment of postmasters, officers, and employees of the customs and internal-revenue services and other branches of the Government service;

A bill (S. 3584) to amend section 6 of the act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, approved August 24, 1912;

A bill (S. 3585) to amend the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended; to the Committee on Civil Service; and

A bill (S. 3586) granting an increase of pension to Susan Van Gilder; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3587) for the relief of O. M. Enyart (with accompanying papers); to the Committee on Claims.

By Mr. MOSES:

A bill (S. 3588) granting an increase of pension to Emma A. Bass (with accompanying papers); and

A bill (S. 3589) granting an increase of pension to Michael Mohan (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD (by request):

A joint resolution (S. J. Res. 73) authorizing and directing the Secretary of the Interior to extend preference rights to certain applicants under the Red River relief act, and for other purposes; to the Committee on Public Lands and Surveys.

CONSOLIDATION OF NATIONAL BANKING ASSOCIATIONS

Mr. BAYARD submitted an amendment intended to be proposed by him to the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, which was referred to the Committee on Banking and Currency and ordered to be printed.

EXPENSES OF JOINT COMMITTEE ON MUSCLE SHOALS

Mr. SACKETT. Mr. President, I ask leave on behalf of the Senator from Illinois [Mr. DENEEN] to submit a concurrent resolution for the purpose of paying the expenses of the Muscle Shoals committee recently appointed. I ask that the resolution may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Con. Res. 4) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved by the Senate (the House of Representatives concurring), That the joint committee on Muscle Shoals, created by House Concurrent Resolution 4 of the Sixty-ninth Congress, is authorized to sit during the sessions and recesses of the Sixty-ninth Congress, to call before it the foremost engineers and such other experts as will command the confidence of the Congress to testify under oath; to employ

a civil engineer, who shall be the technical adviser to the committee, and such other experts and clerical assistants as may be deemed necessary; to employ a stenographer to report its proceedings, the cost of such stenographic service not to exceed 25 cents per hundred words; and to incur such other expenses as it deems advisable in making its report and conducting the negotiations. The expenses so incurred shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

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

H. R. 292. An act to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber; to the Committee on Agriculture and Forestry.

H. R. 6117. An act to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914; to the Committee on Territories and Insular Possessions.

H. R. 6730. An act to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State; to the Committee on the Judiciary.

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; to the Committee on Foreign Relations.

H. R. 8646. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes; and

H. R. 9037. An act validating certain applications for and entries of public lands, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 96. An act authorizing an appropriation of $3,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation;

H. R. 7086. An act providing for repairs, improvements, and new buildings at the Seneca Indian School at Wyandotte, Okla.; and

H. R. 7752. An act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes; to the Committee on Indian Affairs.

H. R. 6244. An act to authorize the Secretary of the Treasury to exchange the present Federal building and site in the city of Rutland, Vt., for the so-called memorial building and site in said city, to acquire such additional land as may be necessary, and to construct a suitable building thereon for the use and accommodation of the post office, United States courts, and other governmental offices; and

H. R. 6260. An act to convey to the city of Baltimore, Md., certain Government property; to the Committee on Public Buildings and Grounds.

H. R. 7081. An act to authorize reimbursement of the government of the Philippine Islands for maintaining alien crews prior to April 6, 1917; to the Committee on Claims.

H. R. 7178. An act authorizing the sale of certain abandoned tracts of land and buildings; and

H. R. 9455. An act to dedicate as a public thoroughfare a narrow strip of land owned by the United States in Bardstown, Ky.; to the Committee on Public Buildings and Grounds.

H. R. 2830. An act to legalize a wharf and marine railway owned by George Pepler in Finneys Creek, at Wachapreague, Accomac County, Va.;

H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.;

H. R. 8918. An act authorizing the construction of a bridge across the Mississippi River at or near Louisiana, Mo.;

H. R. 9346. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 9393. An act authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 9460. An act granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.;

H. R. 9596. An act granting the consent of Congress to the board of county commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River;

H. R. 9599. An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city;

H. R. 9634. An act granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.; and

H. R. 9688. An act granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio; to the Committee on Commerce.

H. J. Res. 131. Joint resolution authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y.; to the Committee on Banking and Currency.

REGULATION OF RADIO COMMUNICATIONS

H. R. 9971. An act for the regulation of radio communications, and for other purposes, was read twice by its title.

Mr. JONES of Washington. Mr. President, I desire to make a brief statement in regard to the radio bill (H. R. 9971) which passed the House and has just been laid before the Senate. I think the Commerce Committee really has jurisdiction of such measures. My colleague [Mr. DILL], who is very much interested in radio matters and who is a member of the Committee on Interstate Commerce, conferred with me at the beginning of the session, and, because of his membership on that committee, he expressed a desire that a measure relating to radio, which he had introduced, go to the Committee on Interstate Commerce. Something like that occurred at the last session of Congress, and I stated that I had no opposition to the measure going to the Committee on Interstate Commerce. Under those circumstances, without conceding that the Committee on Commerce has no jurisdiction over such matters, for as a matter of fact I think it has, I am perfectly willing that this measure may go to the Committee on Interstate Commerce.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Interstate Commerce.

CLAIMS AGAINST THE UNITED STATES

Mr. KING. Mr. President, yesterday, when we had under consideration Senate bill 1912, which gave jurisdiction to the heads of departments and to executive agencies to pass upon claims against the Government for torts up to $5,000, and which also gave to the Employees' Compensation Commission authority to pass upon certain claims up to $5,000, I asked the Senator from Colorado [Mr. MEANS] if he had not received a letter from the Attorney General of the United States which disapproved of that legislation. The chairman of the committee stated that he did not recollect having had such a communication. I had been advised that such a communication had been sent to the chairman of the Committee on Claims. One of the assistants to the Attorney General has furnished me a copy of a letter which he tells me was addressed to the Senator from Colorado, the chairman of the Committee on Claims, on February 26, 1926, which I will now read, in which the Attorney General states as follows:

MY DEAR SENATOR: In response to your request for the benefit of my views concerning S. 1912, a bill "To provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $5,000 in any one case," I beg to submit the following:

This bill proposes to give to the heads of departments and independent establishments of the Government the authority to consider, adjust, and determine claims for property damage, and to the Employees' Compensation Commission the authority to consider, adjust, and determine claims for personal injury or death where such claims do not exceed $5,000 and arise on account of the alleged negligence of officers or employees of the Government within the scope of their employment.

Until recently the Government has never accepted any liability on account of torts. This principle is fundamental in the system of any government or sovereignty, and the only recent exceptions are where certain executive officers have been given power to adjust the claims of persons injured by Government agents, such as injury from mail wagons, etc., and liability for torts in admiralty cases.

This department has heretofore taken the view that any acknowledgment by the Government of liability for torts is a dangerous precedent and a radical departure from the long-established principles of our law and Government. In February, 1925, a bill somewhat similar to S. 1912 was pending in the House of Representatives, and by a letter dated February 26, 1925 (a copy of which is inclosed herewith), this department indicated its attitude as above set out. Heretofore such claims have been considered only by Congress and allowed by Congress as an act of grace rather than as an acknowledgment of any legal liability.

Respectfully, JOHN G. SARGENT,
Attorney General.

Accompanying the letter signed by the Attorney General is a copy of a letter which was signed by the Acting Attorney General, addressed to Hon. George W. Edmonds, chairman of the Committee on Claims of the House of Representatives, dated February 26, 1925, which takes the same position as that taken by the Attorney General in the letter which I have just read. I shall not ask that this letter be placed in the RECORD; but in view of what I conceive to be the importance of the legislation and its dangerous character, I think the attention of the House of Representatives ought to be challenged to the bill, because it has passed this body; and I take this opportunity of inviting the attention of the House committee to the bill when it reaches the committee to which it may be assigned. I can only repeat that in my judgment the proposed legislation, as stated by the Attorney General, is dangerous, and I regret exceedingly that the bill passed the Senate.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the committee, on page 14, to insert lines 9 to 13.

Mr. PITTMAN. Mr. President, I ask unanimous consent that the appropriation bill be laid aside temporarily and that Senate bill 575 be proceeded with. I gave notice that I would discuss Senate bill 575 this morning, and I think this course is agreeable to the chairman of the Committee on Appropriations [Mr. WARREN].

Mr. WARREN. I have no objection.

The VICE PRESIDENT. Without objection the pending appropriation bill will be temporarily laid aside and Senate bill 575 will be proceeded with.

LONG-AND-SHORT-HAUL CLAUSE OF THE INTERSTATE COMMERCE ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. PITTMAN. Mr. President, I may give undue importance to this subject because I have studied it intensely for a great many years.

Mr. GOODING. Mr. President, may we not have order in the Chamber? There is a great deal of interest among people all over the country in the pending measure. The Senator from Nevada has been fighting for a long and short haul law for many years, long before I came to the Senate. I think he is entitled to very close attention on the part of Senators because I am sure he is able to discuss the question with a great deal of intelligence on account of his information and study of the matter for so many years.

The VICE PRESIDENT. The Senate will be in order. [After a pause.] The Senator from Nevada will proceed.

Mr. PITTMAN. Mr. President, I realize that we are taught by certain interests to understand that this is purely a local question. In the opinion that has just been handed down by the Interstate Commerce Commission we find that by a vote of 7 to 3 the commission denied the application of the seven western railroads to reduce the freight rates on through freight to coast points sufficiently low that in their opinion they would get half of the trade of the Panama Canal, without at the same time reducing the rates at intermediate points.

In the decision there was a dissent by three of the commissioners. One of the dissentants was former Congressman Esch, now Commissioner Esch. He again states what he has said before, that the only persons who are opposing the discrimination in favor of the competitive points are the people of the intermountain country. Chambers of commerce all over the country have been led to believe exactly the same thing. I do not believe there is one per cent of the membership of the chambers of commerce of the country which have passed resolutions on the subject who have the slightest idea what it involves. They believe that it is a fight and solely a fight of the intermountain country against discrimination. In order that Senators may know as a matter of fact that some of their own constituents are interested in the matter, let me read from the opinion of the commission with reference to those who opposed the discrimination which the applicants sought and which they may again seek to-morrow and which may be granted to them to-morrow. I shall now read from the opinion of the Interstate Commerce Commission rendered upon Saturday last wherein they denied the application for departure from the fourth section of the interstate commerce act, thus denying the privilege of putting into effect lower rates to the Pacific coast points than at intermediate points. Here is what they said:

Eastern manufacturers and shippers also generally oppose the application. They contend that the relief sought is based on market competition rather than water competition and that such competition is not sufficient ground for fourth-section relief. They can see no justification for a basis of rates which will extend their natural advantage of proximity to economical water transportation to territory far inland and which will perhaps so seriously impair the earnings of the water lines as to result in the curtailment of service. Other eastern manufacturers are more particularly concerned with the disruption of the existing rate relationships which would be caused by the establishment of the proposed rates. It goes without saying that the water lines oppose the application. To the extent that the rail carriers would gain traffic, they would lose it. If, rather than see their business taken from them, they should reduce their port-to-port rates, the result would be a loss of revenue both to the water and to the all-rail lines. Neither would gain but both would lose. As above stated, carriers operating east of Chicago have not joined in the application, although urged to do so by the western lines.

Now listen to this:

The Boston & Maine and New York, New Haven & Hartford Railroads, New England carriers, actively oppose it.

Let me read just a little more now to show exactly who is interested in the matter and who is not. I am reading now from near the end of the decision. I am not going to read all of the decision, of course, but I want to read enough to show that this is not a local fight. I want to show that it affects every industry in every locality in the country.

Now let us see just exactly what the effect would be, in the opinion of the Interstate Commerce Commission, if the applications were granted for a departure from the fourth section allowing lower rates to the Pacific coast points than to intermediate points, rates so low as to divert a portion of the water transportation to the railroads. Here is the opinion of seven of the interstate commerce commissioners.

Mr. FESS. Will the Senator give us the page of the decision from which he is about to quote?

Mr. PITTMAN. I am going to read from page 438 of the decisions of the Interstate Commerce Commission, as follows:

There is another phase of this matter which must not be overlooked. Section 500 of the transportation act, 1920, declares the policy of Congress to be "to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation." The field of operations of the water lines is restricted to a comparatively narrow area along the Atlantic seaboard and to a much narrower area along the Pacific coast. Since but little traffic originates at the ports, the water lines much reach out for it into the interior. The inherent disadvantages of shipping by water prohibit them from competing with the rail lines at points where the combined rail and water charges equal the all-rail charges, and consequently the territory from which they may draw traffic is confined to an area from which the rail rates plus the water charges are substantially lower than the all-rail rates.

Their destination territory is confined almost exclusively to the Pacific coast cities. Unlike the rail carriers, they have no intermediate territory from which to draw or to which to deliver traffic. It is strongly urged, therefore, that to permit the western carriers to publish the proposed rates from Chicago for the avowed purpose of depriving the water lines of a substantial portion of such traffic as they are now able to obtain would be to disregard wholly the policy of Congress to promote, encourage, and develop water transportation. To be of material benefit to the rail carriers a substantial portion of this tonnage must be diverted to their lines. The declared policy of Congress is to foster and preserve in full vigor both rail and water transportation.

If the hopes of the applicants should be realized, the benefits which they as a whole might obtain from the granting of the application would be greatly disproportionate to the loss which the water lines would suffer. The record shows that the total tonnage, both eastbound and westbound, of all the water lines is but a very small fraction of that of the transcontinental carriers operating west of Chicago. It is evident, therefore, that the diversion of any substantial tonnage from the water lines would have but an inappreciable effect on the net revenues of the rail carriers. On the other hand, it might very seriously impair the ability of the water lines to maintain their present standard of service.

Upon full consideration of the record we find that the application for authority to depart from the long-and-short-haul provision of the fourth section of the act should be denied.

The Interstate Commerce Commission in this opinion state that this is not alone a fight by the railroads for a part of the transportation through the Panama Canal; that this is a fight by the city of Chicago to take a part of the freight away from points east of Chicago.

At the present time steel and steel implements and parts are moving from Pittsburgh by rail to the city of Baltimore. From Baltimore they are carried to the Pacific coast through the Panama Canal by boat. The joint rates by which they are carried both by rail and water range from about 40 to 60 cents a ton; in one case, I believe, it was a little higher, being about 76 cents a ton. What is the result? Chicago wants that market. Chicago went before the Interstate Commerce Commission and said, "Here, we are meeting an unfair market condition; the water transportation through the Panama Canal is delivering all kinds of steel products from a few hundred miles east of us to 2,500 miles west of us, and we demand relief from that condition." That is all true enough; but what was the effect? Chicago was trying to change a natural condition by an artificial law; it was trying to take away from the Atlantic seaboard its natural position.

I have heard those on the other side of this question arguing all the time that we were trying to take away the advantages of some natural location. They have said:

> The Middle West is not on the water and, of course, it has got to suffer.

But Chicago, the great city of the Middle West, goes before the Interstate Commerce Commission and says:

> Pennsylvania and all of the Atlantic coast are taking away from us our natural territory to the west of us.

That is Chicago's idea of it, but the Interstate Commerce Commission says:

> What right have we to take away the natural trade of Pittsburgh, the New England States, and the Atlantic seaboard and give it to Chicago?

Mr. Eastman comes out in his concurring but separate opinion and says never was it intended that there should be a departure from the fourth section on the ground of market competition. He says:

> If you ever attempt to arrange markets through a departure from the fourth section as to the long-and-short-haul clause, you will have a criss-cross of rates in this country that will be totally incomprehensible.

Take, for instance, the Minnesota paper mills. They are located in the neighborhood from which Mr. Esch comes. Mr. Esch is interested in seeing the paper mills of Minnesota supply the Pacific coast with paper. It is now being supplied by the mills of Maine and the other New England States; they are supplying paper to the coast, but Minnesota says, "We are entitled to be put on a competitive basis with the New England paper mills, and to do that we have got to get a rate from the railroads that will make it cheaper to haul by rail 2,500 miles to the Pacific coast than it is to haul by water through the Panama Canal from the New England States." That is what they ask for; but when Minnesota is asking for a departure from the long-and-short-haul clause to the Pacific coast to defeat the mills of New England, why can not the mills of New England ask for a departure from the long-and-short-haul clause to St. Louis, which is now within the zone of operations of the Minnesota mills? New England can not furnish any paper in the middle zone; Minnesota has control of all that territory; but give the New England States a rate so low to St. Louis and intermediate points that it can compete with the rates from Minnesota, and the conditions will be equalized. In other words, Mr. Eastman is right, for whenever we start in to utilize the railroads of this country for the purpose of building up one place at the expense of another place we get back to the old rebate system, which was the cause of the fourth section. That is one ground.

Now in what are other railroads interested? The railroads are not interested in market conditions; Chicago is interested in them. Recollect that the applications filed with the Interstate Commerce Commission are applications from a zone north and south through Chicago to the Pacific coast. The State of the distinguished Senator from Ohio [Mr. FESS] is not included in the applications. His State would have been left high and dry if the applications had been granted. The territory just west of his State would have had preferential rates to the coast, but Ohio would not, and the traffic moving from Pittsburgh and that section of the country to the Atlantic coast would have been run out of business by a departure from the long-and-short-haul clause on traffic from Chicago to the Pacific coast.

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

Mr. PITTMAN. Yes.

Mr. FESS. The applications applied only to that section west of Indiana. Ohio does not need it because we can ship from Ohio east and get the advantage of the rail-water route from our section to the Atlantic coast and then around through the Panama Canal.

Mr. PITTMAN. Yes; that can be done so long as that traffic through the canal pays. It is being done now successfully. The condition is perfectly satisfactory to Ohio now; it is perfectly satisfactory to Pennsylvania now because the traffic exists, because the ships can run; but what is the very object of that for which the Senator was fighting? It was to destroy the very transportation for which Ohio is now asking.

Mr. FESS. Oh, no.

Mr. PITTMAN. The Senator says no.

Mr. FESS. Will the Senator yield further?

Mr. PITTMAN. Certainly.

Mr. FESS. The purpose is not to destroy water transportation. That is in violation of the policy of which the Senator read a moment ago and which I read in my opening address. The purpose is to keep the water transportation so that, with the inevitable increase of transportation, which doubles about every 13 years we will have both facilities instead of only one.

I should think that all the fears of the Senator would be removed by the decision of the Interstate Commerce Commission. I do not know the merits of the applications under the petitions which were filed, but I assume the Interstate Commerce Commission does know the merits, and the commission has decided in favor of the Senator's contention that they should not be granted, and my contention is that the commission is the body to do that and not the Congress of the United States.

Mr. PITTMAN. The Senator says that the object of it is not to destroy competition. It is not the object of the Interstate Commerce Commission to destroy competition. It is not the object of Congress to destroy it. I am speaking now, having gotten through with Chicago, of what the object of the railroads is. The Interstate Commerce Commission in this decision says that the railroads demand their share of the water traffic. Does that mean anything? The railroads were represented by Colonel Thom, who has represented all the railroad executives for years before the committee. He was perfectly frank when we asked him, "What is the object of these applications for the lower rate?" He said, "So that we can get our share of the traffic going through the Panama Canal." There is no doubt about that. We asked him, "What is your share?" He said, "Well, I do not know what our share is." "A half?" "Yes; probably a half will be our share."

Let me again show you what the president of the Northern Pacific has to say about it. He is one of the men whose views we have. Here is what he says. Just listen to this. Mr. Donnelly wrote a letter to Mr. BURTNESS, of the House committee, in which he said:

> It has never been suggested that the railroads, with the proposed higher rates, could take from the ships more than 50 per cent * * *. If it is to be the policy of the Interstate Commerce Commission that the railroads shall be permitted to handle any and all traffic which will show some profit above the out-of-pocket cost, then the railroads can handle all the business that is now transported by steamships both east and west through the Panama Canal.

That is not only a frank statement, but it is a logical statement. Moving from Pittsburgh via Baltimore is 90 per cent of the whole traffic of that canal at the present time in steel and steel products. How on earth can you give a rate that will take half of that steel away from the Panama Canal without taking it all? Can you conceive how you are going to stop it? If you give me a rail rate that is more satisfactory than the water rate, so as to induce me to ship half of my product, am I not going to ship all of my product?

But you say it does not destroy water transportation. Do you think for one moment that there is any other intention in the minds of the railroad companies than to destroy it? Do you for one moment believe that they are looking for revenue in it? Can you think that? When you stop to think that the total tonnage of the western roads is over 500,000,000 tons, and the total tonnage through the Panama Canal is 5,000,000 tons, and, if they got half of that, it would be 2,500,000 tons, do you think it would amount to anything to those western roads?

Take the seven western roads that made this application: Those seven western roads have a tonnage of 270,000,000 tons. Do you think they are interested in getting 2,500,000 tons more? Is it a highly profitable 2,500,000 tons? Why, they ask to take it at out-of-pocket cost. Mr. Esch testified before our committee that they could not put the same rate in clear across the country, because if they did they would lose $67,000,000 in putting it in from Chicago to the Pacific coast. He said they would even lose $6,000,000 in revenue by simply putting in the out-of-pocket cost rate at the coast points. Do you think for one moment the railroads of this country are looking for that traffic? The railroads are not looking for the traffic, as Mr.

Thom indicated plainly when he said: "But it may grow larger." That is the proposition of the railroads in the matter; it may grow larger.

What would be the gross value of that tonnage to the western roads? The gross value of that tonnage—the gross, mind you—would not be $15,000,000, as compared to $860,000,000. Do you think they are fighting for that money? Is it not perfectly evident that it is exactly the same old fight that has been going on in this country since the very beginning of railroading? Do men's minds have to go back so far that they do not remember what happened?

Why, all of us remember when the Ohio River and the Mississippi River, and the Missouri River were loaded down with steamboats. Where did they go? What happened to them? There started in a system of driving them off. How did they drive them off?

There were no restrictions on railroads at that time. Boats can not pick up local freight right along. There are certain points that they must meet and get it. At those competitive points the railroads made a murderous rate. They could carry the freight at any kind of a loss at that particular point, because they could make it up back behind that point. They did not have to do it long, did they? When a great railroad system that has land to go across, where the boats can not compete, can go after a boat where it can not get away from it, it takes it only a few months to put a steamboat out of business. They did put the boats out of business. They put them all out of business; and with all the improvements of our rivers that have been going on since my earliest recollection, where they have dredged away the sand bars and put in piles and have tried to make the water deeper on the Mississippi River, the boats have not come back.

Now, let me answer the Senator from Ohio. He says:

> Why should you be afraid now? The Interstate Commerce Commission have decided with you. Why should you be afraid? They can be trusted.

I will tell you why we are afraid—because next year we might have seven men on that commission like the three who joined in this dissenting opinion. Look at the dissenting opinion of Commissioner Esch—as brutal and selfish a decision as a man ever wrote. He says, "We are appointed to look after the railroads, not after the boats." That is what he says. "We are to look after the railroads. We are looking after their welfare." It never occurred to him that he had the interests of the people of this country to look after.

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

Mr. PITTMAN. Yes, sir.

Mr. FESS. The commissioner in that reference reminded the country that the Interstate Commerce Commission has no control over the Panama Canal, and has recommended that legislation be enacted to place it under its regulation, just the same as the railroads. Is the Senator in favor of that?

Mr. PITTMAN. I doubt very seriously if I am in favor of it.

Mr. FESS. I think it is a wise suggestion.

Mr. PITTMAN. I do not doubt it.

Now, we will go into what Mr. Esch did say.

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

Mr. PITTMAN. I will.

Mr. SMOOT. If there is no objection to this decision that was rendered last Saturday, and if that is right, what objection is there now to having Congress say that that shall be the future policy, and not leave it for some other commission to say that that decision shall be reversed? Is not the business of this country of sufficient moment to let Congress say now that the policy shall be as the Interstate Commerce Commission has decided, and decided, as the Senator from Nevada says, by a vote of 7 to 3?

Mr. BRUCE. Mr. President, I remind the Senator from Utah that of course this decision was rendered simply with reference to the special circumstances of that particular case, which might be wholly different from the circumstances of another case presented to the commission.

Mr. SMOOT. The principle is the same.

Mr. BRUCE. Not at all. The commission said there, dealing with the particular circumstances before it, that those particular special circumstances were not such as to justify them in allowing lower coastal rates to the transcontinental lines. The commission was not undertaking to lay down any principle of general application for future cases.

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

Mr. PITTMAN. I will after I get through answering one question at a time. The opinion of the commission does show that you have to get down to a principle in this matter.

As I was criticizing Mr. Esch I will read what he says:

> We are charged with a duty respecting the revenues of the railroads by section 15a, but do not have any such responsibility regarding the shippers.

It has been the attitude of some members of the commission that they were put there for the purpose of being general managers of the railroads, to get business for them anyway, to make them pay. That has been the attitude. Now, just reverting for one moment to what was discussed by the Senator from Utah [Mr. SMOOT] and the Senator from Maryland [Mr. BRUCE] as to whether you have to get down to a principle, if you will read this decision you will find out that the rates that they asked at the coast points in competition with the boats were as high as they could have them and get any of the trade; and yet, on the other hand, they had to be so low and were so low that the Interstate Commerce Commission said that they lost more than they made. So, when you come down to it, while this is a particular case, it carries all of the elements of every case of that kind, or every case involving a departure from the fourth section on account of water competition.

What is it? The evidence in this case, the ruling in this case, the findings of the commission in this case, show that it is impossible to compete fairly with certain kinds of bulky, heavy traffic carried by water, and that if you give them a rate under the guise of competing, that is a rate that will lose for the railroads and destroy the water haul. That is what this whole decision shows, from the very beginning to the end of this decision.

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

Mr. PITTMAN. Just a second.

You ask, why should we be afraid of this long-and-short-haul principle? The commission has decided with us. I say to you that seven of the commissioners did decide with us; that three of them, without regard to whether it would pay the railroads or not, were undoubtedly determined to take half of that transportation away from the boats, were determined to give Chicago the market advantage that she demanded; and that change may take place at any time.

There is still another thing. Suppose they come again before the commission and it raises the rate a few cents. Is there anything to indicate that some of the seven who would not stand for this rate would not stand for a few cents higher? I want to read again from General Ashburn's testimony, and I wish all Senators had time to read what he said. He was put in charge of the Government barge line to experiment with it, to ascertain whether or not water transportation could be made to pay in this country. He has given the history of the decision that he made, and what does he say? That it was totally impossible to sell that barge line to a private individual; that it was totally impossible to induce a private person to go into the business, because no one is going to make an investment of ten or fifteen million dollars in boats when it is within the power of the Interstate Commerce Commission to place rates upon competitive points that will take half of the boats off the river. He could not afford to stand it.

In connection with this very proposition take the proposed Chicago ship canal to the Gulf. We asked their representative:

> Why do you want a ship canal from Chicago to the Gulf?
>
> So we can get on water and compete with the Atlantic seaboard on water.
>
> Do you think water transportation is cheaper?
>
> Of course, water transportation is cheaper. That is what we want. We want to take the freight down to New Orleans and around through the Panama Canal.

Then those representatives were asked by Senator SACKETT, of Kentucky:

> What do you think would happen to the railroads if this went into effect? Would they lose some business?
>
> Yes; they would lose some business.
>
> Then what do you think the railroads would do?

Colonel Thom, representing the executives, said:

> We would ask for the long-and-short haul from Chicago to New Orleans, so as to get our share of that business running from Chicago to New Orleans.

What does that mean? We say to the Interstate Commerce Commission, "We meant this as one of the special cases; we meant that it was your duty, under that pressure, to see that the railroads got half of the boat business." They want a ship canal from Minneapolis to Chicago. Yet the very moment a trade is built up there we know that an application will be made for a competitive rate.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. PITTMAN. I yield.

Mr. FESS. The Senator from Utah suggested that there ought to be a principle stated. The principle of the Government was read by the Senator from Nevada at the outset of his remarks. It is section 500 of the transportation act, which is to promote and foster both water and rail transportation, and the Senator now is discussing the merits of this petition covering 47 articles. That does not at all involve the merits of the bill now pending. It does not mean that seven of the Members who voted to deny the petition of the railroads would vote to take away from the commission the right to recognize the principle that at times, in certain cases, a lower rate for a long haul would be justifiable over a rate for a short haul. That is the point we are now discussing, whether this particular act of the commission should go to the extent of denying wholly the exercise of that principle. Nobody contends that. My contention is that this very decision is a proof that the commission is not under the pressure, but acts independently, in the light of the facts that are presented, and while I had supposed, without having gone into it, that there was justification for the granting of this petition, the facts as stated here are somewhat conclusive, and yet I recognize the strength of Mr. Esch's statement, that in certain cases the petition should have been granted. The Senator from Utah urges that there be a principle recognized, and my contention is that we have that principle, and it is a matter of law. The particular case being tried on the Senate floor, involving these 47 items of the petition, does not go at all to the essence of the pending bill, which we are now discussing.

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

Mr. PITTMAN. I yield.

Mr. SMOOT. I would like to submit a question to the Senator from Ohio. If he and his associates desired to begin business in some section of the country tributary to the ocean, without water transportation, would he like to make an investment and build up an industry, or an industrial center, knowing that at some time the question might arise as to whether his business was to be destroyed by a rate fixed by the Interstate Commerce Commission?

Mr. FESS. No; and I know that it would not be destroyed, as long as we have a Government agency the policy of which is not to destroy.

Mr. SMOOT. I say to the Senator now that if the applications that have been made and will be made were supported by the Interstate Commerce Commission, as they have been in the past, the Senator's industrial center would be destroyed.

Mr. FESS. We are developing water transportation right along, and will develop it in the next 20 years vastly more than we have in the last 20 years.

Mr. SMOOT. I can not see any harm whatever in having Congress declare a principle, the principle being that there shall be no greater charge for a shorter haul than for a longer haul.

Mr. FESS. That would be against public policy, it seems to me.

Mr. SMOOT. That is what the Senator said the other day. All we are asking for is to have Congress say that that shall be the principle of our shipping industries in the future. If it is not done, no man will be safe in trying to start an industry in a territory that has no water competition, because he will not know how soon rates will be made against him which will put him out of business, and the Government of the United States never ought to sanction any such principle.

Mr. FESS. As long as the business is not here to satisfy the requirements of the operation by both rail and water, we can not artificially build it up. It must depend upon having the business here, and the Senator knows, because there is no man on the floor who has a broader comprehension than he, that with the growth of business within the last 20 years, increased as it will be in the next 20 years, we will develop water transportation, and we must not develop it at the expense of rail transportation. We must maintain both of them. The Government can not grow except by maintaining both of them.

Mr. SMOOT. The statement I made, which the Senator undertook to refute, had reference to what my own experience has shown in the past, and I can not see why under a decision of the Interstate Commerce Commission those conditions may not exist again. I say to the Senator that when I went into business, I know it was only a short time, with the rates against me on material coming in and going out, when I could not have met the competition, and the only reason why we were ever successful was because of the fact that we made a class of goods that no other concern in the United States made. What I want to see accomplished is this: I want the power taken from the Interstate Commerce Commission, or any other agency of the Government, to say, "I will build up this section of the country, I will destroy this section, by making rates that will do it." That is very easily done.

Mr. FESS. If the Senator from Nevada will permit me to say so to the Senator from Utah, if this pending measure becomes a law, in my judgment the Senator from Utah will be one of the most disappointed of men 10 years from now, and will regret that he ever gave his support to such a proposal as this.

Mr. SMOOT. I will freely acknowledge it if such is the case; but I am just as positive as the Senator from Ohio can possibly be that the result will be otherwise.

Mr. FESS. It is interesting to me to note how the Senators from the intermountain country, where they do not see a river, could be much more interested in water transportation than those of us who live on rivers.

Mr. SMOOT. We have suffered.

Mr. PITTMAN. I have a very happy feeling when I find the Senator from Ohio so deeply interested in the intermountain country.

Mr. GOODING. Mr. President, will the Senator yield just a moment?

Mr. PITTMAN. I yield.

Mr. GOODING. I merely want to inform the Senator from Ohio that he evidently knows as much about the West as he does about the bill we are discussing, because the Columbia, with its tributaries, is the second largest river in the United States. We have rivers out there.

Mr. FESS. And the people who live on the Columbia are against this bill.

Mr. GOODING. The Senator is mistaken.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. PITTMAN. I yield.

Mr. WHEELER. The other day when one of the Senators was speaking somebody said he desired to call a witness. I desire to call the attention of the Senator from Ohio to a witness who appeared at one of the hearings. This was the Hon. O. P. Gothlin, formerly chairman of the Public Service Commission of Ohio, and formerly president of the National Association of Railway Commissioners, and at the time he was testifying he was the chief of the tariff bureau of the Public Service Commission of the State of Indiana. He stated as follows:

> Many years ago, when the great State of Ohio embraced within its borders but a fraction of its present population, it exhibited a most remarkable spirit of enterprise by constructing a magnificent system of canals. When railroad transportation came into the field farseeing statesmen enacted a long-and-short-haul law for the very purpose of protecting the waterways, constructed at so great an expense. But the law was never enforced and canal transportation was killed. Had the Ohio long-and-short haul been properly observed, Ohio would now have an effective transportation system independent of and supplemental to the rail service, that has not been able to keep up with the demands of commerce. As a result of the failure to enforce the law the once magnificent system of canals has decayed into a condition of innocuous desuetude.

Mr. FESS. It is an interesting bit of information that the canal system of Ohio, which was built before the railroads were built, has been discontinued because of the long-and-short-haul idea. That is a new one.

Mr. PITTMAN. Mr. President, I want to get back again to the proposition of the principle involved in this matter. The Senator from Ohio does not think there is enough traffic for both rail and water. Yet it will be found that the Government barge line, according to the testimony of General Ashburn, has been increasing its business in conjunction with the railroads. Let me read this to the Senate:

> Senator WHEELER. If you could operate up there it would mean that there would be a tremendous lot of grain from the Northwest that would be shipped down the Mississippi River, would it not?
>
> Brigadier General ASHBURN. Why, yes. If you will pardon this digression—I think perhaps you have gotten interested in it—the reason we put in this 2 mills per ton-mile rate on grain from St. Louis and Cairo down was this: There wasn't any grain flowing through St. Louis; all this grain was going through Montreal. It did not make any difference where it came from, no American port was profiting by it at all. So we figured out what the rate was, the joint rail-water rate, the joint rail-and-lake rate, and we finally came to the conclusion that if we put in a rate of 2 mills a ton-mile we could get it to flow our way, and it did and it is still flowing our way. That is the only reason we put it in. It was doubtful at the time whether it would be a reasonable rate or not.
>
> Senator WHEELER. But it is a reasonable rate.
>
> Senator COUZENS. And you make a profit at that rate?

Brigadier General ASHBURN. Yes; it is one of the best paying things we handle.

Now let us go further over in the hearings to see what they are doing in conjunction with the railroads:

Brigadier General ASHBURN. Yes, we can operate on a 4½-foot channel quite feasibly and make money.

Now the tonnage carried. I am going to just roughly give you these figures in round numbers to show you how the tonnage has increased.

In 1918 it was 33,000 tons; in 1919, 235,000 tons; in 1920, 360,000 tons; in 1921, 672,000 tons; in 1922, 860,000 tons; in 1923, 979,000 tons; in 1924, 1,071,000 tons; and in the first 10 months of 1925 it was approximately 1,000,000 tons.

Now, that has increased in seven years from 33,000 tons to over 1,200,000 tons a year.

Now, here is another thing that will astonish you. When we started, the proportion between the all-water tonnage, carried all by water, and that carried joint water-rail was as follows:

The all-water the first year was 25,000 tons; the joint rail-water was 8,728 tons.

The next year, 1919, it was 175,000 tons all-water and 60,000 tons joint rail-water.

The next year, 1920, it was 192,000 tons all-water and 168,000 tons rail-water.

The next year, 1921, it was 348,000 tons all-water and 323,000 tons joint water-rail.

Until to-day in the 10 months of 1925, 315,000 tons is all-water and 678,725 tons is joint rail-water.

In other words, the astonishing thing has arisen that by working with these railroads the all-water had dropped to a certain extent, but the water-rail has increased tremendously.

Senator WHEELER. In other words, it has been a benefit to the railroads?

Brigadier General Ashburn. Yes; it has been a benefit to the railroads.

Now, another astonishing thing about it. There was scarcely any upstream traffic at all when we started, scarcely any. To-day the upstream traffic on both the Warrior River and on the Mississippi River is greater than the downstream traffic on either one of them. In other words, our imports by means of these rivers are greater.

Now, what happens there? Take this tonnage of joint water-rail. That jumped from 8,728 tons to 678,000 tons. That came in there, and it never came in that way before. It came in because of this cheap water rate. And where did we distribute it? We put it at Vicksburg, Cairo, St. Louis, but it goes to 39 States, and everything we bring in that way helps the railroads.

General Ashburn testified that there was no competition between water and rail; that is, that there was no logical competition between water and rail; that water and rail of necessity had to cooperate. They have to reach out with their feeders, which are the rails, to bring the water to them. This immense quantity of grain was moving through Montreal and he reached out with a joint rate with the railroads and brought it down to St. Louis and on down the Mississippi River. He now is willing to reach up to Chicago and join with the railroads that come in there with their products and take it down the water route.

It seems to be lacking in vision to say that the cheapest transportation on earth is not ready for use. There is no one who for one moment could doubt that water transportation is the cheapest in the world. We have seen it too long. Here in our country, where we have the greatest natural arteries of transportation in all the world, we are practically the only people who do not utilize them. We do not utilize them because we have some very fictitious theories about the matter. Some seem to have the idea that it is the duty of the Interstate Commerce Commission to the railroads to take the Pacific coast market away from Pittsburgh and give it to Chicago. They say, "We are closer to the Pacific coast than Pittsburgh. Why should you let Pittsburgh ship all its steel products to Baltimore and through the canal, and cut us out of that territory in Chicago?" The Interstate Commerce Commission said, "How can we help you? They have the natural advantage of water." "Ah, but," they say, "you must remember that provision of the fourth section that in special cases—remember, in special cases—you can make the rate lower at the more distant point than at the intermediate point."

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

The PRESIDING OFFICER (Mr. PINE in the chair). Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. PITTMAN. I yield.

Mr. NORRIS. I would be interested if the Senator would give a little more in detail a description of the case that he has been discussing. To what articles and to what territory did it apply particularly? While I am asking if the Senator will not do that, let me ask, too, if the application by these seven railroads had been sustained, would it have been possible then under such a ruling for the railroads running out of Chicago to have charged a higher rate to the Pacific coast on any given article of commerce than they would have charged from Chicago to some intermediate point like Denver, Omaha, or a place of that kind?

Mr. PITTMAN. To have charged a higher rate?

Mr. NORRIS. A higher rate for the shorter haul, it being a part of the long haul. Would that have been the result?

Mr. PITTMAN. I will give exactly what would be the result so the Senator may understand it. Here is what would have been the result. In the appendix is a list of the 47 articles with reference to which they ask for relief from the fourth section. I shall not read them all, but I will call attention to one or two to give the difference to show what would happen. The rate, for instance, on ammunition to the middle part of the Senator's State of Nebraska would be $1.40 per hundred pounds. The rate to San Francisco would have been $1.10 per hundred pounds.

Mr. NORRIS. Suppose the Senator applies it to steel products?

Mr. PITTMAN. All right, we will take steel products. On iron and steel articles the rate to the Senator's State would be $1.58 a hundred and to San Francisco would be $1.10 a hundred, and so on down the list. That is the situation. In other words, the first figures are the existing flat rates across the country. They do not disturb that flat rate. They leave the rate the same.

Mr. NORRIS. For the intermediate point?

Mr. PITTMAN. Except at the competitive points on the Pacific coast. There they reduce the rate. It has been admitted that if they reduced it, we will say, on steel products $1.10 a hundred clear across the country, it would be called confiscatory because it would bankrupt the railroad. Here is the idea about it. The rail carriers can afford to take any loss on those 47 articles at the point of contest just for the purpose of putting the boats out of business. It would be worth it to them. Suppose it does cost a few million dollars?

Mr. NORRIS. Let me ask the Senator another question just at that point. Was it admitted in that case that the rates from Chicago to the Pacific coast would have been carried into effect at a loss to the railroads?

Mr. PITTMAN. It was. I read that from the opinion.

Mr. NORRIS. If the railroads made money, then, they had to make it up on the intermediate points.

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

Mr. PITTMAN. Certainly.

Mr. FESS. The Senator made an error. He said the rate was $1.58 on steel. That applied to dry goods instead of steel.

Mr. NORRIS. I would be just as well satisfied to have it on dry goods, but let us have it now on steel.

Mr. PITTMAN. On steel it is $1 to the Senator's State of Nebraska and 80 cents to the coast. In other words, it is about the same proportion and on some articles a little more.

Mr. REED of Pennsylvania. Was it admitted that the cost of carrying the steel to California was more than 80 cents?

Mr. PITTMAN. Does the Senator mean by rail?

Mr. REED of Pennsylvania. Yes.

Mr. PITTMAN. It was admitted.

Mr. REED of Pennsylvania. That admission was made in the case?

Mr. PITTMAN. I have it right here. In the opinion they made this statement:

> The computation of these costs has necessarily required numerous assumptions not susceptible of accurate determination. For illustration, it has been assumed that two-thirds of the cost of maintaining the fixed property is due to the action of the elements and but one-third to the movement of traffic, and similarly that one-fifth of the cost of maintaining equipment arises from weather conditions and four-fifths from traffic. Other assumptions have been made in determining the extent to which the various transportation accounts would be affected by added traffic. It can not be said with confidence that figures computed in this manner approximate the cost of the service. The same method as applied in the former case gave quite different results. These figures, however, are not seriously disputed by other parties to the record and may be accepted as indicating that the rates proposed would pay something over and above the out-of-pocket cost. This is further indicated by comparison with certain export rates now in effect from Chicago to Pacific coast terminals. Among other rates which might be cited are rates of 40 cents, minimum 80,000 pounds, on iron and steel articles; 63 cents, minimum 60,000 pounds, on cast-iron pipe; 76 cents, minimum 50,000 pounds, on castings; and 80 cents, minimum 40,000 pounds, on paint.

If the applicants are to benefit through the establishment of the rates here sought to be made effective they must necessarily first offset the losses which would result on the traffic now moving all rail. They estimate that if the proposed rates had been in effect during the months of May, June, July, and August, 1923, the loss of revenue on iron and steel articles would have been $207,531, on articles of paper $38,285, and on all other commodities listed in the application $41,335, a total loss of revenue in four months of $287,151, or, assuming the same relative volume of tonnage, $861,453 during the year. It would have required about 69,500 additional tons of iron and steel, 12,000 tons of paper, and 11,500 tons of all other commodities to equalize this loss.

If the hopes of the western lines should be realized, a substantial volume of traffic would be diverted from interior eastern points of origin to Chicago territory. The eastern lines would then be deprived of the revenue which they now derive from the movement of such traffic to the Atlantic ports. No estimate of this loss appears in the record. With an all-rail movement from Chicago of 300,000 tons of iron and steel per year and a gain of 50 per cent because of the reduction in the rail rates the eastern lines would lose the revenue on 150,000 tons. If this tonnage should be lost to the Pittsburgh district, the eastern lines would lose in the neighborhood of $1,000,000. At 40 cents per 100 pounds, the loss to the water lines would exceed $1,000,000.

Mr. REED of Pennsylvania. I understand that by "loss" they referred to a reduction in revenue, but that it does not mean that the cost of the service exceeds the rate charged. Can the Senator tell me what the proposed rate was per 100 pounds on steel from Chicago to San Francisco?

Mr. PITTMAN. It was 80 cents per hundred, and the port-to-port rate is 40 cents from Pittsburgh.

Mr. FESS. Mr. President, will the Senator yield to me again?

Mr. PITTMAN. Certainly.

Mr. FESS. I am of the opinion that the answer given by the Senator from Nevada is not in accordance with the question propounded by the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I did not understand that he gave any information on the point about which I inquired.

Mr. FESS. The Senator from Pennsylvania wanted to know whether the 80-cent rate would be at an actual loss?

Mr. REED of Pennsylvania. Yes.

Mr. FESS. It would not.

Mr. REED of Pennsylvania. That is what I was curious to know.

Mr. COUZENS. But the Senator does not know that.

Mr. REED of Pennsylvania. Does the Senator know that the operating cost for carrying 100 pounds of steel from Chicago to San Francisco is less than the 80-cent rate charged by the railway?

Mr. FESS. I have no definite information. It is not given in the report that we have.

Mr. REED of Pennsylvania. If 80 cents does not cover the cost of carriage from Chicago to San Francisco, then manifestly, from the standpoint of cost of service, is not the intermediate rate much too high?

Mr. FESS. It might be. The issue here is that they will not permit a rate from Chicago to San Francisco which merely covers the out-of-pocket cost. It has to be competitive.

Mr. REED of Pennsylvania. Very well, then; that is, the intermediate haul must be far more than compensatory, must it not?

Mr. FESS. No, it must be reasonably compensatory; it is not fully compensatory. There may be a normal rate to the intermediate point, but the coast rate, would be a point just above the actual cost so that there would be some compensation, and a part of the profit would go to pay the expenses. There is a difference between fully compensatory, which is the intermediate cost, and reasonably compensatory, which is the coast cost.

Mr. REED of Pennsylvania. Then, you apply two wholly different standards to the different regions?

Mr. KING. Three different standards.

Mr. REED of Pennsylvania. The coast standard, with the cheaper water rate, is the competitive standard.

I am not impressed with the efforts to keep alive uneconomic means of carriage. It seems to me that the proposition which we are asked here to approve in voting against this bill would be the same as if we were asked to authorize a trolley to charge a fare at bare operating cost in order to compete with a bus line and then make it up in some other direction where there was not a bus line competing.

Mr. PITTMAN. That is the exact theory, of course.

Mr. KING. Exactly.

Mr. FESS. Mr. President——

Mr. PITTMAN. Wait a moment, please. Here is the proposition: It was testified that if the railroads charged the same rates to intermediate points in crossing the country from Chicago to the Pacific coast that they ask to be permitted to charge to the coast, it would bankrupt the railroads.

Mr. REED of Pennsylvania. That obviously, then, is an answer to the question whether the rate to coast points pays for the cost of the service.

Mr. PITTMAN. There is not any doubt that it does not pay. What the railroads have been trying to figure out is a rate that will give them half the business of the Panama Canal. Now, we start with that proposition. That is what the railroads want.

Mr. REED of Pennsylvania. I fail to see why they should have it if it is not economically sound.

Mr. PITTMAN. In the first place, it would not be economy for them to take half of the Panama Canal business even if they could get half of it, for this reason: It would only amount to about 1 per cent of their total traffic; and if they should get half it, which would be one-half of 1 per cent of their total traffic, at what they call "out-of-pocket" cost—that is something which they try to estimate—they do not lose anything by handling, so to speak——

Mr. REED of Pennsylvania. I realize the difficulty of making an estimate, of course.

Mr. PITTMAN. They can not get at it, and the Interstate Commerce Commission have never said that they could get at it. As far as they go with regard to the 80-cent rate, as I read their opinion, is that in their computations the railroads have not shown to the Interstate Commerce Commission that they will make more than they lose by the transaction. That is the first point. Then they go a little further and say that they are certain of one thing, that if the railroads do get the traffic—that is, half of the Panama Canal traffic through that rate—it certainly will not benefit them much. It is so negligible that they will not see it, but it will injure tremendously the shipping through the Panama Canal by taking half of it. They argue in that way.

The other phase of the case is the market competition. The zone where the railroads are to get these departures runs west of Indiana, taking in Chicago. It does not extend east of Chicago. It is in that zone that they ask for the departure. So if the railroads get half of the business of the Panama Canal they have got to take it away from the East.

Ninety per cent of the freight going through the Panama Canal now is composed of steel products. If the railroads are successful in securing this low rate, then half of that steel traffic and half of the tonnage has got to be diverted from the canal. What do they make by it? Mr. Eastman, in concurring in the opinion, expressly states that in his opinion it never was the intention of that proviso wherein it is stated that in certain special cases the commission might grant a departure from the fourth section to deal with market competition.

He gives illustrations of what would happen if that should be done. If they should try to give a special rate to Chicago to take the traffic from Pittsburgh, and then give Pittsburgh a special rate to St. Louis to take it away from Chicago, the country would be criss-crossed with special rates and we would be back to the old days before 1887 when we had so much trouble over rebates. As a matter of fact, if you take the history of the transportation act of 1887, what do you find? You find that in 1887 boats were practically run off the rivers. That is the history of the fourth section. Up until that time the rivers were crowded with boats. The railroads ran them off in many ways. They put on opposition boats and put the rates down so low in certain cases that those who ran the boats had to quit. Then the railroads paralleled the boat lines. After the railroads had run the boats off, then at competitive points like St. Louis and Vicksburg and New Orleans and other cities they put in a murderous rate. It did not make anything for them, but they had much other territory on which to live in the meantime where they could raise the rates, and they did raise them. They made the back country support the fight which they were making on water transportation.

What happened? Senators know well enough that the debates in Congress show that people came before Congress and said that there must be some control over railroads in this country; that the people were interested in cheap transportation and were not interested in railroads or in boat lines, either one.

Wherever a commodity by its very nature is heavy and bulky and where time is not material, where six months does not make any difference, everyone knows that it can be carried by water for one-third of the cost for which it can be carried

by rail; but the very minute that the railroads had killed off that cheap transportation the rates went up again, of course.

Take the conditions as affecting San Francisco prior to 1918. The railroads were allowed departures from the long-and-short-haul clause on nearly everything to San Francisco in 1918. When the World War came on and shipping all went to the Atlantic, what happened then? The railroads made an application for a change of rates; the commission canceled the long-and-short-haul order, and the railroads raised the rates to San Francisco as they are now, but they put the rates down when the Panama Canal opened, and the very minute the ships went off the Panama Canal they put the rates up again. That is the history of it. Now, take the fourth section, if you please.

Mr. REED of Pennsylvania. Mr. President, may I interject a remark at that point?

Mr. PITTMAN. Yes, sir.

Mr. REED of Pennsylvania. I should like the Senator to give me his views on this proposition. I have not heard much of this debate, but it seems to me that not only in this case but in most of the other functioning of the Interstate Commission they have been struggling against geography.

Mr. PITTMAN. Exactly.

Mr. REED of Pennsylvania. There are certain regions of this country that have an advantage because of their geographic location. The moment the Interstate Commerce Commission, or any other regulatory body, tries to overcome natural advantages by giving artificial advantages, it seems to me, they are building up a false structure, which is bound to work injustice.

Mr. PITTMAN. I think there is a limit——

Mr. REED of Pennsylvania. I am very much interested, of course, in the steel from Pittsburgh, but I do not believe that we ought to deal with questions of this kind on local lines. That would lead to a process of logrolling that would not work out a just result. We have got to look at it from the standpoint of the whole United States. I confess I can not see why because a certain point has a geographic advantage the Interstate Commerce Commission should so distort the rate structure as to give a similar artificial advantage to some other more distant point. Is not that part of the same philosophy that underlies these unnatural rates to the Pacific coast?

Mr. PITTMAN. It is the same philosophy. Whether you put it on the ground of market competition between two different points such as Chicago and Pittsburgh, or whether you put it on the ground that the railroads say they are entitled to their share of the water business, or whether you put it on the old ground of rebate is immaterial; the proposition is that instead of using our transportation facilities for the purpose of moving our products to market in the cheapest possible way, we are constantly disturbing ourselves to see whether this town or that town is getting the best of it or the worst of it or whether the railroads are getting the worst of it or water transportation is getting the worst of it.

It is admitted that, so far as efficiency is concerned, water transportation is inferior to rail transportation; it is admitted that there are only a comparatively few things that do move by water. They have got to be low-priced, bulky articles, concerning the movement of which time is not an element; otherwise the rails will carry them. Not only that, but here is the idea: There is not anything on earth that we carry through the Panama Canal to the Pacific coast, some part of which is not in turn distributed by the railroads to the back country.

Mr. REED of Pennsylvania. In other words, the water haul is a feeder to the railroads?

Mr. PITTMAN. It is bound to be a feeder to the railroads. The very minute that a cargo of steel or farm implements is unloaded at San Francisco it starts to move out to the farmer; whether it moves 10 miles or a hundred miles or 800 miles, it does not stay in San Francisco very long. The rails are bound to do that hauling. The steel that was sent through the Panama Canal assisted in building the great city of Los Angeles, which has doubled in population, probably, in the last three or four years. The rail lines carried hundreds and hundreds and thousands of people out to that section; the boat lines carried probably three articles out there, the main one being steel, and the railroads carried practically everything else that went into the building of that great city.

Mr. REED of Pennsylvania. Mr. President, to take an extravagant illustration, the Senator might look at the water commerce of the Great Lakes. The cheapest transportation in the world, I suppose, is the movement of ore from Lake Superior ports down to the lower lake ports. The rate of the water haul is just one-ninth what it would be if that ore were moved by rail from Minnesota to Pennsylvania. Yet, if the opponents of this bill have shown me their thought correctly, they would favor allowing the railroads to reduce their rates to one-ninth of their present level and undertake the uneconomic process of bringing ore from Minnesota to Pennsylvania by rail. I think that would be unmixed misfortune for the railroads, for the water carriers, and for the public generally. I think that is an exaggerated illustration of the point that is at issue here, but it is an illustration.

Mr. PITTMAN. It is somewhat exaggerated, perhaps, but it is a good illustration.

Mr. GOODING. Mr. President, I want to say to the Senator from Pennsylvania that in the East there have been no material violations of the fourth section. The East is so strong politically that there never have been any violations there to amount to anything. That is all we are fighting for in the West, namely, just what the Government is giving to the people east of Chicago where water transportation has been permitted to develop. The great State of Pennsylvania has protected the Monongahela River, and everyone ought to be proud of the transportation on and the use made of the Monongahela River. Twenty-six million tons of freight are carried upon it. It has been a great blessing to the Pennsylvania Railroad itself; it has not injured that road at all; it has developed and brought into existence the great steel industry at Pittsburgh, by which all the people of America have been benefited. We in the West are asking for the same privilege; that is all; nothing more. We do not want any special advantages; we merely want the same consideration that the Government has been giving to the people east of Chicago, where violations of the fourth section of the interstate commerce act to destroy water transportation have never in the history of the country been permitted at any time.

Mr. PITTMAN. Just listen to this interesting proposition on the Warrior River. I have already read from Brigadier General Ashburn's statement that he has increased the tonnage from 7,000 tons of joint traffic with railroads to six hundred and some odd thousand tons of joint traffic; that he has reached out and taken this grain from the Northwest that used to go through Montreal; but, just to call to your minds what can be done by water transportation with certain kinds of articles, let me read this statement of General Ashburn's:

> Bulky materials on the Mississippi and Warrior are usually carried by fleets pushed by a towboat. On the Mississippi River one large twinscrew tunnel-type towboat, 2,000 horsepower, will carry 16,000 tons downstream from St. Louis to New Orleans, 1,200 miles, at about 150 miles a day. The channel available is 300 feet wide by 9 feet deep, most of the way. Upstream the same type of towboat carries 9,000 tons at 75 miles per day.
>
> Picture that to yourself a moment. Sixteen thousand tons in one tow. That is 640 carloads of 25 tons each, which is the average. Or 8 trainloads of 80 cars each, all going down at one time. That cargo—suppose it were all grain—that cargo of 16,000 tons can be delivered from St. Louis to New Orleans quicker than it can be delivered by train.

Mr. REED of Pennsylvania. Mr. President, the Senator has spoken quite a little about the use of the Mississippi and the barge line. I think it is only correct to call attention to the fact that with the completion of the improvement of the Ohio, which will happen, I hope, within the next three or four years, traffic on the Mississippi River will be increased many times over what it is to-day—many times. The traffic is just awaiting completion of the last links in the 50-lock ladder that runs down the Ohio River. When that is finished, the traffic, both down river and upriver, will surprise, I am sure, most of the people who learn of it.

Mr. PITTMAN. Mr. President, there will be two kinds of boats that will move on that route. There will be the Government boat, like the present barge line, and there will be the company boat that hauls its own products.

Mr. REED of Pennsylvania. There will be many privately operated carriers, too.

Mr. PITTMAN. There will not be for this reason: As General Ashburn testifies, to-day he could not sell this line. He can not get any private individuals to go into the business to-day, although this big barge line is paying. Why? Because, as was testified the other day by Mr. Thom, the attorney for the railroad executives, who represents them before the committee, of course, when the ship barge line went in from Chicago to the Gulf they would demand their part of the traffic that was established. They would ask for a special rate to St. Louis and New Orleans and Vicksburg, and they would expect it to be granted, and we always are expecting it to be granted; but whether we expect it or not, we fear it is so, and no one could afford to put $10,000,000 in a great barge line for general traffic and then have a rate put in by competing lines

under this proviso that would take away even half of your business.

The railroads say they do not want to destroy the traffic through the Panama Canal; that they just want half of it; and that will not hurt it much. Somebody is going to be destroyed, however. I do not know who it will be, but somebody's ship goes down and out when you take half the traffic off of the canal. What we are fighting for here is the fundamental principle that has already been touched upon, that we must recognize that nature is some factor in transportation. We must understand that water transportation is the cheapest transportation in the world for those things that are adapted for water transportation, and that rail transportation can not possibly be injured by water transportation beyond the points to which that water transportation can carry it. There is no fear of destruction or injury hanging over a railroad for two reasons: It runs in territories where boats can not go, and it can carry thousands of different kinds of freight that nobody would ship by a boat because it is too slow and too uncertain. Railroads can pick up their freight anywhere. Boats can only pick it up at certain landings. There is nothing wrong with the railroads.

Going back to the proposition involved here, the fourth section was passed in 1887, and it was made the direct law that a railroad should not charge more for a short haul than for a longer haul going in the same direction over the same system. Why was it? It was to stop the discriminations that had been going on in all kinds of transportation in this country. There is a leeway left there, is there not? There is a limit. It is not a hard-and-fast rule. Why? Because the Interstate Commerce Commission is permitted to authorize a railroad to charge just as much to haul from Chicago to Ogden as from Chicago to San Francisco. Is not that quite a leeway? They will let them charge Ogden twice as much for the same service; in other words, they will give twice the service to San Francisco that they will give to the intermediate point at Ogden for the same price. Is not that a leeway? That is all the leeway on earth that ever should be needed by anybody.

Mind you, as the Senator brought up a while ago, if a dollar is what they say is a reasonable rate to Denver, Colo., half way to the coast, then a dollar is itself getting to be a pretty low rate when you get twice the distance from the coast. If that is not true, then the dollar at Denver is too high to earn its proportion of the 5¾ per cent we intend the railroads to earn. We intend that the railroads of this country shall earn 5¾ per cent; and if the dollar at Denver will earn the railroads 5¾ per cent, and that is all it will earn them, then the rate of a dollar down there at San Francisco is below cost, and everyone knows it is below cost.

Mr. FESS. Mr. President, if the Senator will yield, I should like to correct a statement made by the Senator from Idaho [Mr. GOODING] when he said that we did not apply the long-and-short-haul principle to the East, but it is limited to the West.

Mr. PITTMAN. Oh, he did not say in any case.

Mr. FESS. Yes; he did.

Mr. GOODING. Yes; I said there were very few violations in the East. I made that statement.

Mr. REED of Pennsylvania. Mr. President, we do not desire to take the time of the Senate, but we could give you a catalogue of a thousand discriminations in the East. Let me tell the Senator one.

Mr. GOODING. Wait a minute, until you understand me. There are violations, of course, on some circuitous roads, but I said to meet water transportation. You have hundreds and thousands of them on circuitous roads. You have a few on coal. That is all you have.

Mr. REED of Pennsylvania. Will not the Senator let me answer that statement? Just take this illustration:

A ton of tin is worth about $1,200. A ton of steel is worth about $40. You can send a ton of tin from New York to Pittsburgh cheaper than you can send a ton of steel over the same rails from Pittsburgh to New York. How do you justify such a thing as that?

Mr. GOODING. I do not justify it, but that is not a violation of the fourth section. That is not charging more for a shorter haul than for a long haul on the same class of freight moving over the same road in the same direction.

Mr. REED of Pennsylvania. It is a violation of common fairness that the fourth section was intended to express.

Mr. GOODING. The whole administration of the railroads is full of it all the time. As the Senator knows, they are fighting all the time for preferential rates.

Mr. FESS. Mr. President, if the Senator from Nevada will permit me, I should like to ask the Senator from Pennsylvania a question in the form of a statement.

Mr. PITTMAN. Certainly.

Mr. FESS. Coal can be shipped from Virginia and West Virginia through Hampton Roads over a rail route reaching Hampton Roads and then on by water route to Boston at $4.22 a long ton. Coal shipped from Clearfield, not on the water, clear to Boston over a rail route, would cost $4.85 normally. In order to get some traffic out of the Clearfield mines into Boston over that route they would have to lower the rate. They have lowered it to $4.22 to meet this competition, but they have not lowered it on points 80 miles inland. They kept that at $4.75. My question is, What injury is there to anybody to allow the Clearfield mines to compete over the rail route to Boston; and what benefit would it be to anyone to deny that?

Mr. REED of Pennsylvania. The Senator knows that within a few months the rates between those coal fields and Boston have been revised, to the great disadvantage of Clearfield, and that at the present time Clearfield is unable to ship any coal east of Springfield, Mass. They have been utterly run out of the Boston market by the discriminatory action of the Interstate Commerce Commission.

Mr. FESS. East of Springfield?

Mr. REED of Pennsylvania. East of Springfield they are barred from the market. The only place they can ship is west of Springfield.

Mr. FESS. Does that mean that the rate is too low?

Mr. REED of Pennsylvania. It means that the rate is too high. The rates have been reduced on all-rail coal from lower West Virginia to Boston, so that without shipping by way of water at all they have run the Pennsylvania mines out of business.

Let me give you an illustration of just what I meant. You are talking about shipments over the same rails. The greatest coking region in the world is the Connellsville region of Pennsylvania. It makes the most perfect metallurgical coke that could be asked. A competitive field has sprung up in West Virginia. It is 20 miles farther from that West Virginia field to Philadelphia than it is from Connellsville, and yet such is the wisdom of the Interstate Commerce Commission that the West Virginia mines and coke ovens can ship their coke 20 miles farther at 20 cents per ton less.

In Pennsylvania we pay a union scale. They do not pay so much in West Virginia. Not only do they ship their coke farther for less money than we do, but they have the initial advantage of labor less well paid. What chance have we? And the Interstate Commerce Commission ask us to perpetuate the discretion that they abuse as shockingly as that!

Mr. BRUCE. Mr. President——

Mr. REED of Pennsylvania. I could go on and give you 50 illustrations of the same purport.

Mr. FESS. But what I am concerned about is that that is violating the very thing we are trying to do here, namely, make competitive rates. The Senator says that they ship a longer distance in a competitive market at a lower rate, and thus make it impossible for the other people to ship. Our point is that we ought to permit the lower rate for the longer haul where it is in a competitive market where a less rate through the entire transportation line is being charged.

Mr. REED of Pennsylvania. I say that a railroad has no business carrying bulk freight from the eastern part of the United States to San Francisco, because it is an uneconomic thing for it to do. The trouble with this proposition that the Senator from Ohio is advancing extends farther than the fourth section. That relates merely to discrimination between shippers on the same line of rails.

I say that is only part of the problem, and just as much injustice may be caused by unfairness between two shippers on two different lines of rail going to the same point. Take that same Clearfield district the Senator spoke of. The rate is $2.38 a ton on this coal going to Lake Erie. The haul is 304 miles. It is hard to carry these figures in mind, but this is a vivid illustration. From Tennessee coal can be sent 156 miles farther at a rate of 37 cents a ton lower. Justify that for me if you can.

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

Mr. PITTMAN. I yield.

Mr. BRUCE. As I understand it, the Interstate Commerce Commission has ordered a departure on the New England coast for the very purpose of enabling the coal fields of Pennsylvania to meet the competition of which the Senator from Pennsylvania speaks.

Mr. REED of Pennsylvania. Quite the contrary. The departure was ordered in order to enable the West Virginia fields to ship right through Pennsylvania into Boston, and they are doing it.

Mr. BRUCE. My information is to the contrary.

Mr. REED of Pennsylvania. I have the figures.

Mr. BRUCE. The Senator is doubtless right, if he says he has the figures.

Mr. NORRIS. Mr. President, will the Senator from Nevada yield to me to ask a question of the Senator from Pennsylvania?

Mr. PITTMAN. I yield.

Mr. NORRIS. I am interested to know what justification is given by the Interstate Commerce Commission for making those rates.

Mr. REED of Pennsylvania. The case was tried out about July, 1925. The opinion of the commission was six to five, five commissioners dissenting. The majority, the six, decided that while there might be evidence that Pennsylvania's tonnage had fallen off amazingly, yet it was not proven that the fact that their freight rates were high was because of that.

Mr. GLASS. Why, may I ask the Senator, did the tonnage from the Pennsylvania mines fall off amazingly?

Mr. REED of Pennsylvania. I was just trying to tell the Senator. If he will let me finish my statement, I will come to that. The commission then held that to grant the relief that was asked would upset established business, and they would not do that; therefore, they denied the relief, although it was forcibly urged to them that every rate case is intended to upset established business. One would not bring a rate case if he were not trying to upset established business, and they ought to upset established business, where it is based on an injustice.

Mr. GLASS. The Senator has not answered the question I propounded to him. The inference to be gained from the Senator's statement was that the differential in the freight rate had caused this immense falling off of tonnage from the Pennsylvania mines, whereas is it not a fact that the Pennsylvania mines were closed down and were not operating, and that the owners of those very lines were coming down into Virginia and West Virginia and purchasing the coal at the mines there because they were having labor troubles at home?

Mr. REED of Pennsylvania. It was not labor trouble.

Mr. GLASS. It is my information that it was labor trouble, that the Pennsylvania operators had practically locked out their employees, and were coming down to West Virginia and Virginia and purchasing coal from those mines there, and shipping it to Chicago.

Mr. REED of Pennsylvania. If that were correct, it would be a forcible point, but the fact is that the Pennsylvania mines which are not having any labor trouble are shut down to-day because these discriminatory rates make it impossible for them to operate. Let me give some illustrations.

Mr. GLASS. My information is totally in contravention of that presented by the Senator.

Mr. REED of Pennsylvania. Then let me add to the Senator's information, if he pleases. The city in which we are standing draws what soft coal it gets largely from the Pocahontas fields and the New River fields, which lie along the borders of the Senator's State. The rate from those fields to the city of Washington is $2.84, and the haul is 412 miles. Just the same kind of coal comes from up in Meyersdale, Pa., which is 207 miles away, against 412 for the West Virginia fields, just half the haul. The rate is $2.84 from Meyersdale. So the mines in the Pocahontas field and the New River field have a monopoly of the Washington trade, because they are sending their coal for just half as much per ton-mile as the rate for which our coal can be brought, and the labor costs are much less.

Mr. GLASS. The information that came before the District of Columbia Committee on that point was that the Virginia and West Virginia coal, from the Pocahontas field, was coming to Washington because it was so vastly superior to the Pennsylvania coal.

Mr. REED of Pennsylvania. I believe that some of the representatives of the West Virginia operators testified to that; yes.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Nevada yield to the Senator from Maryland?

Mr. PITTMAN. I yield.

Mr. BRUCE. To return to the question I put to the Senator from Pennsylvania, I think he is mistaken in the reply he made to me. I think he is laboring under an entire misapprehension. Mr. ESCH, of the Interstate Commerce Commission, testified, when this bill was pending before the Committee on Interstate Commerce, to this effect:

> Another example of competition of this character may be found in the existing adjustment of rates on bituminous coal from mines in Pennsylvania and Maryland to points located on navigable waters in New England. There is a considerable movement of coal to this section from mines in Virginia by rail to Hampton Roads and thence by vessel. Coal producers in Pennsylvania must compete with this coal at such points as Boston, Fall River, Providence, New Bedford, and other water points. To meet this competition the rail lines forming routes from Pennsylvania have reduced rates to these water-competitive points.

That is just another illustration of how practically and beneficently a proper exercise of discretion under section 4 of the interstate commerce act operates, in my judgment.

Mr. REED of Pennsylvania. What I was referring to was the order made about three months ago by the Interstate Commerce Commission reducing the all-rail rates from these Virginia mines to Boston and other points in New England. I thought I had the figures here, but they are in my office, and I will get them for the Senator.

Mr. BRUCE. Perhaps the Senator's information on the subject, in which the Senator from Virginia is interested, is not more ample than it was on the subject in regard to which I questioned him.

Mr. REED of Pennsylvania. The Senator questioned me about the rail and water competitive rates. I had been speaking about the all-rail rate from West Virginia to Boston and other New England points. My answer, I think, was correct. I still insist that I believe it to be correct.

Mr. BRUCE. I do not see how it can be at all correct if the testimony of Mr. Esch was accurate.

Mr. REED of Pennsylvania. Mr. Esch was talking about a totally different thing. I will get the Senator the figures in a few minutes.

Mr. GLASS. I am talking about precisely the same thing the Senator from Pennsylvania is talking about, and my information is so totally different from his that I scarcely know how to proceed without seeming to contradict the Senator.

Mr. REED of Pennsylvania. If the Senator will indulge me for about 10 minutes, I can get the figures and give him the rates per ton from these various fields.

Mr. GLASS. My information is that there is a differential rate ranging from 34 cents to 43 cents in favor of the Pittsburgh operators as against the West Virginia and Kentucky and Virginia operators, and that the complaint of the Pittsburgh operators is that the spread is not greater than it is, notwithstanding the fact that the railroads do not want to make it greater. The Senator from West Virginia [Mr. GOFF], I see, has come upon the floor, and very likely he has the figures and can state them more exactly than I.

Mr. PITTMAN. Mr. President, I will go on with my address, if Senators will pardon me, while they are getting their figures. I do not think we are getting anywhere at all in this discussion about the figures.

Mr. GOODING. If the Senator will pardon me just a moment, I think it should be clearly stated that in the controversy between Virginia and Pennsylvania there is no long-and-short-haul question involved at all.

Mr. GLASS. For myself, I am opposed to any controversy on the floor of the Senate about those matters, anyhow. I do not think they ought to be determined here. I think they ought to be determined before the Interstate Commerce Commission.

Mr. REED of Pennsylvania. The fundamental question we have to determine is whether the Interstate Commerce Commission has used its discretion in common fairness.

Mr. GLASS. The Senator thinks it has not and I think it has, so we are unable to determine that.

Mr. PITTMAN. Mr. President, I will have to discontinue this colloquy so that I may finish.

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

Mr. PITTMAN. I yield.

Mr. COPELAND. I know the Senator has been diverted and, I hope, rested by the colloquy. Before he concludes I hope he will make some reference to what effect the law would have upon shippers in the State of New York.

Mr. NEELY. Mr. President——

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

Mr. PITTMAN. I yield.

Mr. NEELY. The observation made a moment ago by the Senator from Virginia [Mr. GLASS] is absolutely correct. For more than a quarter of a century Pennsylvania and Ohio have, at the expense of West Virginia and Kentucky, enjoyed a highly preferential freight rate on coal shipped to the Great Lakes. That preferential rate still prevails.

From 1906 to 1911 the coal industry of northern West Virginia was handicapped by a freight rate to the Lakes which was 8¾ cents a ton higher than that paid on coal shipped from the Pittsburgh district.

From the year 1912 to the year 1923 the coal producers of West Virginia and eastern Kentucky were the victims of a discriminatory freight rate in favor of the Ohio and Pennsylvania coal operators, which ranged from 8¾ cents to 28 cents a ton.

At the present time the freight rate on coal to Lake Erie ports from the Pittsburgh district is $1.66 a ton; from northern West Virginia, $1.81 a ton; while from southern West Virginia and eastern Kentucky the rate is $1.91 a ton.

The decision rendered by the Interstate Commerce Commission in the Lake Cargo Coal Rate case on the 16th day of last July, which has occasioned a number of brain storms in Pennsylvania and Ohio and provoked some unwarranted criticism in the Senate, involves a principle which has been before the commission in various forms and on numerous occasions since the commission was, in 1906, vested with the power to make rates. Excepting this most recent decision, every judgment the commission has ever rendered touching the principle in question has been favorable to Pennsylvania and Ohio and unfavorable to West Virginia, Virginia, Kentucky, and Tennessee.

But no Senator from any of these States that were injuriously affected by the discriminatory freight rates on their coal ever whined in this body about the commission's decisions which established the unfavorable rates; nor did any Senator from West Virginia, Virginia, Kentucky, or Tennessee ever defame the Interstate Commerce Commission for having handed down such decisions.

It is only when the commission refuses to render a judgment that will destroy the coal industry in West Virginia, Virginia, Kentucky, and Tennessee, and at the same time afford Ohio and Pennsylvania a monopoly of the soft-coal business in the Northwest, that the Interstate Commerce Commission is belittled and abused in the Senate.

There should be unanimous concurrence in the opinion expressed by the Senator from Virginia to the effect that the question of freight rates on coal, now pending before the Interstate Commerce Commission on a rehearing, ought not to be made the subject of debate in this Chamber. The commission is the duly constituted freight-rate-making body of the Nation. No attempt should be made to intimidate its members or to coerce them to decide a case before them in a particular way.

While the commission's decisions have not always been as favorable to the industries of my State as I have believed they should be, I am nevertheless convinced that the members of the commission have always acted in the very best of faith and that their findings have been, without exception, the result of most intelligent, painstaking, and conscientious consideration.

Let no one be deceived by the clamor which spokesmen for the Pennsylvania and Ohio coal operators have raised against the Interstate Commerce Commission because of its failure to increase the prevailing handicap in freight rates on West Virginia and Kentucky coal. If the purpose of the authors of this clamor is accomplished, a prohibitive freight rate to lake ports will be esatblished on all coal from West Virginia, Virginia, Kentucky, and Tennessee; Pennsyvania will monopolize the soft-coal market of the Northwest, just as she has monopolized the anthracite markets of the rest of the country, and the coal consumers of Michigan, Wisconsin, Minnesota, North Dakota, and South Dakota will be at the mercy of the coal barons of the Pittsburgh and Ohio districts.

Once for all I vigorously protest against the very recently established and, to my mind, most reprehensible custom of criticizing the commission in the Senate every time it renders a decision that fails to meet with universal approbation.

If the commission has become useless or vicious, it should be abolished. But let us not indulge further in the unsportsmanlike performance of publicly impugning the motives of honorable members of an honest tribunal who are prohibited from speaking here in their own defense.

Mr. PITTMAN. Mr. President, this all illustrates that Commissioner Eastman, in concurring in a separate opinion, was right. Here are these gentlemen who have all been discriminated against, one of them discriminated against in one commodity, another discriminated against in another commodity; one part of the State is discriminated against, and the other part is favored. There never was any authority granted to the Interstate Commerce Commission to regulate railroads for making discriminations. You can not find a line in the act that ever was intended to give them the power of utilizing any regulating authority to restrict transportation in the interest of any community or against any community. That proposition has grown up through their legislative absorption of power. There is no question about that.

The fourth section never was intended in the first place to become the rule. Away back in 1887, when they passed the rule that less should not be charged for the long haul than for the short haul, they said in special cases and under similar circumstances they might do something. They meant special cases, did they not? They did not mean that in every case where a railroad applied for a special rate it would be granted. They did not mean that any time a railroad could get more business that they would give it to them, did they? They did not mean that every time a community needed a special rate so as to be able to compete with another community that it was the duty of the Interstate Commerce Commission to give them that exception. Yet the Interstate Commerce Commission construed the exception as the rule until 1910, and Congress once again tried to impress upon the Interstate Commerce Commission that they meant that the fourth section should be the law, and that it should be in force at all times, except in very extraordinary cases.

What did they do? Congress struck out "similar circumstances and conditions," but the Interstate Commerce Commission went right on construing it as they always had; that is, they construed the exception as the law and the law as the exception until we came down to 1920. What happened in 1920? In 1920 Congress enacted a new provision that the more distant rate should be reasonably compensatory. Why did they do that? They did it because the Interstate Commerce Commission was using the proviso of the act for the sole purpose of putting water transportation out of business. They were not considering what the rate was; they were not considering whether the rate paid the railroad anything or not.

They were simply considering whether it was low enough to put water competition out of business. Therefore in the 1920 act Congress put in a provision that the rate to the more distant points should be reasonably compensatory.

The Senator from Iowa [Mr. CUMMINS], the chairman of the Interstate Commerce Committee of the Senate at that time when he reported the bill, stood on the floor of the Senate and interpreted the meaning of the words "reasonably compensatory." He said to the Senate that they had discussed that meaning in committee and agreed on it. He has stated before the committee and stated on the floor of the Senate that there was not a Senator there who understood it differently from the way in which he stated it. They discussed the meaning of it. On the floor of the Senate he said that it meant a rate that would not only return its part of the cost of the service but would return something for interest on the indebtedness and for dividends. But the provision has never been construed in that light by the Interstate Commerce Commission.

In the case under consideration we have three of the Interstate Commerce Commissioners, who make no effort whatsoever in their dissenting opinion, in which they state a desire to grant the application, to show that the rates were compensatory. I ask Senators to examine the opinion and see if they can find any such explanation. Commissioner Esch does not attempt to show anything of the sort. What he said is that "We are employed to look after the railroads. We have no responsibility toward the people." I hope the Senator from West Virginia [Mr. NEELY] will not think I am criticizing any of the commissioners. I dislike very much to criticize any of those gentlemen.

The limitation that Congress intended to put on the flexibility of rate making was this. Congress said to the railroads, "You do not have to charge twice as much for twice the distance. You do not have to charge a quarter more for twice the distance. You can charge exactly the same amount for twice the distance, but no less than that. That is the limitation." Is not that quite a margin when they will allow a railroad company to charge just as much to ship a certain article half the distance as they charge to ship the same article to another point twice the distance?

Senators may ask what remedy have the railroad companies? If it is an article which by any right at all they should carry, they can put the flat rate straight through. Chicago, for instance, asked to meet the competition of New York City and Pennsylvania and Pittsburgh in the matter of dry goods. How? By having a rate so low that it would pay to ship dry goods from Chicago by rail instead of from New York City around by water. Does it pay? If it pays why do they not give the same rate to Omaha or Denver or Reno or any place that is only half the distance? It certainly does not cost as much to go half the distance as it does to go the whole distance. They have what they call flat rates across the country. I mean by "flat rate" the same rate for the short distance as for the long distance.

Mr. Eastman said in this matter that it is not a local fight. I am not interested in the petty fight as to whether this coal mine is getting the best of that coal mine, or whether Virginia is getting the best of West Virginia or West Virginia is getting the best of Pennsylvania, or vice versa. Whenever they win it is a fine commission, and whenever they lose it is a damnable body. But why can we not look at the transportation problem as a national problem? Why can we not get away from these little selfish petty interests in the problem? Is there anyone here who has so little vision that he can not realize that water transportation for those articles that can be shipped by water is one-half or one-third cheaper than any other means of transportation?

Do not Senators know that wherever articles require quick transportation the boats can not carry them at all. Do they not understand that for every mile that we have water upon which we can travel there are 100 miles that must be traveled by rail to distribute the traffic? What we are trying to do is to fix a policy, a principle, not to interfere with the Interstate Commerce Commission. The Interstate Commerce Commission was constituted for the purpose of rate making and regulating the railroads. It was not appointed for the purpose of deciding whether West Virginia, or Virginia, or Pennsylvania should have the Boston market. It was not constituted for the purpose of saying whether Chicago should have the steel market on the Pacific coast or Pittsburgh should have the steel market on the Pacific coast. The commissioners have assumed that authority. They never had it given to them by law. There is not a word in the act that ever gave it to them. There is nothing in the act to that effect except that in special cases they may grant a less rate for the longer haul than for the shorter. What was meant by that? Does anyone think that the Congress had water transportation in mind at that time? No; they meant that there might be a circuitous rail route here and there might be a direct route there, and that it might be a good idea to have railroad competition at the particular point involved. The railroads have their own territory. We have left that clear, but when we look back into the history of the situation, when we see the actual result, when we see the rivers denuded of their boats, when we see the hundreds and hundreds of millions of dollars that we have spent in dredging channels and removing sand bars and straightening out banks of rivers to coax boats to come to the waters, and when they do not come then we ought to ask ourselves why it is?

There is some reason for it. We know why it is. We have been told why it is. We appointed General Ashburn to take charge of the Government barges for the purpose of ascertaining whether or not we could run boats on our rivers. He told us before the committee of the fight he had had against the railroads in every move he made. They fought him every inch of the way.

There is a joint rate from Birmingham to New Orleans. Twenty-six miles of that route is a rail haul down to the barge line; and the rest of it, some three or four hundred miles, is by water. The rail line gets nearly twice as much out of the haul as the barge line does. Why can they not cooperate together? Let General Ashburn tell why we have not any boats on the river. Let him tell why we never will have any regular boat traffic on the river. I will read it:

> I am convinced that no agency other than the Government of the United States would have withstood such vicious assaults made upon our demonstration, such misrepresentations of facts, such combined attacks to belittle the demonstration, and to prevent the success, as the Government has, in the reestablishment of the great common carrier operated on the Mississippi-Warrior River by the Inland Waterways Corporation.
>
> Private capital will undoubtedly invest in private and contract carriers and do all it can to justify the creation of navigable streams, but to fully distribute the benefits of such cheap transportaiton requires a demonstration by the present fully empowered governmental corporation of the economic possibility of such common carriage until such time as the conditions precedent to success are established and private capital will invest in an operation no longer a hazardous venture. The sine qua non of successful common carriage is cooperation with the railroads. So long as it remains in the power of the railroads to destroy water transportation, not governmentally operated, so long will private capital refuse to contract on such a venture.

That is the situation. Now let me tell about some of the things to which we particularly object in the Middle West. We want the Panama Canal to exist because it furnishes a cheap means of transportation. We ship our products to the Pacific coast, and they are put on the boats and brought east through the Panama Canal at rates cheaper than we could ship them from Nevada across the country by rail. If we close down the Panama Canal we would lose. Possibly we do not lose so much as some of the selfish gentlemen do on the Atlantic coast who want both water and rail for nothing. Nevertheless we lose.

There is another thing we may have the right to object to, and I think that any person has the right to object to it. We are guaranteeing to the railroads of the country, through the Interstate Commerce Commission, rates that will earn them a certain return on their investment. Does anyone think we should take part in building the Panama Canal and then take part in destroying the canal and allow the railroads to utilize rates to the destructive point, rates in which there is no profit to the railroads, when we have to make up the profit at the interior point? How can it be helped?

Let us consider the seven railroads that made the application which we have been discussing. Those seven railroads were entitled to a certain gross earning to enable them to earn what they are legally entitled to earn. When they put their rates down 25 or 30 per cent on articles to the coast points they lose revenue. They have to make up that revenue by higher rates at some other point. Those seven railroads, at exactly the same time they were asking to reduce the rate 25 or 30 per cent to San Francisco, Los Angeles, and other coast points, were asking the Interstate Commerce Commission to increase the rates to interior points by 5 per cent. That is illustrative of the lack of justice in the whole situation.

I have noticed statements in the press that the President of the United States is back of a great movement in the interest of the water routes of the country. An effort is going to be made to develop them. All of the great waterways should be developed. There is no man but knows we can not get private capital to put boats on the rivers any more than we can get them to put boats on the Mississippi River to-day, no matter how much money they put in or how they build them. As long as we held over the heads of private capital the threat that any day there may be applied a competitive rate at competitive points that will take half the boats off the water, private capital will not undertake to invest in boats.

The application here discussed has been read into the RECORD. The State of Nebraska pays on dry goods that move from Chicago $1.58, while San Francisco pays on the same articles $1.10. That is the situation. That is the way it moves. I suppose the Senators from Nebraska would like to support that kind of discrimination and that kind of a theory.

When we built the Panama Canal and had in mind making it one of the great commercial arteries of our country, we were so jealous in our desire to protect it against destruction that we placed in the Panama Canal act itself a direct and positive provision that no railroad company should own or control any boat line moving through that canal; and yet, to-day they can take half and probably all of the traffic going through that canal without going to the expense of building a boat. How? By getting the Interstate Commerce Commission to give them a terminal rate at Los Angeles and San Francisco at what they call "out-of-pocket cost" and then letting them hold up the rates to the intermediate points so as to keep up their earnings. They can circumvent the very intention of the builders of the Panama Canal by a simple little petition to the Interstate Commerce Commission. Does it not appear inconsistent when we are trying to defend the Panama Canal and make it an independent highway for boats, that now we would construe the language "in special cases" in section 4 to mean that the commission shall have power to give half of the Panama Canal traffic to the railroads? That is what it means. It means that and nothing else on earth.

My personal interest in this proposition as a resident of Nevada is only suffering in one direction. We are taxed to help pay to build the Panama Canal and then again we are taxed to maintain the discriminatory rates for the purpose of destroying the Panama Canal. That is our position.

But I would have even another feeling in the matter if I lived on one of these great rivers of the country. If I lived in the city of Memphis, where lives my friend, the Senator from Tennessee [Mr. MCKELLAR], whom I see sitting now before me, on the greatest river in the world, a river that can take all of the traffic of the country between the great mountains and carry it down on to the broad ocean and carry it to every port of the world—if I lived there I would look for the time to come when there would be great docks all along the water front of the city of Memphis. I would look for the time to come that from all over the country, distant hundreds and hundreds of miles, there would come roads dumping their products into the great ships at those docks. I would look for the time to come when, instead of having skiffs land on the mud flats in front of Memphis, as to-day, we should have running down the Mississippi the old-time fleets, and far bigger ones, even, than were in existence then.

Mr. McKELLAR. Mr. President, if the Senator from Nevada will yield, I will say that since the establishment of the barge line we have on the Mississippi River at Memphis probably the most approved and up-to-date docks in the world of the kind, and I am rather inclined to think that the amount of freight being hauled down that stream now to and from Memphis and by Memphis is larger than it ever was before in its history.

Mr. PITTMAN. I am glad the Senator has made that statement. We discussed that a little while ago while he was out of the Chamber. It is perfectly feasible and the demonstration has proved its success.

Mr. McKELLAR. It has.

Mr. PITTMAN. I was told that the barges there can carry down the river 116 carloads at once. But what else is there along that line? We put in charge there one of the ablest river men that we could employ, a great engineer, a great executive, to give this a tryout, and he has tried it out since 1920. His report, which is here, is that the barge line is a success, but he states that no individual could have made a success of it in the face of the competition of the railroads. It is his opinion also, sir, that no individual will ever invest money in those boats or in any other boats for general traffic on the Mississippi River so long as the power is left in the Interstate Commerce Commission to allow a competitive rate at "out-of-pocket cost" to competitive points.

There is now quite a leeway. For instance, if they want to charge a rate of a dollar a hundred from Chicago to New Orleans they can do it. The only restriction is that they can not charge any more than a dollar from Chicago to Memphis. Is not that quite a leeway? If a dollar from Chicago to Memphis is a reasonable rate, then a dollar to New Orleans is much lower than a reasonable rate. Do Senators think that the limitation should be that the railroads should not charge any more for half the distance than for the whole way?

Mr. McKELLAR. Of course, as the Senator from Nevada knows, the 20 per cent differential in favor of the water transportation is fixed by law. There is an absolute guaranty there really of the success of the barge line; so long as that law is in effect the barge line is sure to make money and prosper.

Mr. PITTMAN. What does the Senator mean by 20 per cent differential?

Mr. McKELLAR. The law provides that the rates charged shall be 20 per cent lower than the rail rate.

Mr. PITTMAN. That is true enough; but even a rate 20 per cent lower than the rail rate does not necessarily protect the boats, because if the railroads can secure from the Interstate Commerce Commission permission to reduce their rates, the boats may have to reduce their rates 20 per cent below cost. Then they will go out of business. That is the trouble about the situation. I am not inveighing against what is happening now, I will say to the Senator from Tennessee, but against the unsound principle which we allow to exist when we say that the railroads may charge less for the longer distance than for the shorter distance, with the result of eliminating water transportation. Just think of the absurdity of the proposition! This whole country to-day is striving to secure a great inland water system, because it is the cheapest form of transportation in the world and our country is blessed with it beyond all countries on earth. At this very time transportation difficulties are doing more to bring poverty to the farmers of this country than anything on earth; the farmers of the country are calling to Congress to relieve them from the burdens that are bearing down on them; but we shut our ears and we shut our eyes to the very best opportunity we have. We go before the Interstate Commerce Commission and ask them to reduce the cost of transportation on farm products, but we are told the railroads can not make the revenue guaranteed to them if the rates shall be reduced any lower. I know that there is a great ship canal on the Mississippi River running on down and from the Ohio River and other rivers and that by that route export products could be shipped for about one-third what is being paid to the railroads to-day.

There is not any question about that. We talk about doing it. We say, "Oh, yes; we are going to build great inland waterways." We have been talking about that for a long time. We wonder why there are no boats on the rivers. We know why boats are not there; we know that the same power that drove them off in 1887 and kept them off is here now, and that no intelligent man would undertake the business as long as that threat hangs over him. Yet we say to ourselves, "Oh, no; we can not interfere with the discretion reposed in the Interstate Commerce Commission; we have got to lodge discretion somewhere." All of us get busy with excuses at certain times. The truth about the proposition is that the only discretion that it ever was intended to give to the Interstate Commerce Commission was the discretion to regulate railroad rates. It was never contemplated that the commission should have the power to take into consideration market conditions and discriminations; or should have the power to say that one coal mine shall ship its product to this market and another coal mine to another market; that the iron mines shall ship to some other market; that one city shall be great and that another city shall not be great; or that we will move the Atlantic coast out to Chicago and we will move Chicago down to the Gulf. That power of discrimination should be taken away from the Interstate Commerce Commission. It is not a sound discretion to lodge in anyone.

All that we have asked in the matter is to recognize the inevitable law that water transportation for a heavy bulky product that can move by water is the cheapest transportation on earth, and that is the only kind of traffic that will be carried by water. All other kinds of commodities will move by rail. Let us build up the water transportation and let us build up also rail transportation and let the two be coordinated; but we say that the fourth section of the interstate commerce act, adopted in 1887 and readopted in 1910 and readopted again in 1920, should provide that the only latitude the Interstate Commerce Commission shall have will be to say to the railroads that they shall charge the same rate for the long haul as for the short haul, but no more.

That is latitude enough, and that was the intention of the act. When the clause "except in special cases" was put in, Congress never had in mind that it would work for the destruction of water transportation.

But the railroads say, "We do not want to destroy water transportation; we only want half of it." Mr. President, what God-given right have the railroads to an artificial rate that makes them no profit, but is designed for the purpose of destroying half of the Panama Canal traffic? When we passed the Panama Canal act why did we not instead of putting in that act that the railroads should not operate boats through the canal provide that they should not operate over a half of them? If we intended that they should have half of the traffic which would otherwise go through the Panama Canal those are the words we should have used. However, the railroads are accomplishing exactly the same thing at the present time as they were accomplishing then. There is no question about that at all.

The Senators have got to face the proposition as to whether or not they are going to encourage water transportation in this country. If they are not going to do it, do not tell the people of this country that they are getting ready to do it; do not tell the people of this country that they are going to spend hundreds of millions of the Government's money to give them ship canals, because Senators know that even if such ship canals shall be provided, not a boat will be run on them. They realize that. I think it is a crime, I think it is an outrage to tax the people hundreds of millions of dollars to build waterways when at the same time it is provided that the railroads may have all the traffic. If that is going to be the policy, if it is simply going to be a question of spending so much of the people's money by pork-barrel methods on different harbors and rivers in this country, then, to say the least, I think it is not a very high purpose to accomplish.

There has not been anyone here who could deny the proposition that it was the intention of the railroads to take half of the traffic through the Panama Canal. There is not one here to deny that there was an effort on the part of the Interstate Commerce Commission to give them half of the traffic through the Panama Canal, and the only reason they did not get it was because they had involved in their application market conditions rather than competitive conditions. Seven of the commissioners against three rendered a decision denying the application. One commissioner was sick or the vote would have been seven to four. Although seven of them denied the application, which was for the benefit of Chicago——

Mr. GOODING. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Nevada yield to the Senator from Idaho?

Mr. PITTMAN. I will conclude in a moment. Although seven of them rendered that decision, if the rate were raised 15 cents to-morrow it might still have its destructive force and yet be granted; there is no question about that; or the commission might change its mind or the members of the commission might change. It is a constant threat, and until that discretion is denied the Interstate Commerce Commission we can not, as General Ashburn says, expect to have private carriers on the rivers of this country.

Mr. GOODING. I call the Senator's attention also to the fact that it was the last two members appointed on the com-

mission that changed the commission's opinion; that is, as it stands now, as far as the violations are concerned. Had the case been decided a year ago, there is good reason to believe that it would have been decided in favor of the violations; so it is the uncertainties that always kill.

Mr. PHIPPS. Mr. President, I do not propose to discuss the pending long and short haul bill at great length to-day; but I do desire to make a concise statement, and in order to preserve its continuity I prefer not to be interrupted during that statement. I shall be glad to answer any questions that I can after the conclusion of my remarks.

Being sincerely anxious to secure needed assistance for Colorado, and other Western States in the matter of freight rates, I have given the pending bill serious thought and study. If it were in the interest of western shippers or the consuming public, and would have a beneficial effect upon agricultural or industrial conditions, I would be among the first to support the plan. My conclusion, however, is that this measure does not afford any substantial relief at all, but may actually prove harmful to western interests.

The first proposition—that the Gooding bill gives no additional aid to western farmers or business men—is proved by the fact that, if enacted, it will not change transcontinental freight rates or those to Colorado and similar points. Briefly, this bill provides that the railroads may not make lower rates for a long haul to meet water competition than for a shorter intermediate haul, except for export trade. With the exception of certain coastwise traffic, it is my understanding that this theory, which is contended for so strenuously, is now in effect. At present there are no railroad rates from the Atlantic coast to Denver, for example, that are higher than those to the Pacific coast. What, then, does this bill do for Colorado and other States similarly situated? It simply preserves conditions as they are, and makes it impossible for the Interstate Commerce Commission to consider requests which would permit, in certain specific cases, the carrying of transcontinental freight at lower rates than shipments to intermediate territory. How, then, can it possibly aid conditions in the West?

Instead of enacting this proposed legislation, such requests now before the Interstate Commerce Commission should be seriously considered in the interest of Rocky Mountain and midwestern citizens themselves. In order to meet Panama Canal competition, the railroads are willing to reduce rates to the coast, provided they are not required to reduce existing rates to intermediate points, which they can not afford to do at the same time. The only reason they can make the desired rates to Pacific coast points is because they are getting very few of such shipments at present; and it is better business to carry freight at lower charges than to move empties, which must go West in any event in order to transport shipments from California and other States. Such permission, if granted by the Interstate Commerce Commission, will permit the railroads to take away from vessels going through the Panama Canal part of their freight, and carry it by rail instead; that is all.

Colorado will be benefited directly by such fourth-section relief in the case of products which it ships to the coast, manufactured and otherwise. A case in point is that of the Colorado Fuel & Iron Co., which formerly had an active market in California, Oregon, and Washington, but which has lost practically all of such business to eastern competitors, such as the United States Steel Corporation, which can now ship by way of the Panama Canal. If anyone doubts this statement, let him study the hearings held before the Interstate Commerce Committee of the Senate last January, and let him read the illuminating testimony of a responsible Denver attorney, Mr. Fred Farrar, who is the general counsel for the Colorado Fuel & Iron Co., a stalwart institution of which the entire West is justly proud. Mr. Farrar testified that his company—

> as a manufacturing institution is being crushed by this competition through the canal.

Again he said:

> The very life of the company—I think I can say without speaking extravagantly—is at stake because of the situation.

Of course, as long as the Interstate Commerce Commission permits rates to remain as they are, eastern manufacturers will have a monopoly of the Pacific coast markets, and it is futile to attempt to build up industries in the interior or to construct factories in Denver in order to sell products in Pacific coast or eastern markets. On the other hand, if lower rates by rail are put into effect for the long westbound hauls across the continent, the intermountain district would reap, as heretofore, the benefit of a proportionate reduction in freight rates.

Colorado and Mid-Western States will benefit indirectly by the defeat of this bill, for increased railroad business as a substitute for the thousands of empties now moving westward will mean larger returns for the railroads, and will very shortly lead to lower rates all along the line. Conversely, the passage of the present bill, by preventing fourth-section relief in all cases excepting on export business, will tend to reduce railroad revenues; and, as expressed by Commissioner Esch, who appeared for all but two of the members of the Interstate Commerce Commission—

> if these revenues in turn become insufficient to meet the cost of operation, upkeep, and maintenance, return on investment, taxes, and other necessary expenses, increased rates on other traffic, which must largely be borne by the intermediate points or impairment of service, or both, are eventualities which sooner or later must be considered.

Interior States, such as Colorado, will also benefit indirectly by the defeat of this bill, because the program now advocated by the commission, which it is admitted will mean much larger transcontinental shipments by rail—it can have no other purpose or effect—will aid local business, local pay rolls, and local purchases; whereas freight moving through the Panama Canal means nothing to such States.

Mr. President, all that western producers ask is a square deal. All that they ask is a chance to compete in those markets which by geographical location are rightfully theirs. We are willing to put Colorado products to the rigid test of comparison with any others grown or manufactured in the United States or foreign countries; and we are willing to meet such prices, too, provided we do not have the overwhelming handicap of higher freight rates.

On principle there is nothing unfair in the proposal that for the benefit of the Middle West and of the entire country the railroads be permitted to meet water competition. There is no danger that water transportation will be put out of business, because of the economic reason that rail transportation usually costs much more than water. Furthermore, inland waterways are adequately protected by our present laws, and the same is true of coastwise trade; for the Interstate Commerce Commission is required to foster and preserve in full vigor both rail and water transportation.

There is no danger, in event of the failure of this bill to pass, that the roads will straightway indulge in an orgy of transcontinental rate reductions, because, as matters stand at present and as I hope they will remain, the Interstate Commerce Commission must be consulted on each rate application, and the desired permission can not be granted unless such lower rates are reasonably compensatory for the service performed.

I wish to quote from a decision of the commission which sets forth clearly the principles by which it is governed in granting fourth-section relief in so far as the measure of the rates for the longer haul is concerned. The decision reads as follows:

> In the light of these and similar considerations we are of opinion and find that in the administration of the fourth section the words "reasonably compensatory" imply that a rate properly so described must (1) cover and more than cover the extra or additional expenses incurred in handling the traffic to which it applies; (2) be no lower than necessary to meet existing competition; (3) not be so low as to threaten the extinction of legitimate competition by water carriers; and (4) not impose an undue burden on other traffic or jeopardize the appropriate return on the value of carrier property generally, as contemplated in section 15a of the act.

In my opinion fourth-section relief should appeal to us on patriotic grounds, because of the rapid growth of foreign competition. If this power is taken from the commission, its hands will be tied, and other countries, simply because of advantageous shipping conditions on the seaboard, will have an unfair advantage over domestic producers and manufacturers who are far inland and must find their markets on either coast.

Again, Mr. President, this bill if passed would only be a successful attempt to take from the Interstate Commerce Commission its discretionary power and to substitute for that highly technical and scientific function rate making by act of Congress. Without holding any brief for the commission, I firmly believe that the creation of such a body was a very wise step; that its work has been fundamentally sound; and that the theory of gathering all facts and hearing all sides so as to lay an economic foundation for rate making is the one on which we should proceed.

I am convinced that we attack the problem from the wrong angle when we attempt to solve it by stripping the commission of part of its power. A more logical remedy, it seems to me, would be to proceed in the other direction and to give that bureau more authority by permitting it, for example, under proper restrictions, to regulate traffic going through the Pan-

ama Canal, so that no injustice may be done to shippers in the interior of the United States. I hold that where the railroads can be given additional business without increase in rates, as in the case of the requested relief from the long-and-short-haul clause, such action should be taken; that this will partially remedy existing conditions; and that a still larger measure of relief will be afforded when still more business is routed over the railroads through proper control of competitive rates through the Panama Canal. In the end that will be the solution, for it strikes at the very heart of the existing basis for complaint and furnishes an adequate remedy. We should lay our plans accordingly, reposing confidence in the Interstate Commerce Commission, which we have created, and giving it sufficient authority to make certain that equitable freight rates shall exist throughout the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a list of Colorado organizations that have filed protests against this bill, and a telegram on the subject signed by officers of 18 commercial and manufacturing concerns.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Without objection, that order will be made.

The matter referred to is as follows:

The following is a list of Colorado organizations that have filed protests against the Gooding long and short haul bill:

Denver Chamber of Commerce, Denver; Northern Colorado Traffic Association, Fort Collins, Greeley, Loveland, Longmont, Windsor, Eaton, Brighton, and Ault; Fort Collins Chamber of Commerce, Fort Collins; Salida Scenic Line Service Club; Traffic Club of Denver, Denver; Rocky Mountain Coal Mining Institute, Denver; Benevolent Protective Order of Elks, No. 808, Salida; Trinidad-Las Animas County Chamber of Commerce, Trinidad; Employees Representatives, Colorado Fuel & Iron Co., Pueblo, Colo.; Denver Commercial Traffic Club, Denver; Florence Chamber of Commerce, Florence; Minnequa Works Foremen's Club, Pueblo; Grand Junction Scenic Line Service Club, Grand Junction; Trinidad Scenic Line Service Club, Trinidad.

The following is a list of Colorado organizations who recommend the passage of the bill:

Allied Council of Improvement Assoications, Denver; West Thirty-second Avenue Improvement Association, Denver; Trades and Labor Assembly, Denver; Colorado Potato Growers Exchange, Denver; Montrose County Chamber of Commerce, Montrose; Federated Trades Council, Colorado Springs; Western Colorado Chamber of Commerce, Delta; Del Norte Potato Growers Association, Del Norte.

MARCH 9, 1926.

Hons. LAWRENCE C. PHIPPS and RICE W. MEANS,
United States Senate, Washington, D. C.:

We understand Senate bill 575, by Mr. GOODING, of Idaho, will come up for vote very soon. Passage of this proposed legislation can not possibly benefit Colorado, but may work serious injury to Colorado commercial and manufacturing interests. Fourth section interstate commerce act should remain in its present flexible condition, and departures should be permitted as occasion requires. Chambers of Commerce of Denver, Colorado Springs, Pueblo, Florence, Walsenburg, Fort Collins, and Trinidad, the Denver Commercial Traffic Club, Traffic Club of Denver, Northern Colorado Traffic Association, and many others have indicated their opposition to this legislation. We most earnestly urge that you oppose to the utmost the passage of this bill.

Hallack & Howard Lumber Co., by B. Coldren, president; United States Portland Cement Co., by J. E. Zahn, secretary; Carter, Rice & Carpenter Paper Co., by J. H. Custance, treasurer; R. Hardesty Manufacturing Co., by J. W. Day, traffic manager; Colorado Fuel & Iron Co., by J. F. Welborn, president; W. A. Hover & Co., by W. A. Hover, president; Denver Dry Goods Co., by H. L. MacWhirter, president; Tritch Hardware Co., by O. E. Bare, vice president; McPhee & McGinnity Co., by J. Elmer McPhee, secretary; Perkins-Epeneter Pickle Co., by E. E. Perkins, secretary; Bayly-Underhill Manufacturing Co., by W. F. Yetter, secretary; Mid-West Steel & Iron Co., by A. G. Fish, president; Denver Rock Drill Manufacturing Co., by A. H. Skaer, vice president; Stearns-Roger Manufacturing Co., by Thomas E. Stearns, president; W. C. Nevin Candy Co., by L. C. Blunt, president; Eaton Metal Products Co., by J. R. Travis, president; Joslin Dry Goods Co., by E. H. Collins, vice president; A. T. Lewis & Son Dry Goods Co., by C. S. Haughwout, treasurer.

Mr. BRUCE obtained the floor.

Mr. GOODING. If the Senator from Maryland will yield for the purpose, I wish to submit a unanimous-consent request.

Mr. BRUCE. Certainly.

The PRESIDING OFFICER. The Senator from Idaho submits a unanimous-consent request, which the clerk will read.

The reading clerk read as follows:

Ordered, by unanimous consent, that on the calendar day of Wednesday, March 24, 1926, at not later than 3 o'clock p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 575) to amend section 4 of the interstate commerce act, through the regular parliamentary stages to its final disposition; that a recess be taken on Tuesday until 12 o'clock m. Wednesday, and the time between 12 o'clock and 3 o'clock p. m. on said day to be equally divided between the proponents and opponents of the bill, the time of the former to be controlled by Senator PITTMAN and of the latter by Senator FESS.

The PRESIDING OFFICER. Under the provisions of the third paragraph of Rule XII, the Chair directs the clerk to call the roll.

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

Ashurst	Fletcher	McKellar	Sheppard
Bayard	Frazier	McLean	Shortridge
Bingham	Gillett	McNary	Simmons
Blease	Glass	Mayfield	Smoot
Borah	Goff	Means	Stephens
Brookhart	Gooding	Metcalf	Swanson
Broussard	Hale	Moses	Tyson
Bruce	Harreld	Neely	Wadsworth
Butler	Harris	Norris	Walsh
Cameron	Harrison	Nye	Warren
Capper	Heflin	Overman	Watson
Caraway	Johnson	Phipps	Weller
Copeland	Jones, Wash.	Pine	Wheeler
Couzens	Kendrick	Ransdell	Williams
Deneen	Keyes	Reed, Pa.	Willis
Edwards	King	Robinson, Ind.	
Fess	La Follette	Sackett	

Mr. SHORTRIDGE. I was requested to announce that the Senator from Nevada [Mr. PITTMAN] is detained in committee.

Mr. KING. I desire to announce that the Senator from Georgia [Mr. GEORGE] is detained in the Committee on Privileges and Elections.

The VICE PRESIDENT. Sixty-six Senators having answered to their names, a quorum is present. The Senator from Idaho submits a request for unanimous consent. Is it desired to have it again read?

Mr. FLETCHER. May I ask what the request is?

The VICE PRESIDENT. That on the calendar day of Wednesday, March 24, 1926, at not later than 3 o'clock p. m.——

Mr. WATSON. If the Chair will pardon me, I will say to the Senator from Florida that the debate on the long and short haul bill is well-nigh concluded, though there may be some other Senators who want to debate it. The idea is to wait until all absent Senators have returned who want to vote on the bill. It is a request for unanimous consent to fix the time of voting for next Wednesday, a week from to-morrow.

Mr. FLETCHER. On the pending bill?

Mr. WATSON. Yes.

Mr. FLETCHER. I thought the time had already been set.

Mr. WATSON. No; it has not been. The idea is to permit any appropriation bills which may be ready to be brought before us in the meantime, but any Senator who wants to discuss the long and short haul bill may do so.

The VICE PRESIDENT. Is there objection to the unanimous-consent request? The Chair hears none, and the order will be entered.

Mr. BRUCE. Mr. President, I assume that the Members of the Senate are more or less familiar with the provisions of section 4 of the interstate commerce act. That section declares that it shall be unlawful for a railroad carrier to receive a larger compensation for the transportation of passengers or property for a shorter than for a longer distance over the same route or line, the shorter distance being included in the longer. That is the general rule prescribed by section 4. The section further declares, however, that the Interstate Commerce Commission may, in special cases, depart from that rule.

At first blush it would seem to be a highly arbitrary and unjust thing that a railway carrier should receive a larger compensation for a shorter than for a longer distance; but when typical circumstances under which the rule may well be departed from are considered it will be seen that the right of the Interstate Commerce Commission to order such a departure, under special conditions, may produce the most profitable and beneficent results. I am justified in saying that, in the long run, there is more to be gained for the public welfare from an elastic than from a rigid application of the fourth section of the interstate commerce act.

The Interstate Commerce Commission has frequently ordered departures from the general rule of the fourth section, and it is instructive to ask under just what circumstances it has done so, because reference to those circumstances will enable us to form an intelligent and satisfactory conception of how the rule, with its qualification, actually works in practice.

One very common case in which a departure is allowed by the Interstate Commerce Commission to a railway carrier is when a straight railroad line and a circuitous railroad line meet at a common competitive point. Such a case was that of the Illinois Central Railroad, a straight-line railroad, and the Chicago, Rock Island & Pacific, and Charles City & Western Railways Co., both of which operated their roads between Charles City, in the State of Iowa, and Omaha, in the State of Nebraska.

To enable the latter road to compete with the Illinois Central the Interstate Commerce Commission allowed it to charge less at points at which it came into competition with the former road than at intermediate points. The results are altogether beneficial. The two lines compete with each other, and the general public has the right to use the one or the other as best suits its convenience. In other words, instead of having only one agency of transportation the public has two. So much for one typical case in which the Interstate Commerce Commission has allowed a departure. It is, of course, a case of very great interest to the Senators from Nebraska and Iowa.

Another case in which the Interstate Commerce Commission allows a departure is where there is a weak road unable to stand alone without its aid and yet of great value to the region through which it passes, that meets a stronger road at some point of competition. In order to enable such a road to face the competition of a stronger the commission gives it the benefit of a departure. A case of this kind was that of the Tennessee Central, a railroad which passes through a sterile, mountainous country from Emory Gap, in Tennessee, via Nashville, Tenn., to Hopkinsville, Ky. At Nashville it meets the competition of the Louisville & Nashville Railroad, one of the great railroads of the country. To qualify the Tennessee Central to meet this competition the Interstate Commerce Commission allows it to charge lower rates to Nashville than to intermediate points. But for the license thus given, the Tennessee Central would probably not be able to operate at all, and the advantages that it confers upon the territory which it traverses would be wholly lost to that territory.

Again, a departure is sometimes allowed by the Interstate Commerce Commission in order to equalize two important seaports. At one time, for instance, there was a large inflow of green coffee into the United States through the port of New Orleans. Then a tendency on the part of such coffee to drift into the United States through the port of Galveston became manifest.

The distance from Galveston to the points of destination interested in the importation of green coffee was greater than that from New Orleans to the same points. So the Interstate Commerce Commission allowed the railroad lines leading out of Galveston to those points to charge less to them than to intermediate points. Nobody was injured; everybody was benefited. Each of the ports got a part of the profit of the importations. The coffee shipped from Galveston competed with the coffee shipped from New Orleans, and by virtue of the lower prices produced by the competition the consumer was just that much better off.

Again, a departure is sometimes allowed by the Interstate Commerce Commission for the purpose of setting up market competition. An illustration of that kind of departure is found in an order of the Interstate Commerce Commission allowing a departure in the transportation from the West of beet sugar which comes into competition with imports of Cuban sugar through the port of New Orleans. The results are an opportunity on the part of our own domestic sugar producers to compete on terms of equality with the producers of Cuban sugar, and cheaper sugar to the consumer.

Another case in which a departure is allowed by the Interstate Commerce Commission is where a particular agency of transportation is in an extraordinary state of congestion. Some years ago railroad traffic between the South and New England was so excessive that the cotton mills of New England could not obtain an adequate supply of raw cotton. So the Interstate Commerce Commission allowed the railroads leading down to the South Atlantic seaboard to charge a lower rate on cotton to the ports on that seaboard than to intermediate points, so that the pressing wants of New England might be supplied.

Again a departure is sometimes allowed by the Interstate Commerce Commission when conditions of famine or scarcity resulting from drought call for a departure. Some years ago, when such a drought was prevailing in the State of New Mexico, the Interstate Commerce Commission allowed cattle feed to be taken into that State at lower rates to points of destination in that State than to intermediate points, and also allowed cattle to be shipped out of that State in accordance with the same principle of departure. The case was one to which the term that is so often used in connection with such departures—that is to say, the term "relief"—was peculiarly applicable.

Again a departure is sometimes allowed by the Interstate Commerce Commission when a joint railroad line finds itself in competition with a single railroad line, because a joint railroad line is hampered by the cost of transshipment, and to that extent can not compete on equal terms with a single-rate line. The expediency of allowing a departure under those circumstances is too manifest, I am sure, to require observation.

When the Gooding bill, as the pending bill is known, was introduced into the Senate during the Sixty-eighth Congress, it proposed to place absolutely under the ban of condemnation all such departures as I have enumerated, except departures that might arise in the case of competition between a straight railroad line and a circuitous railroad line.

Mr. GOODING. Mr. President, I am sure the Senator from Maryland wants to be correct in regard to that. What he states is true of the bill as originally introduced, but the bill as amended permitted violations so far as circuitous lines were concerned. I am sure the Senator desires to be correct in that particular.

Mr. BRUCE. Of course; but I do not regard that as very material.

Mr. GOODING. As originally introduced the Senator is correct, but the bill was amended.

Mr. BRUCE. I am speaking of the bill as it was considered by the Senate in its amended form after its original introduction.

That bill, however, did also allow a departure where relief was to be given to a famine-stricken section. Every one of the kinds of departures that I have specified are permitted by the Gooding bill of the present session; that is to say, the present Gooding bill ignores all those rail departures exactly as if they had never been of any concern to the author of that bill.

The pending bill simply provides that no departure from the rigor of the fourth section of the interstate commerce act shall be allowed for the purpose of meeting water competition. If departures are such unjust, unreasonable, and oppressive things, why should that not be true of all other rail departures as well as of rail departures prompted by water competition? In other words, the structure of the original Gooding bill has been profoundly modified, indeed, except as respects the sole matter of water transportation, has been abandoned, despite the contention which has been made in and out of season for years by the intermountain territory that departures, other than those permitted in connection with water competition, were just as indefensible as the latter. My hope now is that the next time that this bill is brought forward, should it be defeated at this session of Congress, it will be brought forward on a scale so reduced as to approximate the vanishing point.

Other departures should LOT be measured by one rule and departures inspired by water competition by another rule. There is no reason, there is no justice, there is no logic, there is no consistency in that. Under the circumstances I think that I am entirely warranted in saying that if the author of the pending bill has not abandoned the ground that he has merely because he deemed it untenable, it must have been for the sake of some sort of strategic retreat.

As was suggested by the Senator from Ohio [Mr. FESS] the fatal infirmity in the pending bill is that it violates one of the fundamental principles of the transportation act of 1920—a provision as truly organic as any contained in that act.

Section 500 of the transportation act says that it must be so administered as to foster and preserve in full vigor both water and rail transportation—not simply water transportation, not simply rail transportation, but each agency as fully as the other. The Senator from Idaho [Mr. GOODING] and the Senator from Nevada [Mr. PITTMAN] talk about water and rail transportation exactly as if they were two entirely disconnected—indeed, even mutually repugnant—things. On the contrary, they are as closely related to each other as the right leg and the left leg of the human body are as respects the process of locomotion. "Male and female created He them," and not more closely associated in intimacy are man and woman than water and rail transportation.

Of what avail is your barge line on the Mississippi River, of what value is your Panama Canal intercoastal fleet if, when they have unloaded their cargoes, there are no railroads to receive them and to bear them away and to distribute them over the face of our vast continent? And of how limited significance would those agencies be if there were no great railway lines to bring cargoes to them, whether along our inland waterways or our Atlantic seaboard or our Pacific seaboard?

Rail transportation is the indispensable supplement of water transportation, as water transportation is the indispensable supplement of railroad transportation. They are as closely related as cylinder and piston or the two blades of a pair of scissors, or, to change my figure, as the Siamese twins. If you inflict a wound on one, you inflict a wound on the other. The prosperity of both can be secured only by preserving with the proper degree of discretion the nexus between them. That is what the framers of the transportation act realized when they conceived and drafted that act, and that is what the Interstate Commerce Commission forever bears in mind when it comes to deal with competition between railway lines and water lines.

If water lines have usually slid back when brought into competition with railway lines, that is not the fault of the transportation act or of the Interstate Commerce Commission. As respects cheapness, water transportation unquestionably enjoys a very great advantage over rail transportation. The transcontinental railroads of this country will always experience difficulty in competing with the intercoastal lines that ply through the Panama Canal. Maritime agencies of transportation are free from many elements of cost from which railway agencies of transportation are not exempt. Maritime lines of transportation involve no cost in the beginning but the initial cost of constructing the vehicles of commerce themselves. Their roadbeds are not made with pick or shovel; they are made by the generous rains that descend from the heavens and swell the volume of our rivers and find their way to the sea. Nor have they any ties or steel rails to lay. But so far water transportation upon our inland waterways has been unable successfully to compete with our railway lines because of their intrinsic inferiority in some respects as means of transportation.

The American people are so constituted that they will always willingly pay more for a superior service than for an inferior service, whether the service is a transportation service or an agricultural service or any other kind of service. There is a celerity, a certainty, an efficiency about railway transportation that does not mark inland water transportation. Consequently the American people, other things being equal, are ready to pay somewhat more—the differential is as much as 7 per cent—for railway transportation than for water transportation.

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

Mr. BRUCE. Yes; certainly.

Mr. GOODING. I quite agree with the Senator in what he said about the superiority of railroad service. It is more desirable in every way. I want to ask the Senator, with all the advantages possessed by the railroads, about which there is no question, why should they be given violations of the fourth section, then, to meet water transportation? I will agree with the Senator that the people want to use railroads, and do use them wherever they can. Then why would the Senator permit the railroads to indulge in violations of the fourth section to destroy water transportation?

Mr. BRUCE. I will come to that in a moment.

Railroad trains do not have to be piloted over river shoals or river obstructions of any kind. They do not have any upstream journey to retard their progress.

Aside from that, as we all know, so highly organized and systematized have railroads in this country become, with such consummate sagacity and foresight are they managed, that their movements can, by no very bold figure of speech, be compared with the rhythmical movements of the planetary bodies in the skies. The most efficient mechanical instrument that was ever devised by the wit of man is the American railroad. It pays higher prices for everything that it buys than any other railroad in the world; it pays higher wages to its employees than any other railroad in the world; and yet it contrives to carry passengers and freight at the lowest rates in the world.

The American railroad is the very archetype—certainly when let alone by predatory financiers—of economy, of efficiency, of administrative wisdom. The difficulty that inland water lines experience in competing with it is due to the same sort of superiority on the part of our railroad system that we find in the Standard Oil Co. in relation to its rivals. The Standard Oil Co. does not receive any tariff favors of any kind or any general legislative privileges of any sort; and yet, because of the economies that it practices and the extraordinary ability with which its operations are conducted, independent concern after independent concern has found it impossible to compete with it.

As I look at it, every time that the Government attempts to put inland water transportation in this country on a footing of parity with railroad transportation it is simply engaging in the vain business of growing orchids. Was it not only yesterday that all of us read in the press that last year the receipts of the Erie Canal in the State of New York were but a song in comparison with the enormous indebtedness of $13,000,000 incurred by it? It looks as if that great work of internal improvement, upon which so much constructive genius was lavished and such vast sums of money expended, will have to go to the scrap heap unless it can be turned to some new use.

Mr. GOODING. Mr. President, will the Senator yield again?

Mr. BRUCE. Certainly.

Mr. GOODING. If the Senator is familiar with the railroad rates that are competing with the New York State Barge Canal, he will find that they are so very low that that is the reason. There are no violations of the fourth section there, but that is the reason why the great State of New York is now asking the Government to take over those canals for operation.

Mr. BRUCE. It is always something. Whenever an inland-water enterprise is under way there is always some excuse or other given for its total want of success.

Mr. GOODING. Oh, well, I am sure the Senator knows how easy it is to put a river out of commission where a railroad parallels it or comes to it at any place with a low freight rate. I will say to the Senator that he is no more anxious to see the railroads in America prosperous than I am. At the same time I say to the Senator that unless water transportation can be permitted to develop this country will very quickly reach a crisis for the lack of transportation. There has been an increase of 440 per cent in freight in this country in the last 30 years, and there has been an increase of only 106 per cent in railroad mileage, so it seems to me that we ought to permit water transportation to develop and not destroy it. That is all I am contending for.

Mr. BRUCE. I want water transportation to develop; but I want it to develop hand in hand with rail transportation, under the supervising authority of the Interstate Commerce Commission.

Nor do I pay any serious attention to all those boastful utterances of General Ashburn in his testimony before the Interstate Commerce Committee with respect to the success of the Federal barge line on the Mississippi River. In point of fact, he admitted himself that the most that he could claim was that at the end of the year it had broken even, and this notwithstanding the fact that the power and the purse of the Federal Government has been behind it since it was established and every artificial prop that could possibly be applied to it for the purpose of supporting its uncertain fortunes has been applied to it.

The very fact that the Government had to originate such a barge line and to take over its operation is a confession of the inherent weakness of inland water transportation as a rival of rail transportation. As for the other river waterways of the country, they really, so far as common carriers are concerned, subserve public purposes of such a limited character that it is hardly worth while for me to linger over them.

Properly adjusted to railroad adminstration and supervised by the Interstate Commerce Commission, all water transportation, whether inland or intercoastal, could perhaps be made to contribute effectively to the welfare of the American people; but the idea that transportation on our inland waterways has languished or been extinguished simply because of grossly greedy and unconscionable practices of the railway carriers is too flimsy to stand serious examination. Something more than an enactment forbidding rail departures on account of such transportation, assuming dishonesty or error on the part of the Interstate Commerce Commission in granting such departures would be necessary to put inland water transportation on a footing of parity with rail transportation.

As I see it, the quarrel of the Senator from Idaho and the Senator from Nevada is not with the transportation act or the Interstate Commerce Commission; it is with God and nature. They are indignant because Providence chose to give, not the Pacific Ocean but Salt Lake to Utah; not the Pacific Ocean but Snake River to Idaho; and to Reno not "wandering fields of foam" but surrounding fields of sagebrush.

San Francisco is a great city because it sits enthroned upon the strand of the seven seas, with its Golden Gate swung in such a way upon its hinges as to let out the productions of a vast continent, and to let in the commerce of the entire world.

It is a great city for the same reason that Boston is a great city, that New York is a great city, that Philadelphia is a great city, that Baltimore is a great city. In the Pacific it has such a bride as medieval Venice in the height of her commercial prestige had in the Adriatic. It is perhaps but natural that the Senators that I have mentioned should chafe a little because their inland cities do not make the same rapid industrial

progress as San Francisco and Seattle do, but there is nothing, in my opinion, that can be done for them, so far as the alleged grievances which they are now agitating go.

The intermountain country, as compared with the Pacific seaboard, is geographically and physically of such a nature that it can never reasonably hope to have such cities as those which stud our Atlantic and Pacific seaboards or the shores of our Great Lakes or those situated along great rivers that are but mouths of the sea. The most that they can expect is to be considerable inland cities, not great metropolises, mighty emporiums of trade and commerce.

So far from complaining because the Interstate Commerce Commission has the power under the fourth section of the interstate commerce act to fix lower rates to the Pacific coast than to intermediate points, the people of the Intermountain States should realize that circumstances are readily imaginable under which, if our transcontinental railway lines were not allowed such departures, they might be compelled to ask the commission for higher rates at intermediate points.

As time goes on competition between our intercoastal steamship service and our transcontinental railway service might become so acute on the Pacific coast that our transcontinental railway lines might have no choice except to go out of business or to raise their rates at such intermediate points. Our intercoastal commerce through the Panama Canal is steadily increasing, is a very different thing from the handicapped commerce on our inland waterways, and might in time become a menacing rival, indeed, to our transcontinental railway transportation. As I said, the pending bill, if enacted, might prejudice the general welfare of the people of the United States in the highest degree without conferring any real good upon the people of the intermountain country itself.

In point of fact the people of the intermountain country are by no means united in believing that the enactment of the Gooding bill would be beneficial to that region. On the other hand, on the whole, the great business interests on the Pacific coast are opposed to it; and so, on the whole, are the great business interests in the Middle West and in the East and the South. I really was astonished at the tenderness exhibited by the Senator from Nevada for the feelings and interests of our eastern people, when he expressed the solicitude that he did as to what might befall them if this bill did not become a law. They are not in the least concerned about it, except to the extent that they are influenced by the fear that the violation of one of the most salutary principles of the transportation act of 1920 might result in injury to every part of the United States.

Why did not prominent citizens of Boston, of New York, of Philadelphia, of Baltimore, and of interior cities in the United States in the East troop to the committee room of the Interstate Commerce Committee and plead for the passage of the pending bill. With due respect to the Senator from Nevada, so far as I know, there is no substantial sentiment anywhere in the eastern part of the United States in favor of its passage. It is a mere sectional, regional, local bill. It is a mere intermountain-territory bill. Nobody practically is interested in it except the intermountain-territory people.

I will not say that its origin is purely selfish. I have no right to say that; but I do say that its existence is almost, if not entirely, referable to the persistent activity of that people.

When I come to think of it, I am afraid that I ought really to feel a little self-reproach, because I have discussed this bill at such length. Under the circumstances that have developed within the last few hours it seems to me that it ought to be regarded as a matter of purely academic interest.

The power of allowing a departure under the existing Federal laws is, of course, lodged in the hands of the Interstate Commerce Commission, and that commission has just published a decision in which it rejected the applications of our transcontinental railway lines for departures as to all the 47 different commodities covered by those applications. So there is nothing any longer even for the proponents of this bill to fear. The case in which they are interested has been determined by the commission empowered to determine it, and it has been determined in their favor.

Nor is that all. Since 1918 previous applications of the same nature have been made by our transcontinental railroad lines, and in every instance the decision of the Interstate Commerce Commission was adverse to the applicants. Yet, notwithstanding those facts, here are the proponents of this bill asking that the Interstate Commerce Commission be placed in a rigid straitjacket, so far as its ability to grant departures in the case of water competition is concerned. Is there any reason for such a request?

The Interstate Commerce Commission was created in 1887, 39 years ago. I have seen it stated that since that time it has dealt with no less than 25,000 departure cases. The lowest estimate that I have ever seen was 12,000, and it can be safely affirmed that it has exercised the discretion involved in those cases with the same degree of success as in cases arising under other sections of the interstate commerce act than section 4.

I must say that because of the hasty criticism that I have heard in this body of this commission, I find it difficult to repress a feeling of at least passing impatience. I speak deliberately when I say that next to the Supreme Court of the United States, no political agency which forms a part of the Federal Government is held in a higher degree of confidence and respect than the Interstate Commerce Commission. There are names connected with its membership which can truly be declared to be illustrious names. There are men who have participated in its orders who would have graced, adorned, or honored the bench of the Supreme Court of the United States itself. Among them was no less a person than Judge Thomas M. Cooley, one of the most famous jurists ever known to American jurisprudence. Among the other members of the commission have been Mr. William R. Morrison, of Illinois, Mr. Knapp, Mr. Prouty, and Mr. Harlan, all men who achieved an uncommon degree of celebrity by the manner in which they discharged their duties as members of the commission.

Are we to cripple the jurisdiction of such a commission in a most important and vital particular? Are we to deprive it of a discretion which it has not only always honestly exercised, but has exercised in a manner calculated to impart the highest degree of satisfaction even to the breasts of the proponents of the pending bill? Is that bill to be but the beginning of an effort first by one legislative enactment and then by another to nibble away the authority of the Interstate Commerce Commission?

What reason, I ask, is there for believing that its members will not in the future as in the past exercise such discretion or authority as may be vested in them in a just and dispassionate spirit and with the full measure of ability and sagacity their office requires?

While I am referring to Judge Cooley, I do not know any better thing that I could do than to turn to the luminous words in which he expounded the high public need for a flexible fourth section in the interstate commerce act. He said:

> It was fairly shown before us that instances exist, and may be found, along the route of petitioner's lines in the States of Kentucky, Tennessee, Georgia, Alabama, Mississippi, and Louisiana, where the competition of waterways forces down the railroad rates below what it is possible to make them at noncompetitive points and still maintain the roads with success or efficiency. The reason is that the carriers by water can perform the service at very much less cost than the carriers by land. The general fact is that railroad rates for the transportation of property must approximate closely those which are made between the same points by steamer, and the steamer rates are generally, if not invariably, much below what the railroads can afford to accept upon all their business.
>
> In such cases, if competition is maintained, more must be charged at interior points than can be obtained at the points of competition; and if the competitive rates are such as are productive of some gain, however slight, the noncompetitive points are likely to receive indirect advantage therefrom, while the competitive points have the larger and more direct benefit, and are afforded a choice of agencies in transportation whose rivalry may fairly be expected to keep the cost down to a minimum. The interior points may have no ground for complaint in such a case, provided the rates they are charged are in themselves just and reasonable, even though the fact be that in some cases more is charged for the short than for the long haul over the same line in the same direction. This general fact is recognized the world over; and of English railways it has been often remarked that some of them would be deprived of much of their value if they were not allowed to meet water competition by such concessions at the points of contact as the competition would compel.

In another place Judge Cooley said:

> Every railroad company ought, when it is practicable, to so arrange its tariffs that the burden upon freights shall be proportional on all portions of its line and with a view to revenue sufficient to meet all the items of current expense, including the cost of keeping up the road, buildings, and equipment, and of returning a fair profit to owners. But it is obvious that, in some cases, when there is water competition at leading points, it may be impossible to make some portion of the traffic pay its equal proportion of the whole cost. If it can then be made to pay anything toward the cost, above what the taking of it would add to the expense, the railroad ought not, in general, to be forced to reject it, since the surplus, under such circumstances, would be profit. As has been tersely said by M. de la Gournerie, formerly inspector general of bridges and railways in France, a railroad "ought not to neglect any traffic of a kind that will increase its receipts more than its expenses";

and long-haul traffic which can only be had on these terms may sometimes be taken without wronging anyone, when to carry all traffic, or even the major part of it, at the like rates would be simply ruinous.

Could it be possible in the same number of words to present with more nervous precision and consummate clearness the reasons which led the framers of the interstate commerce act to make the fourth section of that act not an absolutely rigid and inflexible but a flexible and elastic provision?

Now, in conclusion, Mr. President, let me call attention to the fact that the exercise of the discretion of the Interstate Commerce Commission under the fourth section of the interstate commerce act is most carefully safeguarded by certain muniments of security to which I feel I should call attention.

In the first place, the existing law declares that if a railway company because of water competition is allowed to charge a lower rate for a longer distance than for a shorter, and afterwards applies for the privilege of increasing the rate, it must suggest some other consideration in support of its application than the mere elimination of the water competition. That is one safeguard.

Then, the existing law further provides that a departure shall not be granted to a railway company to meet merely potential water competition. That is another safeguard.

Then, the existing law provides that the lower rate authorized by the departure must be a compensatory rate; that is to say, not a mere "out-of-pocket" rate, but an "out-of-pocket-plus" rate; in other words, there must be an "out-of-pocket" rate with a considerable addition of a compensatory character.

Need I point out the fact that this provision has a direct relation to what I have already said when I declared that circumstances are imaginable under which, if our transcontinental railway lines were not allowed to charge a lower rate to the Pacific coast than to intermediate points, they might be compelled to increase their rate to the intermediate points? The ability of a railroad to run its road and comply with all its obligations is to be measured, of course, by the entire amount of its revenue from every source; and if it can gain some additional profit by virtue of a departure that it would otherwise not gain at all, who is hurt by its being permitted to make the departure?

Following up the safeguarding provisions of the existing law, the Interstate Commerce Commission has precisely laid down the principles by which it will be governed when it is asked to grant a departure to a railroad company for the purpose of meeting water competition. The rate must be a compensatory rate, a rate substantially additional to a mere "out-of-pocket" rate. It must be of such a nature as not to be oppressive to legitimate water transportation, it must be of such a nature as not to impose a burden upon any other kind of traffic, and it must be of such a nature as to enable the railroad company to earn the return upon its capital value that it is allowed to earn under the provisions of the transportation act. Moreover, under the provisions of the interstate commerce act the rate must not be unreasonable or discriminatory or of a character to give an advantage or preference to one person, or one locality, or one kind of traffic over another.

So, Mr. President, you will see that the discretion which is vested in the Interstate Commerce Commission in the matter of departures is not a mere arbitrary, unrestrained discretion; it is a bitted and curbed discretion. It is surrounded by statutory restrictions which are admirably qualified to secure a prudent and wise exercise of official discretion. Under those circumstances I ask how can this bill possibly be enacted? Only because the subject of departures is a more or less arid and abstruse subject; and the members of this body have not been willing during the last day or so to keep their seats and to be enlightened with reference to the true meaning and significance of the fourth section of the interstate commerce act. Instead of the Representatives of this great land outside of the intermountain country giving the closest and most sedulous consideration to the pending bill—that is to say, the Representatives of the communities that contain the great mass of the business and prosperity of our country—they have allowed the Representatives of the intermountain country to indulge in a scope of discussion which has extended all the way from an utterly false conception of the relations of the bill to the interests of their own people as well as to the interests of the remainder of the people of the United States to what I deem a totally unjustifiable attack upon the character and the competency of the members of the Interstate Commerce Commission.

Mr. GOODING. I ask now that the unfinished business, being Senate bill 575, be temporarily laid aside.

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

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WARREN. I ask that the Senate may now resume the consideration of the independent offices appropriation bill, which was under consideration yesterday.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

Mr. WARREN. Mr. President, before proceeding with the bill I wish to say that there was some confusion yesterday, and while I asked that there be allowed to go over until to-day the item commencing at the foot of page 14, the clerk at the desk understood that the reference was to the item contained in lines 9 and 10 on that page, and justly so, because the Senator from Tennessee had questioned that item and had finally, although I think it escaped the attention of the clerk, consented to it. Inasmuch, however, as that mistake was made on the record, I ask that the matter which I send to the desk may be read to show the origin of the oil commission, what it has done, what our obligations are, and in support generally of the proposed continuance of the appropriation.

The VICE PRESIDENT. Without objection, the paper will be read.

The Chief Clerk read as follows:

FEDERAL OIL CONSERVATION BOARD

No money has been expended to date.

No specific authority of law other than contained in the $50,000 appropriation.

Board is composed of Secretaries of Interior, Commerce, War, and Navy.

Has been functioning for over a year.

A complete survey has been made of oil supply, and a great amount of detail secured.

Public hearings have been granted oil concerns, users of oil, etc.

This work will result in three reports on—

Domestic concerns (will be made before Congress adjourns, in all probability);

Foreign conditions;

Substitutes for gasoline and petroleum.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee on page 14, lines 9 to 13.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. COPELAND. Mr. President, I send to the desk an amendment to the bill, and I hope the Senator in charge of the bill will not raise the point of order until I can say a few words about it.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 32, line 16, after the word "claims," it is proposed to add the following:

Provided further, That no part of the moneys appropriated or made available in this act for the United States Shipping Board Emergency Fleet Corporation shall be used or expended for the construction, purchase, acquirement, repair, or reconditioning of any vessel or part thereof or the machinery or equipment for such vessel from or by any private contractor, that at the time of the proposed construction, purchase, acquirement, repair, or reconditioning can be constructed, purchased, repaired, or reconditioned when time and facilities permit in each or any of the navy yards or arsenals of the United States, at an actual expenditure of a sum less than that for which it can be constructed, purchased, acquired, repaired, or reconditioned otherwise.

Mr. WARREN. Mr. President, that is legislation of the most pernicious character; and I make the point of order that it is legislation.

Mr. COPELAND. I ask the Senator to withhold raising the point of order for just a moment.

The VICE PRESIDENT. Does the Senator withhold his point of order?

Mr. WARREN. Points of order are to be decided without debate; but if the Senator wishes to explain his amendment——

Mr. COPELAND. I hoped the Senator would withhold raising the point of order.

Mr. WARREN. I am waiting for the Senator. Proceed.

Mr. NORRIS. Mr. President, will the Senator from New York permit me to interrupt at that point?

Mr. COPELAND. I yield to the Senator.

Mr. NORRIS. Before the Chair rules on the point of order I should like to be heard on it. I recognize that it is a matter on which the Chair can rule without listening to argument; but in my judgment this amendment of the Senator from New

York is not subject to a point of order. I have not the remotest idea that it is. It seems to me there is not any question about it.

Mr. GLASS. Mr. President, the point of order has been made against this amendment now for three successive years, and each time the Chair has decided that it is subject to a point of order. I have to leave the Chamber. I can not participate in any discussion as to whether or not the point of order lies. It is the same old thing over and over again.

Mr. NORRIS. It is in the Navy bill.

Mr. GLASS. No; it is not in the Navy bill.

Mr. WARREN. The Navy bill is an entirely different bill from this. It is entirely too ridiculous to think of as to this particular bill.

Mr. NORRIS. Yes; but the facts are that the ships of the Navy go across the ocean the same as these do; but it makes no difference. Even though it were ridiculous, the parliamentary situation is not affected by it. It is a straight limitation on an appropriation, and that is always in order.

Mr. WARREN. Have I the right to make the point of order?

Mr. NORRIS. Oh, I certainly do not question the Senator's right to make the point of order.

The VICE PRESIDENT. Does the Senator make the point of order?

Mr. WARREN. I do.

The VICE PRESIDENT. The Chair holds the point of order well taken.

Mr. NORRIS. Now, Mr. President, I desire to make a point of order against the bill. The very provision to which this proviso was offered as an amendment, if this is subject to a point of order, is likewise subject to a point of order. I make the point of order on the proviso on page 32, commencing on line 7 and ending on line 16.

Mr. WARREN. Those are matters that have already been agreed to.

The VICE PRESIDENT. The Chair will rule that a part of the House text of the bill can not be attacked by a point of order.

Mr. NORRIS. Then, Mr. President, I make the point of order against the Senate committee amendment on page 14, commencing on line 10 and ending on line 13. It was admitted here in the debate yesterday——

The VICE PRESIDENT. That has already been agreed to.

Mr. GLASS. Mr. President, do not those points of order come too late?

The VICE PRESIDENT. Yes; the amendment has been agreed to.

Mr. COPELAND. Mr. President, a parliamentary inquiry. We are now in Committee of the Whole. When the bill gets into the Senate, can these points be raised?

The VICE PRESIDENT. The points can be raised in the Senate.

Mr. COPELAND. There are several of them.

Mr. NORRIS. Why, this bill is full of them. On almost every page of it there are provisions exactly similar to this one that the Senator from New York has offered as an amendment. It is full of the same kind of provisos. They are limitations on appropriations, every one of them, as this is.

Mr. WARREN. There are no such provisos in this bill and no such provisos in any other bill.

Mr. GLASS. This proviso is not in the Navy bill, if I may say so. Some part of it, in a very inoffensive way, is in the Navy bill.

Mr. COPELAND. Mr. President, it seems to me very clear that in the amendment on page 32, offered by the committee, lines 22 and 23 are plainly open to a point of order:

Provided, That no expenditure shall be made from this sum without the prior approval of the President of the United States.

That is not the law now. That is new legislation.

The VICE PRESIDENT. The Chair suggests that the point of order be made in the Senate. This amendment has been agreed to. Are there any additional amendments?

Mr. COPELAND. Mr. President, I reserve the right to offer in the Senate the amendment to which I have referred.

The VICE PRESIDENT. The Senator has that right without reservation.

Mr. KING. Mr. President, I have pending before the Committee on Finance, of which I am a member, a bill for the repeal of the law providing for the Tariff Commission. I regret that the Finance Committee have not considered that bill, and of course my regret is accentuated because they have not reported favorably upon it.

The Tariff Commission was designed to serve a useful, indeed a necessary, purpose. Those who have had anything to do with drafting revenue laws, particularly tariff measures, can appreciate some of the problems involved in connection with that important task.

I think it may be said that the competitive system, if I may apply that term to tariff legislation, or a competitive tariff, is the one which a major portion of the Senate and the House will approve. Many of our Republican friends, of course, demand practically a prohibitive tariff. They want an embargo upon everything that will come in competition with domestic production, though so doing gives to the domestic producer a monopoly and gives him the power to exploit the people.

Recently we have had before us the aluminum case. The evidence discloses that there is a tariff on aluminum; that there is a monopoly in the manufacture of aluminum and in the production of the fabricated articles which are made from aluminum. The Tariff Commission was created while the Democrats were in power, as I recall, but it was not a partisan measure. It was advocated by Mr. Roosevelt, by progressive Republicans, by students of our economic and our industrial problems. They appreciated the fact that in drafting tariff legislation it was important that the Committee on Ways and Means of the House and the Finance Committee of the Senate should know something of the cost of production at home and the cost of production abroad so that tariff duties might have some relationship to the cost of production, and so, as I have indicated, the Tariff Commission might serve a highly useful purpose.

For the past two or three years, however, the Tariff Commission has ceased to function as a useful or a necessary agency of the Government. The only duty which it is now discharging, or substantially the only duty which it is discharging, is in connection with the flexible provision of the tariff act. It is using the powers which were conferred upon it under the last tariff law for the purpose of raising the already high duties to a higher level than those laid in the Fordney-McCumber tariff law. In nearly every case where a finding has been promulgated the rate has been raised. No one can say that the Fordney-McCumber tariff law was not the highest tariff act that was ever passed in the United States. It was prohibitory in many instances. It was a practical embargo with respect to many dyes, pharmaceuticals, and chemicals. Notwithstanding the enormous duties provided in that bill, we attached the flexible-tariff provision, by which the President of the United States might increase the duties to a maximum of 50 per cent.

I think that provision is unconstitutional. It was, of course, an abdication of the duties, responsibilities, and powers of Congress to executive agencies and to the President of the United States. I think it was a very bad, a very dangerous precedent. The Tariff Commission, Mr. President, by reason of its recent conduct or misconduct, whichever term may be employed, has ceased to function as a necessary agency of the Government.

I regret that a motion will not carry to strike out the entire appropriation. If I thought it would, I should very quickly offer an amendment to strike out the entire appropriation.

There are, as I understand, two members of the Tariff Commission now serving without the advice and consent of the Senate. Indeed, as I understand, their names have not been transmitted to the Senate, though they have been serving upon the commission for some time.

I can not understand the view of the President of the United States—and I speak with all due respect. Recess appointments have been made, but when Congress has met he has not transmitted the names of his appointees to the Senate for confirmation. Certainly it was never contemplated by those who framed the Constitution of the United States that appointees of the President might serve without confirmation, except where a vacancy occurred by death, resignation, or otherwise, when Congress was not in session. It is manifestly the duty of the President of the United States to transmit to Congress as soon as Congress meets where a vacancy has occurred during the recess the name of any person who has been appointed by him to a position where confirmation by the Senate is required by law.

I am told, although I have not had time to look up the facts, that there have been a few, and a very few, instances where appointments have been made by the President during the adjournment of Congress, and when Congress met the names were either sent in and rejected, and then after Congress adjourned they were appointed again, or they have not been sent in at all, and when Congress adjourned a recess appointment was given. Obviously in either case that is a violation of the spirit if not the letter of the Constitution of the United States. Where the President names an individual ad interim for a position where confirmation is required by the Senate the Sen-

ate meets, and the name is not transmitted to the Senate, and when the Senate adjourns that person receives a recess appointment to serve again until Congress meets, I think the President has gone beyond his authority. If that were legal, it is obvious that at least during the four years or the eight years of a President's tenure of office he might continue a person in office without that person ever having been confirmed. That, I say, is illegal. It may not be defended in law, nor can it be defended in morals.

I say that it is equally against the spirit if not the letter of the Constitution of the United States for the President, where he has made an appointment ad interim and the Senate has met and failed to confirm, to give another recess appointment after the adjournment of Congress. That, I repeat, may not be defended.

I ask that the clerk may read the amendment which I offer.

The VICE PRESIDENT. The clerk will read the amendment.

The LEGISLATIVE CLERK. On page 30, in line 12, strike out the period and add the following additional proviso:

And provided further, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who is presently holding his office under a commission which was granted during the recess of the Senate and which will expire at the end of the present session of the Senate, unless said member in the meantime shall have been appointed a member of the commission by and with the advice and consent of the Senate.

Mr. KING. Mr. President, this amendment provides that any member of the Tariff Commission now holding his office under a commission issued during the recess of the Senate and which will expire when the present session ends shall not receive any part of the appropriation unless, before adjournment, he shall have been confirmed by the Senate.

I have briefly referred to the fact that the Chief Executive has sometimes violated what I conceive to be the spirit, if not the letter, of the Constitution by reappointing persons who had failed of confirmation by the Senate or whose names had not been sent to the Senate after a recess appointment, and who upon the adjournment of Congress were again named for the same position.

The amendment just offered relates to members of the Tariff Commission who were appointed during the recess of the Senate and whose names have not been transmitted to the Senate for confirmation and who in all probability the Senate will have no opportunity to consider prior to the adjournment of Congress. It seems to me that this amendment should receive the unanimous approval of the Senate.

The power of the President to appoint officers is not absolute. He may nominate, but the nominee may not be—

appointed—

Except—

by and with the advice and consent of the Senate.

The Constitution clearly places a limitation upon the power of the President to fill official positions. There is no limitation upon his power to nominate, but, as stated—

Ambassadors * * * and all other officers of the United States—

Must receive the Senate's approval. However, if a vacancy happens—

during the recess of the Senate—

The President shall have power to fill the same—

by granting commissions which shall expire at the end of their next session.

It was not intended by the framers of the Constitution that officers of the United States should serve indefinitely without favorable action upon their nomination by the Senate. If a person shall have been granted a commission during a recess, it is the duty of the President, in my opinion, to transmit the name of such person to the Senate when it convenes or to nominate some other person for the same position and ask the advice and consent of the Senate to the appointment. There can be no doubt as to the effect of the failure of the President to transmit to the Senate the name of a recess appointee at the expiration of the next session of the Senate following the recess appointment. The person holding the commission is automatically deprived of all authority, and the office becomes vacant. If the President transmits to the Senate the name of a person holding a recess commission, and the Senate refuses to confirm the appointment, then the office becomes vacant. It would seem that the President lacks authority to nominate for the same position the same person who had been rejected by the Senate. However, there are instances where that has been done, and the Senate during the same session has again acted upon the nomination. Quite recently Mr. Charles Beecher Warren was nominated as Attorney General of the United States. The Senate refused to advise and consent to the appointment. Within a few days thereafter the President again nominated Mr. Warren and the Senate promptly rejected him. The right of the President to make the second nomination was not openly challenged, although there was some doubt as to the right of the President to make the second nomination, and the view was taken by some that the course of the President was injudicious if not improper.

A proper interpretation of the Constitution, it seems to me, can not uphold the right of the President to give a recess appointment to a person who has been rejected by the Senate. If the Senate rejects a recess appointment, and the President, after adjournment of the Senate, again appoints the same person to the same position, it would seem to be a palpable evasion of the spirit as well as the letter of the Constitution. To hold otherwise would mean that the rejected appointee might serve indefinitely. The second recess appointment would carry him over until the adjournment of the next session of the Senate, and another appointment then made by the President would be operative until the termination of the next session of the Senate. If this position is sound, then a person could serve for many years without ever being confirmed. There would be an imperceptible space of time between the termination of the recess appointment following the adjournment of the Senate and the reappointment which might be made a few seconds later by the President.

Manifestly, the constitutional provision that the appointment of public officers must be with the advice and consent of the Senate can not be frittered away by subtle or devious devices. The Constitution contemplates that the stamp of approval shall be placed upon all public officers referred to in section 2 of Article II of the Constitution.

A treaty which has been rejected by the Senate can not be vitalized and made operative by any subsequent act of the President. He may negotiate as many treaties as he desires, but to be valid, or to become the "supreme law of the land," they must be ratified by two-thirds of the Senate present and concurring when action is taken by it. The power to grant commissions during the recess of the Senate was deemed necessary in the interests of public business, but it was never contemplated that this power to fill vacancies happening during the recess of the Senate constituted a grant of power to the President to authorize persons to hold public positions for indefinite periods without the advice and consent of the Senate.

To hold a contrary view would be to nullify the Constitution and pervert it to an improper purpose. Congress has been in session since December. Two vacancies occurred in the United States Tariff Commission during the summer of 1925. These vacancies were filled by the President, who had the authority to grant commissions to his nominees, which would be valid until the end of this session of the Senate if no other appointment were made in the meantime. I submit that it was the President's duty, as I have heretofore stated, as soon as Congress met in December to place before the Senate for their action the names of those who were given recess appointments or to nominate other persons for the same positions. That has not been done, and the two members of the Tariff Commission are still serving without having been confirmed by the Senate.

No one, in my opinion, can justify this procedure. It was not the intention of those who drafted the Constitution that officials should serve who could not be confirmed by the Senate. It was not intended that the President should act capriciously or arbitrarily, or with absolute power in the matter of appointments. The power to nominate is not the power to completely invest an individual with all the insignia and authority of office. There must be a concurrence of action by the President and the Senate to invest certain public officers with authority to act, the exception being only where a vacancy occurs during the recess of the Senate.

The long delay in transmitting to the Senate the names of the persons receiving recess commissions for such action as the Senate in its judgment might determine to be right and proper would seem to indicate that the Senate may adjourn without having an opportunity to confirm or reject, for the positions named, the persons to whom reference is made. Suppose that the President declines or neglects to send the names of these individuals to the Senate for its action during this session, and upon adjournment of Congress the President, assuming that the authority of these persons is terminated, and that vacancies exist in the Tariff Commission, again gives them recess appointments and commissions to "expire at the end of" the next session of the Senate; will any Senator contend that under such circumstances such appointments would

be valid and that the persons named could legally hold the positions for which they were named?

As I have heretofore stated, if such appointments were legal, then the appointees named could serve until the end of the next session of the Senate and again be reappointed, and thus continue in office as long as they lived, provided the succeeding Presidents continued to reappoint them. Such procedure would be farcical and would nullify the provisions of the Constitution which requires the approval of the Senate. The amendment which I have offered seeks to prevent such an eventuality. It provides that the commissioners now holding recess appointments may not receive any salary after the adjournment of the present session of the Senate if prior to that time they have not been appointed to their respective positions as members of the Tariff Commission "by and with the advice and consent of the Senate."

Mr. MOSES. Mr. President, I ask the Senator if it is not provided by statute now that pending confirmation, an officer may not draw salary, and that if he is not confirmed, he can not draw salary except by special act of Congress?

Mr. WARREN. I understand that is true. We have several times been called upon to make appropriations to cover the time some appointee has served when he had been appointed, but was not confirmed by the Senate.

Mr. MOSES. May I call the attention of the Senator from Utah to the Rublee case, which was more or less of a cause celèbre here, in which case I think a special appropriation had to be made to provide the salary of Mr. Rublee, who had served some months and then was denied confirmation?

Mr. KING. The amendment which I have offered deals with a different situation than that typified by the Rublee case. I am repeating when I say that the amendment before us seeks to prevent salaries being paid to persons now serving under recess appointments, as members of the Tariff Commission, if their names are not submitted to the Senate before its adjournment and they should attempt thereafter to serve upon the same commission under the present or a new appointment at the hands of the President.

Senators will recall that in 1920 Mr. Ford and Mr. Duncan were nominated as members of the Interstate Commerce Commission, and during the same session Mr. Potter and Mr. McCall were named for positions upon the Tariff Commission. No action was taken by the Senate prior to adjourning. Recess appointments were given the persons named by the President, but my recollection is that they were not paid their salaries until they were confirmed.

Reference has been made by the Senators from New Hampshire and Wyoming to the existing law, which, if I understand them, they regard as being as broad as the amendment which I have offered. I do not agree with them. During the reconstruction period, and while the controversy with President Johnson was raging, the Republicans enacted a number of measures seeking to curb the power of the President.

Section 1671 of the present Revised Statutes of the United States contains one of the provisions of the statute enacted at the time to which I have just referred. It reads as follows:

> No money shall be paid from the Treasury as salary to any person appointed during the recess of the Senate to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

In the same act, as I recall, there was another section which reads as follows:

> The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of the death or resignation or expiration of term of office by granting commissions which shall expire at the end of their next session thereafter. And if no appointment by and with the advice and consent of the Senate is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

The section last referred to was repealed in 1887.

Applying the proper rules of statutory construction to laws in paria materia, I am inclined to think the first section is to have a narrower interpretation than if it had been enacted separately. It will be observed that under the repealed section the President may make recess appointments, but the position so filled is regarded as being temporarily filled only until and during the next session of the Senate, and if the appointment is not confirmed by the Senate, then—

> The office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate.

If that statute were now in force, then the amendment which I have offered would be supererogatory. Under this statute, upon the adjournment of this session of the Senate the two members of the Interstate Commerce Commission now serving under recess appointments would be shorn of all power unless before adjournment they were confirmed by the Senate; and the two positions or offices which they are now filling would—

> remain in abeyance, without any salary, fees, or emoluments—

until the next session of the Senate, and the appointment of their successors by and with the advice and consent of the Senate.

It would seem, under all rules of statutory construction, that the provisions of this section, which, as stated, has been repealed, are not to cover cases or meet situations designed to be reached by section 1761, to which I have just called attention.

It can not be said that section 1761 is free from ambiguity, and particularly if it be conceded that it was not intended to meet conditions such as those designed to be covered by the repealed section. It will be noted that under the terms of section 1761—

> no salary shall be paid to any person appointed during the recess of the Senate to fill a vacancy if the vacancy existed while the Senate was in session.

The question arises whether a "vacancy" in the Tariff Commission has existed while the present Senate has been in session. The vacancies happened during the recess of the Senate and the President filled them "by granting commissions," which will not expire until the end of this session of the Senate.

If the commissions granted by the President to the two commissioners operated to fill the vacancies, then there were no vacancies in the Tariff Commission when Congress convened in December, unless the meeting of the Senate ipso facto nullified the commissions and created vacancies. In my opinion such was not the case. The commissioners holding appointments under commission issued by the President did not cease to be both de facto and de jure officials when Congress convened, nor has anything occurred since then to deprive them of their offices or of the authority pertaining to the same.

It may be contended that within the meaning of the statute there are now two vacancies in the Tariff Commission; that they have existed and still exist while the Senate was and is in session, and that the law requires these positions to be filled by and with the consent of the Senate and if they are not confirmed, they can not be paid any salaries after the end of the present session of the Senate.

Assuredly the section is not sufficiently certain as to justify the defeat of the amendment which I have offered, based upon the ground that section 1761 will prevent salaries being paid to the two appointees of the President who have not yet been confirmed if Congress should adjourn without their confirmation. Congress has the right to limit appropriations made, and it has the authority to say that no part of the appropriation carried in the pending measure for the Tariff Commission shall be used to pay the salaries of commissioners not confirmed by the President, and whose names have not been and will not be sent to the Senate, and who are holding office under recess appointment.

Mr. NORRIS. In the Rublee case the name was actually sent to the Senate and rejected by the Senate. This amendment would not be applied to that case, as I understand. The object to be accomplished by the amendment offered by the Senator from Utah is to prevent the President from making a recess appointment, and then when Congress convenes never sending the name to the Senate at all, the appointment will expire under the law when Congress adjourns, and then he immediately makes another recess appointment of the same man, and may keep on doing so ad libitum.

Mr. MOSES. How many instances of that character have occurred?

Mr. NORRIS. I do not know. That is the object of this amendment, as I understand it.

Mr. MOSES. Is the Senator from Utah reaching at a real evil or at an evil which he thinks may arise?

Mr. KING. My amendment is not permanent legislation and would not be regarded as substantive law. If it was, it

might be subject to a point of order as not being proper upon an appropriation bill. The amendment, however, does limit the appropriation carried in the bill for the Tariff Commission and prevents the application of any part of it to the payment of the salaries of persons under the conditions which I have discussed. The amendment will not reach any cases or any evils except those to which I have called attention, and it relates only to two commissioners now holding recess appointments.

I have shown that these persons were named by the President months ago to fill vacancies upon the Tariff Commission; that Congress has been in session since December and their names have not been sent to the Senate; that the Senate will soon adjourn and there is nothing to indicate that the President intends to send their names to the Senate in order that it may exercise its constitutional power in determining whether it will advise and consent to their appointment or reject the same. I think the situation has already developed, and, to use the Senator's word, the "evil" has already arisen.

Mr. MOSES. Personally, I prefer to cross bridges when we reach them.

Mr. KING. I think the bridge has been reached, and I believe that the Senate should now exercise its undoubted authority and declare that no salary shall be paid to these appointees of the President who, in my opinion, would be unauthorized to occupy the positions which they now hold one second after the end of the present session of the Senate.

Mr. WILLIS. I was about to suggest to the Senator, though I am not able to cite the case at the moment, a case during the administration of President Cleveland, where an appointment was made which, under the constitutional provision, would expire at the end of the next session of the Senate, and then after Congress adjourned the same person was appointed again. I think it ran on to the third or fourth degree. I can not cite the case, but I know there was such a case.

Mr. KING. I do not recall the case referred to by the Senator, but I do remember a number of cases which I think are similar to the one just referred to.

In President Johnson's time a number of postmasters were given recess appointments, and upon the convening of the Senate their names were submitted, but the Senate rejected a number of them. The Attorney General, Evarts, held that the President could again give a recess appointment to these rejected appointees. My recollection is that when Hayes was President a vacancy was created in the office of paymaster of the Army. The same day the Senate adjourned. The following day the Senate was convened in extra session, and adjourned without acting upon the nomination sent to the Senate to fill the vacancy.

There are a number of cases where vacancies occurred during sessions of the Senate and where nominations to fill such vacancies were made by the President and sent to the Senate during the same sessions and where without taking action upon such nominations recess appointments were made by the President after the adjournment of the Senate.

My recollection is that there have been instances where recess appointments have been made by the President, and upon the convening of the Senate it has been asked to advise and consent to the recess appointments. Upon rejecting the nominations the same persons were given recess appointments again upon the adjournment of the Senate. I have indicated that, in my opinion, this course was improper and violated the spirit if not the letter of the Constitution. I feel that it is an evasion of the Constitution and is a denial of the right and power of the Senate to participate in the selection of Federal officials.

The framers of the Constitution knew the evils of unlimited Executive power to fill important official positions. They knew the influences which had been brought to bear to secure important positions and places of power in government; they were familiar with the corrupt methods employed to secure appointments at the hands of kings and rulers. They, therefore, determined to place a check and curb upon the President, and to limit his authority to nominate officials, or, in the language of the Constitution, to appoint ambassadors and other officers by and with the advice and consent of the Senate.

The Senator states that a Democratic President, after an appointee had been rejected by the Senate, again appointed him upon the adjournment of the Senate.

Mr. President, I have stated that there are a number of precedents for this course, but in my opinion this course is wrong no matter what President pursues it.

Mr. NORRIS. I think the Senator from Ohio will find that names were sent to the Senate and rejected and that that went on for some time.

Mr. MOSES. In that event the nominees were rejected and could not draw any salary.

Mr. NORRIS. No. They could not draw any salary.

Mr. KING. Mr. President, I am inclined to think that under section 1761 that if a vacancy occurs while the Senate is in session and the President nominates a person to fill the vacancy and the Senate refuses to confirm the nomination, then the person holding a recess appointment is not entitled to the salary provided by law. But because section 1761 is susceptible of different constructions, and the practical certainty that the recess appointees now serving upon the Tariff Commission will not have their names submitted to the Senate before adjournment, and will receive another recess appointment, I think it is the duty of Congress to prevent the execution of a plan which nullifies the provisions of the Constitution and deprives the Senate of the authority which it should exercise, and which it is necessary that it should exercise, for the public welfare.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from South Carolina?

Mr. KING. I yield.

Mr. BLEASE. If the Senator from Ohio who cited the instance in Mr. Cleveland's administration will look a little further he will find such an instance in Mr. Roosevelt's administration, where he kept a colored collector of customs at the port of Charleston after he had been several times rejected by the Senate. I refer to Doctor Crum.

Mr. WILLIS. I think that is true.

Mr. MOSES. He never was permitted to draw a salary at all, was he?

Mr. BLEASE. I do not know about him getting a salary, but he held the job, very much to the distaste of the people of South Carolina.

Mr. MOSES. He occupied the office in the customhouse, but he drew no pay.

Mr. KING. Mr. President, there are doubtless numerous precedents which could be cited and which doubtless would prove interesting and instructive, but the discussion has already occupied more time than I anticipated, and I shall hastily conclude.

The activities of some of the members of the Tariff Commission are not, in my opinion, satisfactory to the American people. That organization has ceased to properly function or to render genuine and valuable service to the American people. A majority of the commission seem to be unaware of the purpose for which it was created or the duties which its members were expected to perform. Controversy and confusion in the commission prevent intelligent and useful service. There appears to be factional strife and no sincere and earnest purpose to obtain data and information helpful to Congress when tariff legislation shall be under consideration. Some of the Members seem to regard the flexible provision of the Fordney-McCumber bill as the most important feature in the law, and apparently they are seeking in a political and partisan way to find pretexts to increase tariff rates upon a large number of commodities.

I have offered a bill which is pending before the Finance Committee to abolish the Tariff Commission. Of course, the majority party in Congress will not support this measure, though, from time to time, reactionary Republicans and the beneficiaries of high-protective tariff duties have condemned the Tariff Commission and declared in favor of its decapitation. The Tariff Commission was the result of a widespread feeling in the United States that certain industries were framing tariff legislation, coercing Congress into adopting schedules for the destruction of foreign competition in order that the domestic manufacturer might have absolute control of the domestic market. It was believed that an independent, courageous, and fair-minded commission could render an important public service in investigating the cost of production of commodities at home and abroad and in accumulating data and information relating to all factors connected with production and distribution. It was believed that this data would be helpful to Congress and enable it to more intelligently deal with tariff and revenue measures. Early appointees upon the Tariff Commission were men of high standing, of broad and liberal education, and of superior qualifications. Their work proved of value to Congress and to the country, but it is to be regretted that the work of the present Tariff Commission is not of the same high character. I desire, however, to pay tribute to the ability and fidelity to duty of Commissioner Costigan. He has rendered conspicuous service and proven that he has sought to make of the Tariff Commission a useful organization.

There is a feeling among many people that selfish interests in the United States have sought under the last two adminis-

trations to control various boards and commissions and to procure the appointment of persons whose views were in harmony with the philosophy that governs "big business" and those who are controlling the great financial interests of our country.

Mr. Roosevelt spoke of predatory wealth and its sinister and destructive influence. There are predatory interests in the United States to-day. There are business interests which are selfish and which seek to use the Government to advance and promote dangerous and unworthy schemes and policies. If the Interstate Commerce Commission, the Federal Trade Commission, the Tariff Commission, and the Department of Justice, which is charged with the duty of enforcing the laws against trusts and monopolies and combinations in restraint of trade, can be influenced or directed by unfaithful and selfish interests, then the security of our country is impaired and the safety of our institutions jeopardized.

Too much power, in my opinion, is being conferred upon the Federal Government and Federal agencies; but when it is conferred, then the agencies created and invested with power and all who wear the symbol of Federal authority, particularly in executive and administrative departments, must act with honor and fidelity and, above all, in a spirit of justice. The Government, which is the agent of the people, must be their servant and not their master. It must keep within the limits of conferred authority. It must serve all the people and not a special interest or class.

Mr. President, if the amendment which I have offered is adopted I believe the results will be good. It will further challenge attention to the unsatisfactory condition of the Tariff Commission and prove helpful, if the commission is not to be abolished, in securing its reformation, so that it may be put upon the pathway of duty and disinterested public service.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was rejected.

Mr. KING. Mr. President, I will inquire of the Senator from Wyoming if there are any other amendments to be proposed to the bill.

Mr. WARREN. I do not know of any. The committee amendments have all been passed upon and the subject to which the Senator from Utah is now addressing himself has to do merely with the provisions of the bill as it came from the House. No amendment has been proposed to that provision.

Mr. NORRIS. Mr. President, did the Senator from Utah inquire whether other amendments would be offered?

Mr. KING. Yes.

Mr. NORRIS. I have an amendment that I desire to offer.

Mr. KING. The reason I made the inquiry is—and I want to be entirely frank with my colleagues here—that I am going to discuss the Hunt case and the maladministration of the Federal Trade Commission under the present régime. It will take me from one to two hours, and I do not want to keep Senators here so late if there is no other matter before the Senate. I can resume the discussion to-morrow morning, but if we are to remain here indefinitely I will proceed.

Mr. WARREN. Does the Senator think that is an exactly fair statement? I wasted two days of my time here waiting for the Senator to make the speech he is now making.

Mr. KING. We have been discussing to-day the long and short haul bill, which had precedence.

Mr. WARREN. That is true, but——

Mr. KING. Yes; and I have been here, I will say to the Senator, all day.

Mr. WARREN. But I had to sit here to call up the appropriation bill whenever speeches on the unfinished business were concluded and an opportunity was afforded me to have the appropriation bill taken up.

Mr. KING. I do not think Senators have wasted the time of the Senate, because the unfinished business is a more important measure than the appropriation bill.

Mr. WARREN. I am ready to stay here until midnight; I do not care.

Mr. KING. I want to accommodate the Senator. I will not quarrel with him.

Mr. WARREN. I am not quarreling with the Senator.

Mr. KING. I should like to ask the Senator from Nebraska how long it will take to consider the matter which he desires to present?

Mr. NORRIS. I do not know how long the amendment will take. I am going to address the Senate on the question of the Federal Trade Commission, and the amendment which I have to offer pertains to the provisions of the bill regarding the Federal Trade Commission. I do not feel like apologizing. Nobody has tried to delay this bill, and I am very sorry the Senator from Wyoming feels aggrieved.

Mr. WARREN. Does not the Senator know that I have some other engagements not on the floor but in the Committee on Appropriations?

Mr. NORRIS. The Senator is not the only one in that category; but he says, "I want this bill passed now."

Mr. WARREN. For how long have I been trying to secure the passage of the bill?

Mr. NORRIS. I do not know how long the Senator has been trying to do that.

Mr. WARREN. For four or five days.

Mr. NORRIS. But the Senator can not certainly complain of the discussion that has been taking place upon the bill. I am very sorry if he feels that way about it, but that will not deter me from offering the amendment.

Mr. WARREN. Of course, the intent is perfectly plain to make me in some way suffer a long delay.

Mr. NORRIS. There is not anything in that. The Senator certainly can not be serious about that.

Mr. WARREN. I am merely serious in sitting here and waiting for Senators to proceed.

Mr. NORRIS. The Senator must not feel, because some other Senator wishes to offer an amendment, that it is done to make him suffer.

Mr. WARREN. I expect, of course, that amendments will be offered.

Mr. NORRIS. The Senator ought to expect amendments to be offered, and he ought not to get angry because some Senator is going to offer one.

Mr. WARREN. I am not angry; I am merely sorry that the Senator from Nebraska is angry!

Mr. NORRIS. It is not done for the purpose of giving the Senator any trouble. I am free to say that when I was thinking of my amendment and of what I intended to say I did not have the Senator from Wyoming in mind. If I had thought it would aggrieve him, of course I would perhaps have changed my mind and concluded not to say anything, because I certainly do not want to cause the Senator from Wyoming any anxiety.

Mr. KING. Mr. President, it is apparent that my good offices have failed. I want to say to the Senator from Wyoming—and I say it in all kindness—that appropriation bills, while they are important, are not the only important bills, and, while the Senator from Wyoming has much to do as chairman of the Appropriations Committee, some of the rest of us also have something to do. Many of us are members of committees which hold sessions that occupy us from two to six hours every day, and, to use the expression of the Senator, we have to waste our time while some appropriation bills and other bills are before the Senate.

Mr. President, we must consider these questions in a gracious spirit. The Senator can not rush through the appropriation bills in a minute. Here is a bill carrying more than $500,000,000. If we did our duty, we would spend hours in analyzing this bill.

Mr. NORRIS. Will the Senator yield for an interruption?

Mr. KING. I yield.

Mr. NORRIS. Right on that point I should like to suggest to the Senator from Utah that it has been true as to appropriation bills that Senators have so many other things to do that many of them are not present when they are being considered. I speak of that without any censure whatever, because I know the work that all Senators have to do in various committees and otherwise. But what the Senator from Utah says is true, that we are passing appropriation bills without a great deal of scrutiny. The pending bill carries something over $500,000,000, and we have only had a few hours' debate on it; yet we get into trouble with our superiors, our leaders, when we propose to offer amendments or speak upon it. I think we ought to have considered seriously the provision which the Senator from Utah is discussing, and perhaps eliminate entirely from this bill the appropriation for the Federal Trade Commission. So far as I am concerned, I would vote for it. When amendments are offered with only a few Senators present, and the Chair sustains points of order against them, we know that an appeal would mean that those not here and who have not heard the debate would come in and, as a matter of form, vote to sustain the committee and sustain the Chair.

So I do not see that we owe any apology because we want to discuss some of the provisions that are in this measure, and I do not think that it comes with good grace for any Senator to say, "We want to get this $500,000,000 appropriation bill through here in an hour and a half or an hour and 15 minutes."

Mr. WARREN. Mr. President, the Senator is in a kindly mood. This bill carries an appropriation of something over $500,000,000, and has been before the Senate about four days.

Mr. NORRIS. Yes; but we have been considering other measures. For instance, nearly all of to-day there has been another bill under consideration.

Mr. WARREN. That is very true.

Mr. NORRIS. That is not the Senator's fault, nor is it mine.

Mr. WARREN. No; but I ask the Senator, will there ever be a time when there will not be Senators in a committee or engaged in other work while we are considering appropriation bills?

Mr. NORRIS. Probably not; but there are more Senators here during the consideration of other bills than there are during the consideration of appropriation bills. I suppose that is because the Senators have great faith and confidence in the chairman of the Committee on Appropriations and they think that whatever he says ought to go.

Mr. WARREN. I was going to say, so far as putting the bill aside until to-morrow is concerned, that I am perfectly willing that that be done, but I do not like to have the Senator from Utah take the attitude of threatening that we will have to stay up all night unless he is accommodated.

Mr. KING. Mr. President, that is the Senator's own attitude. I said I was perfectly willing, if there were no other amendments to be offered, to pretermit discussion to-night and speak to-morrow, so that the bill might pass to-night, but the Senator said we would be here all night. He was the one, not I, who made the statement.

Mr. WARREN. If the Senator from Nebraska desires me to ask that the bill go over, I shall be delighted to have that done.

Mr. NORRIS. It is almost immaterial to me, but I think the Senator from Wyoming ought to allow it to go over until to-morrow.

Mr. WARREN. The Senator from Nebraska wishes that the bill may now be laid aside until to-morrow morning; and I therefore ask that the bill be laid aside.

Mr. KING. I want to say to the Senator that he and I are good friends, and I do not want him to misunderstand me. I digressed in the midst of my speech and asked if there were any further amendments to be offered, and said that I would be perfectly willing, if we could get through with those amendments, to postpone my speech until to-morrow and pass the bill to-night. I did not ask the Senator to sit here; I wanted to get away.

Mr. WARREN. If the Senator will allow me, I can not be here to-morrow, and, of course, the bill will have to be laid aside over to-morrow.

Mr. KING. I had no objection to action being taken on it to-night. I now yield the floor for the day.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. GLASS. Mr. President, what has been decided about the continuation of the consideration of the appropriation bill?

Mr. JONES of Washington. Its consideration will be continued to-morrow.

The VICE PRESIDENT. The appropriation bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. SMOOT. It will come up the first thing to-morrow, as I understand.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Wednesday, March 17, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 16 (legislative day of March 15), 1926

UNITED STATES ATTORNEYS

Thomas P. Revelle to be United States attorney, western district of Washington.

Roy C. Fox to be United States attorney, eastern district of Washington.

E. B. Benn to be United States marsal, western district of Washington.

REGISTER OF THE LAND OFFICE

David Leland Spaulding to be register of the land office at Seattle, Wash.

PROMOTIONS BY TRANSFER IN THE ARMY

Floyd Thomas Gillespie to be first lieutenant, Signal Corps.

Wilfred Hill Steward to be first lieutenant, Coast Artillery Corps.

Richard Gernant Herbine to be second lieutenant, Infantry.

PROMOTIONS IN THE ARMY

George Oremaudle Hubbard to be colonel, Coast Artillery Corps.

Thomas Burt to be lieutenant colonel, Infantry.

Harrison Willard Smith to be major, Quartermaster Corps.

Horace Grant Rice to be major, Finance Department.

Henry Christopher Harrison, jr., to be captain, Field Artillery.

Hanford Nichols Lockwood, jr., to be captain, Field Artillery.

John Markham Ferguson to be captain, Infantry.

Joseph Saunders Johnson, jr., to be captain, Infantry.

John Kenneth Sells to be first lieutenant, Cavalry.

Douglas Cameron to be first lieutenant, Cavalry.

Arthur Jennings Grimes to be first lieutenant, Infantry.

Walter Duval Webb, jr., to be first lieutenant, Field Artillery.

Ernest Starkey Moon to be first lieutenant, Air Service.

Harry Craven Dayton to be first lieutenant, Field Artillery.

Edward Charles Engelhardt to be first lieutenant, Field Artillery.

Chester Arthur Carlsten to be first lieutenant, Infantry.

Joseph Myles Williams to be first lieutenant, Cavalry.

Harold Arthur Doherty to be first lieutenant, Field Artillery.

Eleuterio Susi Yanga to be first lieutenant, Philippine Scouts.

GENERAL OFFICER

Richard Coke Marshall, jr., to be brigadier general, Reserve Corps.

POSTMASTERS

ALABAMA

Joseph D. Pruett, Boaz.
Charles W. Chambers, Cherokee.
Meige C. Bronson, Dadeville.
Tommie P. Lewis, Seale.
Pallie M. Ellis, Valley Head.
Henry E. Hart, Waverly.
George M. Baker, Wilsonville.

ARIZONA

James L. T. Watters, Duncan.

IDAHO

Laura S. Enberg, Fruitland.
Hattie Hibbs, Lapwai.
Ross J. Pettijohn, Melba.
Ira W. Moore, St. Anthony.
Charles H. Hoag, Worley.

INDIANA

John R. Kelley, National Military Home

IOWA

Cleon F. Wigton, Britt.
Armanis F. Patton, Gowrie.
Lynn McCracken, Manilla.
Keith L. McClurkin, Morning Sun.
Ida G. Schloeman, Norway.
Danel O. Clark, Ogden.
Otto Anderson, Ossian.
Leo E. Perry, Rhodes.
Ralph S. Van Hooser, Terril.
Charles P. Worrell, Whiting.

KANSAS

Harry T. Hill, Colony.
Samuel N. Nunemaker, Hesston.
Eva M. Baird, Spearville.

MAINE

Charles E. Davis, Eastport.
Theresa M. Tozier, Patten.

MARYLAND

Mary W. Stewart, Oxford.

MASSACHUSETTS

Benjamin Derby, Concord Junction.
Jennie L. Holbrook, East Douglas.
L. Warren King, East Taunton.
Effie M. Ellis, East Wareham.
Frederick M. Hickey, Grafton.
Donald A. MacDonald, Mittineague.
Doris B. Daniels, Shrewsbury.
L. Edward St. Onge, Ware.
Lester M. Blair, Whitinsville.

MICHIGAN

Helen G. Smith, Mohawk.

MISSOURI

Omar M. Drysdale, Amoret.
William H. Lerbs, Berger.
Colmore Gray, Billings.
Elias K. Horine, Cassville.
Alfred G. Neville, Eldon.
Ralph E. Carr, Eminence.
Edwin H. Vemmer, Gerald.
Leonard Ancell, Higbee.
James A. Pidcock, Lockwood.
Charles B. Genz, Louisiana.
John A. Jones, Marshall.
Frank J. Black, Meadville.
James H. Somerville, Mercer.
Glenn S. Elliston, Montrose.
John E. Swearingen, New Bloomfield.
James D. A. Hood, jr., Republic.
Harland F. Kleppinger, Rockville.
John S. Dickey, Sugar Creek.
Benjamin F. Northcott, Sumner.
May Venard, Tina.
Leland T. Moore, Warsaw.

MONTANA

Henry O. Woare, Chester.
Sidney Bennett, Scobey.

NEW JERSEY

Alfred P. Jolin, High Bridge.
Michael A. Eganey, Lincoln.
Fannie H. Clayton, Seaside Park.
Harry J. Manning, South Plainfield.

NEW YORK

Melvin A. Marble, Clayton.
Harry J. Goodfellow, Fayetteville.
Harold E. Sargent, Liverpool.
Lewis O. Wilson, Long Beach.
William H. Evans, Morrisville.
David R. Dunn, Scarsdale.

NORTH CAROLINA

Robert O. Smith, Creedmoor.
Gideon T. Matthews, Rocky Mount.
Judson D. Albright, Charlotte.

OHIO

Egbert H. Phelps, Andover.
William S. Burcher, Beallsville.
Frank M. McCoy, Bloomingburg.
George F. Ruggles, Jefferson.
Cortelle B. Hamilton, Kinsman.
Adda B. Henkle, Larue.
William F. Lafferre, Lewisville.
Leonard L. Harding, Milford.
Harry H. Davis, New Holland.
Theodore S. Hephinger, New Philadelphia.
William T. Sprankel, New Straitsville.
Mathias Tolson, Salineville.
James W. Rush, Sardis.
Fred Mills, Sebring.
Ward B. Petty, Sycamore.
John F. McQueen, Wellsville.

OKLAHOMA

John K. Miller, Apache.
Alpha Rutherford, Bennington.
Grace L. Taylor, Blair.
William N. Williams, Broken Arrow.
Jasper A. Bartley, Choteau.
George A. Smith, Devol.
James W. Hinson, Fletcher.
Thomas E. Miller, Francis.
John M. Tyler, Idabel.
Frances Townsend, McLoud.
Ulysses S. Curry, Newkirk.
John D. Morrison, Red Oak.
Sanford I. Pennington, Ringling.
Charles White, Washington.

OREGON

Minta D. Cathers, Wheeler.

PENNSYLVANIA

Dolph T. Lindley, Canton.
Fred F. Duke, Clifton Heights.
Samuel W. Hodgson, Cochranville.
William Rosemergy, Mayfield.

SOUTH DAKOTA

William J. Ryan, Bridgewater.
Amlin A. Isakson, Canton.
Chris Wittmayer, Eureka.

TEXAS

Marshall Callaway, Howe.
Collins M. Click, Lovelady.
Silas T. Compton, Mount Enterprise.
Rufus L. Hybarger, Pineland.
Joseph E. Willis, Rochelle.
Mary E. Holtzclaw, Tatum.

UTAH

Eugene Chatlin, Helper.

VIRGINIA

Bascom N. Mustard, Bland.
Alexander L. Martin, Catawba Sanatorium.
James W. Milton, Eagle Rock.
Norman V. Fitzwater, Elkton.
Ernest A. de Bordenave, Franklin.
William W. Hurt, Max Meadows.
Daisy D. Slaven, Monterey.
Byrd E. Carper, Newcastle.
James E. Johnson, New Church.
Robert E. Fugate, Nickelsville.
Floyd E. Ellis, Roanoke.
George N. Kirk, St. Charles.
Frank M. Phillips, Shenandoah.
Lee S. Wolfe, South Boston.
John W. Layman, Troutville.
Frank J. Garland, Warsaw.
Henry C. Calloway, jr., West Graham.

WASHINGTON

Jesse Simmons, Carnation.
Harry L. Bras, Centralia.
William H. Padley, Reardan.
Henry R. James, Rochester.
Orie G. Scott, Tekoa.

WEST VIRGINIA

Hattie Brown, Bramwell.
Fanny Murray, Sandyville.

WISCONSIN

John W. Crandall, Deerbrook.
Michael C. Keasling, Exeland.
George B. Aschenbrener, Fifield.
Chester A. Minshall, Viroqua.
Carl R. Anderson, Weyerhauser.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 16, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, our heavenly Father, Judge of all men, and unto whom all hearts are open, do Thou make Thy presence evident in the labor of this day. There is a guidance for each of us, and by reflection and lowly listening we shall know the way. May all considerations be lifted to the high level of unfailing devotion to the country that has called us. In the strain of toil, and it will come; in the fret of care, and it will disturb; in the maze of exactions, and they will entangle, be with us. May courage be strong, vision clear, and all hearts kept pure. Bless us this day with large conceptions of duty and a deep and abiding sense of our responsibilities. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business for this week be dispensed with.

It is necessary, in my judgment, that we use the next four days after to-day for the completion of the appropriation bills that we would like to send to the Senate before Saturday night.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to dispense with Calendar Wednesday business to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, there is one thing that I forgot to ask the gentleman in the conference we had a few moments ago. When is it likely that we will have a Private Calendar day?

Mr. TILSON. In my judgment, there should be a Private Calendar day soon after we complete the consideration of the appropriation bills. We have not had an opportunity to consider some bills on the Private Calendar, and my intention is to see that a fair consideration is given for bills on the Private Calendar as soon as we have disposed of the appropriation bills.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut to dispense with Calendar Wednesday business to-morrow?

There was no objection.

THE DIGEST AND MANUAL

Mr. BEERS. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

House Resolution 165

Resolved, That 500 additional copies of House Document No. 661, Sixty-eighth Congress, second session, being the Digest and Manual of the House of Representatives, be printed and bound for the use of the House of Representatives.

The resolution was agreed to.

THE REVENUE ACT OF 1926

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Oregon asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, on March 4 and 5 I addressed letters to the Secretary of the Treasury requesting the conclusions of the Treasury as to the result of the revenue act recently enacted on the receipt of revenue by the Government. I stated in my letters that I wished the information for public use. I asked that the information be furnished in detail, giving items of revenue for 1924 and 1925 to show the amounts actually collected, and for 1926 and 1927 on the estimates of the Treasury as to the amount that would be received during the fiscal years of 1926 and 1927. I asked for 1928, but they were unable to forecast the probable receipts for that length of time. These they have furnished me on the computations of Mr. McCoy in considerable detail, and, Mr. Speaker, I ask unanimous consent to extend my remarks by publishing those tables.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The tables are as follows:

THE UNDERSECRETARY OF THE TREASURY,
Washington, March 10, 1926.

Hon. WILLIS C. HAWLEY,
House of Representatives.

DEAR MR. CONGRESSMAN: I have your letters of March 4 and 5 to Secretary Mellon with reference to the results of the revenue act of 1926 on Government revenues. Mr. McCoy, the Government actuary, figures that the act will reduce actual receipts over receipts estimated under the 1924 act for the fiscal year 1926 by $131,500,000, and for the fiscal year 1927 by $319,000,000. I inclose the details of Mr. McCoy's estimates for these two years. There has been no estimate for the fiscal year 1928, since we have no estimated expenditures for this year.

I also inclose a list of sources of internal revenue of the Government from taxes for the two years 1924 and 1925, and as estimated for 1926 and 1927.

Very truly yours,

GARRARD B. WINSTON,
Undersecretary of the Treasury.

Actual revenue fiscal years 1924 and 1925

	1924	1925
Income tax:		
Corporation	$1,841,759,316.80	$916,232,697.02
Individual		845,426,352.49
Total	1,841,759,316.80	1,761,659,049.51
Miscellaneous internal revenue taxes	954,419,940.26	822,481,218.73
Total internal revenue taxes	2,796,179,257.06	2,584,140,268.24

Actual revenue fiscal years 1924 and 1925—Continued

	1924	1925
Details of miscellaneous internal revenue taxes:		
Estates	$102,966,761.68	$101,421,766.20
Gifts		7,518,129.32
Capital stock tax	87,471,691.52	90,002,594.56
Spirits	27,585,708.37	25,904,774.72
Tobacco	325,638,931.14	345,247,210.96
Deeds and conveyances	38,550,260.04	32,933,355.81
Other stamp taxes	23,707,293.92	16,318,428.37
Telegraph, telephone, radio messages	33,238,874.70	
Leased wires	1,423,554.20	
Automobiles, parts, tires, etc	158,014,709.40	124,686,745.30
Photo supplies	1,606,875.95	1,530,279.78
Candy	11,803,703.78	
Firearms, knives, hunting garments	3,567,700.97	3,664,124.89
Cigar holders, pipes, etc	319,163.77	65,243.52
Automatic slot machines	183,430.27	390,549.42
Liveries, livery boots	145,465.43	
Yachts, motor boats (excise)	258,998.34	
Yachts, pleasure boats (special)	262,572.08	301,455.82
Mah-jongg sets		20,220.14
Works of art	755,566.17	821,519.08
Carpets, rugs, trunks, etc	1,582,341.39	
Jewelry	22,634,406.26	9,673,415.59
Beverages, soft drinks	10,418,866.08	
Opium, cocoa, etc	1,057,066.33	1,090,932.73
Brokers, stock, etc	1,574,030.05	1,326,657.07
Theaters, museums, etc	1,623,361.57	
Bowling alleys	2,312,814.01	2,289,831.18
Shooting galleries, riding academies	27,797.21	28,538.54
Automobiles for hire	2,013,839.00	1,865,075.43
Admissions and dues	85,722,385.09	39,598,397.44
Miscellaneous	7,951,771.54	15,781,972.86
Total miscellaneous	954,419,940.26	822,481,218.73

Estimated revenue under 1926 revenue act, fiscal years 1926 and 1927

	1926	1927
Income tax:		
Corporation	$987,200,000	$1,150,000,000
Individual	603,800,000	456,000,000
Back taxes	180,000,000	180,000,000
Total	1,771,000,000	1,786,000,000
Miscellaneous internal revenue taxes	841,500,000	649,000,000
Total, internal revenue taxes	2,612,500,000	2,435,000,000
Details of miscellaneous internal revenue taxes:		
Estate tax	108,000,000	92,000,000
Gift tax	500,000	
Capital-stock tax	100,000,000	
Spirits	24,000,000	19,000,000
Tobacco—		
Cigars	39,000,000	26,000,000
All other	330,000,000	340,000,000
Automobiles, parts, etc	132,000,000	90,000,000
Cameras, lenses, films, etc	1,120,000	
Firearms and ammunition	2,850,000	
Smokers' articles	35,000	
Automatic slot machines	485,000	
Mah-jongg sets	3,000	
Works of art	350,000	
Jewelry	7,000,000	
Brokers	1,000,000	
Bowling alleys, pool and billiard tables	1,700,000	
Shooting galleries and riding academies	23,000	
Automobiles for hire	1,600,000	
Tobacco manufacturers	1,200,000	
Yachts, use of	210,000	
Opium dispensers	240,000	
Deeds and conveyances	3,000,000	
Other stamp taxes	47,000,000	48,000,000
Admissions and dues	30,000,000	24,000,000
Miscellaneous	10,184,000	10,000,000
Total, miscellaneous	841,500,000	649,000,000
Estimated revenue, Treasury report 1925	2,744,000,000	2,754,000,000
Estimated as above	2,612,500,000	2,435,000,000
Total, reduction from Treasury estimate	131,500,000	319,000,000

Estimated revenue

Ordinary receipts	Fiscal year 1926		Fiscal year 1927	
Customs		$556,750,000		$551,750,000
Internal revenue:				
Income tax	$1,771,000,000		$1,786,000,000	
Miscellaneous	841,500,000		649,000,000	
		2,612,500,000		2,435,000,000
Miscellaneous receipts (see p. 141, Treasury report for 1924)		579,966,942		518,780,203
Total ordinary receipts		3,749,216,942		3,505,530,203

YOSEMITE VALLEY RAILROAD RIGHT OF WAY

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7979) granting to the Yosemite Valley Railroad Co. the right of way through certain public lands for the relocation of part of its existing railroad.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of a bill of which the Clerk will read the title.

The Clerk read the title.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, is this land to be donated to the railroad or purchased?

Mr. BARBOUR. No; it is not to be purchased. It grants a right of way similar to one now in existence. The land is not forest land, it is reserved as for power site purposes. The grant is for railroad purposes only, and the bill provides that if not used for railroad purposes the land reverts to the Government. It is to take the place of the present right of way which the railroad now has under the act of 1875.

Mr. BEGG. I understood the gentleman in the conversation I had with him to say that it was for the purposes of irrigation. Wherein does the railroad right of way help irrigation?

Mr. BARBOUR. I will explain that for the benefit of the gentleman and other Members of the House. The Merced irrigation district is an organization of farmers and the district comprises 190,000 acres. It has a permit from the Federal Power Commission to build a reservoir on the Merced River and erect a dam 326 feet high. The railroad runs alongside the Merced River. When the reservoir site is flooded the railroad tracks for 17 miles will be submerged. The Merced irrigation district is asking for this right of way in order that it may move the 17 miles of railroad track higher up so that it will be above the water. The reason for the request for early action on the bill is this: The dam is almost completed.

Mr. BEGG. Mr. Speaker, so far as I am concerned, I do not think the gentleman need to take any more time.

Mr. CHINDBLOM. I think we should have the statement.

Mr. BARBOUR. The dam is almost completed.

Mr. MADDEN. I went over that when I was out there looking over things, and I can assure the gentlemen that it is necessary to lift the railroad tracks to a higher level if you are going to have the dam and the reservoir.

Mr. CHINDBLOM. I do think it is better to have it in the RECORD rather than in the private minds of gentlemen who have talked with the gentleman from California.

Mr. TILSON. I think the gentleman should state the matter briefly so that it may appear that it is an emergency matter, because it is out of the ordinary to call up a bill for unanimous consent on a day that is not unanimous-consent day.

Mr. BARBOUR. I shall be very glad to do that. The dam is 326 feet high. It is almost completed. At the present time the railroad is running through an arch in the dam 200 feet below the top. The irrigation district wishes to get the benefit of this year's run-off of water, and in order to do that will have to close the dam by April 1 or as soon thereafter as possible. With the consent of the Federal Power Commission the irrigation district has already built the new line of railroad on this proposed right of way, but the railroad company will not accept the tracks and will not move from its present location unless this bill is passed. With the enactment of this bill the irrigation district can close the dam and begin storing water in the reservoir and the flooding of the tracks will not interfere in any way with the conduct of the railroad, but it will help the farmers because they will get the benefit of this year's run-off of water.

Mr. CHINDBLOM. Mr. Speaker, I wanted the gentleman to show that this is an emergency matter.

Mr. BARBOUR. I appreciate that, and I am very glad to make the statement.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. RAMSEYER. Does this involve any expense to the Treasury of the United States?

Mr. BARBOUR. Absolutely not. This irrigation district is organized by the farmers themselves. They are paying all of the bills and have bonded themselves for fifteen and a quarter million dollars.

Mr. RAMSEYER. And the farmers have prepared the new right of way?

Mr. BARBOUR. Yes.

Mr. RAMSEYER. And all the railroad has to do is to move the tracks up?

Mr. BARBOUR. The tracks are already completed. The old track will be turned over to the irrigation district for salvage. While on the face of it this is a bill in the interest of the railroad company, it is really a bill for the benefit of the irrigation district.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and there hereby is, granted to the Yosemite Valley Railroad Co., a corporation organized under the laws of the State of California, the right of way through certain public lands of the United States in the county of Mariposa, said State of California, hereinafter described by reference to a map, for the relocation of a portion of the existing railroad of said corporation, the relocated railroad now under construction by Merced irrigation district in pursuance of an agreement between said corporation and said district dated July 10, 1923, whereby to enable said district to use a portion of said railroad company's existing right of way as part of a certain reservoir to be created by the construction, now under way, across the Merced River, of a dam known as the Exchequer Dam, under a license granted to said district June 10, 1924, by the Federal Power Commission for a project for irrigation and the development of electrical power designated as "Project No. 88, California," which said right of way granted by this act is and shall be 100 feet in width on each side of the central line of the relocated railroad of said corporation through any public land of the United States situated in any of the following subdivisions: Sections 3, 2, and 1, township 5 south, range 15 east; sections 35, 26, 23, 14, 11, 12, and 1, township 4 south, range 15 east; sections 36, 35, 26, 23, and 24, township 3 south, range 15 east; and sections 19, 20, and 17, township 3 south, range 16 east, all with reference to Mount Diablo base and meridian, as said relocated railroad may be constructed in accordance with the alignment thereof as delineated on a certain map now on file in the office of the Commissioner of the General Land Office of the United States and entitled "Amended map of relocation of the Yosemite Valley Railroad from station 1296+16.2 P. O. T., to station 2374+82.3 P. O. T., Merced and Mariposa Counties, Calif., January 15, 1926"; also that there be, and there hereby is, granted to said Yosemite Valley Railroad Co. the right to take from the public lands adjacent to the line of said relocated railroad material, earth, stone, and timber necessary for the construction thereof, and that there be, and there hereby it, granted to said corporation ground adjacent to said right of way for station buildings, depots, machine shops, sidetracks, turnouts, and water stations, not to exceed in amount 20 acres for each station, to the extent of one station for each 10 miles of road.

SEC. 2. That the grant of right of way herein made is and shall be upon the condition that said corporation shall relinquish to the United States, by a written instrument to be filed with and approved by the Commissioner of the General Land Office, all those portions of the right of way of its existing railroad between the point of departure of said relocated railroad from said existing railroad, in the town of Merced Falls, county of Merced, and the junction of said relocated railroad with said existing railroad near the station known as Detwiler, county of Mariposa, which were acquired by said corporation under the provisions of the act of Congress entitled "An act granting to railroads the right of way through public lands of the United States," approved March 3, 1875, said relinquishment to take effect upon the acceptance of said relocated railroad by said corporation from said Merced irrigation district, and upon the further condition that all those portions of the right of way herein granted which are within the aforesaid reservoir site, as said reservoir site is shown upon a certain series of maps referred to in said license granted to said district by the Federal Power Commission, may be flooded by the impounding of water in said reservoir to the extent indicated on the plans referred to in said license, but not to a greater elevation than 707 feet at said Exchequer Dam, based on mean sea level datum as determined by the United States Geological Survey.

SEC. 3. That the Secretary of the Interior be, and he hereby is, authorized and directed to approve said map showing the alignment of said relocated railroad, or an amended map showing such alignment, without any other conditions than those expressed in this act, whenever he shall find that said map or amended map is in accordance with the regulations issued pursuant to said act of March 3, 1875, and upon such approval by the Secretary of the Interior the right of way herein granted shall be noted upon the plats in the land office for the district wherein said right of way is located, and thereafter all the public lands of the United States over which such right of way shall pass shall be disposed of subject to such right of way: *Provided,* That if any section of said relocated railroad shall not be completed within five years from the date of the approval of this act, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RADIO COMMUNICATION

The SPEAKER. Without objection, the bill (H. R. 9108) for the regulation of radio communications, and for other purposes, being the first bill reported by the Committee on Merchant Marine and Fisheries with regard to radio communication, will be laid on the table.

There was no objection, and it was so ordered.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Chairman, I move that the House resolve itself in to the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10198) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such district for the fiscal year ending June 30, 1927, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. FUNK. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. GORMAN].

Mr. GORMAN. Mr. Chairman, on January 4, 1926, I introduced H. R. 6516, which is a bill to provide a bureau of civil, commercial, and strategic aeronautics within the United States Government.

This bill was referred to the Committee on Interstate and Foreign Commerce, and has not yet been reached for consideration. It is my desire at this time to explain the provisions of the bill and what they intend to accomplish.

Prior to the World War the development in aeronautics, while steady and progressive, was, withal, rather slow. The airplane developed very rapidly under the exigencies of the war and its uses multiplied as the conflict waged on. For nearly three years, while the war spread its conflagration over an ever-increasing area, our country, snug in the security of peace and distance, untouched by the consuming flames of battle, made no attempt to profit by the developments in aeronautics, which necessity brought into being in war-ridden Europe. When we were plunged into the war we found ourselves unprepared. Our aircraft had been neglected. The story of this folly has been told too often to require repetition here.

It was expected, however, with the coming of the armistice and peace that our country would apply the experience which the war engendered to profitable advantage. During the past five years we have appropriated for aviation in the Army and the Navy $520,000,000, or an average of more than $100,000,000 each year. Notwithstanding all this vast expenditure for aviation we are told by a mighty chorus of voices that there is something radically wrong with our aviation.

Colonel Mitchell startled the country with his sensational charge of incompetency upon the part of officialdom. With mounting superlatives in each utterance, he reached the climax of language in his accusation of criminal negligence and treason when referring to the *Shenandoah* disaster. He awakened the country as no other patriot has done since Paul Revere aroused the Minute Men, who fired the "shot heard round the world," and Roosevelt revealed the lurking death contained in each atom of "embalmed beef."

We have had plenty of talk. We have been greatly exercised. Exhaustive investigations have been held by many committees of the Congress and important data has been compiled, all of which disclose impotency upon the part of the Army and Navy to deal efficiently with the subject of aviation.

We had the Lassiter Board, convened by the Secretary of War in 1923, which thoroughly investigated the Air Service and reported that—

> the alarming condition in the Air Service exists, due to the shortage of flying personnel and equipment which, if allowed to continue, will very soon cause this important combatant arm to reach a condition which will cause it to be negligible as being a national defense.

We have had the President's Aircraft Board, which held public hearings for a period of four weeks and made a report of its investigation on November 30, 1925. It, too, found fault with our Air Service and made several recommendations to bring about much-needed improvements.

Lately we had an investigation completed by the Select Committee of Inquiry of the House of Representatives. In its report it, too, pointed out an alarming condition in respect to aviation in this country. It found that there is constantly going on a deterioration in the equipment and the morale of both the Army and the Navy Air Services; that there is a disagreement between the Army and the Navy as to proposed legislation to embody the recommendations of the Lassiter Board; and that there is no definite policy in the maintenance of our air forces by either the Army or the Navy.

Hearings conducted by the Committee on Military Affairs, the Committee on Interstate and Foreign Commerce, several committees of the Senate, debates in the Congress, and editorials and articles in the daily press, show there is something decidedly inefficient in all branches of aviation in the United States.

Therefore we will postulate that aeronautics is in an unhealthy state in our land, and the duty devolves upon us to prescribe a remedy for the ailment.

There seems to be a general opinion that aeronautics requires some plan of overhauling. Some persons propose additional undersecretaries in the Departments of War and the Navy, to cure the fault. However, I do not believe that the creation of undersecretaries, devoting their entire time to aviation in the Army and the Navy, would be any better able to agree upon a definite policy, proposed legislation, and other matters, any more than can the present officials of the Army and the Navy to whom is severally intrusted the aeronautics of these two branches of national defense. Furthermore, I consider the ailment to be too deep-rooted to permit of remedy by the proposed undersecretaries, and that commercial aviation, which should be considered jointly with aviation for national defense, is in worse shape in this country than are other branches of aviation.

Other persons propose to abolish the Navy by merging it with the Army, and others still would abolish both the Army and the Navy and set up in lieu thereof a new department to be known as the department of national defense.

In my bill I do not propose to abolish either the Army or the Navy or to interfere with any of their normal functions, but I do propose to take away from them every vestige of authority in aeronautics except their respective jurisdiction over aeronautic personnel.

In the bureau created by my bill I vest the power to coordinate, standardize, purchase, and allocate airships and their accessory equipment among the various departments of the Government wherever they may be needed and to regulate their use.

I propose that the bureau of civil, commercial, and strategic aeronautics shall be composed of five members, appointed by the President, with the concurrence of the Senate, who shall hold office for 15 years, unless removed by the President or by the Congress for misbehavior or incompetency. I propose that one member each of this bureau shall be selected from the War, Navy, Commerce, Post Office, and Interior Departments. I selected the War and Army and Post Office Departments for very obvious reasons. These departments now have activities in aviation, which ought to be developed to the highest point of efficiency. As aviation is an essential arm of national defense, its uses in the Army and the Navy will be extended as the years go on.

The one gleaming light in governmental operation in aeronautics is the Post Office Department. Its splendid record is well known, but if the carrying of mails by airplane is ever to be put on a paying or, at least, a self-sustaining basis there must be brought into use larger and improved planes, capable of handling great quantities of mail. The proposed bureau will be in a better position to expedite this needed development than is the Post Office Department by reason of the plenary powers conferred upon it and the variety of duties imposed upon it.

I included the Department of Commerce because that is the proper department to deal with commercial aviation, patent laws, and many other matters which pertain to aviation, particularly to commercial aviation, which is one branch of the subject matter of my bill.

I included the Department of the Interior because its Geological Survey Division deals with many subjects which are used and others which may be used in aeronautics, such as topographic maps, showing deposit of metals, fuels, water, and minerals, and laboratory research in chemistry and physics.

I have fixed the salary of each member of the bureau who is designated a director at $10,000 per annum and have defined his qualifications in such a manner that one who has no experience in aeronautics can not be selected as a director. In order to be appointed a director he shall have had not less

than two years' experience as an aviator, engineer, manufacturer, builder, designer, architect, mechanic, or executive of aeronautics.

My bill imposes upon the directors of the bureau the duty of making a constant study of, and frequent investigation into, every branch of aeronautics, both domestic and foreign. In this connection, I desire to quote Orville Wright, inventor of the airplane, who says:

> Development work can not be done economically in the hubbub and rush of actual warfare. The expenditure of $10,000,000 in aeronautical research and experimentation before the last war would have saved hundreds of millions that had to be spent to accomplish the same result after the war had begun. Economy demands that we keep abreast of the world in aeronautical research.

While my bill makes the new bureau subject only to the President and to the Congress, it invites the Secretaries of all the departments of the Federal Government to assist, in an advisory capacity, by submitting recommendations to the bureau for its consideration. The bureau is charged with the duty to formulate and establish policies for the design, manufacture, construction, purchase, quantity, types, use, disposition, and mobility of all civil and strategic aircraft, and to such extent as can be done, for all commercial aircraft, and the bill provides that such policies, when approved by the President, shall be binding upon all of the departments of the Federal Government and upon all owners and operators of commercial aircraft. The bill imposes upon the bureau the duty of cooperating with all owners and operators of commercial aircraft and to encourage and foster the development and use of commercial aircraft. As part of its work in encouraging the development of aircraft, the bureau is given the power of fixing the rates of carriage for passengers and commodities of interstate commerce by aircraft. The bureau is given the power to adopt rules and regulations governing the mobility of all types of aircraft and the operation, use, and lighting of air lanes, airdromes, and hangars. It is further charged with the duty to study and investigate the patent and other laws pertaining to aeronautics and to recommend to Congress new laws on the subject or amendments to the present laws, and in this connection the patent laws may be revised, so that the Government may acquire the use or ownership of patents, as has been recommended in the report of the select committee of inquiry. The bureau is required to make a report to Congress each year, with such recommendations as shall seem necessary or expedient. It is also required to recommend to the President, to the Director of the Budget, and to Congress estimates for appropriations for civil, commercial, and strategic aeronautics and the allocation of aircraft, their quantities, and their types to the several departments of the Federal Government, as they may be needed.

The directors will select their chairman and make rules governing their procedure, and the President is authorized to assign suitable quarters to the bureau in one of the buildings now occupied by the several departments of the Government and to transfer stenographers, clerks, and other employees from other departments of the Government to the new bureau as they may be needed. I provide that such stenographers and other employees shall retain their present salary until changed by law.

My bill brings about unification of all departments of aeronautics by having simple machinery, with a minimum of expense to the Government.

I also define the terms used in connection with the creation of the bureau, as follows:

Under the term "civil aeronautics" shall be included all branches of aeronautics in use or to be used by the United States in any capacity other than that of providing for the national defense.

Under the term "commercial aeronautics" shall be included all branches of aeronautics in private use or under private ownership.

Under the term "strategic aeronautics" shall be included all branches and uses of aeronautics for the national defense.

Under the term "aircraft" shall be included all flying contrivances, apparatus, accessories, hangars, airdromes, and flying equipment of every kind now or hereafter invented or discovered.

As I stated to the Committee on Interstate and Foreign Commerce in behalf of my bill, I believe that aeronautics should be classed in a separate department of the Government, and whether this is accomplished through the provisions of my bill or in some other manner is not so important. It is the end we seek. Whether or not this bill is the one that ought to be enacted into law, it at least contains the germ of unification in aeronautics, and if it does nothing further than to stimulate others to serious thought in this matter, with a result that a better bill is drafted, it shall have served its most useful purpose. [Applause.]

Mr. FUNK. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC. Mr. Chairman and gentlemen of the committee, the gentleman from Illinois [Mr. GORMAN], who has just concluded his remarks, has given some valuable information relative to the subject of aeronautics. In this connection I wish to call attention to a distinguished service performed by an officer in the Navy who died last Friday of heart failure at Panama. I refer to the late Commander Walter A. Smead.

Some may consider it rather unusual that I should take up the time of the House by calling attention to his sad death; however, in view of the fact his services played an important part in the establishment of teaching of aircraft at Annapolis, I feel that this is an opportune time to let the records speak for themselves.

First, on January 8, 1925, I endeavored to secure from Secretary Wilbur certain information relative to the progress that was being made in aircraft while under the jurisdiction of the Navy. At a hearing held on this occasion I asked the Secretary would the explosion of a 2,000-pound bomb dropped at different altitudes jam the turrets on a ship. His answer was that we know it will not. Later sworn testimony was given before an investigating committee, which was to the effect that turrets had been blown off of ships by the explosion of bombs which did not contain near this amount of explosives.

I also asked the Secretary concerning the effect of an explosion of a 2,000-pound bomb on a ship dropped from a plane with respect to the disarrangement of machinery and the shell-shocking of men, stating that some were of the opinion that such an explosion would render it incapable of performing service. His answer to this was in substance that the statement was absolutely untenable and ridiculous. Since this date extensive hearings have been held by a number of committees and boards, and practically every witness who has had intimate knowledge and experience concerning the subject of aircraft gave sworn testimony which would indicate a different result from the opinion given by Secretary Wilbur.

Suffice to say, the subject has received a sufficient amount of investigation to cause the citizens of the United States to believe in aircraft, and it is my opinion that Congress will deal with this subject in the proper way in the future.

On January 9, 1925, I gave out an interview which was carried in the Baltimore Sun and other papers reading as follows:

[From the Sun Bureau]

AIRCRAFT COURSE URGED FOR NAVAL ACADEMY—BILL PROVIDING FOR TECHNICAL INSTRUCTION TO BE OFFERED NEXT SESSION

WASHINGTON, January 9.—Legislation to provide technical instruction in aircraft for all midshipmen of the Naval Academy and a course for those who wish to specialize in this branch of the naval service will be introduced in the next Congress by Representative JAMES V. McCLINTIC, Democrat, of Oklahoma.

Mr. McCLINTIC said to-day that he believed a majority of the Naval Affairs Committee, of which he is a member, would favor the proposal, but that it is too late to take it up in this session.

Mr. McCLINTIC said details of the plan would depend upon the views of the Navy Department. However, he said he had in mind the establishment of a small flying field at the academy.

Afterwards I made several speeches on the floor calling attention to the fact that aircraft was not receiving wholehearted support from some of our officials charged with this responsibility. About this time Commander Smead, of the Navy Department, came to my office for the purpose of getting my viewpoint concerning this subject, and I advised him that if he would carry a recommendation to the board, which was at that time preparing a special report on the subject of national defense from the Navy's standpoint, recommending that aircraft be taught at Annapolis that it would do much to cause the people to believe that the Navy really intended to develop this branch of defense. Commander Smead agreed to my suggestion and volunteered to go immediately to see Admiral Eberle for the purpose of making this recommendation. A few days later he telephoned me that the idea met the approval of the board and that such a recommendation would be made.

When the report of the naval board was given to the public I was much pleased because it included my recommendation concerning the teaching of aircraft at Annapolis. Therefore it gave Secretary Wilbur the opportunity of establishing this course of study, and his action received favorable comment from the public.

In view of the fact that this commander was always alert in looking after the interest of the Navy and was qualified in such a way that he could see the value of adopting new ideas, I take this means of expressing my appreciation for the splendid service he has rendered to this branch of national defense, for it was through his efforts that the subject was brought squarely to the attention of those who are making a study of this question, and this resulted in a decision which has since caused aircraft to be taught at Annapolis.

Commander Smead possibly had as many friends among the Members of Congress as any officer who has ever performed service in the Navy. The Navy and the country has lost a conscientious and capable officer, and the record he has made should be an inspiration to those who take up his work where he concluded. [Applause.]

Mr. FUNK. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Chairman and gentlemen, during several debates we have had here in the House on the subject of Federal reclamation the statement has been made repeatedly by various Members from Eastern States that the reclamation farmer ought not to expect the Government to give him a long time in which to pay the funds that he owes to the Government. The statement has been made that the reclamation farmer ought to pay interest to the Government on the moneys that are owing in this fund, bearing in mind always that this fund is money that is derived from special purposes and not from the Federal Treasury. A rule that is a good rule ought to work both ways, and I have just introduced a joint resolution, H. J. Res. No. 201, to make that rule work both ways. In 1886 Congress authorized a deposit with some 26 of the States of the Union of some $28,000,000. The act authorizing that deposit requires that the States give the Federal Government their evidences of the indebtedness and their promise to repay the money when Congress asks for it. That money has now been held by those States for 90 years without one dollar of interest being paid and without one cent of it being returned to the Treasury. The reclamation farmer is returning year after year a small part of that which he owes to the Government. He is paying interest on delinquent charges. It seems to me that after a period of 90 years, during which those 26 States have had the money taken from the Federal Treasury upon which they paid no interest, that it is about time that it be returned. Under the leave just granted I am putting into the RECORD a list of the 26 States, the amount of money they owe the Federal Government, and a letter from the Secretary of the Treasury showing that he holds the pledge of the States to repay this money, and that it has never been called for, and he can not call for it until Congress directs him to do so.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SIMMONS. I will.

Mr. CHINDBLOM. Does the gentleman show what that money is being used for by the States?

Mr. SIMMONS. I do not know, and I do not care. That money is held by the States. The Treasurer holds the promise of the State of Illinois, among others, to repay $477,919.14 whenever asked for. I think it is time to ask for it.

Mr. CHINDBLOM. But the gentleman has not the information as to the purpose for which the money is used?

Mr. SIMMONS. I have not.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. LEATHERWOOD. I will say in most cases it is used for internal improvements by the States receiving it.

Mr. SIMMONS. Just like the money is being used by Western States required by Congress to be returned.

The letter and statement are as follows:

TREASURY DEPARTMENT,
OFFICE OF THE UNDERSECRETARY,
Washington, February 4, 1926.

DEAR CONGRESSMAN: Receipt is acknowledged of your letter of January 30, 1926, requesting information with regard to the deposit of certain moneys belonging to the United States with the several States of the Union under the acts of Congress of June 23, 1836, and October 2, 1837, and in reply I have to advise you as follows:

Under section 13 of the act of June 23, 1836 (5 Stat. 55), entitled "An act to regulate the deposit of the public moneys," it is provided:

"That the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of $5,000,000, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall by law authorize their treasurers or other competent authorities to receive the same on the terms herein specified."

The terms were that the States receiving deposits should, through their treasurers or other competent authorities, sign certificates of deposit therefor in such forms as might be prescribed by the Secretary of the Treasury, which would express the usual and legal obligations and pledge the faith of the State for the safe-keeping and repayment thereof, and should "pledge the faith of the States receiving the same to pay the said moneys and every part thereof from time to time whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying any wants of the Public Treasury beyond the amount of the five millions aforesaid."

Under this legislation three installments were placed with the several States, amounting in all to $28,101,644.91. Before the time for the making of the deposit of the fourth installment the condition of the Treasury was such that the Secretary withheld the fourth installment. Upon the meeting of Congress in September, 1837, the subject received immediate consideration, and on October 2, 1837, there was passed and approved "An act to postpone the fourth installment of deposits with the States" (5 U. S. Stat. p. 201). This act provided "that the three first installments under the said act shall remain on deposit with the States until otherwise directed by Congress."

Congress has never directed the return of the deposits and the matter stands at this time as it was left by the act of October 2, 1837, no part of the moneys deposited with any of the States ever having been returned to the Treasury.

A list of the States which received deposits (26) and the amount received by each, making up the total deposits of $28,101,644.91, is inclosed herewith.

The certificates of deposit signed by the competent authorities of the respective States, as provided for in the act of June 23, 1836, are now on file in the Treasury Department.

In connection with your request for "a brief history of the motives prompting Congress to authorize this deposit and the basis upon which the law was enacted," your attention is invited to an address delivered by Daniel Webster in the United States Senate on May 31, 1836, on introducing his proposition for the distribution of the surplus revenue, which may be found in the Congressional Globe and Appendix, Twenty-fourth Congress, first session, volume 3, pages 506–509. This address presents certain conditions existing at that time, together with the reasons for action on the part of Congress, and would appear to be representative of the majority thought at that time regarding this matter.

For your further information with regard to these deposits of funds with the States it may be added that under the authority contained in the act of June 25, 1910 (36 Stat. 776), the accounting officers credited the general account of the Treasurer of the United States and charged the several States with the sums deposited under the act of June 23, 1836, as directed by the provision of the act of June 25, 1910, as follows:

"*Provided*, That the credit herein authorized to be given to the Treasurer of the United States shall in no wise affect or discharge the indebtedness of the several States to the United States, as is provided in said act of Congress approved June 23, 1836, and shall be made in such manner as to debit the respective States chargeable therewith upon the books of the Treasury Department until otherwise directed by Congress."

From the foregoing it will be noted that while the deposits referred to may be regarded as an asset of the United States no action may be taken toward making any collection of the deposits with the States until Congress shall so direct.

By direction of the Secretary.

Very truly yours,

GARRARD B. WINSTON,
Undersecretary of the Treasury.

Hon. ROBERT G. SIMMONS,
House of Representatives.

Deposits with several States of funds of the United States under act of June 23, 1836 (5 Stat. 55), and act of October 2, 1837 (5 Stat. 201):

Maine	$955,838.25
New Hampshire	669,086.79
Vermont	669,086.79
Massachusetts	1,338,173.58
Connecticut	764,670.60
Rhode Island	382,335.30
New York	4,014,520.71
Pennsylvania	2,867,514.78
New Jersey	764,670.60
Ohio	2,007,260.34
Indiana	860,254.44
Illinois	477,919.14
Michigan	286,751.49

Delaware	$286,751.49
Maryland	955,838.25
Virginia	2,198,427.99
North Carolina	1,433,757.39
South Carolina	1,051,422.09
Georgia	1,051,422.09
Alabama	669,086.79
Louisiana	477,919.14
Mississippi	382,335.30
Tennessee	1,433,757.39
Kentucky	1,433,757.39
Missouri	382,335.30
Arkansas	286,751.40
Total	28,101,644.91

Mr. FUNK. Will the gentleman from New York use some time?

Mr. GRIFFIN. I yield 28 minutes to the gentleman from Mississippi [Mr. COLLINS]. [Applause.]

Mr. COLLINS. Mr. Chairman, I expect to use my time in discussing the bill that is before the House, or rather in discussing one phase of the bill, and that is the fiscal relations of the Federal Government to the District of Columbia. We all know the history of the District; we know that in all foreign governments, before the establishment of this one, there was a conflict of authority between the state or municipality where the capitol of the nation existed and the national government. We know that about the time of the beginning of this Government that a mob prevented Congress from properly considering legislation in Philadelphia, which necessitated the removal of the Capitol to Trenton; so it was therefore provided in the Constitution that Congress shall have the power to exercise exclusive jurisdiction in all cases whatsoever over such district, not exceeding 10 miles square, as may by cession of particular States and the acceptance by Congress become the seat of government of the United States.

In other words, it was the purpose of the framers of the Constitution to locate the seat of government where the Federal authority would be supreme, where the municipality or State would have no authority whatever, where the will of Congress would be the supreme law, where the American people as a whole would govern. The States of Maryland and Virginia thereupon ceded to the United States a territory which is known now as the District of Columbia, and in the ceded territory the city of Washington was laid out by mutual understandings and with the concurrence of all the States of the Union.

Mr. JOHNSON of Kentucky. Will the gentleman permit an interruption?

Mr. COLLINS. A brief one.

Mr. JOHNSON of Kentucky. The gentleman just stated that the city of Washington was laid out in the District of Columbia. I beg to take issue with the gentleman on that statement. In 1802 the city of Washington was chartered, and the act of Congress chartering it does not even say it is in the District of Columbia, does not say it is in the United States, and it gives no boundaries.

Mr. COLLINS. But it is in the District of Columbia.

Mr. JOHNSON of Kentucky. No; there is no city of Washington. Its charter was repealed by the act of February 21, 1871.

Mr. CONNALLY of Texas. If the gentleman will yield just for a moment, in connection with what the gentleman from Kentucky just said, I remember when I first came to Congress listening to a very able and interesting address by the gentleman from Kentucky showing that the official designation, as I recall it now, was the District of Columbia and not the city of Washington.

Mr. JOHNSON of Kentucky. Yes; the Constitution makes it so.

Mr. COLLINS. Now, the Federal Government in its dealings with the people of the District of Columbia and with the District of Columbia itself has always, in my opinion, dealt fairly with them. It certainly wishes to do so now. But there are those who contend that the Government is niggardly with the District, and that it pleases to saddle unjust burdens on the property owners of the District. I deny the assertion, and I contend that the Federal Government not only has been fair to the government of the District but to the people of the District as well.

The present bill that we have under consideration is more than fair to the District and District taxpayers. It appropriates approximately $33,757,000 to cover their needs. Now, as to that amount of the appropriation, it has been stated that it was less than the appropriation of last year. But that is not so. There was appropriated last year, or the fiscal year ending June 30, 1926, the sum of $36,188,000; but making up that appropriation bill there were items carried as deficiencies of $4,360,000, so that the total amount carried in that bill was $31,837,000, whereas this bill carries an appropriation of $33,757,000. In other words, the amount carried in this bill as compared with the amount carried in the bill of last year, the bill for the fiscal year 1926, is $1,829,000 in excess of the amount carried in that bill. We have increased expenditures here, and at the same time have reduced them in the other departments of the Government, and the District of Columbia is a part of the United States Government just as much as the Army and the Navy are, and if reductions are made in one department it follows that they should be reasonably expected elsewhere. Yearly the activities of the District are increasing, and in this bill now before us the committee has recommended in terms of dollars and cents almost the amount carried in the estimate of the Director of the Budget, being about $290,000 less than the amount recommended by him.

It carries some increases in various items. For instance, the salaries of officers in the District are increased approximately $17,000, and for courts and prisons and charities and corrections, schools, traffic signals, and so on, the appropriations are larger in this bill than those carried in the estimate of the Director of the Budget. Signal lights are increased approximately $350,000 over the estimate of the Director of the Budget. Of course, this appropriation is an indefinite one, but notwithstanding that fact it is an increase, and an increase of approximately $350,000. So that the charge that Congress is unfair to the District is manifestly unfair.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BLANTON. In addition to these regular appropriation bills there are always deficiency bills.

Mr. COLLINS. I am going to get to that. I have already stated, or thought I had stated, that the probable appropriations for the fiscal year 1927 will be approximately $37,000,000, for there will occur deficiencies this year just the same as they have occurred in the past, and $37,000,000 is admittedly sufficient to take care of District needs.

Now the next question that we have to consider is whether or not the Congress is fair to the individual taxpayers of the District. We are charged with saddling unjust burdens on these individual taxpayers. Now we wish to see if that is so. I think the best way to consider it is by three methods. First, take the amount of governmental property used strictly for governmental purposes and compare it with the property owned by private individuals and corporations in the District, together with that owned by the District itself and that which is owned by the Government and used for strictly District purposes, and ascertain by this method the proportion of governmentally owned property used for governmental purposes as compared with all other property, and also the proportion of expense paid by the Government as compared with the amount paid by individual taxpayers.

In the consideration of this, we find that the United States Government owns property in the District of Columbia of the value of approximately $380,516,000; this includes all of the property of the Government.

This $380,516,000 of property of the Government within the District of Columbia is divided into classes: First, governmentally owned buildings—and mind you, the figures I am giving you are the figures of the District assessor—buildings, such as the Capitol, the navy yard, and so on, and these amount to $229,000,708. The other property that the United States Government owns in the District consists of parks, property used by the District of Columbia, and property that any other municipality would have to pay for out of municipal funds or the municipal treasury. Every park in the city of Washington is owned by the United States Government, and the taxpayers of the District of Columbia are getting the benefit of these parks. This property amounts to $150,000,000.

Now, the real and personal property——

Mr. LOWREY. Mr. Chairman will the gentleman yield there?

Mr. COLLINS. Yes.

Mr. LOWREY. Are those parks maintained by the District or by the Federal Government?

Mr. COLLINS. Maintained by both; but that is immaterial to what I am considering here, if the gentleman will pardon me.

The real estate and the personal property in the city of Washington, according to the assessor, amount to $1,000,000,000. Intangible property in Washington, according to the same of-

ficial, amounts to $420,000,000. And in this connection I wish to state that his figures are perhaps inaccurate, because in the estimate of the amount of revenue that will come to the District, the auditor of the District fixes the intangible property at $480,000,000 instead of $460,000,000, so that the figures I have given are sufficiently low, or $60,000,000 less than the figures of the auditor of the District.

Then there is exempt property in the District held by churches and schools and hospitals, and so on, amounting to $53,372,000, and then the property of the District of Columbia amounts to a little over $24,000,000

If we add the property owned by the individual taxpayers of the District, the municipal property, the exempt property, and the amount of property in the District owned by the United States Government, which is used solely for the benefit of the people of the District and not one particle of which is used by the Federal Government, we find that the total amount of all these classes of property in the District of Columbia is $1,648,000,000, whereas the governmentally used property, owned by the Government in the District, is $229,000,000. So we find that the governmentally used property in the District of Columbia amounts to less than 14 per cent of the entire property in the District.

Now, then, let us consider the question from another angle. The personal property and the real property in the District is assessed at $17 per thousand, while intangible property is assessed at $5 per thousand, and we find that the taxpayers of the District of Columbia are called on to pay in taxes this coming year the sum of $19,325,000. The United States Government contributes $9,000,000. It will immediately be assumed that the taxpayers of the District pay the difference between the amount carried in this appropriation bill of a little over $33,000,000 and $9,000,000, but that is not so. The taxpayers of the District, according to the estimates of the auditor of the District, will pay approximately $19,325,000. How does he arrive at those figures? He arrives at them by taking the real estate and personal property in the District at $17 per thousand, and that makes $17,000,000, and then $480,000,000 of intangible property in the District amounts to $2,235,000. In other words, the total contribution to the expense of running the government of the District of Columbia by the individual taxpayers of the District of Columbia amounts to $19,325,000, and the Government of the United States expends $9,000,000. So $9,000,000 represents 46 per cent of the amount paid by the taxpayers of the District of Columbia, while the governmentally owned property in the District and used for strictly governmental purposes amounts to 14 per cent of the entire property in the District. So the charge that is frequently made that the Congress of the United States is unfair to the people of the District is manifestly untrue. The Congress is generous to a marked degree to the District, and any method of figuring it will demonstrate it beyond the peradventure of a doubt.

Mr. PEERY. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. PEERY. Will the gentleman give us some information as to how the tax rate in the city of Washington compares with the average tax rate in cities of similar size throughout the United States?

Mr. COLLINS. I am going to do that. Now, then, we have considered the first proposition and that is to take the amount of governmentally owned property in the District, used for governmental purposes, and compare it with other property, and we have found that the Government of the United States and the Congress of the United States, charged with the government of this District, is fair, and fair to a marked degree to the District.

Now, let us consider the question from still another angle. Take all property owned by individuals and corporations in the District and ascertain the rate of taxation paid on this property as compared with rates paid by other property owners in cities of similar size or nearly similar size in other parts of the country, keeping in mind that the taxes paid here and levied by the Congress cover all taxes raised, while in other cities there are taxes paid not only to the municipalities but to the States, counties, and other jurisdictions as well.

In the consideration of this phase of the subject I want you to bear in mind again that the individual taxpayers of the District on personal and real property pay $1.70 per hundred or $17 per thousand on a supposed full valuation. Of course, after you have gone through hearings you will find that school sites, for instance, and other sites purchased for the District are sometimes purchased at several times the amount of the assessment. For instance, in this particular bill the Commissioners of the District asked for the purchase of a school site and they wanted about 4 acres. This site was bought a year ago or about a year ago. The 4 acres, according to the assessment, was $2,700 per acre, and the 4 acres would amount to around $10,000, but the District Commissioners asked for an appropriation of $100,000 to buy this piece of property. Now, the property here is assessed, as I said, at $17 per thousand, and, mind you, that was for the year 1926.

I am now going to give you a comparison of tax rates, assessments, and so forth, in 24 American cities, and I am going to give you those tax rates as of 1923. New York, on a 100 per cent basis of assessment, has a tax rate of $27.50 per thousand, while the rate here is $17 per thousand. In Chicago the tax rate is $77.70 on a 50 per cent valuation; in Philadelphia, $27 per thousand on a 100 per cent valuation; in St. Louis, $25 per thousand on a 100 per cent valuation; in Baltimore, $30.73 on a 100 per cent valuation; in Pittsburgh, $36.75 on a 100 per cent valuation; in Milwaukee, $29.15 on a 100 per cent valuation; in Buffalo, $33.22 on a 100 per cent valuation; in Newark, a city of about the same size as Washington, $37.80 on full valuation; in Cincinnati, $22.74 on full valuation; in Jersey City, $34.48 on full valuation. In every single instance nearly twice as much as the tax rate in the city of Washington.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. CONNALLY of Texas. The gentleman will bear in mind in that connection that in these other States the city property is also assessed for State purposes and county purposes.

Mr. COLLINS. I stated that, or thought I did.

Mr. CONNALLY of Texas. While in the District the Government performs all governmental functions for only one tax?

Mr. COLLINS. I think I stated that.

Mr. LANKFORD. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. LANKFORD. Will the gentleman state what the tax rate would be in Washington if it were made at the average rate in similar cities for all purposes?

Mr. COLLINS. I think the rate of taxation on a 100 per cent valuation here is about the same as it is in other cities over the country. In other words, notwithstanding the fact that other cities claim to assess property on a 100 per cent valuation, I seriously doubt whether they do that in all instances.

Mr. LANKFORD. I mean, is the rate here the same as it is in other cities for all purposes?

Mr. COLLINS. No; it is not.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. MOORE of Virginia. The gentleman and I will agree that the tax rate has not any complete significance unless consideration is given to the assessment of the property. The gentleman has very often referred to 100 per cent and full valuation in other cities as compared with 100 per cent and full valuation in Washington. I ask the gentleman whether his committee made any investigation to ascertain what is the average rate of assessment on real estate in Washington City?

Mr. COLLINS. I will state to the gentleman from Virginia—and I am speaking solely for myself—that some property in Washington is assessed at full valuation, while, in my opinion, other property is assessed at very much under full valuation. You take the outlying districts of Washington. There property is assessed, in many instances, at less than one-third its true value. But a large part of the property in Washington is assessed, in my opinion, at its full value.

Mr. MOORE of Virginia. Does the assessor in Washington make a valuation of the property of the Government?

Mr. COLLINS. Yes; unofficial, but he makes one; and I will say that since 1923 he has raised his estimates on Government property nearly 50 per cent.

Let us again consider our second proposition, which I have just discussed.

Mr. BRIGGS. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BRIGGS. Has the gentleman made any study of the relationship of the assessed valuation of a great deal of this property; for instance, apartment houses, and the prices at which they have been sold time and time again within the last three years, indicating what kind of spread there is between such sale prices and the assessed valuation?

Mr. COLLINS. Yes; the gentleman from Maryland [Mr. ZIHLMAN] put in the RECORD about two years ago some very

interesting figures on that subject presented to him by the assessor, which I have not time now to discuss but which ought to be carefully considered.

Mr. BRIGGS. Do you remember what that relationship showed, generally?

Mr. COLLINS. Generally, the assessments, according to the figures that were given to Mr. ZIHLMAN by the assessor, and which were inserted by him in the RECORD, were on a par with the assessment of the property; perhaps just a little above.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. FUNK. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. COLLINS. We have seen that if the taxpayers of the District pay less taxes here than taxpayers pay elsewhere in cities of similar size, then the taxpayers of the District have no right to complain, and the figures I have presented dealing with rates of taxation from 24 American cities ranging in population from New York, with 6,000,000, down to Denver, a city of 260,000, show the average tax rate in those 24 American cities is around $33 per thousand, whereas in Washington it is $17 per thousand.

Let us now consider this question from still another angle and ascertain whether the taxpayers of the District are treated fairly by the Federal Government.

Let us take all of the expenditures made under this bill, separate them, deduct those that are expended for purely municipal purposes, and then ascertain of the remainder the proportion of the same that should be borne by the Federal Government. We find, then, that five-sixths of the items in this bill are such items as the sewage system, trash on streets, collection and disposal of waste and refuse, electrical department, inspection of buildings, plumbing and wiring, courts and prisons, charities and corrections, medical charities, schools, playgrounds, libraries, and other strictly municipal activities, activities carried on by every city in the United States and out of which the Federal Government receives no benefit whatever. We find these items, in amount, are five-sixths of all the items in the bill and the rest of them, or the other one-sixth, are items such as roads, bridges, health, water, and so forth. Mind you, with reference to water, notwithstanding the fact that the water supply of this District is owned by the Federal Government, or largely owned by the Federal Government, still the Capital is supplied with water, or a large part of its water, by another governmentally owned water plant. The interest of the United States Government in roads, bridges, health, water, and so forth, is certainly meager. These are items carried in every municipal budget in the country and it can not be said that the United States should pay all the expense of carrying on these activities. But do we? Yes; these items which are part benefit to the National Government amount to approximately $6,000,000; but the Government is not content to appropriate $6,000,000 to take care of all of them, but appropriates the $6,000,000 and $3,000,000 more. So we are certainly fair in our dealings in this regard with the District.

But we do not stop there. In the bill that is before us we have a surplus revenue fund of over $2,000,000 that is appropriated, all of which comes out of the Treasury of the United States; and in addition to that we built two bridges across the Potomac River in Virginia and we are building still another bridge, the Memorial Bridge.

Mr. SCHAFER. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. SCHAFER. Does not the gentleman think it ought to be brought out also that in the other cities where you quoted the property and real estate tax rate the taxpayers also have to pay State income taxes and inheritance taxes in most of the States?

Mr. COLLINS. Yes. I have handled this matter from three different standpoints, and from every standpoint it is clearly proven that the Congress of the United States is fair to the District of Columbia; not only fair to the District, but to the taxpayers of the District as well.

The Congress of the United States takes pride in the Capital of the country, and in my opinion will always be found taking care of the needs of the District according to its best judgment as to what is right and proper. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. FUNK. Mr. Chairman, I yield 15 minutes to the gentleman from Vermont [Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, recently the gentleman from Texas [Mr. JONES] asserted in the course of a speech on the Philippine situation that the present Governor General is unfit for the position. The basis of the opinion was that he is a military man and has expressed an opinion that the Filipinos should not be granted independence. I have the honor of having for a time been in the military service under General Wood and of serving on the board of trustees of a well-known American college with him. I can not let the statement go unchallenged.

Leonard Wood needs no defense by any Member of the Congress. His record is written into the history of this Nation and is a record of achievement surpassed by no other living American. It is about time, therefore, that we call a halt on reckless criticism and pause for a moment to do justice to this great soldier, citizen, and executive, who to-day represents the sovereignty of this Republic in our possessions in the Orient.

The remarks of my colleague suggest that General Wood is by nature of his training a military dictator. His early training was not of a military character. His father was a New England country doctor, and in the atmosphere of a home of common service to the community he grew to early manhood. He chose the profession of his honored father, and after working his way through college became a doctor. After a time spent in practice in Massachusetts he passed an examination and entered the service of his country as a contract surgeon.

He was assigned to the command of the then Capt. H. W. Lawton, who rose from the ranks to be a major general and was killed in action in the Philippines. His life divides itself into three periods—18 years as a surgeon, during which he served two Presidents of the United States as their personal physician; a comparatively brief service as a combat officer; and years of successful work as an administrator.

At the time he joined Lawton the latter was leading a campaign against Geronimo and it was a grueling chase that the old Indian chieftain led the small but efficient force in the Southwest. Lawton and Wood were the only officers who were able to go through the campaign. The Infantry was left without line officers, and Wood, upon his own request, was given a command in addition to his duties as a surgeon. For distinguished gallantry he was awarded by Congress the coveted medal of honor after he had been in the service but a short time.

In a report to General Miles on the Geronimo campaign Captain Lawton said:

> Concerning Dr. Leonard Wood, I can only repeat what I have before reported officially and what I have said to you, that his services during that trying campaign were of the highest order. I speak particularly of services other than those devolving on him as a medical officer; services as a combat officer, voluntarily performed. He sought the most difficult and dangerous work, and by his determination and courage rendered a successful issue in the campaign possible.

Major General Miles, indorsing Lawton's commendation, said:

> Assistant Surgeon Wood accompanied Lawton's command from the beginning to the end. He not only fulfilled the duties of his profession in his skillful attention to disabled officers and soldiers, but performed satisfactorily the duties of a line officer, and during the whole extraordinary march, by his example of physical endurance, greatly encouraged others, having voluntarily made many of the longest and most difficult marches on foot.

The Spanish War found the country wholly unprepared both as to trained men and equipment. Leonard Wood was given the command of a cavalry regiment known as the Rough Riders. He had then been for some years the White House physician and had gained an intimate knowledge of War Department details during his residence in Washington. That knowledge enabled him to fit out his regiment in fairly good shape. It was organized, equipped, brought to the port of debarkation, embarked, landed in Cuba, and put through two offensive battles all within 60 days. This was the work of a genius. Of course he had the assistance as lieutenant colonel of that great dynamic American, Theodore Roosevelt, but that fact does not detract from the splendid service of Leonard Wood. General Young, who commanded the Second Cavalry Brigade, in his report of the offensive battles said:

> I can not speak too highly of the efficient manner in which Colonel Wood handled his regiment and of his magnificent behavior on the field.

Before the Battle of San Juan General Young became ill and Colonel Wood was placed in command of the brigade.

The division commander was that gallant cavalry leader of the South, Gen. Joseph Wheeler, who commended Wood in the highest terms. For his conspicuous bravery he was recommended to be a brigadier general.

Later, he was promoted, and at one time commanded the Eastern Department. In 1910 he was placed at the head of the Army as the Chief of Staff. Thus he rose through sheer ability to the highest place in the active Military Establishment of his country.

During the late war he rendered service of the greatest value; in spurring officials to better preparation; in giving Congress valuable information as a result of observations at the front, where he was seriously wounded, and in the training of two splendid divisions. As he was about to embark with one of these—the Eighty-ninth—for service overseas, he was detached from command without a word of explanation. What this sudden blow meant to a soldier like General Wood few will ever know. He did not sulk. He did not talk about it. He did not complain. Later he was ordered to train another division and set about the task with a resolution worthy of the great man he is. The first men of the division were gathered into groups on August 10, 1918. The men were prepared and trained ready to leave for the front November 1, and the officers of the British and French service mission, who had been with the organization for six weeks of the training period, after critical inspection declared it to be the best trained of any they had seen in the United States. The success in whipping this body of recruits into shape was without parallel in our Army service. Tardy recognition came when he was called to Washington and the Secretary of War pinned the distinguished-service medal on his breast.

General Wood's service to the Nation along military lines is not fully comprehended in this brief reference to his active service in the field and in the departments.

In 1902 he attended the German Army maneuvers. Lord Roberts, the hero of Kabul and Kandahar, was the representative of Great Britain. Together they watched in practice the most perfect military organization the world had ever seen. Lord Roberts, at their close, turned to Wood and said:

> Wood, what are our countries to do when that splendid military machine is directed against us?

Each returned to warn his country at whatever cost to himself. Lord Roberts went up and down England sounding the warning "prepare or perish." They were both met with ridicule and their warnings treated with derision. The world was then blind to Germany's colossal military preparations. General Wood, with rare vision as to the future, strove with sincere patriotism to arouse interest in better preparation to meet an emergency. For 10 years he made recommendations to the War Department, only to have them pigeonholed. Then he told the people the stark truth concerning the peril the future had in store. He, with Roosevelt, fought the pacifists, who, then as now talked about the militarism of a sordid Europe, above which we of America had risen in our far-famed idealism.

Finally he organized the Plattsburg camps, which trained thousands of civilians so that they became brilliant officers during the World War. And how much we needed them! We now know that without them to command our troops our armies could not have arrived at the front in time for effective service. All of the impelling object lessons of the war itself confirmed General Wood's arguments for preparedness and refuted the shallow prattlings of pacifist talk. We now know he was right. To him the Nation and the world owes a great debt of gratitude for his work. If we had followed his advice at an earlier time thousands of the brave sons of America who made the supreme sacrifice would be among the living to-day.

Well did Princeton University appraise his services when in 1916 there was conferred upon him an LL. D. degree in the following terms:

> In our defenseless state he has sounded the reveille to awaken a slumbering Nation from its dream of security, bidding us rise and take our place like men to save our freedom and help to save the imperiled freedom of the world.

The claim to fame for General Wood does not rest alone either with his service as a soldier. During the Spanish War many of our soldiers were in and about Santiago, Cuba. It had long been a plague spot and as such had been known to the sailors of the seas for generations. General Wood was placed in charge of the city and Province. At that time the city was reeking with filth. The inhabitants were starving. Women and children were on the streets with pitiful appeals for food. Here General Wood's genius for administration brought order out of chaos. An English writer, who was an eye witness to the events about Santiago in 1898, wrote as follows:

> If ever in this world the extraordinary man, the man of destiny, the man of preeminence and resource, was needed, it was at Santiago de Cuba during the latter part of July, 1898. The occasion demanded first a physician to deal with the tremendous sanitary needs; then a soldier to suppress turbulence and effect a quick restoration of law and order; and, finally, a statesman to reestablish and perfect a civil government. In General Wood was found a man who by nature, education, and experience, combined in himself a generous share of the special skill of all three. By special education and subsequent practice he was a physician; by practice and incidental education, added to a natural bent, he was a soldier and a law giver.

And further:

> This unparalleled regeneration had been wrought not by a host of men native to the locality and occupying offices long established, and enjoying an official prestige, but by an American brigadier general of volunteers, a stranger to the place and people, embarked on the work at a moment's notice and having for his immediate aids only a few Army officers, some of whom had been out of West Point less than two years, and all of whom were as new to the place as himself. It was the tour de force of a man of genius, for in the harder, more fundamental tasks that confronted him here General Wood had no previous experience.

When he was compelled to return to the United States for a brief visit the whole city turned out to do honor to him and presented him with a testimonial engrossed in Spanish which reads, in part:

> The people of the city of Santiago de Cuba to Gen. Leonard Wood * * * the greatest of all your successes is to have won the confidence and the esteem of a people in trouble.

His success as Governor of Santiago led to his appointment as Military Governor of Cuba. Yellow fever was then prevalent. Sanitary conditions were indescribably bad throughout the island. Thousands of cases of smallpox existed. The Government had to be reconstructed. The problems of hundreds of years of misrule had to be met. He faced a situation such as no other civil or military administrator ever faced. He set about the task with resolute courage.

He conquered disease and made Cuba healthy, a condition that had not been known for centuries. He reconstructed the whole machinery of justice, made over the Government and brought it up to date, built roads, grouped hospitals and charities under new organizations, renovated old hospitals and built new ones, made harbor improvements, put into operation a postal system and established post offices, established a new custom system, and built up a school system. When he went into office not a single public-school house existed. When the Government was turned over to the Cubans, 3,800 schools were in operation in good schoolhouses with 265,000 pupils.

All this he did with signal success. Elihu Root, then Secretary of War, had this to say of his work:

> Out of an utterly prostrate colony a free republic was built up, the work being done with such signal ability, integrity, and success that the new nation started out under more favorable conditions than has ever before been the case in any single instance among her Spanish-American Republics. This record stands alone in history, and the benefit conferred thereby on the people of Cuba was no greater than the honor conferred upon the people of the United States.

Lord Cromer, Great Britain's colonial administrator, characterized Leonard Wood's work in Cuba as "the greatest piece of colonial administration in all history."

His next great work was in the Philippines, where he was sent by President Roosevelt to pacify the Moros and to build up their government. There he had infinitely more delicate tasks of dealing with many different religions, laws, customs, and hereditary rights of tribal rulers. The quality of statesmanship he exhibited was again of the highest order. He changed the Moros from a slave-holding, polygamous people to a self-governing state.

In recognition of his work in colonial organization and administration in Cuba and the Philippines, the French Legion of Honor conferred upon him the next to the highest of its five orders.

President Roosevelt referred to him in the following words:

He has shown himself one of the most useful and patriotic of American public servants and has made good Americans his debtors by what he has done.

The career of Leonard Wood is a sufficient answer to the criticism of the gentleman from Texas. In every position of administration he has won the respect and love of the people over whom he has been placed. As to this, Roosevelt well said:

Spaniards and Cubans, Christian Filipinos and Moros, Catholic ecclesiastics and Protestant missionaries—in each case the great majority of those whose opinions was best worth having, grew to regard General Wood as their special champion and ablest friend, and as the man who more than any other understood and sympathized with their peculiar needs and was anxious to render them the help most needed. His administration was as signally successful in the Moro country as in Cuba. In each case alike it brought in its train peace, an increase in material prosperity, and a rigid adherence to honesty as the only policy tolerated among officials.

This, then, is the man who represents our Nation as Governor General of the Philippines—a great soldier whose service has always been tempered by the fact that he came from civil life; a patriotic American citizen with the highest concept of its duties and obligations; an administrator better than whom does not exist in the civilized world to-day; an outstanding conservator of Americanism and a most efficient organizer of orderly freedom for people who had been the victims of tyranny for hundreds of years.

I can not speak for others, but as for myself I have an abiding feeling that every red-blooded, patriotic citizen of the United States ought to thank God that Leonard Wood was given to the service of his country. [Applause.]

Mr. FUNK. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, on March 5 I delivered a discourse on the floor of this House. The thesis I undertook to maintain was that the Constitution of the United States is the fundamental organic law of the land; that it was intended only to provide the framework of government, define its functions, and prescribe the duties, the powers, and the limitations of its different branches. I further maintained that the constitution of a country should be fundamentally confined to those elements.

I pointed out the attitude of Alexander Hamilton with regard to the addition of the Bill of Rights to the Constitution, and quoted from the Federalist, the eighty-fourth number, in which he held that the incorporation of the Bill of Rights into the Constitution might later prove to be an embarrassment. His argument was that it was an absurdity to place a limitation on the Federal Government against the abuse of an authority not granted to it. Such a limitation was bound to imply a power of regulation which it did not possess. In other words, that the fundamental rights embodied in the Bill of Rights were so firmly embedded in the traditions, in the customs, and in the common law of the land, that the only effect of their enumeration in the Constitution would be to imply that they could thus become subject to impairment by amendment of the instrument in which they were thus improperly incorporated.

His argument was ingenious. His reasoning is worthy of our study. He had a keen and searching intellect, almost the gift of prophecy, and the arguments he marshaled in that number of the Federalist display a wisdom and foresight well nigh marvelous.

He pointed out that it was not necessary to guarantee the liberty of the press when no powers were given the Federal Government to abridge it. The same process of reasoning is equally applicable to the guaranties of free speech and security of life, liberty, and property.

THE SUPREME COURT DECISION

His foresight was confirmed 130 years after in the decision of the Supreme Court of the United States in the prohibition cases (253 U. S. p. 353), where it was held that, because the Bill of Rights was a part of the Constitution, all of its guaranties were thereby subject to nullification or repeal by an amendment carried through under the amending clause of the instrument (Art. V). In other words, a fair inference from this decision is that if the Bill of Rights had not been included in the Constitution by the first 10 amendments, their guaranties could not have been held subject to abatement, repeal, or violation by any subsequent amendment.

A FUTURE POSSIBLE DILEMMA

But as the law stands to-day, under this decision—a 7 to 2 decision—the power contained in Article V of the Constitution, the amending clause of the Constitution, covers not only the original fundamental organic law of the Nation but any amendments made subsequently thereto; and the Bill of Rights, embracing freedom of religion, free speech, the guaranties of life, liberty, and property, all of these fundamental rights which were tacked on to the Constitution in the first series of amendments become subject to the amending clause of the Constitution. Consequently, if an amendment were proposed to the Constitution repealing the right of freedom of worship or the right of a free press or the right of free speech, and it were adopted by three-quarters of the States of the Union, the Supreme Court of the United States would have no recourse but to follow the precedent thus set by this amazing decision.

Now, I do not know, and I will not venture to predict, what the Supreme Court might do upon some future occasion should an amendment of that character be proposed. It would be confronted with a very awkward problem. Let us hope that the day is long distant when any amendment shall be proposed to the Constitution which shall attempt to further diminish human liberty.

A CRITIC ANSWERED

In the course of my remarks I charged that the eighteenth amendment violated and practically nullified the guaranties contained in the Bill of Rights and claimed that it was the only amendment to the Constitution of the United States which curtailed individual freedom. All of the others were either amendatory of the original framework of the Constitution or promulgated some enlargement of human liberty.

The next day I saw in the press an account of a speech by the gentleman from South Carolina [Mr. STEVENSON] in which he characterized my argument as "finespun hypocrisy." I notified Mr. STEVENSON to be here, and if he is not here I am sorry, but I do not intend to indulge in recrimination. On the contrary, as the days have receded since the reading of his criticism my resentment seems to have faded. I almost feel now as though I ought to thank him for his censure, because it has produced such interest in what I said that I have been the recipient of numerous favorable comments.

Perhaps the best way to answer the gentleman from South Carolina is to show where he was wrong. The gist of his argument seemed to be that I had voted for the child labor amendment. Evidently he considers the child labor amendment as impairing in some way individual liberty, and therefore having voted for that amendment I could be in no position to criticize the eighteenth amendment.

My answer to that is, that the eighteenth amendment with one fell blow jettisoned half a billion dollars' worth of property and made a crime of conduct that had theretofore been lawful by long tradition and usage, thus putting what is tantamount to a police regulation into the Federal Constitution. Now mark the difference: The proposed nineteenth amendment would simply have given the power to Congress to legislate. It read as follows:

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

Note the difference? One vested Congress with power to legislate. The other legislated! The child labor amendment did not tack a statute on the organic fundamental framework of the Constitution, but simply gave to the Congress the power to make a statute in its discretion.

I think that is a complete answer to the contention of the gentleman from South Carolina. There is a distinction between the eighteenth amendment, which arbitrarily embedded a statute into the Constitution, and the child labor amendment, which simply reposed in the Congress the power to make a statute.

The same might be said of the sixteenth amendment, which in substance gives the power to Congress to impose taxes on incomes irrespective of the source and without regard to any census or enumeration. There was a precedent. Why did they not follow it—whoever they were—in drafting the eighteenth amendment? It was drawn by some pretty shrewd strategists.

I have taken the pains to go through the amendments and made an analysis of them. I shall only briefly summarize them now, but will put the analysis in the RECORD at this point:

ANALYSIS OF THE AMENDMENTS TO THE CONSTITUTION

They fall into the following classes:

1. DECLARATORY—THAT IS, RECOGNIZING OR EXTENDING HUMAN RIGHTS

Amendment I. Declaring freedom of religion, speech, press; the right to peaceably assemble and petition for redress of grievances.

Amendment II. Declaring the right of the people to bear arms.

Amendment III. Declaring the sanctity of the home against the quartering of troops.

Amendment IV. Declaring the security of the people in their persons, houses, papers, and effects against unreasonable search.

Amendment V. Declaring the right of trial by jury.

Amendment VI. Declaring the right of the accused to a speedy trial in the district wherein the crime shall have been committed, etc.

Amendment VII. Declaring the supremacy of the common law and conserving the right of trial by jury.

Amendment VIII. Declaring against excessive bail and cruel and unusual punishment.

Amendment XIII. Extending the blessings of freedom to all human beings.

Amendment XIV. Declaring that no State shall deprive any person of life, liberty, or property without due process of law.

Amendment XV. Declaring the right of citizens to vote irrespective of race, color, or previous condition of servitude.

Amendment XIX. Declaring the right of citizens to vote irrespective of sex.

2. EXPLANATORY—THAT IS, CONSTRUING THE INSTRUMENT

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

Amendment X. 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.

Amendment XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by the citizens of another State, or by the citizens or subjects of any foreign state.

3. STRUCTURAL—THAT IS, AFFECTING THE STRUCTURE OF THE INSTRUMENT

Amendment XII. Changing the method of the election of President and Vice President.

Amendment XVII. Changing the method of the election of United States Senators.

4. EMPOWERING—THAT IS, GIVING TO OR ENLARGING THE POWERS OF CONGRESS

Amendment XVI. Giving Congress the power to impose taxes on incomes irrespective of source and without regard to any census or enumeration.

5. LEGISLATIVE—THAT IS, PUTTING ENACTMENTS OR STATUTES IN THE INSTRUMENT; USURPING THE POWER OF CONGRESS

Amendment XVIII. Which embeds in the Constitution a police regulation prohibiting the manufacture, sale, or transportation of intoxicating liquors for beverage purposes.

An examination of this analysis shows that we have only one legislative amendment usurping the power of Congress, the eighteenth amendment. Thank God, there is but one of them. [Applause.]

Mr. Chairman, I was yielded 20 minutes, but I promised to yield five of those minutes to the gentleman from Georgia [Mr. LANKFORD], which I now do.

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I can not within five minutes discuss any proposition extensively or fully. I really purposed getting much more time than this, and was promised more; but it became necessary to yield part of my time to some other Members who had studied certain phases of this District of Columbia appropriation bill, and certain other matters, who wanted to make full presentation of the subjects in hand, so I gladly consented that part of my time be used by those gentlemen. The gentleman from Tennessee [Mr. GARRETT], for instance, the leader on my side, wanted to use some time, and I am always glad to have my time used by men like him.

I shall avail myself of the opportunity of extending in the RECORD under the consent granted by the membership my remarks in connection with the Sunday observance bill, which I introduced some time ago, and go to some extent into the newspaper way of handling this proposition. For instance, in the Washington Herald of to-day there is a write-up of a wonderful hearing which took place yesterday on this Sunday observance bill, the article stating that certain testimony was introduced at that hearing yesterday, showing that the Jews were about to be very much mistreated by the bill. I have made inquiry in respect to the matter. The committee did not meet yesterday. No one of the members of the committee knew of any meeting yesterday. I am the author of the bill, and I knew of no hearings of the committee yesterday, and I understand that no hearing was held at all yesterday on this bill. Yet some enterprising newspaper correspondent in his own mind held a hearing and made his own report of it. He introduced statements in this fictitious hearing which are alleged to have been made five or six years ago and have been denied time and time again.

Mr. Chairman and gentlemen of the committee, my remarks of the 17th of February brought forth an editorial attack by the Washington Herald under a double-column caption of "Mr. LANKFORD now engages in tirade on Washington." If I had felt the least doubt about my position on the matters discussed, that doubt would have been dispelled by the editorial.

The editor says that I now engage "in tirade on Washington." Well, I am confident that I can justify an occasional tirade based on truth and facts much more easily than the editor and those who think as he does can justify the raid of the District of Columbia on the United States Treasury and the common people every day Congress is in session.

The editor proceeds to indirectly tell me how Members are relegated to obscurity for expressing their views if the District does not approve those views and gives me the tip that a similar fate awaits me if I am not good in the future. Now, I am sure that all must realize just how scared I am. I know that even the editor himself must regret that he has frightened poor me so much. He really loses by scaring me, for now he will never know just what I would have said in reply to him had I not been so scared.

When I begin to reflect on the obscurity with which I am threatened my fears abate somewhat, for I realize that the editor only means to put me with the common people of the country who occupy the humble callings of life. I will suggest to the editor that such a punishment would be as severe as was the punishment which was inflicted upon the rabbit which was consigned to live in a brier patch. When I am consigned to live with the common folks I will be where I was raised and where, thank God, I have always lived. I will be with those I love and who love me. I will be with those I have always tried to help and who have done more for me than I ever deserved. I will be with those I am doing my best to help here in Congress and for whom I will plead as long as God gives me power, regardless of threats, direct or indirect, and without seeking favors from those who raid and plunder my people and without reward or hope of reward from the enemies of the great common masses.

Since the matter of attendance upon the sessions of Congress has been referred to, I will suggest to the gentleman that my record in this respect can be obtained very easily, and I will gladly furnish him addressed envelopes and arrange for him to mail free my record in this respect or in any other respect to all the voters in my district if he wishes to do so. If I had plenty of money, I would gladly pay the gentleman for this service.

The editor says that I do not like the Washington bootlegger, the Washington press, the Washington traffic regulations, the lack of Sunday observance here, and the Washington tax rate. Right he is this time. I would be ashamed of myself if I did like them. I wish that the editor was not so fond of them.

I deplore the tendency here and elsewhere to make heroes of bootleggers and criminals and to hold up to ridicule those who attempt to enforce the law. I regret that the press here and in many other sections of the country think that freedom of the press means the right to oppress those that stand for law and order and the right to suppress the truth. I shudder with horror when I realize that many papers in this Nation are leading in the fight against law and order and against the Constitution of our fathers. Too many newspapers in Washington and elsewhere pass unnoticed all the many wonderful traits of a child and yet magnify and give the greatest publicity to any false step that boy or girl may make.

The wonderful lifelong, continuous service and sacrifice of millions of good men, women, and ministers go unmentioned by many of the papers of the country which jubilantly give a double-column front-page exaggerated write up of any fool suggestion that some preacher may make that can be construed into a declaration against law and order or against law enforcement. These same papers will take one indiscretion of some minister of the gospel and endeavor to make it undo all the

preaching, labor, and service of all the good men and women of the whole Nation for all time past.

To paraphrase the great English divine, Dr. Campbell Morgan, let me say that these papers do not have the fairness or decency of an old barnyard hen.

The old hen scratches for hours among the chaff and trash looking for one grain of wheat, and when she finds it she gladly publishes to her children and the world that among all the trash she has found something worth while. Too many papers of our country search forever among the wonderful service and wonderful sermons and wonderful lives of the most wonderful people on earth not for a little of the good but for a husk of rot, and when it is found they call the attention of all the children of men to this one sin or indiscretion which in millions of others goes unmentioned.

Too many papers here in Washington and in other parts of the country which engage in the very things that I have been criticizing seem to go into hysterics when it is learned that some brute may be summarily dealt with for outraging some woman, and yet these same papers show apparently no concern about the victim of the awful crime which has been perpetrated.

These same papers and other individuals howl about law and the majesty of the law and the protection of the Constitution in behalf of the most fiendish of all criminals, and yet give little or no concern to the thousands of men, women, and children that are being lynched every day by the bootlegger, the speed maniac, and the fiendish press of the Nation.

Many a man who decries law and law enforcement against the criminal and in behalf of the children of the Nation shouts about the majesty of the law and the sacredness of the old Constitution in behalf of the bootlegger, the murderer, and the rapist.

Many a man who tumbles in his bed all night long fearing that a criminal fiend may be lynched sleeps peacefully while children are being crushed to death on the corner next to his home, while the bootlegger is undermining, with his approval, all law and the Constitution, and while his paper is carrying in its next issue a write-up of some child who in an unguarded moment did some slight wrong which deserves no mention and yet is given full publicity, thereby inflicting on her a punishment worse than the death of fagots and the torch.

I sometimes stop and wonder why this is, and then I am reminded that I have never seen a serpent admiring the beauties of the heavens, or a buzzard sipping the fragrance of flowers, or an individual who is always shouting for the criminal and the rapist that cared for or appreciated law and law enforcement or who would fight for the good, the innocence, and the virtue of children or for the protection of them and their fathers and mothers.

Mr. Chairman, it is my purpose to discuss the traffic situation a little more fully before I shall have concluded these remarks. I hope to also make further observations concerning the lack of Sunday observance here and the injustice of the tax rate.

Before further discussing the editorial, though, I wish to insert it in full in my remarks, so that all may know just how the editor feels about the matters we are discussing. Here is his editorial in full:

MR. LANKFORD NOW ENGAGES IN TIRADE ON WASHINGTON

The halls of Congress give any elected representative of the American people the right to have his say, whether the subject matter of his discourse is of any consequence or not. Representative MARTIN L. DAVEY, of Ohio, author of the ambitious project to save five hundred million or a billion dollars a year by the simple process of firing all the Government's employees except Congressmen, recently indulged in a tirade against the clerks, whom he stigmatized as time-wasting loafers. The discovery that Mr. DAVEY'S own record as a Member of the House revealed none too conscientious devotion to duty was made shortly thereafter, and Mr. DAVEY has retired once more to the obscurity from which he had temporarily emerged.

Now the Hon. W. C. LANKFORD, of Douglas, Ga., rises for a few remarks. Mr. LANKFORD is a duly accredited Representative from the sovereign State of Georgia, and he is much disturbed by the Washington press, the Washington tax rate, the Washington traffic regulations, the Washington bootleggers, and the state of Sunday observance in the District of Columbia. As a one-man society for the reformation of the universe, he plans to do battle against all these things. Law enforcement is what we need, he says; and since we do not enforce the laws we have, he recommends another law, certain to prove obnoxious to a large part of our people, as a remedy.

Mr. LANKFORD is distressed because Congress appropriates money for bathing beaches in this city. Mr. LANKFORD possibly does not know that most civilized municipalities find bathing beaches essential to the comfort and happiness of their people, and that they are only too happy to provide them. Washington needs them as much as any other city. Our climate is warm in midsummer, and last year's experience shows that what is saved in civic funds is lost in human lives, if bathing beaches are unavailable.

Most cities pay for their own bathing beaches. So do we. If we had political rights, we should not have to ask Congress to appropriate money for them. But we are not permitted to use our own money otherwise.

Mr. LANKFORD is particularly distressed that bathing beaches should be provided for the negroes in Washington's population. The Washington Herald suggests most respectfully that he read the thirteenth, fourteenth, and fifteenth amendments to the United States Constitution.

The District Commissioners, Congress, and the courts, says Mr. LANKFORD, are making no effort to protect the pedestrians in Washington's streets. If Mr. LANKFORD has been reading the papers of late, he will discover that numerous efforts have been made to regulate pedestrian traffic, and that they have failed because some pedestrians will not observe the signals. No punishment could be inflicted upon those few, and the whole scheme went to pieces.

All this leads up to his advocacy of a Sunday law for the District which, in the words of his own bill, makes the following provisions:

"SEC. 4. That it shall be unlawful in the District of Columbia to keep open or use any dancing saloon, theater (whether for motion pictures, plays spoken or silent, opera, vaudeville, or entertainment), bowling alley, or any place of public assembly at which an admission fee is directly or indirectly received, or to engage in commercialized sports or amusements on the Lord's Day, commonly called Sunday."

That is not all of the bill, but it is enough. Mr. LANKFORD says that he has introduced a bill for the decent observance of the Sabbath. It may have escaped his attention that the first amendment of the United States Constitution provides for religious freedom, and that there are considerable numbers of persons in the District of Columbia who observe Saturday as the Sabbath, as well as a great many more whose views on Sunday observance do not coincide with those of the Hon. Mr. LANKFORD. In Douglas, Ga., Mr. LANKFORD'S ideas may be accepted 100 per cent. They are less popular here.

The Herald's advice as to blue laws is that we follow the suggestion of some brilliant middle westerner, whose name deserves immortalization. Let's have the most drastic blue law that can be devised. Let those who wish voluntarily to subscribe to it, do so. Thereafter, if any such subscribers are enmeshed in the toils of the theater or the baseball park, let them pay the penalty. As for the rest of us, let us be left alone. We want no oppressive legislation, whether a majority or a minority supports it.

Mr. LANKFORD thereupon engages in a verbal assault upon the Washington Herald, quoting an editorial which, he says, was published in this paper. Here, as in some other instances, Mr. LANKFORD is 100 per cent wrong. The editorial was not published in the Herald, and in all probability will not be.

"There are more crooks and criminals here than in any other city of equal size in the country," says Mr. LANKFORD, of Washington. It would be interesting to know where he obtained his information. He charges that we try to attract people here from all parts of the country, and "when they do come they are insulted, robbed, and ofttimes murdered because the officials and press here favor no decent laws." That speaks for itself.

There is no point in continuing further with Mr. LANKFORD'S silly speech. It would not be worth wasting space on except that there are others in Congress—though the Herald believes they are few—who have as little conception of religious and racial tolerance and of fair play as Mr. LANKFORD.

The Georgia Representative protests that Washington is clamoring for appropriations. That is true. It is paying in taxes considerable sums every year. It wants the same sort of civic equipment that other cities enjoy.

If Mr. LANKFORD and his associates in Congress will give us the vote, and other political rights, we will not demand appropriations from Congress. We will tax ourselves, spend our own money, and get what we need in the way of bathing beaches and other things.

I am not endeavoring to act as "a one-man society for the reformation of the universe." I am only making an humble protest against some things that, to my mind, are very wrong. In this effort I do not at all believe that I am by myself; neither do I hope to reform the universe nor any considerable portion thereof. There are too many people who are tugging the wrong way. I just do not intend to go contrary to my conscientious convictions in order to be with the great crowd with whom I so widely differ. I am making a fight for what I believe to be right, and this is my duty as a man, as a citizen, and as a Member of Congress. I am offering no

apology for urging more enforcement of the laws on our statute books and for more decent regulations here in the District, neither am I apologizing for contending that the people in my district should not be taxed to build negro bathing beaches for the District of Columbia.

The editor appears to believe that because the District refuses to enforce some laws and refuses to abide by reasonable regulations that no other law should be enacted and that all attempts to enforce laws decently should be abandoned. I can not follow him in his theory in this respect. The fact that there are people who do not obey the laws and want to run roughshod over the rights of others is the very strongest reason for a law to protect the public. Neither is the fact that a law may be obnoxious to some people sufficient cause for not enforcing the law or to have prevented its passage.

The law against burglary is obnoxious to robbers and thieves. The law against murder is very obnoxious to those who delight in taking the lives of their fellow man. Equally, the law against treason is obnoxious to those with traitorous designs against their country. All laws against crime are obnoxious to criminals. If we follow the suggestions of the editor, we would have no criminal statutes whatever and every man would be a law unto himself. This probably would be a safe rule for some Robinson Crusoe living alone on an island, but I submit that it is not a good rule for people living in decent communities.

It is urged in the editorial that a Sunday observance law be enacted for the District of Columbia and "Let those who wish voluntarily to subscribe to it do so," and "Let those who do not like the law be not amienable to it." Ah, my brother, herein is the crux of your error. Criminal laws are not necessary for those who favor them the most and do not want to violate them. Criminal laws are made for the public and get their chief efficacy from their enforcement against criminals.

Just here let me say that the editor of the Herald does not always write bad editorials. On Monday, February 22, Washington's Birthday, the editor wrote an editorial the caption of which expressed a great truth in the following language, to wit, "We might honor Washington more by heeding his advice." The editorial beautifully and forcefully urged us to heed the advice as contained in Washington's Farewell Address; so I feel justified in quoting from that same immortal document, as follows:

> This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

Again I quote from the same address, as follows:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.
>
> It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundations of the fabric?

It will be remembered that General Washington attended church regularly and believed in a strict observance of Sunday. If Washington was living at this time, he would be among those whom the editor believes should be bound by a Sunday observance law. He certainly would not be among those who would want to disregard this or any other law.

The editor suggests for "immortalization" the name of one whom he terms "some brilliant middle westerner," who suggests that certain laws be made and that those who want to obey them be bound by them, and that those who do not be not amenable to them. Well, I move to strike out the name of this "some brilliant middle westerner" as candidate for "immortalization" and ask to insert in lieu of the name so stricken the name of a man who stood for law and order and decent Sunday observance, and who will ever hold the place of the foremost patriot and statesman of the greatest Nation on earth.

The editor says that this "some brilliant middle westerner" is brilliant. Well, I am willing to pardon the editor for saying that my speech is "silly." I am truly glad he does not think it was brilliant.

Just in passing let me suggest to the editor that it did not occur to the editor to leave off quoting my speech until he got to the part where I suggested that he give me a write up on the proposition of determining what is the average tax rate of cities in the United States and then making that rate the permanent rate for the District of Columbia. I knew that that suggestion would not be played up in the Washington papers. About all that could be done with the proposition was to pass it by and simply make an ugly face.

Again the thing that I complained about has not yet been remedied. I was insisting, and still insist, that the papers of the District of Columbia were not fair to me or to the people of the country to be calling my bill a bill to provide for a "blue law," unless they were willing to print the substantial parts of the bill and let the people judge for themselves.

It is said that I am not in favor of fair play. That is just what the row started about. I am complaining about not getting fair play. I am in favor of fair play. I only want a reasonable law. I do want some kind of a Sunday observance law or regulation. Many people here want no law of this kind. Speaking of intolerance, let me suggest that the most intolerent people on earth are those who are all the time hating some one else and talking about the intolerance of others.

It is a new idea that the present-day movies and shows and Sunday baseball are religious institutions, and that anyone who suggests that there should be a law to prevent the operation of these on Sunday is guilty of religious intolerance.

I confess that I am at a loss to know just how I am guilty of religious intolerance when I propose a bill which would allow people of all and every denomination to go to church if they wish on Sunday, and only seek such provisions as will protect all in this enjoyment of religious liberty and freedom. Where is the religious intolerance which would prevent a crew of men operating a steam shovel or an electric hammer on a building site or partly constructed building next door to a church during services on Sunday? Where is the religious intolerance in a law which would not let a negro unload a large quantity of coal next door to a church, and thus disturb the assembly of people gathered for religious services? Where is the intolerance in a bill which makes for the most complete religious liberty and allows all and everyone to worship God according to the dictate of his or her own conscience? My purpose and hope is only to secure in a fuller sense the enjoyment of religious liberty. Most people do not understand that religious liberty means the infliction on the public of the profanity of the pool room, the vulgarity of the modern movie or theater, and the obscenity of the ordinary dance hall on every Sunday of the year.

The great trouble is that there are some folks who believe that freedom of religion is freedom from religion. They mistake freedom of religion for freedom of crime.

The bill which I introduced provides for one day of rest out of every seven. If it provided for no rest day at all, there would rightly be much opposition. It would be cruel and savage in the extreme to force all to work every day without any rest, and yet I am held up as an advocate of an unreasonable thing when I attempt to make by law one day of rest out of every seven.

Because I am not willing for my people to pay taxes to build negro bathing beaches and artificial bathing pools here, and because I object to my people being forced to help maintain a negro university here in the District of Columbia contrary to law, I am said to be guilty of racial intolerance. It all depends on whose definition of intolerance we are to use. I do object to the public being fleeced to educate a crowd of negroes in Washington when many of the white boys and

girls of the South and other parts of the country are denied sufficient educational advantages. It has even been urged here that at public expense there be established a beauty parlor for the negroes of the District of Columbia, so that the negro girls could take lessons in using rouge and perfume, and so forth. Well, if objecting to this kind of thing is intolerance, then I am very intolerant.

I believe in letting the negro be the negro and the white man be the white man. I believe in letting the negro have his section of town to live in and the white people have theirs. I certainly believe in the negro having his own waiting room, his own car or separate seats on street cars and railroads, and his own schools, but I believe in the white people having also their own separate depot and transportation and educational facilities. Nothing could be fairer. Oh, but many say that there should be no distinction and that all be treated alike. Segregation treats all alike. Each race has its own special cars, seats, sections, or other facilities. The present system in Washington is not at all fair. There is ample room provided in the depot, in the street cars, on the train, and in libraries and elsewhere for the negroes who want to crowd in with the white race whether they are wanted or not, and who are most anxious when they think they are not wanted; but there is no place provided for the good negro, who is the saving factor of the negro race and who does not want to offend the white man or his folks and who do not wish to sit with them unless invited. There is plenty of room for the white-colored man who wants to associate with negroes on the train, in the street cars, and everywhere, but there is no space for the white folks who prefer to be with their own race. Again, the system here is not at all fair, because it forces white women and children to enter into a pushing and shoving contest ofttimes with vicious buck negroes in order to get on the cars first and get a seat, the result being that the negroes get on first, for the white folks will not shove with them. When the negroes get on first they nearly always take up every seat available. What I mean is that if five negroes get on and there are five vacant seats, then there will be one negro on each seat at the window and the white folks have to stand or sit by them. They always, after shoving the whites aside to get on, take seats and leave the whites to stand or take what they leave. Then, again, they are not at all courteous to the white folks on the cars. They seem to want to offend. I have watched them for nearly seven years, and up to date I have never seen a negro purposely let a white person get on the car ahead of him. I have seen them shove white children, women, and men aside and grab the first seat. This can be seen every day, almost every time a street car stops. Do not take my word for it; but if you want to see for yourself until your blood—if you have the kind I have—runs to fever heat, go to Fourteenth and U Streets any evening when there are masses of whites and blacks changing cars there and see the awful tragedy enacted.

Two more things I have never seen are: First, a negro get up and give a white man, woman, or child a seat; second, a negro drawing his overcoat closely about himself on a street car to prevent it dragging over the lap of a white person. I see white people on almost every street car careful with their clothing so as not to be dragging over some one else, but never does a negro wish to show even this much recognition to the white passengers. If these views make me intolerant, then I am very intolerant. I lose no sleep worrying about the rapist, whatever may be his fate, except that I want him caught and in the hands of some white men who believe in protecting the white women of the country regardless of the cost. If these views make me intolerant, then I am proud of my intolerance. Furthermore, I am glad that my views do not coincide 100 per cent with those who think differently with me on these subjects.

The editor takes umbrage because I say:

> There are more crooks and criminals here than in any other city of equal size in the country.

One has but to live here awhile, after having visited extensively throughout the country, to see for himself. Chicago has its Leopolds and Loebs, who kill for excitement. We have murderers here even more dangerous, not by twos but by thousands, who kill, wound, and attempt to kill every day and every hour, not in secret but open and publicly, and who are only detained for a few minutes, if at all, while it is determined whether the victim is to be shipped home elsewhere or buried here. Murder, if accomplished by a speed maniac, is gently called an accident. An absolute defense to the slaughter of the innocents here is that the victim walked in front of the car. All that the murderer who has a car has to do in order to have a defense is to be sure he hits some one who is walking or standing where he wishes to speed. Oh, I wish that every car which is driven at a murderous speed had painted on it in large letters "Death car" and had the picture of a skull conspicuously displayed; then the editor, if he would look at all, would not ask how I know of crime here. I wish I could look upon our beautiful streets and not see only one sniper, such as Omaha feared so much, but thousands of unpunished flagrant snipers who are at every corner and are shooting people, not with shot, but with high-powered, mighty engines of destruction. How can anyone live here and not see the orgy of crookedness and crime on every hand? But I must not forget that there are those who have ears and hear not and eyes and see not. Then there are those who see no crime of a very serious nature in the slaughter of children and women by speeding cars, and only have their sense of justice aroused when they think there is about to be enforced some law which interferes with the rights of the criminal to be criminal. They would strongly object to taking the right to drive cars from the bootleggers as being an infringement of personal liberty, but for a bootlegger to deprive a child of the right to live by crushing out its life under a speeding car would not at all awaken their kind of a conscience. So far as I know, Washington is the only city of the Nation which makes no attempt to protect the pedestrian. This one fact fully justifies my statement as to the crooks and criminals here. "Straws show which way the winds blow," and all must admit that a city with no regard for the lives of people who attempt to use its streets on foot must be the rendezvous of crooks and criminals in every other respect.

Life is the cheapest thing here. Steal a little money and the sentence is reasonably heavy, but steal the life of a pedestrian and you are given a speedy and prompt vindication. Oh, if you injure a car, you may have to pay something, but if you want to get off light, kill some one with a car.

Not only does the pedestrian get no protection, but if the authorities find a car parked for a few minutes and not trying to kill a pedestrian these authorities begin to be very busy and get the cars going again on their murderous mission. So far as I am concerned, some of them could stay parked for all time to come, unless their drivers would be more careful of the rights of others. I am not condemning the careful drivers, for they are the victims of the criminal driver, much the same as in the case with the pedestrians.

My attention is called to the fact that once or twice a gesture at a rule to protect the pedestrian was made and the pedestrians seemed confused and violated the regulations. The truth is that the pedestrian has never received any sort of protection, and when a gesture is made in his behalf he does not think it is bona fide, and I am of the same opinion. Make decent rules for his protection and he will abide by them as soon as he finds you are acting in good faith. The reason they get no protection is plain. The criminal who drives a car does not want to be slowed down so as to give the pedestrian a chance. But it is suggested that the pedestrian insists on crossing the streets between corners. This is much the safer place to cross. One has only to watch two ways in the middle of the block, but at the corners he has to try and look four ways with cars attacking him from concealed positions around the corners and with the traffic cop vigorously directing the attack.

So much for the traffic situation for the present. I will say in passing, however, that I believe Mr. Eldridge will very much help the situation here, provided he is given a fair chance, but I much fear he will be hindered at every turn which he attempts to make in behalf of the pedestrian and the careful driver.

And yet the editor, without awakening to the true situation here, simply yawns and asks who told me of crooks and criminals here.

By the way, even the papers here, in spite of their lethargy in regard to crime, tell the awful story of crime. Here is a clipping from the Washington Post, issue of February 28:

> THREE CRIMES NEAR MIDNIGHT
>
> In the short space of 30 minutes, ending at 12.15 this morning, a grocer was shot by an unidentified assailant, another man was held up and robbed, while still a third man was felled with a blow from a blackjack by an unidentified bandit in an attempt to rob.

This was in the city of Washington and does not include the thousands of traffic assaults and other crimes which were being committed at this time, no mention of which were made.

The editor's own paper, the Washington Herald, on February 26, mentioned that there were 200 bootleggers besides others in the District of Columbia. It would be interesting to know where the information was obtained.

By the way, Vice President Dawes seems to be also getting some information about crime and crookedness, and appears to be urging Chicago as a contender for the place of chief city of crooks and criminals. I will admit that both Washington and Chicago are much too bad, regardless of which is the worst. Here is what the Vice President had inserted in the CONGRESSIONAL RECORD on Saturday, February 27, just passed, as mentioned in the Washington Post of Sunday, February 28 last:

DAWES DELIVERS CITIZEN PLEA TO SENATE—ALIENS ARE BLAMED

An appeal to the Federal Government to rescue Chicago from a reign of lawlessness under alien domination was presented to the Senate yesterday by Vice President Dawes at the request of the Better Government Association of Chicago and Cook County.

Alleging a coalition between the underworld and enforcement officials the petition declared that the community was helpless and that citizens were compelled to surrender many of their rights without protest.

"There has been for a long time in this city of Chicago," the petition said, "a colony of unnaturalized persons, hostile to our institutions and laws, who have formed a supergovernment of their own—feudists, blackhanders, members of the mafia—who levy tribute upon citizens and enforce collection by terrorizing, kidnapings, and assassinations."

INVOLVE PUBLIC OFFICIALS

"Evidence multiplies daily that many public officials are in secret alliance with underworld assassins, gunmen, rum runners, bootleggers, thugs, ballot-box stuffers, and repeaters; that a ring of politicians and public officials, operating through criminals and with dummy directors, are conducting a number of breweries and are selling beer under police protection, police officials, working out of the principal law-enforcement office of the city, having been convoying liquor—namely, alcohol, whisky, and beer—and that one such police officer who is under Federal indictment is still acting as a police officer."

I read further from the article, as follows:

The petition asserts that more than 100 bomb outrages have been perpetrated in the city in the last year and that there have been no convictions except where the defendants pleaded guilty. Even then they were released without adequate punishment, it was asserted.

Well, Chicago may be worse than Washington, but if she is, then Washington is a close contender. I had as soon be bombed by an anarchist who is too cowardly to appear in the open as to be slaughtered by a speed fiend or a criminal driver in the open in the presence of officials with no one to object to the crime. I am urging with all my power that there is no bona fide effort here to punish the criminal drivers of cars and that the sentences are only a license to go forth and slaughter the innocent. Probably not one in a thousand is sentenced at all and those that are sentenced go away knowing that their conduct as a driver has to all intents and purposes been officially approved. Here is one of the average sentences. I read from the Washington Times of February 22, 1926:

DRIVER IS FINED AFTER CHASE

Pleading "guilty" to reckless driving, as a result of having driven his automobile through a school yard at North Capitol and O Streets, Cornelius Carter, colored, 429 Florida Avenue, was sentenced by Judge George H. Macdonald, in police court to-day, to a fine of $40 or serve 40 days in jail.

Carter was arrested by Bicycle Policeman J. P. Sayer, who testified that he started chasing the man at Eckington Place and First Street NW., when Carter ran through heavily congested traffic, and that Carter drove first on the street and then on the sidewalk until they came to the school.

There Carter's companion jumped out and opened the gate to the school yard. Carter drove through and the other man closed the gate in time to shut the policeman out. Carter got away, and it was necessary to procure a warrant for his arrest.

When the police went to serve the warrant, they claim that Carter threatened their lives if they entered the door of his home, and that he tried to get away after they did arrest him.

Mr. Chairman, it is urged that the editorial that I criticized was not in the Washington Herald. Well, it matters little whether the article was printed in the Herald while it was carrying that name or some other name. My recollection is that it was in the Herald by name but I have not checked up the item for it was carried either in the Herald or in the Washington Times. Both papers have the same street address and use the same telephone and I understand have practically the same owners. Their policies are identical. The same man is the editor of both, or else the editors of each are editorial twin brothers. Hence there is no reason to be concerned about the question of whether Doctor Jekyl or Mr. Hyde wrote the editorial. So I was 100 per cent right about the author of the editorial. If it was not Doctor Jekyl it was Mr. Hyde, and if it was not Mr. Hyde it was Doctor Jekyl and surely if it was either of them it was the other one and was both of them.

But let us not get too far from the real controversy. The editor says I should read the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States. Well, I have read them many times and also read the whole instrument when I read these amendments. The editor will find the whole document really a very good fundamental basis for our great institutions, and I recommend that he not content himself with reading and worshiping the thirteenth, fourteenth, and fifteenth amendments.

I respectfully suggest that I find no provision in these highly valued amendments to the effect that people of the Nation should not be allowed one day of rest out of every seven; that the people of the whole Nation should spend more of their tax money here each year than is spent for the entire agricultural interest of the whole United States; and that much of what is spent here shall be for things that never benefit in the least the common people of the Nation.

I certainly find no provision that the people's money shall be spent here in large amounts for beautifying the city and making it a city beautiful, and that little or no effort shall be made to protect the pedestrian or the common people who visit here or live here.

Neither do I find in these amendments any authority for using the money of the people of my district or any other district to build free artificial bathing beaches or pools for the negroes here or for the purpose of donating large amounts to the negro school at Howard University in utter defiance of the law of the land.

Absolutely certain am I that there is no provision in these amendments or any other part of the Constitution that provides that there shall be ample provision made on cars, in depots, and elsewhere for negroes that wish to intrude on white people, whether they are wanted or not, and for those whites who want to associate with negroes, but that there shall be no provision for those white people who do not want to associate with negroes, or for the good negroes who do not want to offend the whites by their presence unless desired. I am equally certain that there is no provision that negroes shall be authorized to shove the white people aside and board trains and street cars first, and then have the preference of seats, even to the exclusion of the white folks. I am convinced beyond the peradventure of a doubt that there is no provision in the Constitution that the welfare of a rapist is of greater value to the Nation than is the protection of the white women of the country.

The editor urges that Washington pays for her bathing beaches, and therefore it is thoroughly proper for the city to have white and negro bathing beaches. There are, to my mind, two serious objections to the present bathing-beach or pool proposition—the first is that the District is not to pay for them, but the taxpayers of the Nation are to be burdened to build these expensive pools, and the other objection is that the negroes are not asking for any pools at all. They have said they would not bathe unless they were permitted to bathe with the whites. Well, for my part, I would let them leave off bathing rather than let them bathe with the whites, and I would not build them a pool at all unless they wanted it. I certainly do not favor taking money from the men back home who always used "the old swimming hole" and use that money to build artificial bathing beaches and pools for the District of Columbia to be used by either white or black.

Oh, no, Mr. Editor, the District is not to pay for the bathing pools. The bill would not be so popular if it was not a means of robbing the folks back home for the benefit of negro bathers here.

When the matter was up in the House of Representatives, Mr. BLANTON moved to amend the bathing-beach provision by providing that the cost of construction of these pools shall be paid "totally out of the revenues of the District of Columbia." (See CONGRESSIONAL RECORD, February 8, 1926, p. 3548.)

This amendment, in spite of all that could be done, was voted down. (See CONGRESSIONAL RECORD, same date, p. 3550.)

When this matter was up for consideration I called the attention of Members of Congress to the fact that the negroes had said they would not bathe in a separate pool and asked whether or not they had yet agreed to bathe by themselves.

Here is the colloquy which took place at that time between me and the chairman of the Committee on the District of Columbia:

Mr. LANKFORD. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LANKFORD. Has the gentleman's committee any assurance from the negroes of the town that they will use a separate beach if one is built for them?

Mr. ZIHLMAN. I will say to the gentleman we do not go into that question in the bill. We simply provide for the erection of these two pools.

I take it for granted that the people of Washington want it, because there have been a number of articles in the newspapers—some of them editorials—and there has not been a single objection, except that of the gentleman from Texas, who has heretofore been insistent in urging bathing beaches.

Mr. LANKFORD. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LANKFORD. I have understood that the position taken by the colored people is that if they could not bathe with the white people they did not want a pool at all.

On February 19, 1923, as appears in the CONGRESSIONAL RECORD of that date, page 4033, there was up for consideration a bill to allow the negroes to bathe with the white people in Tidal Basin, and I called attention of Congress to the fact that the negroes did not appear so anxious about bathing facilities as they were about being permitted to bathe with white people, who did not want them. At that time I put in the RECORD an editorial from the Washington Tribune, a leading negro paper here, as follows:

SEPARATE BATHING BEACH

In the District bill which passed the Senate Thursday there is a provision for an appropriation of $25,000 "for the construction of a bathing beach and bathhouse for the colored population of the city at the Virginia end of the Key Bridge."

That is the limit. C. O. Sherrill, of North Carolina, in charge of Federal buildings and grounds, the Jim Crow promoter of the District, has recommended to Secretary of War Weeks that he order this separate beach for colored people on the Virginia side of the Potomac River, despite the many protests made to him against a separate beach.

A number of civic and other organizations have signified their opposition to a separate beach and have informed Secretary Weeks of their opposition, and it is understood he has promised not to favor a separate bathing beach.

The colored people of Washington have decided as citizens of the District they are entitled to bathe in the Tidal Basin, and they will accept no other place as long as bathing is permitted there. That is their slogan now. There is plenty of room there, and a regular filtering or purifying plant there; hence it is absolutely unnecessary to think of establishing a separate bathing beach for the colored citizens of Washington or any other group of the city's population.

The Tribune, along with the other colored papers in the District, will oppose a separate bathing beach for colored people. If the District authorities insist on establishing a bathing beach at the Virginia end of the Key Bridge, they will simply be wasting the public's money. This will be but the entering wedge for more "Jim Crowism" in the Capital of the Nation and with the stamp of the Federal Government upon it. If this is accepted, then we may look for separate street cars, separate waiting rooms, separate libraries, and what not. We shall not sit idly by and see the Constitution of America aborted to race prejudice in the fair Capital of the Nation that claims itself a "democracy" and the "land of the free."

Every vestige of the principle of the Constitution of the United States will be destroyed when the Federal Government puts its stamp of approval upon a separate bathing beach for colored people of Washington. The Tribune and the public in general will oppose it to the last ditch, and will boycott any "Jim Crow" bathing beach that may be established.

We bathe at the Tidal Basin or no bathing at all is our slogan.

No; I do not object to negroes having separate bathing beaches. I have been fighting all these years for the negroes and white people here to have separate depots, waiting rooms, cars, and separate facilities of every kind.

I am glad that they are to have separate bathing places, but I do object yet to my people in Georgia helping to pay for them.

Mr. Chairman, it may be there are some white people here who want to bathe with the negroes. Well, if there are such, I am sure the best negroes would not want them in their pool, and I know the white people would not want them, so I would favor telling this class of white people to bathe in the muddiest hole in the Potomac River. But some one may ask, "Why are Members of Congress so interested in the District of Columbia?" We all have to live here most of the time we are in Congress. Hundreds of thousands of Government employees must live here.

Our folks back home pay a large part of all city expenses here, and under the law Congress is the board of aldermen of Washington and must make the laws here. More money is appropriated out of the people's Treasury for Washington than goes to all the farmers of the entire United States. This ought not to be, but it at least requires Members of Congress to study the matter and fight every day for the folks back home. Every day appropriations are being urged for the District, and every day the papers and some leaders here are opposing everything in the way of a bill or suggestion for a cleaner or better city. A proposition requiring the appropriation of hundreds of millions of dollars is gladly supported. A proposition costing nothing but which will make Washington more decent is ridiculed and treated with scorn. When appropriations are sought it is vehemently urged that this is the Nation's Capital, and should be beautified by the money of the whole people, but when there is a proposal to make the city decent or to provide reasonable regulations or laws for the protection of rights or lives it is urged that outsiders have nothing to do with the way Washington is governed. It is even urged that Members of Congress sent here by a vote of the people are meddlers and interlopers, and should not in the least interfere even if Washington should become a modern Sodom.

Let me give an example of how hard it is to get a decent regulation here. I begged the proper city authorities to stop routing all the garbage wagons from the northwest part of the city down Pennsylvania Avenue by the Peace Monument, the Capitol Building, the Garfield, Grant, and Meade Monuments, and the Botanic Garden, thus making very offensive the odor at this beauty spot of the Nation's Capital during the morning hours of the day. I was informed that it would not be stopped because the negro drivers preferred to come that way rather than go another route just as convenient where there are no Capitol grounds, monuments, and beautiful gardens and few homes.

Millions of dollars have been spent in monuments, gardens, and the Nation's Capitol Building here to be made awful rather than have a decent regulation to be obeyed by a few negro garbage wagoners. When the city of Washington had a magnificent parade in honor of the "around-the-world flyers" four or five garbage wagons got in the parade and slowly jolted around the Peace Monument a few times before getting out of line. I did not look up the program to see if they were late or too early in their part of the performance. Millions for beautiful monuments, grounds, and gardens, but nothing to make decent regulations for the protection of those who wish to see these beauty spots. Millions for the construction of beautiful avenues and streets, but nothing to safeguard the pedestrian who tries to use these thoroughfares, and millions of the people's money for every conceivable expensive project, but nothing to make the city decent, safe, and law-abiding seems to be the slogan of many people here in the Nation's Capital.

If it was necessary to spend a few million to route the garbage wagons along Four-and-a-half Street and Canal Street, or over some other route, and not come by the prettiest spot in the Nation's Capital, there would be a determined fight and much propaganda for the scheme, but it costs nothing and requires a simple request, which is not made. It is all the while a cry for appropriations and more appropriations of the people's money, but no decent regulations for the benefit of the people.

The Herald editor says my statement that when people come here "they are insulted, robbed, and ofttimes murdered, because the officials and press here favor no decent laws," speaks for itself. Right he is this time, it not only speaks for itself but its awful truthfulness is vouched for on every hand. The press and public officials, along with others, create public sentiment, and are responsible to a large extent for the good and the bad of a community. Then are people "insulted, robbed, and oft times murdered" when they come here?

The daily newspapers are full of the atrocious traffic situation by which homes are robbed every day of innocent children whose lives are crushed out, and on every hand our people are being murdered by scores. Every issue of the press mentions numerous other robberies and murders, and the half is never told. Oh, how much of character and moral stamina is ruthlessly stolen no human being can tell.

But, Mr. Chairman, let us visualize a citizen visiting Washington for the first time. He and his family see the Capitol Building, Washington and Lincoln Memorials, and the city's wonderful sky line as the train crosses the Potomac, and with a supreme patriotic fervor they reach the Union Station. There is splendor and magnificence everywhere. No greater thrill can come to any American from any panoramic view. Before their eyes are wide avenues and splendid parks, with trees, shrubs, and flowers. On every hand, close by and in the distance, are magnificent monuments, libraries, and official buildings; toward the Potomac towers the Washington shaft of granite, touching the very sky; farther on is the Lincoln Memorial; across the river are the Virginia hills and Arlington, once the home of the South's peerless leader, Lee, and now the eternal home of thousands of those who died that we might live. Away to the northwest are beautiful homes and stately buildings, such as grace only the Nation's Capital, and beyond and elevated above the rest is the Washington Cathedral and the tomb of Woodrow Wilson; and in the midst of all this magnificence is the crowning glory of all, the Nation's Capitol, set on a hill overlooking the splendor and glory of Washington, the seat of government of the greatest Nation on earth.

Why should not this man and his family be happy at the thought of spending a few hours where his money and that of his fellow countrymen has been spent with such a lavish hand and produced such a scene of indescribable beauty?

He starts uptown to see the sights. Every time he tries to cross the streets high-powdered cars dash at him and his folks and they are forced to run for their lives. Drivers curse at them as they pass them for attempting to use the streets which they helped to build and maintain. They find there is no effort to protect them from speed fiends, and that many are being murdered and no substantial punishment is being inflicted on the murderers. They find that their lives are not at all safe here. They attempt to find a room or two for the night and note the prices are just all that conscienceless hotel men can collect, running as high as six and seven dollars for a cot per day, with several in a room, if a large convention is in town. They stop at a café, and if it is a presidential inauguration or some other special occasion, and they call for five steaks, they are served with less than one could easily eat and yet they must divide it in five parts for the five. They pay $5 for less than they sold back home for 10 cents. He and his family decide to take a street car, and are shoved aside by several negroes who blow out great mouthfuls of smoke in the face of his wife and children as they climb on ahead of them and get one each on the only five vacant seats in the car, and leave him and his folks to stand or occupy seats away from the window, each by a negro. They attend church on Sunday and can not hear the preacher for the noise of great numbers of men wrecking buildings close by, and find there is no Sunday law at all in the Nation's Capital, but that Sabbath desecration is approved on every hand. They visit the Peace Monument, Grant Memorial, the Botanic Garden, Garfield Memorial, and get that magnificent view of the Capitol from the west, having to dodge and smell garbage wagons for hours driven by grinning and apparently much delighted negroes. And finally this good man and his family may escape and get out of town without being murdered, but he and his folks have certainly been insulted and robbed.

Such treatment is certainly insulting, even if there be those who think this, on the part of the city, is only a kind of Washington courtesy which is extended to those whose money has been spent here and who came to visit for once the scene of so great an extravagance.

The editor says that the entire matter can be solved by letting the people of the District of Columbia vote. I will join in this fight to let the people here vote if I can be convinced that such a course will be fair to the people here and to the citizens of the rest of the Nation. My little help will not be much, but there are many others who feel as I do who will join me if such an action is shown to be best for all. There are hundreds of thousands of splendid people here who if allowed the ballot would at all times vote for the best interest of the city and the Nation. I would be truly happy for them to help by the ballot to build a better Washington and thus aid in what is now their heart's desire.

In my little effort here for a reasonable Sunday law for the District and in other ways I have met many most splendid, consecrated, patriotic men and women, and I feel it is a shame for them not to vote. But what are we to do about it?

To my mind the way is not at all clear. I as well as others find obstacles that are not easily overcome. Let me make some observations which will indicate the difficulties which many of us encounter. Thousands of Government employees, Government officials, Cabinet members, Members of Congress, both House and Senate, the Vice President, and the President could not vote here, for their legal homes are in their respective States. Shall these good men and women, who must stay here most of the time, not vote and let the citizens here—good, bad, and indifferent—vote and run the city?

One-third of the population here is colored. Fully another third is either opposed to any government or is opposed to any sort of decent laws and regulations. Would it be safe to turn the government over to this kind of a mixture? What would become of the better, decent one-third? What would become of the thousands of us who live here, but who with folded hands could only look on while the city would be run by a majority that I fear would not have at heart the good of Washington and the Nation. Millions and billions of the people's money is invested here in land, buildings, and property. Is it to the best interest of the Nation that Congress keep control of this property and laws here or shall this authority be passed on to be the football of the politics and corruption of a great city? The situation is bad enough now with Congress in charge. Would it be better if left to the uncertainties of politics here? Now, there is a determined effort to do many things which Congress and the Nation can not approve. What would happen if Congress was not consulted or considered. There are now efforts to destroy hospital grounds where sick and wounded soldiers rest by building streets through them for the use of speed fiends and bootleggers. Can Members of Congress take the chance of letting people who see only the commercial side of Washington get control and confiscate properties of the Nation and rights of the individual? This is the Nation's Capital. Shall it be controlled by the Nation's Congress or by the people who happen to live here?

Then, after all, are the people here losing much when they are not permitted to vote and get in return a thousand benefits and privileges from the Nation to every single benefit which the individual in the States get from his country?

Washington selected this site in the woods as the Nation's Capital. Hundreds of thousands have moved here because they prefer the benefits and privileges enjoyed without a vote rather than a vote and no Government aid back in the States. After all, are we not all on the same basis? We can live where we please. We can live here at the Capital and enjoy these great benefits, or we can live in the States and cast a vote occasionally, which is fast becoming of no value, as the States are stripped of their rights and all power is concentrated here.

Of what value is a vote when all of the voters' rights and activities are controlled by men whom the voter did not help select and who was not elected by any set of men?

Honestly I can not see my way clear to vote the ballot to the people of the District of Columbia, although I wish I could.

Gentlemen of the committee, I wish to further call attention to just how unfair a newspaper can be in giving a write-up of any occurrence or interview. Recently the newspapers of the District of Columbia carried glaring headlines to the effect that President Coolidge is opposed to the Sunday observance bill introduced by me, and declared that the attitude of the President was expected to calm agitation in behalf of my bill. These same headlines declared that existing laws are considered strong enough to stamp out any desecration as being the idea of the President on this subject. Anyone reading these headlines and not reading more would naturally infer that President Coolidge is very bitterly opposed to any bill providing for a day of rest on the first day of the week, commonly called Sunday. In talking to many people, in Congress and out, I have found that that article gave the general impression contained in its headlines, which headlines are not at all supported by President Coolidge's statement, or by the statement of his spokesman, or by any official act of President Coolidge while he was Governor of Massachusetts. In the body of the article is contained this significant statement:

> His views on theaters and sporting events for which admission is charged of course is not known.

The statement in the article that President Coolidge's views are not known on the most closely contested and bitterly fought provisions of my bill is an admission that the newspapers which carried this article deliberately deceived the public by false headlines as to vital provisions of my bill without knowing the President's attitude thereon.

It is further stated in this article that as an illustration of the attitude of the President toward the Sunday question—

That while he was Governor of Massachusetts he signed the bill which allowed amateur baseball on the Sabbath when no admission was charged.

This is exactly what my bill authorizes and permits, and the President's official act as Governor of Massachusetts shows him as supporting legislation similar to my bill and not as opposing it. I am willing and anxious for President Coolidge to have an opportunity to sign or veto a bill to provide for reasonable Sunday regulations for the District of Columbia. I do not fear in the least what President Coolidge will do with this kind of a proposition when it comes up for his official approval or disapproval. If the opponents of this bill are so sure that he will turn down a bill for a rest day in the District of Columbia on the first day of the week, commonly called Sunday, then why do not they gladly welcome the opportunity of letting the President put his approval or disapproval officially on this matter.

The editor of the Herald recently classed those favoring my Sunday observance bill with the prohibitionist. I wish to thank the gentleman for this compliment. I much prefer being with the prohibitionists and standing for morals, law, the Constitution, and the God of our fathers than be with those who would tear down all law and order and who, declaring there is no God, believe in no government. I had already remarked to many of my friends that nearly everyone who talked to me against a Sunday law also denounced the prohibition law in toto and declared themselves as antagonistic to our Constitution.

With one breath they praise the Constitution, declaring that it is about to be destroyed by a proposal to give to the District of Columbia a decent Sunday law, as advocated by our fathers and as written in nearly every State in the Union, and yet these same people in the next breath denounce the Constitution because it contains a provision approved by nearly every State in the Union and almost unanimously indorsed by the elected representatives of the people.

The editor proceeds to refer to his crowd as "more enlightened" than those favoring the bill, calls our ideas "antiquated and nonsensical," and reaches his climax by declaring "This is the city of Washington, and the year 1926." That is an interesting declaration, is it not?

It is very convincing, too, that the Nation's Capital in this year should have less decent laws than other cities of the Nation have had from the beginning. It is urged that Sunday laws are antiquated because our forefathers, even down to the present time, have advocated, adopted, and lived by them. And yet the city of Washington wants to get away from the Sunday ideas of the great man for whom the city was named.

Those favoring Sunday laws are classed as not "enlightened" as much as those who would defile the Sabbath and make this city the Sodom of modern times. Well, let us see what kind of people have stood for Sunday observance.

I know many would not hear if one came from the dead, but let us see what some of the great men of the past said. Here are only a few of those I quoted from in my remarks on the floor on Friday, March 5:

ABRAHAM LINCOLN

As we keep or break the Sabbath, we nobly save or meanly lose the last best hope by which man arises.

DANIEL WEBSTER

The longer I live the more highly do I esteem the proper observance of the Christian Sabbath and the more grateful do I feel toward those who impress its importance on the community.

THEODORE ROOSEVELT

Experience shows that the day of rest is essential to mankind; that it is demanded by civilization as well as by Christianity.

WILLIAM E. GLADSTONE

From a moral, social, and physical point of view the observance of Sunday is a duty of absolute consequence.

WILLIAM M'KINLEY

I am in favor of Sunday legislation and strict observance of the Christian Sabbath.

SUPREME COURT OF THE STATE OF NEW YORK

The Christian Sabbath, as one of the institutions of religion, may be protected from desecration by such laws as the legislature, in their wisdom, may deem necessary to secure to the community the privilege of undisturbed worship, and to the day itself that outward respect and observance which may be deemed essential to the peace and good order of society, and to preserve religion and its ordinances from open reviling and contempt, and this not as a duty to God but as a duty to society and the State.

The editor of the Herald in another utterance says that—

Representative LANKFORD, of Georgia, whom we have mentioned before in these columns, remarked at the hearings on his "Blue Sunday" bill that there was nothing in the bill "to prevent a man from indulging in an innocent game like croquet."

He starts out by saying that I have been mentioned before in the columns of his paper. I do not quite understand whether he means to compliment or condemn me by this indictment. If he means to compliment me, then I wish to thank him, provided I ever decide that I have been helped by my name being in the gentleman's paper, but, on the other hand, if he thinks that I have been disgraced by my name appearing in his paper, then I wish he would run a better paper.

He again talks about "blue laws." Well, I much prefer "blue laws" rather than laws with "yellow streaks" in them or "red laws." Blue means purity, while yellow means unfair and corrupt, and red means the kind of laws advocated by those who want no government whatever and wishes every individual to be a law unto himself.

The editor also seems to be mixed up on what is an innocent sport or game. Further on in his editorial he suggests that a convention might be called to determine just what are innocent sports and says that it may be some want the kind of sports in which they happen to be adept. Of course, all know that he is making a weak effort to ridicule a measure which he dares not quote in full and discuss for the benefit of his readers. He knows if he did this many of those he thinks he is fooling would say that the purpose of the proponents is most reasonable.

I will state for the benefit of the gentleman, for every misrepresentation that the press of the District of Columbia makes there will be sent to the Nation and the people of this country a thousand statements of the truth. The truth will eventually prevail.

Possibly the gentleman can find out what are innocent games without a convention. I would suggest that he stop for a minute and think of the games he played when a child. I would despise myself if I advocated any bill which would take from the young people the right to engage in healthful exercise. The bill of which I happen to be the author would prevent only commercialized amusements. Probably the only games it would prevent on Sunday are baseball and football. People could engage in these games all they please under my bill if there is no charge for admission. Croquet is mentioned. Well, I played croquet when a child, but could not play the game now, it has been so long. I never played golf, only a few games of baseball, and no football. I am not trying to protect any game in which I happen to be adept, for I do not claim to be an expert player at any game. I am not fighting games and sports as such, but I am objecting to them being commercialized on Sunday.

The gentleman is worried about what are innocent sports. Well, I can tell him some things that I do not consider to be innocent sports. Perhaps this will help the gentleman reach a conclusion satisfactory to himself on this, to him, apparently, mooted question: I do not consider it "innocent sport" for a newspaper, either by concealment of the truth or misrepresentation of facts to mislead the people and cause them to think they oppose a bill which they would favor if they knew the truth.

I do not consider it "innocent sport" for anyone to make heroes of criminals and crooks and hold up to ridicule and contempt law and law enforcement.

It is not an "innocent sport" to lynch on the awful tree of publicity every child or woman who makes one false step or commits a minor offense and at the same time apparently cry out in great agony for the protection of the Constitution, the Army, and the flag in behalf of the most brutal of criminals.

Neither, Mr. Editor, do I consider it an "innocent sport" for those who live in this country, under our flag, and who enjoy the blessings and liberties of our Constitution and laws, to forever and without cessation be giving comfort, encouragement, and aid to those defying our laws, Constitution, and flag.

To my mind it is not an "innocent sport" for negroes to shove white men, women, and children aside and take the choice or only seats available on a street car or railway train.

It is certainly not an "innocent sport" for negroes and whites to be required to live together, bathe together, use same waiting rooms, and ride together on street cars and trains, when the best interest of both races is best conserved by each so living and acting as to give no offense to the other.

I am sure many will agree with me that it is not "innocent sport" for the speed fiend, with at least the acquiescence of the press, the city authorities, and Congress, to purposely drive in such a way as to endanger every day, every hour, and every

minute every other person who uses the streets. And the awful truth is that these drivers know that if they wound or kill they will receive in effect an additional O. K. as a careful driver.

I can not bring myself to countenance in the slightest degree the wholesale, reckless, murderous slaughter of pedestrians here, and yet while I know it is not an "innocent sport," it certainly has become a common and apparently muchly indorsed and enjoyed sport. I am sure that all right-thinking people will concede that better a little more effort to make Washington safe and decent and a little less effort to make Washington beautiful and at the same time awful. Ah, Mr. Editor, the spending of millions of the people's money here and giving in return so much disrespect for reasonable regulations and law, as evidenced by the awful crime wave in the Nation's Capital, is not an "innocent sport."

The present program in the District of Columbia of taking up so much time with minor auto offenses and hustling cars out from their parking places, as much as to say, "On with the attack on the pedestrians while the traffic cop is directing the attack at street intersections," with men, women, and children being slaughtered on every hand without let or hindrance, is no "innocent sport."

I certainly do not class as an "innocent sport" the effort of the press, many schools of so-called higher learning, and many individuals to lead the children of the Nation away from the old teachings of our ancestors and away from God by pointing to science as the means of solving all mysteries and proving there is no Creator. Can science prove there is no Great I Am, when science is only what man thinks dimly, and seldom, if ever, correctly, about what God knows? Through the ages man has been seeking to know and think the thoughts of the Almighty God of the universe. Every invention, every discovery, and every step in the arts, sciences, and in all knowledge is but man just getting the first glimpse of the first dawn of the first day of the great eternity of knowledge and truth, the fullness of which God has known from the beginning.

But why continue at greater length at this time this lesson on innocent and noninnocent sports. When this lesson is learned an additional lesson may be given. Just a few more observations and then I am done with my own remarks for the present.

Let me suggest that the greatest sport of all time is that of fighting for conscientious convictions and winning the sweet consolation of duty performed.

It is a great game to fight for great ideals and contend for truth and right against error and darkness. Ofttimes one is wrong in his convictions, and yet the game is great if one's very soul applauds his efforts.

No man or group of men can hope to redeem the world or any considerable portion thereof, but after all the keeping of one's self in due and proper bounds is a great and glorious game in which all may take a splendid part.

And, Mr. Chairman, in a broader sense the time comes to all to take sides in the mighty conflict for at least—

> Once to every man and nation comes the moment to decide
> In the strife of truth with falsehood for the good or evil side.

To live is to take sides, and to perform aright one's duty is to win the greatest game of life. [Applause.]

Mr. Chairman and gentlemen of the committee, I would stop at this point except for the fact that I am very much interested in Sunday legislation as proposed by my bill, and I wish to insert in the RECORD one of the best arguments I ever heard or read in behalf of Sunday observance. The article to which I refer is a sermon by Rev. Joseph Richard Sizoo, minister of the New York Avenue Presbyterian Church, of Washington, D. C., delivered May 24, 1925, and is on the subject "What is Sunday for?"

Such a sermon, preached by such a man on such a subject, is not the heritage of any church, city, State, or nation, but is the glorious legacy of all peoples of all times. Truly such a sermon is not the voice of a man, but is God's thunderings of truth through his divinely called and appointed leader. I consider it a great honor to be privileged to insert in the CONGRESSIONAL RECORD at this time and thus humbly present to the consideration of the entire Nation this wonderful sermon, which is as follows:

MARK ii, 27–28

"The Sabbath was made for man * * * therefore the Son of Man is Lord also of the Sabbath."

In the last two decades many of the holy associations that cluster about the Sabbath Day have dwindled into insignificance. The fear has arisen among many that the few remaining vestiges of that Sabbath will likewise soon pass away and the place thereof know them no more. There is a haunting suspicion in the minds of a large number of Christians that we have substituted the holiday for holy day, recreation for reverence, week-ends for worship. For many, Sunday is no longer a day of devotion but a day of dissipation. For good or ill the Sunday as we once knew it is no more and the fear is that it is not likely to be again. Many, therefore, are in a quandary to know what should be their attitude to this perplexing question. Shall we fight for the old? Surely the record of blue Mondays and the double-column accounts of the wreckage and injury of Sunday joy riding is not a favorable reaction to the fourth commandment. Instead of fighting to maintain the old, shall we compromise and say a new day requires a new attitude? No one seems to know what is right. There are as many opinions about the Sabbath Day as there are people. Is there somewhere a standard for all? Is there one law for the Sunday that is binding upon all people? Is there somewhere a circle within which we must all travel? In order that new light may come and that our consciences may be put back on edge I want to think with you a little while in this morning meditation upon the subject, "What is Sunday for?"

That question is really the fundamental question. All questions concerning what one may do or may not do, what is right and what is wrong, what is permissible and what is taboo have behind them the much more fundamental question: What is Sunday for? If that question can be answered, then many of the other difficulties will pass away and solve themselves.

God has surrounded our lives with three forces. There crowd about us three agencies which were given to the children of men for their happiness and well-being. Life can be maintained only in so far as we recognize these three factors: God's Day, God's House, and God's Book.

Our great concern in any discussion of Sunday is the attitude of Jesus toward the Sabbath Day. Whatever He believed the Sabbath to be for Himself and for mankind is surely binding upon us. Not many times did He make comment upon what is right or wrong on Sunday. He was in the habit of living in its spirit rather than in preaching about it. The comments that Jesus makes upon Sunday are therefore all the more important. Let us, therefore, ask ourselves what did Jesus mean by this observation of the Sabbath which we have before us to-day. Let us together study His words and see if they can bring some light upon the whole present-day discussion.

Jesus said that the Sabbath was made for man. The Sabbath was not made for money; it was not made for pleasure; it was not made for commercialism; but it was made for man. Whatever, therefore, is to the glory of man; whatever will ennoble his life and enlarge his vision; whatever will deepen his intellect and radiate his influence; whatever will strengthen his body and put a keen edge on his conscience; whatever will transform his life whether physical, mental, or spiritual; in short, whatever in anyway, no matter how small or large, will make more holy this temple of the Living God, which temple we are, can never be ultimately wrong or foreign to this day. The Sabbath was made for man. On the other hand, therefore, whatever does not so minister to him, but slackens his vigor, dissipates his physical energy, and weakens his spiritual supports; whatever destroys the spirit of reverence, service, and well-being, no matter in what guise or under what colors it travels, is a violation of God's requirement for the Sabbath Day in the eyes of Jesus.

For that reason the Sabbath should be a gladsome day. All that God makes is good, and His laws are for the happiness of human life. So is the law of the Sabbath. "This is the day which the Lord hath made; let us be glad and rejoice in it." It should provoke happiness and contentment. It should inspire better songs and help us to see fairer skies. The day is not a burden but a blessing, not a tax but a lifting of the load. If it has become a day that is doleful and grievous, it is to be questioned whether we interpret correctly the meaning of that day as Jesus would have us know it. If a vessel has been foundered in midocean and some one from a rescuing steamer should throw a life preserver to a drowning sailor to keep him afloat, if only he will reach out his hand to lay hold upon it, you would not think that requirement very severe. It is the one thing that stands between him and death and he ought to rejoice in the opportunity of it. So is the Sabbath day. When God created the heavens and the earth He rested on the seventh day and said it was very good, and that divine approbation has never been withdrawn from this day divine.

Jesus said the Sabbath was made for man; not for one man, not for a man, not for some men, but for mankind. It does not legislate for one group against the other; it does not provide rest and well-being for one class at the expense of another class. It was not made for some men or for one man, but man.

Jesus said that while the Sabbath was made for man it was not made by man. The day is not set apart by man but by the Almighty. It is not an institution of earth but of heaven; it did not come to the world because Moses wrote it upon clay tablets, but because God wrote it into human need. God established the law of the Sabbath

day as surely as He gave the law of gravity and harvest. All laws in His sight have an equal sanctity, and he who violates one law violates all law. The law of the Sabbath can not be broken with impunity. A dreadful harvest of disaster will follow the breaking of it just as sure as are the consequences for violating the law of gravity.

Here is a man suffering hunger; he is emaciated and undernourished. He goes to the shop of a baker to procure bread that new vigor of body might be restored to him. Out of pity the baker says to the emaciated man, "I have but seven loaves of bread in my possession, but you are welcome to six loaves, one for each day. I will give them to you without cost or price. You can not pay for them." The man receives the bread and goes home, apparently grateful. But at midnight when the baker is asleep and the lights are turned out, the man goes to the bakery and steals the one loaf that the baker reserved for himself. What would you think of such a man, and what name would you apply to him? There is only one name dark enough for such a man, and that is an ingrate. It is a parable of our attitude to Sunday. God has given us six days for our use and well-being, to gain and secure what we can. He has reserved the seventh day for himself. Shall we steal that day, too? Shall we become robbers of God? Do you not see how all discussion of the Sabbath pales into insignificance before this one consideration? If it is man's day, then man can do with it what he will; but if it is God's day, we are bound to recognize His purpose for it. Sunday is a divine institution which rests not upon human authorities but upon the will of God, and as a divine law it is eternal and inviolable. "Sabbath was made for man, therefore, the Son of Man is Lord of the Sabbath Day."

What, then, is Sunday for, and what are the elements of life which it inspires and makes possible?

I. Sunday is a day of rest. "Six days shalt thou labor, and do all thy work; but the seventh day is the Sabbath of the Lord thy God; thou shalt not do any work; wherefore the Lord blessed the Sabbath Day and hallowed it." There is a time when the body grows weary, when the nerves are jaded, and when the energies begin to sag. The caravan can not always travel. There are days when it must halt on its journey for rest and relaxation. That need runs through the whole of life. No matter how important the case, there comes a time when the lawyer must lay aside his brief. No matter how significant the task, there comes a time when the laborer must rest. No matter how essential the accounting, there comes a time when the bookkeeper must close his ledger. The man who will not respect the Sabbath Day mortgages his future and burns up energies to-day which God means him to reserve for the days that are to come.

The pace of life is so intense and the race is so keen that out of sheer self-defense man must keep the Sabbath Day or pay the terrible price of a body broken and a mind that has sagged. Professor Heglin, of Switzerland, made a rather interesting and significant series of experiments to discover the effect of work upon the body. It was his purpose to find out how much energy the average man wastes on an average day upon his average task. Then he measured the amount of energy which was restored to the average man in the sleep of night. He tried to discover if the energy that was wasted during the day was restored by the rest of the night and how accurate that balance was maintained. To his great amazement he discovered that some 10 to 20 per cent less oxygen was stored away in the night than was used up in the day. Every day, therefore, a man draws upon his reserves. Never is the strength fully returned by a night's rest which is expended in the day's toil. Therefore at the end of six days the average man is exactly one day behind in reserve energy. In order to keep a balance between supply and demand it is only as we rest upon the Sabbath Day that there is restored the energy required for the day's work. If all this is true, then it is a tragedy and a shame to rob ourselves and others of that day which we need for a physical rebuilding. It is therefore an indictment upon present-day civilization that there are 3,000,000 men who must work seven days in a week in our land. No man has a right to do anything that shall rob him of the energy for life or that shall rob others of that needed rest. The speed to-day is so intense and life is so high-geared that we simply must rest or break. Observing the Sabbath is imperative to replace the wasted energies of life.

II. Sunday is the day for fellowship. Nothing is more difficult to maintain in this industrial age than home life. The strain and stress of modern life is so intense that it has made the old-fashioned home well nigh impossible. The first place which a tense age is apt to sacrifice is the family life. A man's home is apt to become a hall bedroom with only an occasional meal added for good measure. Many people still fortunately carry the memory of Sunday when the father would gather the family together at twilight on Sunday and sing together the hymns of hope and Heaven. For many that has become one of life's choicest heritages. It was the observance of the Sabbath which made possible this home life and family tie, making life so sacred and holy. The Sunday has always been a trench thrown around the home life, the barriers which kept out worldliness and business. Sabbath desecration, therefore, is the pirate of the home, and he who does not keep the day undermines the possibility of keeping his home. It is a significant historical fact that after the French Revolution the leaders determined to eliminate Sunday from the calendar. It is an interesting observation to remember that in the 14 months after Sunday was eliminated by the leaders of the French Revolution there were 20,000 more divorces in that country. I wonder if there is any parallel and lesson in that for this present age? I wonder if there is any relation between the tragedy of divorces and Sabbath Day desecration in our own day? Sunday is a day for fellowship and home life. Destroy the former and the latter goes to the wall.

III. Sunday is the day for worship. How did Jesus observe the Sabbath? No one crowded so much into so few years as did He. No one had so much to accomplish and so little time for the program; but scant three years were His for implanting upon this world the Kingdom of God. Every hour was vital to His purpose, and every day was pregnant with the great message, yet never did He fail to observe the day of worship. As His custom was, Jesus went to the synagogue on the Sabbath Day. It was on these days that courage came to Him again and that He was made ever conscious of that intimacy that existed between the Father and the Son. Jesus could not live without the Sabbath. He needed the sense of worship, intimacy, and reverence it inspired.

So has it ever been with His disciples. When John was in exile at Patmos, banished for his loyalty to Jesus, again and again he was bewildered by the experiences of defeat and dismay that had overwhelmed him, but always on the Sabbath were those fears and haunting misgivings driven back by the consciousness of Christ's eternal presence. No more challenging sentence was ever written in his revelation than that in which he declared, "I was in the spirit on the Lord's Day, and I heard behind me a great voice." We, too, shall have again that apostolic vision and the voice of the Christ who always stands amid the shadows of life will be heard again over the hills of time when we, like that ancient disciple, dwell in the spirit on the Lord's Day. Perhaps you have kept watch some night by the bed of a friend. Somehow you believed that if he could only live that night he would have a chance for recovery. During the long interminable hours of the night you sat watching in the darkness, and then, when daybreak spread with its purple haze over the eastern horizon, with what joy you greeted that light, and you said to yourself, "He shall live." What that daybreak was to you in the hours of the night so is the Sabbath to those who keep it for the intimacies of the soul with God. Amid the darkness and failure of life there come these rays of newborn light which give you hope for the task. That is the meaning of the Sabbath.

I know the problem that it involves. Some one says to me, "Sir, what of the open country? We are entitled to reasonable pleasures. We need the vision of the open fields to restore balance to life. The stars shall teach us patience and the plains shall teach us peace, while the sight and the sound of the running waters bring back happiness to human life filled with the weariness of many duties. We need to get away from the glare and superficiality of man-made things to see more and more the glory of the things God has made." All that is true. There is a profound truth in that which Joyce Kilmer wrote in a poem:

"Poems are made by fools like me,
But only God can make a tree."

But while we need the vision of the open country I also know that no one can meet the crises of life without a living faith in a living God. Indifference to Sabbath leads many times to irreligion. I also know, as a matter of cold, hard fact, that unless we keep the Sabbath Day for God we shall not keep our faces toward Him. I also know that simply a beautiful environment such as you have in the open country is not enough to bring us to Him. It is a singular fact that some of the most deteriorated and degenerate peoples on earth live amid the most luxuriant beauties of nature. There are places in South America and in Africa, unparalleled for beauty and unsurpassed in their loveliness, where you find the greatest evil and the most terrible vices, where plagues spread and pestilences are always present. We live in a far more tragic world than we suppose. The fight for character can not be won by drinking in the fragrance of rose bushes along the river banks or plucking daisies in a meadow field. We need all the power of heaven to keep us in the path of uprightness. I grant that it involves a measure of self-denial, but the question is, Are we willing to give up some of the pleasures of life to keep alive the soul's faith in God; or are we so selfish and self-seeking that we shall have the pleasures, perhaps innocent enough in themselves, at the price of faith and hope and light? It is the one day that lifts you out of the shadows and sordidness of life into the grandeur and glory of eternal habitations; it is the one day that gives courage to the faint, brings joy to the home, and crowds care out of life; it is the one day that brings back faith in immortality, assuring us that life is more than meat. Take that day away and you have lost the key to the riddle of life and death.

There is a great deal of smug pharisaism that is parading under the cloak of a liberal Sunday. There are forces at work having for their supposed purpose the liberalizing of Sunday which are sheer camouflage for commercialism. So much of the present-day discussion about blue laws and a Puritan Sunday is mere oratorical claptrap that is as illogical as it is insincere.

In the last analysis it is greed against godliness, preferring shekels of silver to the Saviour of man. Take profit out of most of the Sunday amusements that are tolerated and they would not exist. Places of amusement open their doors wide on Sunday not out of charity but because there is money in it. In the desecration of the Sabbath Day, whether flagrant or inconsequential, a man reveals the kind of soul that is in him. He declares judgment upon himself. He reveals whether he puts God before mammon or mammon before God.

Let us never forget that one of the primary reasons that led the Pilgrims to leave England and flee for refuge to Holland and later settle New England's broken coast was the maintenance and observance of the Sabbath. King James of England by law ordered that Sunday should be a day of sport and play, a day of games and pleasure. These early Pilgrims believed that a civilization and a home built around that standard could never survive, so they came at last to this land. They endured hunger, suffered pestilence, lived through Indian raids, faced starvation, and endured endless loneliness for the sake of maintaining and observing the Sabbath. It was for this reason that they came here. Upon that background they built their homes, universities, schools, and Government. Those ideals of Sabbath have been vindicated in their accomplishment and have established our Nation. Our present generation with its ideals of the Sabbath has produced no such level of character or accomplishment. He who would be worthy of the heritage of those founders can only do so by maintaining their ideals of Sabbath. God forbid that we should refuse to pass on to our generation those ideals and accomplishments which have been granted to us as a blessed heritage and which have made our land glorious.

Judge Alton B. Parker spoke a profound truth when he said, "There can be no social life worth while without gentlemen. There can be no gentlemen without spirituality. There can be no spirituality without a Sabbath decently observed." Well may we add what Oliver Wendell Holmes said, "There is a little plant called reverence that grows in a corner of my soul's garden which I like to have watered once a week." That has ever been the spirit of American thought toward the Sabbath Day and may that heritage never pass.

I know the problems that are involved. One man cares little about walking in the open country in quiet meditation. He prefers to ride at a reckless speed from city to city on Sunday. Another man cares nothing about walking or riding, but prefers to play golf that day. Another man cares for none of these things, but enjoys an athletic contest. Another cares for none of these outdoor activities but wants to go to a concert; while still another who cares for none of these things that I have mentioned prefers the theater and the movie. The question is, Where will you stop and where will it all bring up? We must positively face the fact that without the Christian Sabbath the body can not regain its lost energy, home life has lost its best friend, and the soul has lost its open door to communion with God. Sir Walter Scott said, "Give the world one-half of Sunday, and you will soon find that religion has no stronghold on the other half." Disraeli uttered a profound truth when he said, "The Sabbath is the corner stone of civilization." Voltaire struck at the very heart of the whole matter when he wrote, "You can only destroy the Christian religion when you first destroy the Christian Sabbath." When the Sabbath goes, then will go man's contact with God. We have drifted far away from the days when on every New England hilltop in a one-room schoolhouse the children were called to their day's task with a period of devotion and Bible reading. We have drifted far away from the days when on the Sabbath the father with his family walked miles through sunshine and rain, through winter and summer, to some distant church, where the vision of the paradise of God might bring happiness again to their commonplace tasks. We have drifted far away from the days when on Sabbath at twilight the father would gather his family for the singing of the old Sabbatic songs and the hymns of faith. Yes; we have drifted far; but where have we drifted to? We have advanced since then, but has it been an advance upward?

In Holland huge dikes are built around the shore line to keep back the sea. Vast areas of that little but brave country are below sea level, and upon these drained lands they have built their national glory. Happy homes are there and prosperity abounds. The streets are full of little children at play and the fields are crowded with the prosperity of harvests. Life is safe so long as the dikes stand. These silent sentinels which they have built keep back the tides of the sea. But let those dikes break or be punctured and the people will be swept out to sea and to oblivion. So is the Sabbath day. As long as it is observed happiness and prosperity will abide among us; but when once that wall of defense is punctured or broken through neglect, life itself shall be swept from its moorings. It is our last line of defense. In the maintenance of it rests our safety. God forbid that we should do anything to tear down that institution in which lies the hope of human happiness; restoring strength to the body, fellowship to the family life, keeping our pathway to the eternal stars.

Mr. FUNK. Mr. Chairman, this bill appropriates of Federal and District revenues a total of $33,757,181. This sum is $2,431,221 less than the aggregate of the appropriations for the current fiscal year and $295,841 under the Budget estimates. The amount of this bill is approximately as large as the amount of the current appropriations if we add to this bill the $1,150,000 carried in the deficiency bill, which became law a few days ago—March 3—as 1927 appropriations. You will recall that we provided in that deficiency bill $767,700 for street improvement work, $275,000 on account of sewer work, and $125,000 for water mains, to be immediately available in order that this work could be started at once. These items did not fall within the category of deficiency or supplemental appropriations as we ordinarily consider them. I do not mean to convey the idea that by charging these deficiency items to 1927 there would remain no variation as between the individual items comprised by the bill and the 1926 appropriations. There are quite a number of substantial increases, as you will see by referring to the table in the report on the bill. I shall not take the time to enumerate all of them. In general they are occasioned by increases under the classification act; new positions and positions transferred in pursuance of law from lump-sum appropriations and given a permanent status without corresponding reduction in the appropriations from which transferred; of larger appropriations for the electrical department; for longevity pay of school officers, teachers, policemen, and firemen; for permanent improvements under the fire department; and by increased appropriations for the health department and for charity and correctional purposes, and you will find them to be wholly offset by the reduced amount for school buildings and grounds and for the new water-supply project, which will be completed by June 30, 1927.

Now, Mr. Chairman, with respect to the Budget estimates, the additions and subtractions we have made result in a net reduction of $295,841, which we arrived at in this way, and I shall refer only to the larger items: We were confronted with a request to buy a tract of land for use as a site for stables, shops, and storerooms of the Engineer Department, at an estimated cost of $150,000. The Engineer Department is now using for these purposes a part of the site in south Washington under the jurisdiction of the Joint Committee on the Library, which is included in the proposed enlargement of the Botanic Garden. The District people have under consideration a new site for the stables, and so forth, for the engineer department, which they consider suitable for their needs, a tract which is assessed at $53,750. This particular piece of ground, which members of the subcommittee inspected, should be purchased, in my judgment, for a figure not greatly in excess of its assessed value. The committee was not aware of any pressing need to vacate the property now being used and felt that this was a matter that might be very well deferred until a suitable site could be found at a more reasonable figure.

Another item we were asked to provide for is a new and larger bird house for the Zoological Park. The superintendent of the park is of the opinion that the facilities at the park are not adequate properly to take care of and display the bird collection, but the committee felt that the necessity for this expenditure was not urgent and the improvement could be deferred to a later date. He asked for $49,000, which did not take into account necessary equipment and outside cages.

The other major reduction we have made from the Budget estimate is in the water department, where we were asked to appropriate $296,221 for laying mains. A number of these items are desirable but not necessary. We therefore eliminated items which did not seem to be wholly justified amounting to $147,700.

It is recommended by your committee that of the total of the amounts carried in the Budget estimate which we have reduced or eliminated there be appropriated $25,000 for guard rails on the Calvert Street, Klingle Valley, and Pennsylvania Bridges. A number of serious and fatal accidents have occurred on these bridges. The engineer commissioner has prepared plans for guard rails, which can be installed at a cost of $25,000.

We recommend an increase in the item for repair to school buildings from the Budget estimate of $475,000 to the amount recommended by the Board of Education of $550,000, an increase of $75,000.

I wish to emphasize in this connection though that Congress over the five-year period ending June 30 next has appropriated within $25,000 of the total asked for this purpose by the Board of Education. I think part of the trouble grows out of the diversion of a portion of the appropriations that have been intended for repair work to take care of certain details in connection with new buildings, where the appropriations therefor fell short, such as grading and treating the grounds and laying walks. The language of the appropriation is broad enough for such uses, but the money was never provided with the idea that any part of it would be so employed. The school board asked for an appropriation of $550,000 for this purpose for next year.

Those two items, Mr. Chairman—that is, for bridge protection and school repairs—are the two major instances where we have exceeded the estimates of the Budget. We added about $16,000 to certain charity items, including the child hygiene service under the health department, and we allowed $10,000 to the refuse department to buy equipment for placing tin cans and other metal containers in a marketable condition.

I shall not burden you any longer with comparative figures; they are set out in the report; but I shall be glad to give you more information regarding any of them when the bill is being read.

I should like to focus your attention now on the method of financing the expenditures which will be made under the bill. In the first place the bill is predicated upon a flat contribution by the Federal Government of $9,000,000. This is in conformity with the practice commenced in the fiscal year 1925, but this is the first year that the Budget estimate has come to us upon that basis.

Mr. BLANTON. Now, Mr. Chairman, before the gentleman leaves that, will he yield?

Mr. FUNK. Yes.

Mr. BLANTON. The gentleman should also mention that in other supply bills other items for the District are carried. For instance, there is the large appropriation for Gallinger hospital and for St. Elizabeths and for Howard University, where hundreds of thousands of dollars are annually appropriated and given to local institutions here in the District, which benefit the people locally. They were not mentioned by the gentleman. The gentleman should also mention that the Government of the United States is loaning to the District a number of highly paid Army officers—colonels and majors, like Colonel Bell and the three majors under him.

Mr. FUNK. About 15 or 20.

Mr. BLANTON. About 15 or 20 highly paid Army officers, whose salaries and emoluments the people of the United States pay, and whose services are received free by the District of Columbia. The gentleman should mention all of those things.

Mr. FUNK. Mr. Chairman, I thank the gentleman for calling my attention to that. Those speak for themselves in the various appropriation bills.

Do not get the impression though, gentlemen, that that is all we contribute. Many of us lose sight of the Federal share in the miscellaneous revenue which we turned over to the District government when we departed from the 60–40 plan, when we speak of the amount of the Federal contribution. This revenue in which we used to share is expanding with the city's growth, and the auditor has told us that next year the part that we will forfeit under operation of the lump-sum plan will approximate $1,000,000. So, Mr. Chairman, strictly speaking, the Government will bear $10,000,000 of the appropriations carried in this bill. Now, as to the balance of it, the impression seems to prevail, I might say quite generally, that it is met by levies on real estate and tangible personal property. Let me tell you how the auditor has estimated that it will be met next year:

From the surplus fund for school, playground, and park purposes	$2,025,000
From the gasoline tax fund	642,500
From water revenues	1,272,191
From public utilities, banks, and building associations	1,870,000
From miscellaneous sources, such as rents, fees of various kinds, special assessments, sales, licenses, fines, etc	2,000,000
From tax on intangible personal property, the rate of 5 mills remaining constant	2,325,000
And, now mark you, from taxes on real estate and tangible personal property	13,622,490

In other words, Mr. Chairman, so far as the amount of money carried by this bill is concerned, the amount of Government aid is $10,000,000, compared with $13,622,490 to be raised locally by taxes on real estate and tangible personal property; or, in other words, your constituents and mine are being taxed 42 per cent of the total. I do not wish to leave the impression with you, however, that the tax rate for next year will be influenced only by the money which we are proposing to appropriate. Under the appropriation act for the fiscal year 1923 the District was required to accumulate a cash reserve or working fund by the end of the fiscal year 1927. The amount of the fund was left to the determination of the commissioners. They estimated that $3,000,000 would suffice. The last installment of $600,000 must be raised next year. It also will be necessary to provide approximately $350,000 for the policemen's and firemen's relief fund, this being the contribution from the District's funds necessary to supplement the deductions from the pay of policemen and firemen to meet the total estimated requirements; and it will also be necessary to provide for deficiency appropriations for the fiscal year 1926 as well as any deficiency that may grow out of unprovided-for demands during the fiscal year 1927, so that the auditor has estimated that real estate and tangible personal property levies must yield next year approximately $15,900,000. Assuming that this amount must be raised, it still appears that the Federal contribution will exceed 38 per cent of the total, and it is not at all certain that it will be necessary to raise the tax rate on real estate and tangible personal property above the current rate of $1.70. The auditor has indicated that it may run between $1.70 and $1.75. Personally I think the higher rate, and possibly a still higher one, might very properly be fixed. The people of the District are confronted with the pressing need of larger outlays for streets, for sewers, for street lighting, for water mains. The five-year school-building program, for which there was so much clamor and which has been estimated to cost $20,000,000, already has fallen behind in the pro rata annual appropriation, and the surplus fund set aside partly to defray its cost will have been exhausted if the drafts thereon proposed in this bill finally become law. We have a statute authorizing appropriations in excess of $1,000,000 annually for the National Capital Park Commission, and for the current year and next year the appropriations made and proposed amount to but $600,000. But the taxpayers of the District have no bonded indebtedness. They are differently situated, I dare say, than any city in the country in that respect. The tax rate in the District is very low when compared to other cities of similar size. The only taxes levied here are city taxes; there are no county taxes, no State taxes, no special park taxes, no drainage-district taxes, no township taxes, no special road and bridge taxes, no special library taxes. In other cities taxes for these special purposes are added to the usual municipal taxes.

It is my opinion that if there has been delay in the school building program and if the repair and maintenance of the streets is lagging behind and if other improvements have been deferred too long, that the tax rate of the District should be raised immediately so as to produce an amount necessary to provide for these requirements.

In the appropriation bills for the District of Columbia for the fiscal year 1925–26 and also in the recommendations of your committee for the year 1927, the amount of the Federal contribution to the expense of the District government is fixed at $9,000,000. I can see no indication that Congress intends to change this amount; therefore, the taxpayers of this District should face this situation and if there is need for funds to provide for further extensions of existing facilities and for other improvements, the only way they can be provided for is for the money to be raised by an increase in the local taxes.

I wish to say here and now, Mr. Chairman, that I for one shall never vote to increase the taxes of my district to provide for the local needs of the people of this District, and I think that is what we would be doing if we should increase the amount of Federal aid, with taxes here as low as they are. Nor could I be induced to tax my people to pay the exorbitant prices demanded by these local land speculators or profiteers for land for municipal purposes. The solution may be that Congress will have to step in and fix the rates.

Mr. BLANTON. Right there, would the gentleman kindly yield?

Mr. FUNK. I will yield.

Mr. BLANTON. When the gentleman reaches that conclusion he does not do it as an enemy to the District?

Mr. FUNK. No.

Mr. BLANTON. He is still a friend to the District, and he is friendly to the District government and to the District people?

Mr. FUNK. That is right.

Mr. BLANTON. But his sense of justice to the rest of the people of the United States forces him to this conclusion?

Mr. FUNK. And equity.

Mr. BLANTON. And yet when the Congress reaches this conclusion, when any Member sees fit to voice his sentiments just as the gentleman and his colleague [Mr. COLLINS] have expressed, we receive criticism from the Washington newspapers.

Mr. FUNK. Well, I think the gentleman has lived about as long as I have and I think the gentleman cares about as little for newspaper criticism as I do.

Mr. BLANTON. But when it is unjust criticism, it is neither fair nor right.

Mr. FUNK. Every public official has to submit to more or less criticism——

Mr. BLANTON. Yes.

Mr. FUNK. And our backs are broad.

I think that with the amount of Federal aid definitely established, and it is now, so far as I am concerned, that the committee might well be empowered to fix the tax rate in each appropriation bill. I might say that if that were done I might be persuaded to support a proposition to make the Bureau of the Budget simply a forwarding agency of the District's estimates of appropriations. In such circumstances I see no reason why the contact should not be direct between the properly constituted executives of the District and the tax-making body. Under existing procedure the committee's task resolves itself into an examination of the Budget allocations and in determining whether the objects of expenditure and the amounts allotted thereto are justified, and not to the commissioners' estimates.

A year ago we found that under a blanket provision which had been carried in the bill for years a great many permanent employees were being paid from lump-sum appropriations. The committee believed, and it believes now, that the entire permanent force should be specifically provided for. In pursuance of a provision carried in the current appropriation act, which was incorporated to remedy this situation, this bill makes specific provision for all permanent employees. As a result there is an increase of 115 in the number of permanent employees and in amount $213,140.

Mr. MOORE of Virginia. Will the gentleman yield just there?

Mr. FUNK. Yes, sir.

Mr. MOORE of Virginia. Recently it was brought to my attention that employees of the District of Columbia who are not within the term "permanent employees"—they are called per diem employees, but they work constantly; some have been in the employment of the District as much as 30 years—are not allowed the leave and other privileges that are given to all permanent employees. Does the gentleman's bill deal with that?

Mr. FUNK. It does. I think we have covered every situation of that kind of employee. I have been just describing it, placing these per diem employees under the permanent roll who work every day in the year and who, as the gentleman from Virginia suggests, did not have the benefit of the sick leave or of vacation free time, and we have tried to correct that because it seemed an anomalous situation when one group of men had these benefits and another group similarly employed were under different conditions. We have tried in every way to correct that situation.

Mr. MOORE of Virginia. I am glad the committee has dealt with that situation.

Mr. FUNK. To refresh the gentleman's recollection, I just mentioned there were 115 positions that we comprehended as permanent force, whose wages amounted to $213,140.

This explains many of the increases which you will find in the salary paragraphs. The appropriations from which they are now paid, I should say, have not been correspondingly reduced. To the extent, therefore, that they have borne the expense of such employments more money will be available for their general objects.

In the appropriation for the director of traffic we provide that the fees received from the reissuance of drivers' permits shall be used in extending the traffic light-signal system and for new and improved street-lighting facilities incident thereto. Our thought was to use the money for the direct benefit of those who will pay this new levy.

On page 25 of the bill you will find a new provision requiring that specifications for street-paving work shall be so drawn as to admit of fair and open competition. We found that the engineer of highways predetermines the type of paving to be laid on certain streets and that competition is restricted to that type. John Jones or Bill Smith might have a type of paving material that has been employed in other communities and found to be entirely satisfactory, but is precluded from bidding on local work because the specifications stipulate sheet asphalt or concrete. I submit, Mr. Chairman, that that practice merits condemnation in unmistakable terms. It should be discontinued and we are proposing to stop it.

Mr. GIBSON. Referring back before the gentleman gets too far away——

Mr. FUNK. Yes.

Mr. GIBSON. Does the gentleman realize that by the traffic law or bill which was passed last week we cut $100,000 off of the revenues of the District in the way of fees for the granting of permits?

Mr. FUNK. I do not so understand. I understood that we provided for a three-year term at $3. There are about 200,000 permits extant and it is estimated that of that number about 150,000 would be renewed.

Mr. GIBSON. The present law under which we are operating or supposed to be operating provides the first license at $2 and the renewal at $1 apiece, so we are cutting off $1, cutting down the revenues about $100,000.

Mr. FUNK. Of course, we have no control over that. But I want to say in this connection that if the estimates are correct, that of the 200,000 permits now out, there should be 150,000 renewed at $3 per permit. That, of course, will produce about $450,000, and it was our judgment that the money should be specifically used for the installation of these traffic lights to cover that section between here and the Treasury, and between Pennsylvania Avenue and, say, K or M Streets. The estimates are to install at other street intersections traffic lights similar to those just recently put in on Sixteenth Street, costing about $350,000. That would on the face leave an excess of $100,000, and $350,000 is only for the purchase and installation of traffic lights, and it is not taking into consideration the incidental lights and considerable construction work that goes in connection with the proposition, and we thought if it developed next year or in two years that the amount derived out of the permits was in excess of the amount needed for installation of traffic lights the law could be changed and that amount covered into the general fund of the District treasury.

Mr. GIBSON. May I say to the gentleman my position is just this, that the permit ought to be $2 a year for every person who is granted a permit, and that money ought to be used for the extension of the lights in reference to the traffic situation.

Mr. FUNK. Of course, that is a matter that has been settled, and we can not change it at this point.

I now direct your attention to the school situation. I have already told you of our recommendation with respect to the appropriation for repairs of school buildings. We have made ample provision for wages and salaries for teachers and janitors, both for the present force and for additional help, in accordance with the estimates as to the completion of new buildings now under construction.

There is without question a serious lack of school room for the children of the residents of the District, and they are now forced to use portables and attend part-time classes. There are to-day approximately 70,000 children in the schools—of this number 3,072 are children of nonresidents, mostly from Maryland and Virginia; allowing 40 children to one schoolroom and eight rooms to one average school unit, it requires 10 schools, which have cost approximately $2,000,000, to accommodate these nontaxpaying, nonresident guests. The cost to the District for teachers' salaries alone amounts to over $300,000. In view of the overcrowded condition of the schools we have inserted a provision that the authorities shall place a tuition fee approximating the cost to nonresident pupils. Your State and mine are contributing to the support of these local schools, and why our citizens should be taxed to provide education for children in near-by communities of States bordering the District of Columbia is beyond my comprehension.

In connection with the matter of additional school buildings and sites for school buildings and playgrounds the committee has made provision for every Budget item. You will find that we have made certain modifications to conform with contract prices not available when the estimates were prepared and to conform with the estimated prices used as a basis of cost in the report on the five-year school building program. We have also reduced the estimate for an addition to the Langley Junior High School from $400,000 to $100,000—the amount the Board of Education originally recommended to the Bureau of the Budget, and the reductions thus effected plus the unexpended balance of the appropriation of $154,000 carried in the second deficiency act, fiscal year 1925, on account of the Park View School, we have provided shall be applied to the acquisition of sites, with the exception of

$160,000, which we diverted for use in constructing an eight-room extensible building on a site just recently acquired in Woodridge for children having nothing but a few portables. The net result of our action with respect to school buildings and sites is to make available approximately $271,000 additional for sites.

You gentlemen have read the report on the bill and perhaps have examined the hearings. The committee found a situation to prevail here with respect to land purchases that is unsavory to say the least. To come directly to the point, brushing aside the whys and wherefores—and you will find lots of them in the hearings—we are opposed to appropriating any more money to buy land, whatever the intended use might be, in sums two or three times the assessed value when that assessed value under the law is supposed to be its full value. If you will refer to page 580 of the hearings you will find with respect to certain sites recently acquired for school purposes that in the case of negotiated sales the purchase price equaled 191 per cent of the assessed value, and that in condemnation cases the awards have equaled 231 per cent of the assessed value. Turn to page 538, if you please, of the hearings, and you will see some very illuminating figures as to the land acquisitions effected by the National Capital Park Commission. They figure out in the aggregate 60 per cent greater than the assessed value. Mr. Chairman, there can be only one conclusion, in my judgment, and that is that the people of this District are being mulcted not alone by those disposing of the property but by underassessments of unimproved areas, and I think we should put a stop to it. [Applause.]

The sites, or the general locality of them, are generally specified. The result is that it is known at once that the District is going to buy land, either a specified site or in that neighborhood. I might say that we do not specify the sites to be purchased by the National Capital Park Commission. We have locked up in the committee's safe an outline in a general way of what their plans are. If they have guarded their plans as carefully as we have, nobody knows any more with respect to their land-acquisition plans than have been disclosed in the reports on this bill and the one which preceded it, and that is very little.

You will find on page 43 of the bill, Mr. Chairman, our proposition to put a stop to this holdup game. I shall not take your time to read it. It deals with school sites alone, but you will find a similar limitation running to every land-purchase item in the bill. The effect of it, I hope, will be that the citizens of this city, through their associations or other agencies, will interest themselves sufficiently in the matter to get such prices on sites within their respective localities as will come within the limits we have imposed.

As the amount we are proposing for school sites agrees with the Budget estimates, except as to the addition I have explained before, and as the Budget was based on prices doubly and sometimes trebly in excess of assessed values, naturally, if sites can be bought within the limitation the committee is proposing, more money will be available than otherwise would be necessary to acquire the sites enumerated in the Budget. Anticipating this condition, the committee is providing in its amendment that such surplus may be applied to the acquisition of sites included in the original estimates of the Board of Education but not included in the Budget.

When the bill is being read it is my intention to offer an amendment to this paragraph making it possible to apply whatever moneys there might remain unexpended or unobligated by reason of the price limitation we are imposing to the acquisition of any sites embraced by the five-year school building program act rather than to just the sites recommended by the Board of Education which were excluded from the Budget estimates. In this way competition between communities to get school sites would be stimulated and there will be a greater opportunity to secure tracts within the price limitation the committee is proposing. The amendment I shall propose will also take care of another situation, or objection, I should say, which has arisen since the bill was reported, and which has been stressed quite a good deal, and that is that the latest full-value assessment was arrived at in 1924 and does not properly or fairly represent present values. My amendment will make the appropriation proposed for the purchase of sites available until July 1, 1928. The next full-value assessment will become effective July 1, 1927. By making the appropriation available until July 1, 1928, such land as can not be acquired under the present full-value assessment plus 25 per cent may be procurable under the new assessment, so this amendment would seem to meet the objection recently raised as to the antiquity of the assessment.

On page 81 of the bill, Mr. Chairman, you will find that we have increased the rate for laying service sewers from $1.50 to $3 per linear front foot, which is what we were told the work is costing, and are providing that the water rents shall be increased by not less than 25 per cent in order that the cost of maintaining the Washington Aqueduct and all expenses incident to the supply and distribution of water, apart from the installation cost of the new system, may be self-sustaining. The estimated revenues during 1927 are $1,250,000. The appropriations the committee is proposing chargeable to such revenues amount to $1,272,191. The estimates called for $1,416,891, quite a considerable overdraft. Now, on the next page of the bill (82) you will find another amendment we are proposing providing for an investigation and report to be made upon the installation of high-pressure water system in the congested high-value section of the District. I believe this is a project worthy of very careful study and one for which we must make provision in the very near future.

In conclusion, Mr. Chairman, I wish to say that we have conscientiously endeavored to put the money requests that came to our consideration to the best advantage and to take care, wherever we could under the limitations which govern our action, of situations which seemed to demand immediate attention. They are merely our suggestions, and we respectfully present them for your consideration. [Applause.]

Mr. MOORE of Virginia. Mr. Chairman, may I ask the gentleman a question?

Mr. FUNK. Yes, sir.

Mr. MOORE of Virginia. In discussing the matter of the portion paid by the Federal Government, the gentleman has said that the figure is $9,000,000, and he thinks that that figure will remain standing?

Mr. FUNK. That is my own personal judgment. It has remained there for two years, and we are recommending that in this third bill.

Mr. MOORE of Virginia. I am not saying anything about the propriety or impropriety of that. But there has been a bill introduced recently, I believe, by the gentleman from Maryland [Mr. ZIHLMAN] proposing an investigation by a joint committee of the question of the fiscal relations between the Federal Government and the District of Columbia. Does the gentleman think that would be desirable?

Mr. FUNK. I have no objection to that, sir. I think the fiscal relations should be settled rightly, and upon a proper and equitable basis. And while I have in mind the contribution of $9,000,000, I can see no objection to an investigation being made with a purpose of trying to find all the facts and to present as near as possible all the facts to Congress. I would have no objection to it, sir.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me there for a suggestion?

Mr. FUNK. Yes, sir.

Mr. MADDEN. I have serious objection to it. Any investigation that might be made would be made with a view to lifting the responsibility for the financial burden from the people of the District and throwing that responsibility upon the people of the United States.

We have all the information we need upon which to base intelligent action, and instead of the amount being $9,000,000, it is really $10,000,000; $1,000,000 of revenues otherwise would go into the Treasury of the United States; so that the contribution that is being made is not now $9,000,000, but $10,000,000, and all the revenue raised from the District real estate and all the improvements thereon at the valuation fixed is to be $13,500,000 per annum, so that the Government of the United States is contributing almost one-half of the cost of the Government as the effect of the real-estate charges against the people who own it.

Mr. MOORE of Virginia. I hope the gentleman will acquit me of any desire to bring about any particular result.

Mr. MADDEN. Oh, I do not think the gentleman would have any such design, but it might as well be put into the RECORD that other people who have a sincere desire not to relieve the burden any more than it should be relieved may understand it. The citizens of the District of Columbia have the cheapest tax rate of any people in the world.

The people where I live, including myself, pay 4½ per cent taxes on the actual value of our property. The people here pay 1.70 on less than the actual value of theirs, and it might just as well be understood that we are not going to let them

impose all the burden on the people of the States. [Applause.]

Mr. MOORE of Virginia rose.

Mr. FUNK. I will yield to the gentleman.

Mr. MOORE of Virginia. The gentleman has discussed the matter of changing the law that has been carried in the appropriation bill for several years with reference to the admission of outside pupils to the schools of the District of Columbia.

Mr. FUNK. Yes.

Mr. MOORE of Virginia. Why does the gentleman draw a line between the children of Army and Navy officers and the children of civilian employees of the Government working in the District of Columbia?

Mr. FUNK. I can tell you the reason I have for that. Army and Navy officers, as to where they are located, depend upon an assignment by the Federal Government, through their superior officers. A man working for the Government in one of the departments can elect where his domicile shall be, whether in the District of Columbia or in Maryland or in the State of Virginia. It is generally conceded—in fact, it is an accepted understanding—that Army and Navy officers practically have no home base, and therefore I think it is very proper that the Capital of the Nation might be allowed as their home base. Perhaps not in these times, as in the early days, naval officers were sent to foreign ports and their families had to be in some place, and quite naturally many of them made their homes in Washington.

Mr. MOORE of Virginia. But this has always struck me as a reciprocal arrangement, and I had that point in mind when I addressed my question to the gentleman. It is a fact that the children of officers in the Army and Navy are admitted to the public schools of Maryland; and at Annapolis, for instance, a good many are admitted to the public schools of Annapolis, and they are given the same opportunity in the other near-by States. I will remind my friend that a great many of the people who work in the Government departments in Washington City and who live in Maryland or in Virginia have their legal residence elsewhere, and nevertheless hundreds of them are admitted to the schools of Virginia and Maryland, and it would seem, therefore, a fair reciprocal program. That being true, we should admit to the schools of the District of Columbia the children of departmental employees who happen to be located in Virginia and Maryland.

Mr. FUNK. I will say to my distinguished friend if this law passes and it were left to me to enforce it the determining fact in my mind would be not so much the legal residence of the parents of children who are seeking to attend the schools in Washington as it would be where the domicile of the parents is located, not where they dwell; and if they dwell in the gentleman's State of Virginia or in Maryland, they are naturally paying taxes through rent, or if they own their property taxes direct, based upon the theory of providing adequate school facilities for the children of that particular area or district.

It is well known—and I assume that my friend is familiar with the fact—that in practically every locality I have ever heard of the children of nonresidents who seek to attend school in a district in which they do not reside or dwell are charged for their tuition. In some instances that is paid by the parents, but in my country it is paid by the school district from which these nonresident pupils come. It seems to me only fair that when there is congestion in the city of Washington and a clamor for adequate, sufficient, and modern school rooms, in order to eliminate the use of portables, that the children of the people of the District of Columbia should be taken care of first and that the nonresidents should be taken care of by the districts from which they come. [Applause.]

Mr. MOORE of Virginia. I understand fully my friend's viewpoint, and while I regret the provision in the bill there is only one other observation I wish to make. I hope the gentleman will not infer that Virginia and Maryland, so far as I know, are threatening any retaliation because of that provision.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1927, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $9,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923, namely.

Mr. CRAMTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: At the end of the paragraph just read, insert: "*Provided*, That in order to defray the expenses of the District of Columbia for each fiscal year after the fiscal year ending June 30, 1927, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia; and, in addition, $9,000,000 shall each such fiscal year be appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923."

Mr. CRAMTON. Mr. Chairman, the amendment which I have offered is in the same terms as the first paragraph of the bill, except that the first paragraph of the bill, as it stands, has to do only with the current year, whereas the proviso which I have offered would carry the same arrangement on in the future and make it permanent law.

I should state that the text of the bill as it stands for the current year, and as it has been each year for two years heretofore, has provided that the Federal Government should contribute toward the expenses of the District not a percentage of the expenses of the District but a fixed sum, which has been $9,000,000 in each case; and the further essential important provision is that, having contributed that $9,000,000, we receive none of the returns that come from the collection of fees and miscellaneous revenues, as was the case previously under the 60-40 plan. While we contributed 40 per cent of the expenses, in turn we received 40 per cent of the fees, licenses, and miscellaneous receipts, but under this it is a clear-cut, definite provision that the Federal Government contributes $9,000,000 and then has no returns from fees.

The operation of this, as the gentleman from Illinois [Mr. MADDEN] has said, is, in effect, to give about $10,000,000 to the District, because there is about $1,000,000 of returned fees that we otherwise would have, but which we relinquish here.

Mr. BEGG. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BEGG. The question I want to propound to the gentleman is not a question on the merits of the proposition. I do not know about it one way or the other, and I rely on the gentleman from Michigan as much as I do on any other man as to these matters. Does not the gentleman think it is rather beyond the province of this committee to make permanent legislation? The House takes it for granted that this committee is not going to legislate, and the gentleman's amendment could have been stopped and any of us could have stopped it——

Mr. CRAMTON. Certainly.

Mr. BEGG. By making a point of order against it. I do not think the committee is acting in good faith in this matter.

Mr. FUNK. I will say to the gentleman that the committee is not proposing this amendment.

Mr. BEGG. I know; but the gentleman from Michigan is a member of the Appropriations Committee.

Mr. FUNK. The gentleman is offering the amendment in his own right.

Mr. BEGG. Certainly; but he is on the Committee on Appropriations.

Mr. CRAMTON. Let me answer the gentleman, as he propounded his question to me. This is not an amendment proposed by the Committee on Appropriations; it is an amendment which I propose and it is in line with bills which I have been introducing for three years, and a year ago exactly the same course was followed. I offered exactly this same amendment at this same point in the bill and a point of order was made against it, and the point of order was sustained. Anyone who has followed this matter in the House, of course, had notice thereby that the same course was likely to be followed this

year as last year. No one is taken by surprise, because I am only doing exactly what I did last year.

Mr. BEGG. If the gentleman will permit, there are many cases in practically all of these bills where any one Member could upset the plans through the point of order route; there are times when the Appropriations Committee is justly entitled to legislate on minor affairs, but it does seem to me that members of the Appropriations Committee ought not, in fairness to the House, to undertake to write permanent law in any bill.

Mr. CRAMTON. Mr. Chairman, as a Member of this House, I think I have the same right to offer an amendment that the gentleman from Ohio has.

Mr. BEGG. Yes; but the gentleman from Ohio would be knocked off by a member of the Appropriations Committee if he undertook anything of this kind.

Mr. CRAMTON. I am not a member of the subcommittee handling the bill. The gentleman from Ohio had an opportunity to make a point of order on the amendment. The Member of the House who made the point of order a year ago is on the floor now, as I recall.

Mr. BEGG. No; I think he is absent.

Mr. CRAMTON. No; I know he is present and had the opportunity. Anyone who had followed this matter knew the same thing was done last year and I am embarrassed to have the gentleman from Ohio raise this point.

Mr. BEGG. I do not criticize it as to this particular bill. That is not the point. As I understand the gentleman, and as I understood the reading of the amendment, the gentleman undertakes to make it permanent law.

Mr. CRAMTON. That is it exactly, and a year ago——

Mr. BEGG. I think that is a question the House ought to decide.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEGG. I have not anything more to say to the gentleman, but I do not think the precedent ought to be continued.

Mr. CRAMTON. I want it clearly understood that last year the identical amendment in the form of permanent law was offered, and in that case a point of order was made and, of course, sustained. The gentleman could have made a point of order now.

Mr. GRIFFIN. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from New York.

Mr. GRIFFIN. Is not this $9,000,000 lump-sum appropriation the handiwork of the gentleman who offers this amendment?

Mr. CRAMTON. I was the first one to suggest the lump-sum idea, and it was suggested in the form of permanent legislation, and went to the District of Columbia Committee and later was adopted by the House in connection with this bill for the current year.

Mr. GRIFFIN. If the gentleman will permit me, I will say I am inclined to favor his amendment, and the very defect the gentleman has pointed out was the reason I opposed the lump-sum appropriation in the first instance. If the gentleman thinks his amendment will correct the shortcoming of the $9,000,000 lump-sum appropriation, I would like to have the gentleman take sufficient time to explain how it will work out. I suspect that is the purpose, is it not?

Mr. CRAMTON. I am not sure I understand what point the gentleman wants to reach. Of course, the effect of the amendment is that the Federal Government will contribute a fixed, definite amount and then all the revenues from fines and licenses go to the District. In my judgment, the great effect of the proposed amendment and what has been accomplished by the lump-sum plan in the District during the two years it has been in operation is that it has been possible, at a time when the Federal Treasury had such tremendous burdens upon it that we could not afford to, and it was not fair that we should, greatly increase the Federal contribution to District expenses, and at the same time the District had a tremendous need for development because of the great growth of population, for needed schools and pavements and lights and many things which made necessary greater revenues, under the lump-sum plan——

Mr. GRIFFIN. I do not think the gentleman understands my question.

Mr. CRAMTON. I want to complete this thought. Under the lump-sum plan it has been possible for the Federal Government to hold its contribution where the needs of the Treasury made it imperative, and at the same time permit the District to contribute more and thereby get the development it required.

Mr. GRIFFIN. Under the gentleman's amendment will the Government get the benefit of a definite pro rata of these revenues?

Mr. CRAMTON. No; we receive nothing. We contribute $9,000,000, and the District gets all the returns from licenses and fees.

Mr. GRIFFIN. Under the gentleman's amendment will that condition be remedied?

Mr. CRAMTON. That condition will be continued.

Mr. GRIFFIN. Continued or remedied?

Mr. CRAMTON. The condition will be continued that the Federal Government will contribute a definite, fixed sum, and that will be all the Government will contribute.

Mr. GRIFFIN. And not receive anything——

Mr. CRAMTON. And receive nothing in return.

Mr. GRIFFIN. And get no part of the receipts?

Mr. CRAMTON. No.

Mr. GRIFFIN. Then what is the purport of the gentleman's amendment?

Mr. CRAMTON. The purport is to make permanent law that which has been carried year by year. It puts an end to the constant badgering of Congress because of parsimony, and so forth, and will make possible a permanent plan of improvement for the District.

Mr. TINCHER. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman.

Mr. TINCHER. Of course, the practice of a member of the Committee on Appropriations suggesting an amendment writing permanent law into a bill is in violation of the spirit of the rules of the House ordinarily should not be countenanced. Legislation should not be written in that way. In this case I do not know anything about the merits of the proposition, but I would like to know whether the gentleman has consulted the chairman of the Committee on the District of Columbia [Mr. ZIHLMAN] about this amendment, and whether the gentleman from Virginia [Mr. MOORE], on the other side of the aisle, is familiar with the amendment.

Mr. MOORE of Virginia. I will say to the gentleman, if my friend from Michigan will allow me, my attention was diverted for a moment when the gentleman offered his amendment. Whether $9,000,000——

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. CRAMTON. Mr. Chairman, as a courtesy to these other gentlemen, I will ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Whether $9,000,000 is a proper sum to be contributed by the Federal Government hereafter, or less or more than $9,000,000, I do not now undertake to say, but I do not think in this way permanent law should be made; and as I have said, except my attention was diverted at the moment the gentleman from Michigan offered his amendment, I should have suggested a point of order.

Mr. TINCHER. I would have suggested it, but I saw the gentleman from Virginia on the floor and I knew the gentleman was familiar with these matters, and therefore I thought it was satisfactory to the legislative committee. Of course, the practice is to be condemned, but I do not know whether in this instance we should go ahead or not.

Mr. ZIHLMAN. If the gentleman from Michigan will permit, I would like to inform the gentleman from Kansas that I just returned to the city on the 2.40 train this afternoon, and this is the first I have heard of this matter. I am surprised that an amendment of this sort should be offered in this way on so important a bill, after the committee had reported the bill and after we had all made some study of it.

Mr. CRAMTON. The gentleman from Maryland will recall, I am sure, that an identical amendment was offered a year ago at this same place and a point of order was made, so it should have been notice to all that it likely would be brought before us again.

Mr. BEGG. I rise in opposition to the amendment. Mr. Chairman and members of the committee, my opposition to the amendment does not cover the merits of the case, but the method of procedure. I think every Member in the Congress was definitely, almost guaranteed, that when we adopted this Appropriation Committee the Appropriation Committee would appropriate, and if they discovered anything that needed legislation they would refer it to the proper committee. I want to

say that the permanency of the Appropriation Committee is not in the hands of Congress nearly as much as it is in their hands, and if individual Members come in and try to slip things over when Congress is not aware of it, or compel some Member to sit here and make points of order against them, I can see the end of this most admirable scheme.

Mr. CRAMTON. If the gentleman will yield, I think I can satisfy the gentleman.

Mr. BEGG. I want to suggest that we vote this amendment down for the good of the House. If it is offered simply for this year, I am for it.

Mr. CRAMTON. I think I can settle this matter. The gentleman knows that I have been following this up with diligence for three years. I have a bill now pending before the Committee on the District of Columbia, as I have had for three years. I have been following that up diligently, but it has not been reported. I do not want to criticize the committee, as I have been getting assurances that it would be considered, but it has not. I am desirous of working with the House and meeting its wishes. If the gentleman from Maryland, chairman of the legislative committee having this matter in charge, who is now on the floor, can give assurance that my bill, which is pending before his committee now, will have early consideration by his committee and can come before the House, so that the House will have a chance to express its will with reference to this matter, I am willing to withdraw my amendment.

Mr. BEGG. I do not want the gentleman to take all my time.

Mr. CRAMTON. If the gentleman accomplishes his purpose, that is all he desires, is it not?

Mr. ZIHLMAN. Mr. Chairman, I will say to the gentleman from Michigan that, as chairman of the Committee on the District of Columbia, I have assured the gentleman that his bill would receive consideration by our committee. I have urged the chairman of the subcommittee on fiscal relations to take some action looking toward reporting the bill introduced by the gentleman from Michigan, either in the form introduced by him or amended. I appeared before the Appropriations Committee and stated that I felt it was up to the legislative committee to report a bill making a permanent form of fiscal relationship between the District and the Federal Government. I will say to the gentleman now that I will endeavor in the next two weeks to have a bill reported from our committee covering this matter of the fiscal relations between the District and the Federal Government.

Mr. CRAMTON. In a form that will give the House a chance to pass upon the lump-sum proposition, with the understanding that I am not bound to accept any amendment that the committee has put on. The trouble is that the District Committee comes before the House with legislation that the District wants, and that which the District does not want we never can get reported. We can also pass it through the House as a separate measure, and it goes to the other end of the Capitol, and there they never will take action. But, Mr. Chairman, I will keep my agreement. I ask unanimous consent to withdraw the amendment, basing it on the understanding offered by the gentleman from Maryland.

Mr. MADDEN. Reserving the right to object, I want to say here that of course it is not the best legislative practice to put legislation on an appropriation bill. I think there is no man connected with any legislative committee in the House who does not want to see that rule followed, and wherever we discover the necessity for legislation connected with any item on a bill we consider, I write to the chairman of the committee and submit a bill, or introduce a bill myself and have it referred to the committee to which it belongs, and I write a letter to the chairman calling his attention to it and explaining the reason why. I have done that in relation to this particular thing.

Mr. ZIHLMAN. I think the gentleman from Illinois is mistaken in that.

Mr. MADDEN. If I have not done that, I have called the attention of the gentleman from Maryland to the necessity for legislation on the subject of creating a permanent lump-sum basis without fixing the amount to be inserted in the bill reported from the legislative committee. If I did not have an agreement to have that done, I never had one.

Now, there is nobody more anxious to carry out the mandates of the House than I am. Nobody knows better than I do that this committee has no legislative jurisdiction; nobody knows better than I do that we ought not to legislate on appropriation bills, but sometimes it becomes necessary to do that if we are to remedy an evil.

Mr. TILSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TILSON. Even in this case I call the gentleman's attention to the fact that the committee did not bring this in. This amendment has been brought in not by a member of the subcommittee but by a Member who in his own right has moved the amendment. Nobody was taken by surprise; the Appropriation Committee has done its duty.

Mr. ZIHLMAN. And that is more vicious than if it had been offered by a member of the subcommittee.

Mr. TILSON. I do not want to see the committee accused wrongfully.

Mr. MADDEN. The committee ought not to be arraigned on this matter at all; it has simply done its duty.

Mr. CRAMTON. Mr. Chairman, the gentleman from Maryland [Mr. ZIHLMAN] says something about this being vicious. I would like to know what he thinks of the action of a committee that for three years has had a legislative proposition before it of great importance, on which this House has repeatedly expressed itself, and yet the committee has never yet reported it to the House? The gentleman characterizes my action in trying to get it before the House in some other way as vicious. For three years his committee has failed to act on a thing of great importance to the District and in which the House is very much interested.

Mr. MADDEN. Mr. Chairman, of course we ought not to have any feeling engendered about this. This is a matter that ought to be considered calmly and deliberately, without any feeling and without any rancor. What we ought to do is to use our good sense in the disposition of the problems that come before us. There is no reason why this tempest in a teapot should have arisen. The gentleman from Michigan [Mr. CRAMTON] has just as much right to offer an amendment to an appropriation bill as any other Member of the House.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BEGG. If I were to offer an amendment containing legislation to an appropriation bill, then some member of the Committee on Appropriations would immediately hop to his feet and make the point of order that it is legislation on an appropriation bill.

Mr. MADDEN. Why did not the gentleman do that? He has the same right.

Mr. BEGG. I am very glad to be asked that question.

Mr. MADDEN. Did anybody ask the gentleman not to do it?

Mr. BEGG. No. If the gentleman from Illinois wants me to do it, I will riddle his old bill this afternoon on points of order. It is just a little bit embarrassing for me to do that.

Mr. MADDEN. There are not many things in the bill that are subject to a point of order.

Mr. BEGG. Oh, there are a lot of them. If the gentleman wants to challenge me, we will have a little fun this afternoon.

Mr. MADDEN. Have all the fun you like. So far as I am concerned, I do not ask any favors of anybody in the consideration of any problem that may come before the House. The gentleman should exercise his own good judgment as a Member of the House. If he wants to exercise his judgment so that it will embarrass the legislative program, he can do it; but he is not the only man who can do that, and I want to say to the gentleman from Ohio that he is not the only man in the House that can create a disturbance.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BEGG. The gentleman from Ohio has said repeatedly that he does not want to do that, and he wants to help the committee through with its work.

Mr. MADDEN. Then it is the easiest thing in the world for him to do so. All he has to do is to cooperate and not to threaten.

Mr. BEGG. But I am not threatening. In turn, the Committee on Appropriations ought to be considerate of the rights of the House. They are practically pledged to the House that they will not make permanent law.

Mr. MADDEN. Mr. Chairman, as I understand it, the gentleman used to be a superintendent of schools?

Mr. BEGG. Yes; and I am not apologizing at all for that.

Mr. MADDEN. Then the gentleman ought to understand the meaning of words.

Mr. BEGG. The gentleman thinks he does.

Mr. MADDEN. I do not think he does in this case. He said that the Committee on Appropriations ought to be considerate of the demands of others.

Mr. BEGG. Oh, not the demands.

Mr. MADDEN. The feelings, then, or of the words contained in the bill. The Committee on Appropriations has made no

recommendation here, and the Committee on Appropriations can not be called to account.

Mr. BEGG. I am not talking about the Committee on Appropriations. I am talking about an individual member of the Committee on Appropriations trying to make permanent law on an appropriation bill.

Mr. MADDEN. And one more thing the gentleman said. He says that if this committee wants to continue it will have to conform to—what; his demands?

Mr. BEGG. Oh, no.

Mr. MADDEN. To whose demands?

Mr. BEGG. The rules of the House.

Mr. MADDEN. Mr. Chairman, the Committee on Appropriations will be here when the gentleman is dead and gone and when all of us are dead and gone.

Mr. BEGG. Not if they go on transgressing the rules of the House.

Mr. MADDEN. It is a fixture of the House. It is one of the instrumentalities through which the House of Representatives functions on behalf of the American people. There is no man big enough in the House or out of the House to stop that instrumentality from going on and functioning, and the gentleman may do the best he can to stop it. No matter who the man is, he will not be able to do it.

Mr. BEGG. Mr. Chairman, I would like to reserve the point of order long enough to say to my good and genial friend from Illinois that he has wholly misunderstood the proposition.

The CHAIRMAN. There is no point of order pending.

Mr. BEGG. The unanimous-consent request. I want to make a brief statement.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. BEGG. In a moment. The gentleman from Ohio has no intention now and never has had of interrupting any procedure, but he is seeking to do everything that he can to help the Committee on Appropriations function. In return the Committee on Appropriations owes it to every Member of the House to not try to pass permanent law. I do not mean the chairman of the subcommittee, but I mean the individual members of the committee.

Mr. MADDEN. The gentleman can not characterize the individual members of the committee as a committee. I object to that.

Mr. BEGG. I will use the term "individual members of the committee" if the gentleman does not like that.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. SIMMONS. Why does a member of the Committee on Appropriations have a less right to offer an amendment than——

Mr. BEGG. He does not have.

Mr. SIMMONS. Why, because of the mere fact a member of the Committee on Appropriations offers an amendment, should he be attacked? As a Member I have attacked appropriation bills on the floor of the House and made the point of order against them in my individual capacity as a Member and nobody accused the Committee on Appropriations of attacking me——

Mr. BEGG. I am not attacking this committee at all, not in the least.

Mr. LINTHICUM. Mr. Chairman, I call for the regular order.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. Reserving the right to object——

The CHAIRMAN. That is not in order under a demand for the regular order. Is there objection? [After a pause.] The Chair hears none and the amendment is withdrawn.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

Mr. SPROUL of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SPROUL of Kansas: Page 2, line 6, after the word "Columbia," strike out "and in addition $9,000,000 is appropriated out of any money in the Treasury not otherwise appropriated."

Mr. SPROUL of Kansas. Mr. Chairman and gentlemen of the committee, in view of the fact that the property owners in the city of Washington under the present method of raising revenue are required to pay a rate of $1.70 per 100 on the actual property valuation while the citizenship of the whole United States outside of this District are paying twice as much tax rate on actual valuation, I believe it to be wrong to appropriate $9,000,000 annually out of the funds of the people of this country and dump it, so to speak, into the Treasury of the District of Columbia. It is taking the taxpayers' money from those in the States and virtually giving it to the taxpayers in the city of Washington. There is not any question about it. For my part I have never heard a justifiable explanation given, not one from any source whatsoever. Oh, we are told that this is the Capital City, that no great industries are here, but that is not correct, gentlemen. As a matter of fact, the Capital of the United States is a mammoth industry to the city of Washington. The employees who are kept here and who receive their salaries here expend practically $120,000,000 per year in the city of Washington for the business men of this city to get hold of, and they do get hold of it. Now we are here legislating and fixing levies upon the property of the citizens of Washington to defray the expenses of this city government, and we make a rate of $1.70 per year, while at home our constituents have to pay $2.70 or $3.70 or $4.70. How can our action be explained to our constituents? How can it be said consistent with fairness that we acted with justice, if we act as we are now proposing to act?

Mr. SIMMONS. Will the gentleman yield?

Mr. SPROUL of Kansas. I will.

Mr. SIMMONS. As I understand, the effect of the gentleman's amendment is to make no amount carried in this bill payable from District revenues and keeps the Government from contributing anything to the support of the District?

Mr. SPROUL of Kansas. No; that is not exactly what it is. It just eliminates this particular $9,000,000, because we are building parks for the city and helping in various other ways the city government——

Mr. SIMMONS. Do not misunderstand; the park bill as carried in this bill is a part of the appropriation in this bill for parks.

Mr. SPROUL of Kansas. Part is; but we have appropriated other sums of money heretofore and they built parks with it.

Mr. SIMMONS. If the gentleman's amendment is successful, the Government will not contribute anything directly to the support of the District government?

Mr. SPROUL of Kansas. That is the idea, exactly.

Mr. LINTHICUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. FUNK. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois.

Mr. FUNK. Mr. Chairman, the view of the committee upon this amendment is that, as has been suggested, that the effect will be that the Federal Government will contribute nothing. Now, I have not any sentiment along that line at all. I think we all agree that there should be some contribution from the Federal Treasury to the expenses of the city government, the District government here; but so far as the committee is concerned, we are opposed to this amendment.

Mr. SPROUL of Kansas. Will the gentleman yield for just a moment?

Mr. FUNK. I will.

Mr. SPROUL of Kansas. Is it not a fact that by raising the revenue 1 per cent as much as $9,000,000 would be raised? If authorized, and you raised the revenue from $1.70 to $2.70, you will raise as much as the Federal Government is giving to the District.

Mr. FUNK. That may be true; but the Federal Government owns a very considerable proportion of the property in the District of Columbia, upon which it pays no tax whatever, and it has been the best judgment of those who have handled this particular matter in the last three years that $9,000,000 is the proper amount which the Government should contribute.

The committee is opposed to the gentleman's amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. SPROUL].

The question was taken, and the amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Marylahd moves to strike out the last word.

Mr. LINTHICUM. Mr. Chairman, I was much interested in the debate between the gentleman from Ohio and the gentleman from Illinois with reference to legislation on appropriation bills. While I noted that the proposed amendment of the gentleman from Michigan for $9,000,000 as a lump sum was not proposed by the committee, yet I find that throughout

this bill there is a tendency to legislate on the bill, and I do not think it is fair for them to do that, we having created an Appropriations Committee for the purpose of appropriating, not legislating.

I want to call the attention of the committee particularly to that section on page 39, where it is proposed to charge pupils whose parents are not residents of the District of Columbia for tuition. I am going to discuss that amendment. It is subject to a point of order.

Mr. FUNK. I will say to the gentleman that I discussed briefly that subject in my statement, and the gentleman was not on the floor; at least, I did not see him. It is the view of the committee, as I tried to point out, that that action should be taken with a view to relieving the congestion of the schools of the District of Columbia, and one thing we had in mind was to require nonresident pupils to pay tuition. Our hope in that was that they would get their education in the place where they are domiciled.

It is probably true that throughout this bill there are some suggestions that may be construed as attempts at legislation, but the bill as reported is the result of the best judgment of your subcommittee to cover certain features that could not be well cared for through the legislative committee, due to certain conditions that the gentleman from Maryland knows as well as I, whereby such legislation could not come up.

Mr. LINTHICUM. I am sorry I was not present to hear the gentleman's remarks. I was before the Committee on Banking and Currency. But I think it is unfair to try to legislate on this bill without giving any opportunity to be heard to the gentleman who is chairman of the legislative committee.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SCHAFER. Can not those provisions in the bill to which the gentleman refers be considered as limitations on the appropriation?

Mr. LINTHICUM. No; I do not think so. In this case it is not so worded.

Mr. SCHAFER. Does the gentleman believe that the taxpayers of the District and of the Nation should educate the children of nonresidents and free of charge?

Mr. LINTHICUM. I think the taxpayers of the District have just as much right to educate children around the border of the District whose parents are spending all their money in the District and who work in the District as they have to participate in the use of the improved roads of Maryland, for which we charge you nothing.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MADDEN. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. It is rather a singular situation when a gentleman from another State insists that the people of the District should pay for the education of the children of the State from which he hails. Just within the border line, at Takoma Park, they have a school in the District which is so crowded that the children can only go to that school for a short time each day, while just across the line, in Maryland, they have a school which has been closed up and which has no teacher and no pupils. The parents of the children who come from there have a right to vote, they have a right to fix the tax rate in Maryland, and if they choose so to vote as not to have school facilities because they think they can get those school facilities elsewhere free of charge, that is their business. But it is our business as the representatives of the people of the District of Columbia to see that their rights are properly protected.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Let me finish this statement first.

I live at home in a place where my daughter's children have to pay for the privilege of going to school, because the house in which we live is across the line, although it is attached to a lot of land which pays enormous taxes to the schools in that district, and they are obliged to pay to go to that school, although we pay taxes to maintain the school.

Here is a curious situation suggested by the gentleman from Maryland, that regardless of whether any taxes are paid or not by the parents of the children, or anybody else, they must have access to a school supported by the District, without respect to price or cost. Do you know—and I wonder if the gentleman knows—that there are 3,027 children of Maryland and Virginia who attend the public schools of the District of Columbia without paying a dollar for that privilege? Do you know, and does the gentleman know, that those children who come from these other places where they pay nothing for attending our schools occupy space in the public schools to the extent of an equivalent of ten 8-room school buildings? Do you know that it costs over $100 per capita to maintain these schools to educate these 3,000 children? Do you know, and does the gentleman know, that the State of Maryland has no right to sponge on the people of the District of Columbia, and that the gentleman from Maryland ought to have better sense and more consideration for their welfare than to stand on the floor of this House and advocate the continuance of the privileges which they now enjoy and for which they pay not a single cent?

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. These people voluntarily select Maryland and Virginia to live in because it is cheaper?

Mr. MADDEN. Surely.

Mr. BLANTON. And they get the benefit of cheaper living and cheaper rent, and they ought not to ask for the privilege of free textbooks here in the District of Columbia.

Mr. MADDEN. Of course, it is an outrage. It is a piece of brazen effrontery on the part of anybody to stand here and plead for such a privilege free of any cost when the people of America are compelled to pay, except in Maryland [laughter], for the privileges they enjoy in the District of Columbia.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having taken the chair, 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. 8652. An act to provide for the withdrawal of certain lands as a camp ground for the pupils of the Indian school at Phoenix, Ariz.;

H. R. 2987. An act for the relief of Samuel T. Hubbard, jr.; and

H. R. 8590. An act granting certain lands to the city of Sparks, Nev., for a dumping ground for garbage and other municipal purposes.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7820. An act to amend an act entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906.

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

S. 2769. An act to extend the provisions of the national bank act to the Virgin Islands of the United States, and for other purposes;

S. 3019. An act to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900;

S. 3074. An act for the relief of John H. Gattis;

S. 3193. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

S. 3194. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

S. 3195. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Lenoir City-Sweetwater road in London County, Tenn.;

S. 3196. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Savannah-Selmer road in Hardin County, Tenn.;

S. 3197. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Decatur County, Tenn.;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3296. An act to amend an act approved January 30, 1925 (ch. 117 of the Statutes of the Sixty-eighth Congress), au-

thorizing the payment of one-half the cost of the construction of a bridge across the San Juan River near Bloomfield, N. Mex.;

S. J. Res. 44. Joint resolution authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y.;

S. J. Res. 61. Joint resolution authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich.;

S. 113. An act for the relief of the owner of the American barge *Texaco No. 153;*

S. 646. An act for the relief of F. M. Gray, jr., Co.;

S. 1456. An act authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson;

S. 1828. An act for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy;

S. 1885. An act for the relief of James C. Minon;

S. 1912. An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $3,000 in any one case;

S. 2083. An act for the relief of Charles Wall.

S. 2085. An act to correct the naval record of John Cronin;

S. 2158. An act for the relief of certain disbursing officers of the office of Superintendent State, War, and Navy Department Buildings;

S. 2215. An act for the relief of James E. Simpson;

S. 2296. An act authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.; and

S. 99. An act for the relief of the owner of the lighter *Eastman No. 14.*

APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES

The committee resumed its session.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, the other gentleman from Maryland [Mr. ZIHLMAN] ought to have five minutes to defend these hand-outs. They have been getting these hand-outs for a long time.

Mr. FUNK. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in five minutes.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry. What is the amendment?

The CHAIRMAN. There is no amendment pending except a pro forma amendment. The gentleman from Illinois asks unanimous consent that all debate on this section and all amendments thereto close in five minutes.

Mr. CHINDBLOM. Mr. Chairman, the request is that all debate on this section and all amendments thereto——

The CHAIRMAN. On this paragraph and all amendments thereto.

Mr. CHINDBLOM. Close in five minutes. Will that permit a continuance of the discussion which is out of order?

The CHAIRMAN. Is there objection to the request made by the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Maryland is recognized for five minutes.

Mr. LINTHICUM. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] seems to be a little cross with all of us to-day, but for what reason I do not know. I do remember, however, that the gentleman spoke about the people of Maryland sponging on the people of the District of Columbia, but the gentleman did not speak about the District of Columbia people sponging upon Maryland when he advocated that the roads of Maryland should be thrown open to the residents of the District of Columbia.

Mr. MADDEN. The roads of Maryland are open to the traffic of the people of the Nation as the roads of the Nation are open to the people of Maryland, and why not? [Applause.]

Mr. LINTHICUM. The roads of Maryland were not open to the residents of the District of Columbia, except through legislation passed by this Congress, which legislation the gentleman advocated, and in which Maryland acquiesced, as a good neighbor should always do.

Mr. MADDEN. You can close your State and build a fence around it, but then see how long you will live alone.

Mr. LINTHICUM. Well, we lived before the Capital was ever here, and I guess we could keep on living.

Mr. MADDEN. But how?

Mr. BLANTON. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BLANTON. I want to remind the gentleman that the first public road which Maryland had from here to Cumberland was built by the Congress of the United States and paid for by the people.

Mr. LINTHICUM. I am glad to hear that. The gentleman from Michigan asks me how.

Mr. MADDEN. I am not from Michigan; I am from Illinois.

Mr. LINTHICUM. The gentleman from the great State of Illinois——

Mr. MADDEN. The gentleman does not even know what State I come from.

Mr. LINTHICUM. Yes; I know what State the gentleman comes from, and, moreover, he is an able and most useful Member of this House and an honor to his State—Illinois.

Mr. MADDEN. Of course the people in Baltimore can not be expected to see clearly in the fog through which they are going every day.

Mr. LINTHICUM. Well, what I want to say to the gentleman from Illinois is this: The gentleman asked how Maryland would live. Maryland lived as the gastronomic center of the universe before it ever heard of this Capital. She lived on diamond-back terrapin, on canvas-back ducks, and all the good things you can imagine and produced many great men. However, the point I want to make is this: This committee should not attempt to legislate on an appropriation bill in a way that is not in order, is not according to the rules of the House, and not according to the purpose for which the Appropriations Committee was established.

Mr. MADDEN. In what respect has the Appropriations Committee been unfair?

Mr. LINTHICUM. The committee has been unfair in that it did not give us any hearing on the legislation which is proposed in this appropriation bill.

Mr. MADDEN. The gentleman was not entitled to a hearing. The gentleman ought to be talking to his own people in his own State about educating the children of his State.

Mr. FUNK. Will the gentleman yield?

Mr. LINTHICUM. I shall be glad to yield if the gentleman will get me more time.

Mr. FUNK. I will say to the gentleman that we held hearings for over three weeks, and the door was open to those who desired a hearing. Anybody who presented themselves for a hearing was given a hearing about any part of the bill.

Mr. LINTHICUM. But nobody was presumed to know that the Appropriation Committee was going to legislate on a matter of this importance to the suburbs of Washington and a matter which is not in accord with the rules of the House. I think it is absolutely unfair. Let the Appropriations Committee attend to appropriations and leave legislation to the District of Columbia Committee. Render unto Cæsar the things which are Cæsar's and no more. [Applause.]

The CHAIRMAN. Without objection, on page 4, in line 3, the Clerk will correct the spelling of the word "employment."

There was no objection.

The Clerk read as follows:

ASSESSOR'S OFFICE

For personal services in accordance with the classification act of 1923, $152,240; temporary clerk hire, $3,000; in all, $155,240.

Mr. GRIFFIN. Mr. Chairman, I offer an amendment to strike out the paragraph, which would include lines 19, 20, 21, and 22.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 4, beginning in line 19, strike out lines 19, 20, 21, and 22.

Mr. GRIFFIN. Mr. Chairman, this covers the appropriation for the assessor's office, and the reason I make the gesture of striking it out is to call to the attention of the committee an editorial in yesterday's Post. This editorial condemns the committee for the provision in the bill proposing that property condemned for school purposes shall not be acquired at a greater cost than 25 per cent in excess of the assessed valuation.

The language of the editorial is such as to lead the ordinary reader to suspect the committee gave inadequate attention to the matter. They state in the editorial:

Moreover, the assessed valuation of land, particularly that desired for school sites, is based upon data gathered fully three years before the contemplated purchase.

Then it proceeds a little further down to draw this conclusion:

So long as the present assessed value of property continues to be based upon data that is 2 or 3 years old, it will be impossible to fix the value of property on the basis of the assessed valuation.

But the law says that the property shall be assessed at its full value, and the law requires that the assessors shall make an assessment each year and determine what the assessed value of the property is for the current year upon which the taxes are supposed to be raised. I am making this gesture of withdrawing the appropriation from the assessor's bureau in order to intimate to them that it is their duty and their obligation under the law to assess the property as of the date and year in which the taxes are to be raised.

I ask unanimous consent to withdraw the amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment is withdrawn and the Clerk will read.

There was no objection.

The Clerk read as follows:

ENGINEER COMMISSIONER'S OFFICE

For personal services in accordance with the classification act of 1923, $407,880.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph as a pro forma amendment.

Mr. Chairman, I have not made any points of order against the legislation appearing in this bill thus far read because I think the legislation should be there, and I commend the committee for placing it in the bill. I have not objected to raising the engineer commissioner's salary to $7,500, because he should get the same salary as the other two commissioners. But I want to call attention to the fact that in this present paragraph there is appropriated for personal services under the engineer commissioner's office, $407,880. This is a lump sum. This is a whole lot of money. This is the personnel employed under just one commissioner. His salary is provided for somewhere else in the bill. In addition to this big sum of $407,880 there is allocated to his office by the Government three majors from the United States Army, all of whose salaries are paid by the Government in the Army bill; three majors working their whole time for the District of Columbia, allocated there from the Government, giving all their time and attention to the District government, the civic business of the District government; and in addition to all that, we are turning over to one commissioner for the personnel of his office alone $407,880 in a lump sum.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. COOPER of Wisconsin. Is there anywhere anything to show how many employees he can employ under this appropriation and the salaries to be paid them?

Mr. BLANTON. There is nothing in the bill. I will let the committee answer.

Mr. FUNK. I will answer the gentleman by stating there are 370 employees contemplated in this expenditure.

Mr. BLANTON. Under the engineer commissioner, just one commissioner alone. There are three commissioners. This is just one of the commissioners, and we are turning over to him his own salary; we are also turning over to him three majors of the United States Army, with their salaries paid elsewhere, and then $407,880 extra in a lump sum. It is too much money. He has too many employees there. They are not as busy as they ought to be. This is productive of waste and extravagance.

Mr. FUNK. Will the gentleman yield?

Mr. BLANTON. In a few minutes. And I want to say that he knows less—and I say this with all deference, because I am his personal friend and like him and am not trying to disparage him personally, but he knows less about the District business than any man I know of who ought to be well informed about all of the affairs of the District.

Mr. CRAMTON. If the gentleman will permit, I have found on several occasions it is not helpful to be a personal friend of the gentleman from Texas.

Mr. BLANTON. Yes; the gentleman has found out when he gets a prohibition bill up here with Mr. TINKHAM, of Massachusetts, helping him to pass it, and Colonel HILL, of Maryland, helping him to pass it, and Mr. LEHLBACH, of New Jersey, helping him to pass it, and every other "wet" in the House helping him to pass it, I become suspicious of the gentleman's bill. When I vote for a prohibition measure I expect every "wet" in this House to be against it. If it is a good prohibition measure, you do not find such men as HILL, of Maryland, and TINKHAM, of Massachusetts, voting for it and sponsoring it and having companion bills on the calendar just like it, as did Mr. TINKHAM, of Massachusetts. The gentleman from Michigan has a bill which is almost identical with the bill of the distinguished gentleman from Massachusetts [Mr. TINKHAM].

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I ask for one minute more, Mr. Chairman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. What are you members of the Committee on Appropriations going to do about this lump-sum business? Are you just going to keep it up interminably? Is it going to last forever in this Government?

There was a time when we did not have it. I wish every Member of this Congress would look up the speech that Mr. Good, former chairman of the Committee on Appropriations, made against lump sums. I wish you would look up some day the splendid speech of the gentleman from Tennessee [Mr. BYRNS] made on this floor some years ago against lump sums. I have not forgotten it. They said it was not a proper method of legislating for the people, that you ought to have specific sums to be spent in a specific way, and that you ought to let the membership in this Congress who represent the people know where the money is going when appropriated. We must quit this wasteful, extravagant plan of appropriating in lump sums and go back to the old plan of specific appropriations. And then we may hold each bureau responsible for every dollar of public money, and there will be no graft.

Mr. KETCHAM. Mr. Chairman, I rise in opposition to the amendment to ask a question of the chairman of the subcommittee. My inquiry relates to several officials named at various points in the bill.

Mr. FUNK. On what page?

Mr. KETCHAM. Throughout the bill; for instance, here is the assessor's office. Taking that office as an illustration I want to inquire whether or not it is necessary that assessors, whose duties pertain particularly to the District business, be included in this appropriation. Can not they be appropriated for in some other way, or must they be appropriated for from the joint revenues?

Mr. FUNK. As I understand, all employees who serve the District government are provided for in this bill. Where else would you provide for the pay of the assessors?

Mr. KETCHAM. The point I have in mind is this. These assessors have to do with duties in no way connected with the Federal Government. They have to do with the business of the city itself. I can understand why coroners and others, who have duties that involve officials of the United States Government, should be included. But I am asking for information whether a line of demarcation can not be made under the provisions of this bill making two classes of officials? One class would perform duties involving all the people and the other those duties that concern the people of the city alone. These assessors would come within the second class, as I see it.

Mr. FUNK. If you follow that line of logic, if you are going to exclude the employees of the assessor's office, you would exclude the librarian.

Mr. KETCHAM. The gentleman does not quite understand my point. I can understand why a librarian should be included, because he serves all the people, those concerned in the Government and others, but the District assessor's office relates strictly to city affairs.

Mr. CHINDBLOM. Does the gentleman mean to say that assessors do not fix valuations, and therefore the taxes, on property owned by employees of the Government?

Mr. KETCHAM. The assessor does not have to do with Government property. I simply rose to ask if this type of District official could not be appropriated for in some other way.

Mr. CHINDBLOM. Does the gentleman think there is any distinction between real estate owned by a merchant in the District of Columbia and real estate owned by a Congressman in the District of Columbia?

Mr. KETCHAM. The gentleman's point is well taken, but the gentleman sees what I am trying to get at, namely, some other plan of appropriation for officers in the city government whose duties have no relation to the Government itself but that concern themselves with city affairs alone, my thought, of course, being that such duties ought not to be a charge on the Federal Treasury.

The Clerk read as follows:

PUBLIC UTILITIES COMMISSION

Attorney at law, $6,000, and for other personal services in accordance with the classification act of 1923, $40,620; in all, $46,620; and no part of this appropriation shall be available for the compensation of any person giving less than full time to his official duties.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 7, line 8, strike out the words "attorney at law" and insert "peoples' counsel."

Mr. FUNK. Mr. Chairman, I reserve a point of order against the amendment.

Mr. ZIHLMAN. Mr. Chairman, the committee has provided something very important and very much needed and that is an additional assistant to the Public Utilities Commission. I feel that this attorney should be a representative of the people, that he should appear before the Public Utilities Commission in behalf of the people of the District.

Mr. FUNK. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. FUNK. Is there anything in this language to prevent him appearing in behalf of the people?

Mr. ZIHLMAN. At these hearings held before the committee, of which the gentleman is a member and the committee of which I am chairman, the question was raised who would initiate a movement with the public utilities looking to a reduction of rates and the answer was the District Commissioners. Now, it is my view of it that in providing an extra attorney he should be designated as a servant of the people of the District for the purpose of initiating legislation and a movement looking to the reduction of rates of fare, gas, light, and so forth.

Mr. FUNK. I will say to the gentleman that for several years I was a member of the Illinois public utilities, and during that time I attended several annual conventions where there were delegates from every State in the Union that had public utilities commissions. I never heard the term "people's counsel" used in connection with any commission. I see no reason why the people of the District will not be served as well and faithfully and their rights and property looked after under this phraseology as it would be to substitute in the gentleman's amendment the words "peoples' counsel."

Mr. ZIHLMAN. I will say to the gentleman that I know nothing about the procedure of his great commission in the State of Illinois.

Mr. FUNK. It was a great commission, and I thank the gentleman.

Mr. ZIHLMAN. I said that in all sincerity, but there are States that do have counsel who represent the people. My own State has such counsel.

Mr. FUNK. And in creating that office is it designated as the people's counsel?

Mr. ZIHLMAN. Yes; the people's counsel and he has been able to effect a reduction in light rates and in street-car rates.

Mr. CRAMTON. Mr. Chairman, the gentleman emphasizes this as a matter of great importance, so far as the name of this particular lawyer is concerned. Does he not think, inasmuch as this is a legislative matter, that it ought to have the consideration of the legislative committee, of which the gentleman is chairman?

Mr. ZIHLMAN. I introduced a bill of that kind.

Mr. CRAMTON. But that does not get the gentleman anywhere if the bill is not reported out by his committee.

Mr. BLANTON. Mr. Chairman, will the gentleman from Maryland yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. I want to ask a question of the gentleman from Illinois [Mr. FUNK].

Mr. ZIHLMAN. I yield to the gentleman.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, with the permission of the gentleman from Maryland [Mr. ZIHLMAN], the present attorney who represents the people here is called the corporation counsel. The gentleman from Maryland has found out, as the rest of us have found out, that he has been too much impressed with his name—corporation counsel. Instead of representing the people, he has been representing the corporations of the District, and the gentleman from Maryland very wisely is under the impression that if we name this assistant the people's counsel, he will represent the people and not the corporations. I am very much impressed with the suggestion, and I am for the amendment, and I am going to withdraw my reservation of the point of order.

Mr. MADDEN. And I am going to renew it, and I make the point of order, not because I am opposed to the counsel, but I am opposed to the methods of bringing it about. We do not want to put legislation upon an appropriation bill.

Mr. ZIHLMAN. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

Mr. MADDEN. Oh, there was a reservation of the point of order pending.

The CHAIRMAN. There was a reservation of the point of order pending. The Chair sustains the point of order.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last two words. I find on page 5, under the office of corporation counsel, that there is included extra compensation to be paid the corporation counsel for his services as general counsel of the Public Utilities Commission. What are his duties in connection with the Public Utilities Commission?

Mr. ZIHLMAN. He is attorney for the Public Utilities Commission and he receives for that extra compensation in the sum of $1,000.

Mr. CHINDBLOM. Then, as a matter of fact, there are two legal officers serving the Public Utilities Commission—the corporation counsel, who is paid for part time of his services in that behalf, and the attorney at law who is provided here under the head of the Public Utilities Commission?

Mr. ZIHLMAN. This is a new attorney provided for, for the first time in this bill.

Mr. CHINDBLOM. I think they probably need all that they get, both in personnel and in compensation.

The Clerk read as follows:

For maintenance, care, repair, and operation of passenger-carrying automobiles owned by the District of Columbia, $72,680; for exchange of such passenger-carrying automobiles now owned by the District of Columbia as, in the judgment of the commissioners of said District, have or shall become unserviceable, $12,000; and for the purchase of passenger-carrying automobiles as follows: Surface division, two Ford roadsters, $900; two Ford touring cars for the electrical department, $900; one Ford sedan for the Board of Children's Guardians, $700; in all, $87,180.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. Does not the chairman of the committee believe that he has been rather too generous on this item of passenger-carrying automobiles? He allows $72,680, and then later $12,000 additional for exchange of them and $2,500 additional for new Fords. The $72,680 alone is rather large for passenger-carrying automobiles.

Mr. FUNK. The amount of $72,680 is an increase over the current appropriation for these same items of approximately $2,500.

Mr. BLANTON. And the one last year was an increase over the one before?

Mr. FUNK. I have no doubt of that.

Mr. BLANTON. And the one before was an increase over the one before that, and so on?

Mr. FUNK. I have no doubt about that; but the District is growing, and the business to be transacted is growing, and this is based upon the recommendation of the three commissioners. Frankly, we did not go down and count the automobiles or determine how many hours they are used. We must give some credence to the recommendations and the authority of the District Commissioners.

Mr. BLANTON. You can not always depend on their recommendations. They are going to wind up finally by wanting an automobile for every single employee of the District; that is, if they keep on. Here is this first item of $72,680 for passenger-carrying automobiles, which is too large.

Mr. SIMMONS. Let me say this to the gentleman, and I speak for the commissioners. Their testimony does not warrant that statement of the gentleman from Texas.

Mr. BLANTON. I want to state that I know a little more about these commissioners than the gentleman does, I believe.

The gentleman has to do with them for about three weeks every year, and I have to do with them for about 12 months every year. I am investigating them all of the time. The gentleman hears just what they want to say to him during three weeks of the year when his committee is making up this bill.

I have means of checking up their ideas on various matters there during the 12 months by reason of sitting on the District Committee when Congress is in session, and when it is not I am down there in the District Building frequently.

Mr. CHINDBLOM. How many automobiles can you buy, operate, and maintain and repair through a year for $72,000?

Mr. BLANTON. Of the moderate-priced cars—and that is the only kind they ought to use—you can secure a whole lot of them, especially when this annual appropriation is repeated every year.

Mr. CHINDBLOM. Oh, no; 30 or 35 cars at the outside if you bought and operated them for a year—not that many; say 25.

Mr. FUNK. I will say this provides for 158 passenger-carrying vehicles.

Mr. CHINDBLOM. Then they are not buying new ones at all; that is only for maintenance.

Mr. BLANTON. Do not take all my time. You see how far off the gentleman from Illinois was. The gentleman from Illinois had an idea they were given only about 30. I told him a great many more, and the chairman shows that we are allowing them 158 passenger-carrying automobiles in this bill.

Mr. CHINDBLOM. But they are not buying any more.

Mr. BLANTON. They are allowed 158 of them in this bill.

Mr. FUNK. One hundred and fifty-eight.

Mr. CHINDBLOM. Only maintaining them.

Mr. BLANTON. But they have 158 cars. And they get this big sum every year. How many does the gentleman think one city of 437,000 people ought to use for passenger-carrying automobiles?

Mr. CHINDBLOM. I will say to the gentleman, since he directs his question to me, I think 158 is a very reasonable allowance for government use of a city of a half million people.

Mr. BLANTON. This does not take in trucks or any cars except passenger-carrying cars. These are passenger-carrying cars. This appropriation does not take in fire trucks or street-cleaning cars; it is passenger-carrying cars alone. And this appropriation is growing every year, and I recommend to the committee that they make a close check up on it.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

In all, $183,100; to be disbursed and accounted for as "Street improvements," and for that purpose shall constitute one fund and shall be available immediately: *Provided*, That no part of such fund shall be used for the improvement of any street or section thereof not herein specified.

Mr. ZIHLMAN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 6, insert a new paragraph, as follows:

"For paving Alaska Avenue NW. from Sixteenth Street to Georgia Avenue, $60,000."

Mr. SIMMONS. Mr. Chairman, I reserve a point of order against the amendment.

Mr. ZIHLMAN. Mr. Chairman, I would like to argue the point of order.

The CHAIRMAN. Will the gentleman state the point of order?

Mr. SIMMONS. My understanding was that we had read beyond the items for paving, and it is not germane at this point.

Mr. ZIHLMAN. I was trying to follow the reading clerk. I want to cooperate with the committee in every way possible to facilitate the reading of the bill. The gentleman certainly does not want to take snap judgment.

Mr. SIMMONS. My understanding was we had read down to gasoline tax, road and street funds.

The CHAIRMAN. The paragraph the Clerk was reading when the gentleman from Maryland rose to his feet was the paragraph on page 19, lines 7 to 11, which has reference to the foregoing paving projects, and consequently is in time.

Mr. SIMMONS. If that is the Chairman's understanding, I withdraw the point of order.

The CHAIRMAN. The gentleman was on his feet while the Clerk was reading, and before the Chair had an opportunity orally to give recognition.

Mr. ZIHLMAN. Mr. Chairman, I wish to say——

Mr. MADDEN. Before the gentleman starts, to get my mind working, is this estimated for by the Budget?

Mr. ZIHLMAN. I will say this was sent to the Budget by the District Commissioners, and is one of the very necessary projects——

Mr. MADDEN. Is it estimated for by the Budget?

Mr. ZIHLMAN. I will say the Director of the Budget sent the street estimates back to the commissioners with instructions to cut them $100,000.

Mr. MADDEN. How much does this cost?

Mr. ZIHLMAN. Sixty thousand dollars.

Mr. MADDEN. Does it say so in the amendment?

Mr. ZIHLMAN. Yes, sir. I secured these figures from the engineer of highways of the District of Columbia, who stated the maintenance cost on this street last year was 70 cents a square yard. It is one of the most heavily traveled streets in the northwest section of the city.

Mr. MADDEN. I do not think the gentleman ought to be allowed to put $60,000 in a bill in violation of the rule.

Mr. ZIHLMAN. What rule?

Mr. MADDEN. The gentleman has been talking about rules. I did not know what rules he was talking about.

Mr. ZIHLMAN. I will say to the gentleman, if he refers to the rule this committee seems to have adopted, only to allow items of the Budget, then we might as well not consider these ourselves at all.

Mr. MADDEN. That is what the Budget is for.

Mr. ZIHLMAN. Well, I will say to the gentleman that I think this is a very necessary item of street improvement, and I am submitting it for the consideration of the committee in good faith.

Mr. MADDEN. The committee examined that, and they do not think it is necessary.

Mr. ZIHLMAN. I will say, Mr. Chairman, that the engineer of highways in the District of Columbia says that the upkeep of this street is extravagant, and that the street will have to be paved next year, if not this year. He says that there has been spent for maintenance on this street for the present fiscal year 1926, for a fractional part of the year 1926, over $1,000 on this short stretch of street. I sincerely hope that the committee in its judgment will see fit to accept this amendment, because I believe that this street should be paved. To delay the paving of it will simply result in an extravagant maintenance cost, and it will be economy to pave it this year.

Mr. FUNK. Mr. Chairman, I rise in opposition to this amendment. The facts are that this avenue, Alaska Avenue, starts at the bend of Sixteenth Street, just adjacent to Walter Reed Hospital, and it goes from there to the District line. I have ridden over the streets, as all of you have, since automobiles have been in use. I rode over that street last Sunday and I consider that it is one of the very fairly well paved streets of the District of Columbia.

But this all gets back to the proposition of taking money for the benefit of people adjacent to the District of Columbia out of the pockets of the taxpayers of the District of Columbia. This money would be spent within a quarter of a mile from the District line.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield there?

Mr. FUNK. No; I regret that I can not yield. I must decline to yield.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. FUNK. I submit that if there is $60,000 to be expended and made available it should be expended for the greatest good to the greatest number and not expended on the edge of the District simply for the benefit of people who live in Maryland.

Gentlemen, this pavement is a good pavement and it is on the very edge of the line. The item was not submitted by the Budget and it comes here unexpected to the committee.

Mr. ZIHLMAN. The gentleman says it came here without any knowledge on the part of the committee. I will say that I appeared before the committee and presented my contention that this street should be paved. The gentleman will find it to be a part of the hearing.

Mr. FUNK. I beg the gentleman's pardon. He did.

Mr. BLANTON. Mr. Chairman, I propose an amendment to the amendment to strike out "$60,000" and insert "60 cents." That is pro forma.

Mr. Chairman, Alaska Avenue, as my colleagues know, is the most northern avenue in the District of Columbia. It is

named Alaska Avenue because of Alaska's position on the map. It is the avenue which we have always considered as separating on the northwest the District of Columbia from Maryland.

There has been quite a property development out in that section over in Maryland and just inside of the District line. The people of Maryland, in my colleague's district and in other Maryland situations close by, are highly interested in that development. They want us to spend $60,000 on that street. I do not blame them. If they can get it out of the District exchequer, well and good. I commend them for trying. But I am glad that the old watchdog [Mr. MADDEN] is here in his seat. He has been here all day. He has stopped these encroachments to-day; he has stopped them in this bill; and he is going to continue to stop them, because he is kind of "riled up" about it.

I have taken the floor just now principally to call your attention to what is coming up next Monday, that has connection with Alaska Avenue and this same property development. That old bill, that has been on this floor so many times in the past few years and has always met with defeat, seeking to open up a highway through Walter Reed Hospital grounds, is coming up again Monday. And you must make it a point to be here.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TREADWAY. To receive the same fate it has received heretofore.

Mr. BLANTON. It will if the gentleman and others here will cooperate with us and be here to help defeat it. If certain gentlemen stay away and the friends of this development can get enough votes to get that bill through, it will pass. We will need the gentleman from Massachusetts here to help stop it. It will not do to have a highway built through Walter Reed Hospital grounds.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SIMMONS. The gentleman refers perhaps to letters received from J. Harry Cunningham, expressing the opinion that the hospital is in the way and that the soldiers ought to be kicked off the grounds.

Mr. BLANTON. I hope the gentleman from Nebraska also will be here with us on Monday and help us to defeat it.

Mr. SIMMONS. That letter of J. Harry Cunningham, if brought to the attention of the membership of this House, ought to defeat the bill.

Mr. BLANTON. When General Ireland was before our committee I made him admit that there are men out there now in this hospital who are blind and deaf, and men with only one leg, on crutches, and crippled in many ways, who could be run over there by people who are coming out to Alaska Avenue and Maryland at night at a speed of 40 or 50 miles an hour on their way back home from the theaters. Patients who are shell shocked will be run over. They want a nearer road that will take them back home through a short cut at a rate of 40 or 50 miles an hour, and therefore they are pushing this bill. On Monday, if we can get the membership of this House on the floor, we can defeat that bill, as has been done several times before.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. ZIHLMAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TEACHERS

Salaries: For personal services of teachers and librarians in accordance with the act approved June 4, 1924, $5,564,300.

Mr. LOWREY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LOWREY: Page 33, line 10, after the figures "$5,564,300," strike out the period, insert a colon, and add the following words: "*Provided*, That no part of this sum shall be available for the payment of the salary of any teacher who teaches partisan politics, disrespect of the Holy Bible, or that ours is an inferior government."

Mr. MADDEN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. LOWREY. Will the gentleman make the point of order?

Mr. MADDEN. Yes; I make it.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. BLANTON. I would like to be heard for a moment. Mr. Chairman, this is clearly a limitation. It was held to be a limitation once before in the House and forms the last precedent in the matter. This is an amendment which the gentleman from Washington [Mr. SUMMERS] introduced from the floor to this same identical appropriation bill under this same identical clause in the bill, the teachers' salaries, and it was voted into the bill by the committee and by the House. It is a part of the current law to-day; it is the current law of this District. But if we do not renew it in this bill, it will expire July 1, 1926. No teacher in this District can teach disrespect for the Holy Bible under the present law without having his or her salary forfeited; no teacher in this District to-day can teach children that ours is an inferior form of government without having his or her salary withdrawn. That is a part of the statutory law of this District to-day. Why should it be subject to a point of order now?

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. Do I understand the gentleman to state that the amendment offered by the gentleman from Washington [Mr. SUMMERS] had a point of order made against it and that the point of order was overruled?

Mr. BLANTON. That is my remembrance of it.

Mr. CRAMTON. My recollection—although I am not certain—is that there was no point of order made against it.

Mr. BLANTON. If there were not, Mr. Chairman, it was so readily understood to be a limitation by the chairman that he did not see fit to waste the time of the committee in making a point of order. It certainly is a limitation. I am not throwing any bouquets when I cite as authority a recent decision of the present occupant of the chair concerning a similar question the other day, when the Chair called attention to the fact that he did not pass on the merits of the amendment; he might or might not be in favor of the amendment, but he said it was clearly a limitation and that the House had the right to vote on it. I submit to the Chair that this amendment is on all fours with his ruling on the appropriation bill the other day, and this is clearly a limitation.

The CHAIRMAN. The Chair is ready to rule. Of course, as the gentleman from Texas has so well stated, the Chair, in passing on a point of order, has nothing whatever to do with the merits of the question. The Chair has on other occasions, as have others who have occupied the chair during the Committee of the Whole House on the state of the Union, repeatedly ruled that if an amendment, although in the form of a limitation, places upon the administrative officials of the Government who have the disbursing of the money appropriated affirmative duties not now imposed upon them by law, that the limitation becomes legislation instead of simply a limitation on the use of the appropriation, and therefore is not in order.

Mr. BLANTON. Will the Chair permit an interruption there?

The CHAIRMAN. Yes.

Mr. BLANTON. It does not enforce a new limitation, because it is the law to-day.

The CHAIRMAN. It is a limitation on an appropriation bill which has never been ruled upon as to its character as legislation.

The proposed amendment prohibits the payment of the salary of any teacher who teaches partisan politics. In order to enforce the limitation it is the duty of the officer of the District disbursing the money available for the payment of salaries of school-teachers to ascertain not only with respect to this matter what the teacher is or has been teaching but he must determine in the teaching of American history, which deals with the activities of two parties throughout the major portion of our history, whether in so teaching American history the teacher has been teaching partisan politics. He must, with reference to teaching disrespect of the Holy Bible, determine what constitutes disrespect of the Holy Bible, whether or not that means a disregard of the literalness of every statement contained in the Bible, whether historic or doctrinal; and with respect to whether ours is an inferior Government—inferior to what? Inferior to a millenium or a perfect government or inferior to some other present existing government?

In every case the officer disbursing these salaries would have to exercise a judgment, a judgment based upon most difficult propositions, and would have to apply that judgment to individual cases. It is not only the imposition of a new duty on the disbursing officer but a most onerous and difficult duty. Con-

sequently it is clearly legislation, and the Chair sustains the point of order. [Applause.]

Mr. BLANTON. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were—ayes 48, noes 2.

So the decision of the Chair was sustained as the judgment of the committee.

The Clerk read as follows:

For contingent expenses, including furniture and repairs of same, pay of cabinetmaker, stationery, printing, ice, and other necessary items not otherwise provided for, and including not exceeding $3,000 for books of reference and periodicals, $85,000: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the subcommittee why an exception is made in reference to dispensing with a bond in the case of the high schools here, which is not the practice in other States.

Mr. FUNK. An expenditure of $600 is required to furnish the bond and this is simply a transfer of property controlled by one arm of the Government to another arm of the Government. We save the premium in this way.

Mr. McKEOWN. Upon what is that justified—simply because it costs money to furnish the bond?

Mr. FUNK. That would be one good business reason, and the other is that the property is transferred from one department or arm of the Government to another and there is not required the formality and the safeguards that should surround such a transaction between private parties. These are supplies.

Mr. McKEOWN. In dealing with the schools in other States, the Government requires a bond.

Mr. FUNK. Is that a question or a statement?

Mr. McKEOWN. I want to know whether the fact it costs $600 as a premium is the only reason a discrimination is made in the District of Columbia as against high schools in other parts of the country.

Mr. FUNK. That would be one reason.

Mr. McKEOWN. The Government's property is just as liable to be dissipated in the District of Columbia as in any other part of the country.

The Clerk read as follows:

For textbooks and school supplies for use of pupils of the first eight grades, to be distributed by the superintendent of public schools under regulations to be made by the Board of Education, and for the necessary expenses of purchase, distribution, and preservation of said textbooks and supplies, including necessary labor not to exceed $1,000, $200,000: *Provided*, That the Commissioners of the District of Columbia, in their discretion, are authorized to exchange any badly damaged book for a new one, the new one to be similar in text to the old one when it was new.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 38, line 1, strike out the word "textbooks," and in line 8 strike out the words "in their discretion."

Mr. BLANTON. Mr. Chairman, this is a pro forma amendment, to enable me to use a few minutes. I think what is known as the Summers amendment was good legislation. It is the law now, and will be the law here until July 1, 1926. It provides that teachers here shall not teach partisan politics, or disrespect for the Holy Bible, or that this is an inferior form of Government. I do not believe in turning teachers loose upon unsuspecting pupils and letting them teach any kind of doctrine they want. My colleagues, of course, sustained the Chair in holding that that was not a limitation.

Mr. BEGG. Where are the supervisors that they do not keep them from doing that?

Mr. BLANTON. The gentleman will remember that during the war there was a teacher suspended for doing that very thing.

Mr. BEGG. That might happen.

Mr. BLANTON. For teaching disloyalty. The teacher was suspended. She belonged to an organization and the organization demanded that the teacher be reinstated and her back salary paid for all the time she was out. She was reinstated and the back salary was paid, and she continued to do what she pleased.

But I want you to know that in the colleges and universities of the United States you had better pay some attention to what is going on before you send your boys there. You had better pay some attention to what is being taught in all schools now before you send your children there. I know the newspapers make fun of us and call us "fundamentalists" whenever we want to inquire into what the children are being taught, but I am going to find out what my children are being taught.

Mr. MADDEN. It is a good thing. I think they ought to find out.

Mr. BLANTON. I think it would be a good thing to have the Summers amendment in every State law in the land. Why should not they be taught to have respect for the Holy Bible? The Government has enough respect to place on the dollar the words "In God we trust." Why should we not require the teachers of the District of Columbia to show proper respect? Why should not we prevent them from teaching partisan politics in the schools here? Let them learn partisan politics on the floor of the House. There is plenty of it here, and this is a good place to learn partisan politics.

I wanted to say this, that some Members do not like to be in the minority vote. When I believe that I am right I would vote to support my convictions, if I were the only man voting that way. It is not a question of voting with the majority; it is a question of following one's sincere convictions. That was my reason for appealing from the decision of the Chair a few moments ago.

Mr. KETCHAM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KETCHAM. Granting the gentleman's argument, what does the gentleman think about putting this provision in a great appropriation bill that has to do with the schools of the United States Capital, practically admitting that those things are being done?

Mr. BLANTON. It was placed in this bill last year, and it is now law, but it will expire July 1, 1926.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I withdraw the pro forma amendment.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the withdrawal of the amendment. I sympathize with the gentleman from Texas when he states that he votes very often in the minority. I also vote very often in the minority. I always follow my own convictions and vote accordingly.

Mr. MADDEN. I think every man should follow his own convictions.

Mr. LAGUARDIA. Exactly so; and I have voted so often in the minority that I am accustomed to it. I do not agree in this instance with what the gentleman from Texas has said.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Let me get started first.

Mr. BLANTON. Right on that point.

Mr. LAGUARDIA. I have not made any point yet; let me get started. I do not believe there is the slightest danger in what is being taught in our public schools and colleges in this country. Our children are in the care of the finest group of men and women in the country, and as a class there are none more loyal and more devoted to the country than our school and college teachers. But when it comes to saying that any teacher might create a notion in the mind of a student that this is an inferior form of government, and that sort of thing should be stopped, it is a bit hysterical and getting excited over something which does not exist. Of course, we are to have criticism of government in the study of civics and political history. If anyone who criticizes our form of government is guilty of a serious offense, then Abraham Lincoln was guilty of such a charge. He repeatedly stated at one period of our national life that a country that permitted human slavery was an inferior form of government, and that it should be changed, and the Constitution was amended. That amendment made a fundamental change in our form of government.

We can not stand still in the science of government. We can not stand still and accept as permanent what was good and what was proper and what was fair and just 140 years ago when the Constitution was adopted under different conditions. Every amendment to our Constitution shows the need of constant changes in governmental fundamentals to meet changed conditions.

As times change, so must your Government change. When the Constitution of the United States was adopted we had no railroads, we had no congested districts, we had no farm problems. Almost everybody at that time owned his own little house. Land was available to everyone. There was no question of farm loans, impoverished land at that time, because they had not used the land. There were no railroads, no steamships, no telegraph or cables. There was little commerce. Yet the framers of the Constitution had great vision and provided for a great many things which did not exist at the time but which they could reasonably expect in the future. If they had foreseen that we would have tenement houses and congested districts and cold storage and food trusts, railroad combines, and monopolies, they would have provided proper protection for the people and against their exploitations. So to say now that our Government is perfect, that there is to be no criticism directed against it, that there is to be no change, is simply stopping progress, and it can not be done.

We went through a period of hysteria in New York, and a stupid sort of law purporting to test the loyalty of our schoolteachers was passed. It turned out to be so ridiculous that it was repealed and wiped off the statute books in three years. At this time there seems to be a wave of intolerance in thought and everything else. He who does not accept as permanent and perfect the existing order of things and ancient fundamentals in all things is immediately suspected and charged with every crime under the sun. Intolerance has never stopped thinking. In fact, it stimulates it. We were saved placing ourselves in a ridiculous position to-day by the wise, sound, and logical ruling of the chairman, the gentleman from New Jersey [Mr. LEHLBACH]. We should at least give a good example to State legislatures by what we do here and not try to follow the mistakes or foolish conduct of any State legislature. Our children are safe in the schools; they are learning to think; and as they grow up they will be able to look after their Government and to make laws to meet changed conditions and to bring about a more equal distribution of happiness and the good things of life.

Mr. FUNK. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10198 and had come to no resolution thereon.

FEDERAL RESERVE BANK BRANCH OFFICE, BUFFALO, N. Y.

Mr. MACGREGOR. Mr. Speaker, I call up Senate Joint Resolution 44, authorizing the Federal reserve bank in New York to invest its funds in the purchase of a site and the building now standing thereon for its branch at Buffalo, N. Y., on the Speaker's table. A similar resolution to this was passed yesterday in the House. I ask that the Senate joint resolution be substituted for the House joint resolution.

The SPEAKER. The gentleman from New York calls up a Senate joint resolution on the Speaker's table, which the Clerk will report.

The Clerk read as follows:

Senate Joint Resolution 44

Resolved, etc., That the Federal Reserve Bank of New York is hereby authorized to invest in the purchase of land improved by a bank building, already fully constructed, for its branch office at Buffalo, N. Y., a sum not to exceed $600,000, out of its paid-in capital stock and surplus.

Mr. CRAMTON. Mr. Speaker, is that identical with the one passed by the House?

Mr. MACGREGOR. It is identical.

Mr. BEGG. Did I understand the gentleman to say that we passed the same kind of a resolution here yesterday?

Mr. MACGREGOR. Yes.

Mr. BEGG. Then what becomes of our joint resolution?

Mr. MACGREGOR. I suppose that will be laid on the table.

Mr. BEGG. That can not be done after it has been passed.

Mr. CRAMTON. It could be recalled.

The SPEAKER. It could be recalled, the Chair thinks, although perhaps that will not be necessary as the Senate will be advised of our action, and that would settle the matter.

Mr. BEGG. But suppose the Senate before they adjourn to-day should pass the resolution that we passed yesterday, which I suppose has been messaged over there to-day? We certainly do not want two laws on the same subject.

Mr. CRAMTON. Even if that unexpected event should happen, it would not hurt anybody.

Mr. BEGG. But it is not a question of hurting anybody; it is a question of procedure.

Mr. CRAMTON. They would just let it lie in the pigeonhole with a lot of other bills.

Mr. GARRETT of Tennessee. It is in identical language?

Mr. MACGREGOR. Yes.

Mr. GARRETT of Tennessee. Then I suggest that immediately after the passage of the Senate resolution which is now before the House the gentleman from New York ask unanimous consent that the Senate be requested to return the House resolution.

Mr. CHINDBLOM. Mr. Speaker, I think we must proceed now by unanimous consent. We are not proceeding now under the rule. The rule is that where there is a bill of like content reported by a committee the similar Senate bill on the Speaker's table may be called up as a matter of right. I think the gentleman must obtain unanimous consent to bring up his resolution.

The SPEAKER. The Chair does not think it will be necessary for the bill to be actually on the Calendar under the circumstances. The rule reads as follows:

but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House.

Mr. CHINDBLOM. But, Mr. Speaker, we have gotten beyond the stage of a favorable report, if I may suggest. The resolution is not here. That resolution has gone; it is not before the House. I do not think the precedent should be established, if it has not been already, that under these conditions a resolution or bill may be taken up as a matter of right, coming from the Senate.

Mr. CRAMTON. Mr. Speaker, as a matter of fact, we can only proceed by unanimous consent, and if the gentleman from New York would ask unanimous consent it would obviate that point being passed upon.

Mr. MACGREGOR. I will ask unanimous consent——

The SPEAKER. Perhaps, under the circumstances, that would be the best way to meet the difficulty.

Mr. MACGREGOR. I ask unanimous consent——

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the joint resolution which has been reported. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read the third time, was read the third time, and passed.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent that House Joint Resolution 131, passed on yesterday, be recalled from the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent that House Joint Resolution 131, passed on yesterday, be recalled from the Senate——

Mr. GARRETT of Tennessee. Of course, the gentleman is asking unanimous consent that the House request the recall.

The SPEAKER. That the Senate be requested to return House Joint Resolution 131 to the House. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, a point of order. The gentleman should ask in that connection that the action of the House yesterday regarding that joint resolution be vacated, should he not?

Mr. GARRETT of Tennessee. No; when the House joint resolution is returned that vacates the proceedings.

The SPEAKER. The Chair thinks so.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. VARE, for several days, on account of important business.

To Mr. HUDSPETH, for two weeks, on account of important business.

NEW BRIDGE ACROSS OHIO RIVER AT LOUISVILLE

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill (H. R. 9599) for the construction of a bridge across the Ohio River at Louisville, Ky.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the man-

ner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. THATCHER. Mr. Speaker and colleagues, I desire to call your attention to a bill (H. R. 9599) which I had the honor recently to introduce in the House and which passed the House and went to the Senate to be considered there. The bill is entitled "An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city." The Senate eliminated certain provisions from the bill as it passed the House and thereupon passed the measure in its modified form. The House refused to accept the Senate changes, as the eliminated provisions were considered very essential to carry out the purposes for which the bill was introduced. Happily, however, in conference the provisions thus stricken out were restored in satisfactory form, and the bill has now been accepted by both Houses in the form substantially in which it passed the House.

The text of the bill follows:

An act (H. R. 9599) granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Louisville, Ky., or to any board or boards, commission or commissions, which may be duly created or established for the purpose, to construct, maintain, and operate a highway or combined highway and railway bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, extending from some point between Third and Twelfth Streets in the city of Louisville, Ky., across said river to a point opposite on the Indiana shore, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alterations in such bridge be made either before or after its completion, until plans and specifications for such construction or alteration shall have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

SEC. 2. There is hereby conferred upon the said city of Louisville or such board or boards, commission or commissions, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by bridge corporations for bridge purposes in the States in which such real estate and other property are located upon making proper compensation therefor, to be ascertained according to the laws of such States; and the proceedings thereof may be the same as in the condemnation and expropriation of property in such States.

SEC. 3. The said city of Louisville, board or boards, commission or commissions, is hereby authorized to fix and charge tolls for transit over such bridge and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 4. In fixing the rates of tolls to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the investment, and to provide a sinking fund sufficient to amortize the cost of the bridge and approaches within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The consent of Congress, as is well known, must be secured before a bridge may be constructed and maintained across a navigable water in the United States; and the Ohio River is, of course, such navigable water. At Louisville there are now three great bridges across the Ohio River. One of them, generally known as the K. & I., or Kentucky and Indiana Bridge, is situated just below the Great Ohio River Falls and connects Louisville and New Albany, Ind. It is a combined highway, interurban, and railroad bridge. New Albany and Jeffersonville, Ind., lie on the north shore of the Ohio River opposite Louisville. The Pennsylvania Railroad Bridge is for railroad purposes only. It spans the river just below the head of the falls, about 2½ miles upstream from the K. & I. Bridge, and extends from Louisville to Jeffersonville. The third is the "Big Four" Bridge. It also connects Louisville and Jeffersonville and is situated about a mile and one quarter upstream from the Pennsylvania Bridge. It is a combined railroad and interurban bridge.

The great falls of the Ohio River are more than 2½ miles in length. There is a dam just above the falls. The river is quite wide throughout this section. The Louisville & Portland Canal extends for about the length of the falls, and on the Louisville side of the river. It has great locks which permit its navigation, and by means of its navigation steamboats which ply on the Ohio River are enabled to pass back and forth between the foot and the head of the falls.

Louisville is now a city of more than 300,000 people; it is a great manufacturing center and gives every assurance of substantially increasing its population and industries.

The United States Government is now engaged in the construction of a new dam across the Ohio at Louisville. The site of this new dam is a short distance below the present dam. The new structure will be about 6 feet higher than the present dam, and it will be so constructed as to provide for the hydroelectric development of the falls. The work of this development will be made by the Louisville Hydroelectric Co., a subsidiary of the Louisville Gas & Electric Co., the public-utility corporation which furnishes gas and electricity to the city of Louisville and its environs. Because of the great growth of the city of Louisville and the prospect of its further growth, as well as because of the needs of the other two falls cities, New Albany and Jeffersonville, Ind., it has become necessary to make provision for the construction of another bridge across the Ohio River at this point, the same to be a highway bridge. These cities constitute a natural gateway between the North and South, and flowing between the cities there is now a tremendous all-year volume of automobile traffic, and this will of course greatly increase in the near future. Therefore the additional facilities which the projected bridge will provide are absolutely necessary.

It is estimated that the bridge will cost something like $5,000,000. It is also expected that the city of Louisville will furnish the necessary funds with which to build the bridge, with certain assistance from the cities of New Albany and Jeffersonville, Ind. It is probable that Louisville will vote the necessary bond issue for this construction. At the recent session of the General Assembly of Kentucky there was passed an enabling act authorizing the appointment of a bridge commission, or commissions, to prosecute the erection of this bridge and to operate and maintain it after its construction. The question of the bond issue will probably be voted on in Louisville this fall. If carried, and after the necessary funds are thus provided and the proposed bridge is built, it is likely that tolls for the use of the bridge will be maintained until the cost of construction has been met; and that after that time no tolls may be imposed beyond those necessary to maintain and operate the bridge.

H. R. 9599 grants to the city of Louisville, or to any board or boards, commission or commissions, duly created for the purpose, authority to construct, maintain, and operate a highway bridge, or a combined highway and railroad bridge across the Ohio River at some point suitable to the interests of navigation, extending from some location between Third and Twelfth Street in the city of Louisville across the Ohio to a point opposite on the north shore. Such opposite point on the north shore will be within or adjacent to the corporate limits of the city of Jeffersonville. The bill requires the submission of the plans for its construction to be first approved by the Secretary of War and the Chief of Engineers—

as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

Section 2 of the bill confers upon the city of Louisville, or the board or boards, or the commission or commissions, which shall undertake the work of construction, the needed powers and rights to acquire, condemn, appropriate, occupy, possess, and use real estate and other property for the location, construction, operation, and maintenance of the bridge and its approaches and terminals, as are possessed by bridge corporations for bridge purposes in the States of Kentucky and Indiana.

Section 3 provides that the city of Louisville, or the indicated board or commissions, may fix and charge tolls for transit over the bridge—these to be the legal rates unless or

until changed by the Secretary of War in the matter of tolls and rates charged for use of bridges over navigable waters in the United States.

Section 4 provides that the rates of toll to be charged for the use of this bridge shall be so adjusted as to provide, so far as may be possible, a fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches; also to pay an adequate return on the investment involved in the bridge; and further, to provide a sinking fund sufficient to amortize the cost of the bridge and approaches within a period not to exceed 30 years from its completion.

This section further provides that after the sinking fund sufficient to pay the cost of the construction of the bridge and its approaches shall have been provided the bridge shall thereafter be maintained and operated free of tolls, or the tolls shall be so adjusted as to provide a fund which shall not exceed the amount which may be necessary for the further care and maintenance of the bridge and its approaches.

These sections as to tolls have been drawn to harmonize both with the enabling act of the Kentucky Legislature, referred to, and with the general policy which Congress is now following concerning highway bridges. This is a policy which the Bureau of Public Roads of the Department of Agriculture especially commends because of the connection and contact between highway bridges and Federal-aid roads of the country. The great increase of automobile traffic and the rapidly increasing mileage of State and Federal-aid highways argue for the ultimate freedom of highway bridges.

In the event that tolls are charged for highway traffic over this new bridge it is believed that in a much shorter period than the maximum of 30 years, allowed by this bill, the cost of construction will have been met. Thereupon the bridge, under the terms of this measure, will become toll free, or else the tolls which may be charged shall not exceed what may be necessary to create a fund to maintain and operate the bridge. This last situation would of course mean tolls which were hardly more than nominal.

The enactment of this bill into law will permit and insure the construction of this great highway bridge that shall constitute another splendid material bond or link between the sections north and south of the great Ohio River.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2987. An act for the relief of Samuel Hubbard, jr.;

H. R. 8590. An act granting certain lands to the city of Sparks, Nev., for a dumping ground for garbage and other like purposes; and

H. R. 8652. An act to provide for the withdrawal of certain lands as a camp ground for the pupils of the Indian school at Phoenix, Ariz.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 8511. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville, on the Gainesville-Eutaw road, between Sumter and Greene Counties, Ala.;

H. R. 8521. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg, on the Childersburg-Birmingham road, between Shelby and Talladega Counties, Ala.;

H. R. 8522. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala.;

H. R. 8524. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Samson, on the Opp-Samson road, in Geneva County, Ala.;

H. R. 8525. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across the Pea River near Geneva, on the Geneva-Florida road, in Geneva County, Ala.;

H. R. 8526. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River, on the Wicksburg-Daleville road, between Dale and Houston Counties, Ala.;

H. R. 8527. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River, at Elba, Coffee County, Ala.;

H. R. 8528. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, on the Clanton-Rockford road, between Chilton and Coosa Counties, Ala.;

H. R. 8536. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville, on the Guntersville-Huntsville road, in Marshall County, Ala.;

H. R. 8537. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City, on the Pell City-Anniston road, between St. Clair and Calhoun Counties, Ala.;

H. R. 9095. An act to extend the time for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark.;

H. R. 8316. An act granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.;

H. R. 8382. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala.;

H. R. 8386. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River, on the Athens-Florence road, between Lauderdale and Limestone Counties, Ala.;

H. R. 8388. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road, in Jackson County, Ala.;

H. R. 8589. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry, on Huntsville-Lacey Springs road, between Madison and Morgan Counties, Ala.;

H. R. 8390. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road, between Washington and Clarke Counties, Ala.;

H. R. 8391. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, on the Butler-Linden road, between the counties of Choctaw and Marengo, Ala.; and

H. R. 8463. An act granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La.

ADJOURNMENT

Mr. FUNK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 17, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings for March 17, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agricultural relief legislation.

COMMITTEE ON MINES AND MINING

(10 a. m.)

Providing for a mine rescue station and equipment at Pineville Ky. (H. R. 5953).

Providing for a mine rescue station and equipment at Madisonville, Ky. (H. R. 3879).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize certain alterations in the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes (H. R. 10003).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

Authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch (H. J. Res. 191).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

Authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army (H. R. 9694).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Amendments to the interstate commerce act.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend and supplement the merchant marine act of 1920 and the shipping act of 1916 (H. R. 8052 and H. R. 5369).

To provide for the operation and disposition of merchant vessels of the United States Shipping Board Emergency Fleet Corporation (H. R. 5395).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To provide that no permanent building shall be erected in East Potomac Park solely for tourist-camp purposes pending the selection of a more suitable site (H. J. Res. 174).

EXECUTIVE COMMUNICATIONS, ETC.

395. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimates of appropriation under the legislative establishment, Public Buildings Commission, for the fiscal year 1927 (H. Doc. No. 271), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 6982. A bill to amend sections 213 and 215, act of March 4, 1909 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes; with amendment (Rept. No. 560). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 3932. A bill to amend section 71 of the Judicial Code as amended; without amendment (Rept. No. 563). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 5006. A bill to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee, and attach the same to the Columbia division of the middle judicial district of said State; with amendment (Rept. No. 564). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 7378. A bill providing for the holding of terms of the United States district court at Lewistown, Mont.; without amendment (Rept. No. 565). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 8126. A bill to amend section 103 of the Judicial Code as amended; without amendment (Rept. No. 566). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 9829. A bill to amend section 87 of the Judicial Code; without amendment (Rept. No. 567). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BEERS: Committee on Printing. H. Res. 165. A resolution to print 500 additional copies of the Digest and Manual of the House of Representatives; without amendment (Rept. No. 559). Ordered to be printed.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. Res. 163. A resolution that the Attorney General be required to transmit to the House a report of the Civil Service Commission and the Post Office Department relative to the sale of postal positions in South Carolina (Rept. No. 561). Laid on the table.

Mr. GRAHAM: Committee on the Judiciary. H. Res. 161. A resolution directing the Attorney General to transmit to the House the report on the Mississippi patronage abuses relating to Perry W. Howard (Rept. No. 562). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10320) granting an increase of pension to Juliana A. Stanton, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MORIN: A bill (H. R. 10384) to authorize the Comptroller General of the United States to settle and adjust claims for armory drill pay, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 10385) to amend section 55 of the national defense act of June 3, 1916, as amended, relating to the enlisted Reserve Corps; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 10386) to prohibit persons from voting in the Territory of Alaska who are unable to read the Constitution of the United States and to write in the English language; to provide the method of showing such ability; to declare votes cast by persons without such ability to be fraudulent; to make violations of this act a misdemeanor; and to provide penalties and punishments for the violations thereof; to the Committee on the Territories.

By Mr. BERGER: A bill (H. R. 10387) to provide old-age pensions; to the Committee on Labor.

By Mr. BROWNING: A bill (H. R. 10388) to give the Interstate Commerce Commission jurisdiction over interstate transportation of passengers and property by water; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEARY: A bill (H. R. 10389) to grant and cede to the city of New York, State of New York, an easement in the land and land under water in and along the shore of the narrows and bay adjoining the Military Reservation of Fort Hamilton, in said State, for highway purposes; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 10390) for the adjustment of operation and maintenance charges on the Rio Grande project, New Mexico-Texas, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. MOORE of Kentucky: A bill (H. R. 10391) to amend section 12 of the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. VESTAL: A bill (H. R. 10392) to authorize the award and supply of service medals to individual soldiers as prescribed by Army Regulations for the rendition of certain services; to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 10393) to amend an act 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," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

By Mr. SINCLAIR: A bill (H. R. 10394) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State Historical Society of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State; to the Committee on Naval Affairs.

By Mr. MORIN: A bill (H. R. 10395) to amend section 2 of the act approved June 6, 1924 (43 Stat. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended," and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 10396) to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct"; to the Committee on Military Affairs.

By Mr. LINEBERGER: A bill (H. R. 10397) to authorize the erection of additional buildings to the United States Veterans' Bureau Hospital No. 24 at Palo Alto, Calif., and to authorize

the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. THATCHER: A bill (H. R. 10398) to authorize the erection of a Veterans' Bureau Hospital in the State of Kentucky, and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. MORIN: A bill (H. R. 10399) to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii; to the Committee on the Territories.

By Mr. SIMMONS: Joint resolution (H. J. Res. 201) directing the Secretary of the Treasury to call for the return to the Treasury of $28,101,644.91 deposited with certain States in 1837; to the Committee on Ways and Means.

By Mr. SWEET: Joint resolution (H. J. Res. 202) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. CAREW: Memorial of the Legislature of the State of New York, for projected water-level route between the Great Lakes and the Atlantic Ocean by the way of the Mohawk and the Hudson Valleys through the State of New York; to the Committee on Rivers and Harbors.

Memorial of the municipal government of Cagayan, P. I., favoring independence of the Philippine Islands; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 10400) granting an increase of pension to Annie M. Horn; to the Committee on Invalid Pensions.

By Mr. BOYLAN: A bill (H. R. 10401) granting an increase of pension to Elizabeth Renfrow; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 10402) granting an increase of pension to Lydia A. Roberts; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 10403) granting a pension to Elizabeth Hagadorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10404) granting an increase of pension to Josephine Kepner; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10405) granting an increase of pension to Samantha E. Waldridge; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10406) for the relief of Mildred Van Ausdal Morse; to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 10407) granting a pension to Ellen M. Overley; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 10408) granting a pension to Mathilda H. Byrnes; to the Committee on Pensions.

By Mr. LEHLBACH: A bill (H. R. 10409) to provide for a survey of the Passaic River, N. J., with a view to securing increased depth and width in the channel from the Port Newark terminal on Newark Bay to the Jackson Street Bridge in the city of Newark; to the Committee on Rivers and Harbors.

By Mr. MENGES: A bill (H. R. 10410) granting an increase of pension to Christine Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10411) granting an increase of pension to Margaret Laughman; to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 10412) granting a pension to Lizzie Koffman; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 10413) granting an increase of pension to Elizabeth F. Hutchinson; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 10414) granting an increase of pension to Jane E. Tipple; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 10415) granting an increase of pension to Carrie W. Christy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10416) granting an increase of pension to Lovina Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10417) granting an increase of pension to Nettie Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10418) granting an increase of pension to Lucia M. Lilly; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 10419) granting an increase of pension to Jennie E. Kennedy; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 10420) for the relief of Eugene D. Mossman, James B. Kitch, and certain Indians of the Standing Rock Indian Reservation, and for other purposes; to the Committee on Indian Affairs.

By Mr. SWEET: A bill (H. R. 10421) granting an increase of pension to Adeline Dulack; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 10422) for the relief of William J. O'Brien; to the Committee on Claims.

By Mr. WOLVERTON: A bill (H. R. 10423) granting a pension to Marshall Black; to the Committee on Pensions.

By Mr. WRIGHT: A bill (H. R. 10424) to ratify the action of a local board of sales control in respect of a contract between the United States and Max Hagedorn, of La Grange, Ga.; to the Committee on War Claims.

By Mr. GREEN of Iowa: Resolution (H. Res. 175) for the payment of additional compensation to the clerk of the Committee on Ways and Means of the House; to the Committee on Accounts.

PETITIONS, ETC.

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

1279. By Mr. BOYLAN: Petition signed by citizens and members of the Catholic Central Verein of America, New York Local Branch, protesting against the passage of the Curtis-Reed educational bill; to the Committee on Education.

1280. By Mr. GALLIVAN: Petition of Frank S. Davis, manager, Maritime Association, Boston Chamber of Commerce, Boston, Mass., protesting against passage of House bill 7245, which provides for the abolition of the office of Supervising Inspector General of steam vessels and the transfer of his duties, powers, and authority to Commissioner of Navigation, Department of Commerce; to the Committee on the Merchant Marine and Fisheries.

1281. By Mr. GARBER: Resolution of the Cherokee (Okla.) Woman's Christian Temperance Union, urging the retention of the eighteenth amendment and the Volstead Act as it now is; to the Committee on the Judiciary.

1282. Also, resolution by the National Association of Manufacturers, urging the passage of bills increasing the salaries of Federal judges; to the Committee on the Judiciary.

1283. By Mr. GRIEST: Resolution of Post No. 84, Department of Pennsylvania, Grand Army of the Republic, protesting against any official recognition of any organization bearing the name Confederate or Confederacy and having for its object the perpetuation of the memory of the rebellion or of those identified with it; and the perpetuation of the former home of Robert E. Lee as a memorial; to the Committee on Military Affairs.

1284. By Mr. KELLY: Petition of the United States Capitol police, requesting an increase of salary; to the Committee on Accounts.

1285. By Mr. KIESS: Petition of Westminster Bible Class, of Williamsport, Pa., favoring legislation to close places of public amusement on the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

1286. By Mr. KNUTSON: Petition of B. O. Engen, Bemidji, Minn., and others, protesting against the passage of House bills 7179 and 7822, compulsory Sunday observance bills; to the Committee on the District of Columbia.

1287. By Mr. LEATHERWOOD: Resolution of Utah Chapter of the American Mining Congress, requesting the passage of Senate bill 756, known as the Pittman Act; to the Committee on the Banking and Currency.

1288. By Mr. MACGREGOR: Resolutions of the Polish College Club, of Buffalo, N. Y., protesting against the passage of the alien registration bill; to the Committee on Immigration and Naturalization.

1289. By Mr. MANLOVE: Petition of 90 residents of Joplin, Jasper County, Mo., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1290. By Mr. MARTIN of Massachusetts: Petition of sundry citizens of the fifteenth Massachusetts congressional district, in opposition to House bills 7179 and 7822; to the Committee on the District of Columbia.

1291. By Mr. O'CONNELL of Rhode Island: Communication from Rhode Island State Federation of Women's Clubs, relative to postal rates for public-library books; to the Committee on the Post Office and Post Roads.

1292. By Mr. O'CONNELL of New York: Petition of the Lokal-Derband Deutscher Katholiken, of New York, opposing the passage of the Curtis-Reed educational bill; to the Committee on Education.

1293. Also, petition of Thomas J. Leiden, of Oteen, N. C., favoring amendment to veterans act as amended in House bill 4474; to the Committee on World War Veterans' Legislation.

1294. Also, petition of American Engineering Council, favoring the passage of the Graham bill (H. R. 7907) for the increase of salaries of Federal judges; to the Committee on the Judiciary.

1295. Also, petition of J. Alexander Wigle, of Mineola, N. Y., favoring the passage of House bill 5709; to the Committee on Naval Affairs.

1296. By Mr. SINCLAIR: Petition of Mr. W. O. Johnson and 35 others, of Dunn Center, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1297. By Mr. STOBBS: Petition of sundry citizens of Worcester, Mass., protesting against the passage of compulsory Sunday observance bills now pending before Congress; to the Committee on the District of Columbia.

1298. By Mr. SWARTZ: Petition of citizens of Elizabethville and Harrisburg, Pa., opposing the Sunday blue law; to the Committee on the District of Columbia.

1299. By Mr. TILSON: Petition of E. M. Ogden, commander, and members of Capt. M. W. Marvin Post, No. 96, United Spanish War Veterans, Walton, N. Y., favoring passage of pension bill for Spanish War veterans; to the Committee on Pensions.

1300. By Mr. WILLIAMSON: Petition of B. F. Brewer and 63 other citizens of Camp Crook, S. Dak., protesting against the passage of compulsory Sunday observance bills (H. R. 7179 and H. R. 7822); to the Committee on the District of Columbia.