

Louis Buchwald, of West Virginia, to be United States marshal, northern district of West Virginia. (A reappointment, his term having expired.)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 3, 1926

POSTMASTERS

CONNECTICUT

Helen O. Gatchell, Andover.

Samuel H. Kellogg, Colchester.

Samuel E. Louden, Riverside.

DELAWARE

W. Bateman Cullen, Clayton.

HAWAII

J. Frank Woolley, Honolulu.

ILLINOIS

Henry C. Norcross, Carlyle.

Harry Pensinger, Cerro Gordo.

Hamil E. Veach, Clayton.

Charles O. Anderson, Creal Springs.

Charles L. Smith, Cutler.

Edgar C. Seik, Grafton.

John R. McIntire, Grand Chain.

John E. Crowley, Highwood.

William E. Erfert, jr., Lansing.

Delta C. Lowe, Mason City.

Arthur J. Mollman, Millstadt.

MICHIGAN

McKinley A. Watson, Alto.

Jay B. Deutsch, Big Bay.

William M. Hovey, Rosebush.

Lydia A. McElhinney, Snover.

Willard L. Claver, Zeeland.

NEW JERSEY

John D. Seals, Kenvil.

PENNSYLVANIA

Thomas B. Conrad, Lilly.

WISCONSIN

Giles H. Putnam, New London.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 3, 1926

The House met at 12 o'clock noon.

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

God is Love, and He is changeless. O could we understand the height, the depth, and the stretch of its holy meaning! The zone of Thy Fatherhood in its sympathies, capacities, provisions, and invitations is as wide as the races of men. All glory and honor and majesty be unto Thy name, O Lord most high. Spare us from life's sorest loss, namely, a loving and a believing heart. Give us a realization that the noblest motive is the public good. Bless us with convictions that take risks and for which criticisms have no fears. Dismiss from us mere prudence and calculation, and may we willingly be bound by such purposes which mean difficulty, pain, and labor to the full measure of our strength. Bless all of us with comradeship, refreshment, and peace, and keep the light in the window until the last. Through Christ our Saviour. Amen.

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

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. 4576. An act for the relief of James A. Hughes; and

H. R. 8722. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3071. An act concerning the application of certain provision of section 21 of the Federal highway act of November 9, 1921; to the Committee on Roads.

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:

S. 2784. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.;

S. 1305. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; and

S. 2785. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

APPROPRIATIONS FOR DEPARTMENTS OF STATE, JUSTICE, JUDICIARY, COMMERCE, AND LABOR

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor 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 bill H. R. 9795, with Mr. TINCHER in the chair.

The Clerk read the title of the bill.

Mr. SHREVE. Mr. Chairman, I yield 40 minutes to the gentleman from New Jersey [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, ladies and gentlemen of the committee, in the preparation of the bill now under consideration the subcommittee considered the items strictly upon their merits.

We had plenty to do in examining the various details and in this connection our experienced, resourceful, and capable chairman [Mr. SHREVE] and the ranking member of the minority [Mr. OLIVER], who was most conservative, thoughtful, and painstaking, are deserving of the thanks of the entire country for their untiring efforts.

These two gentlemen brought to bear on all the questions put before the subcommittee their wide experience in dealing with departmental appropriations, to the end that there should be less time consumed and fewer controversial questions in this bill than in any other measure which has or will come before us this session.

When we stop to consider the wide field of governmental and personal activities covered in this bill it is a very material contribution to a constructive program of legislation which has as its motive economy and tax reduction.

I appreciate that tax-reduction measures are not generally considered as coming from the Committee on Appropriations, but there can be no question that unless that committee has economy and tax reduction in mind in its consideration of appropriations, the work of the Committee on Ways and Means would be very differently done.

This bill appropriates for the Departments of State, Justice, Commerce, and Labor. Upon its enactment into law they will be able to function for the next fiscal year beginning July 1. The hearings in its over 1,000 pages explain fully the purposes and reasons for the items making up the sum total for these different departments.

Having had experience in business activities before coming to the House of Representatives, I am especially interested in the testimony of the officials of the Department of Commerce and the State Department. In using the word "commercial" I apply it in its broadest meaning. Many of the activities I classify under this head do not in any sense deal in dollars and cents, but their results are so closely related with those that do, therefore no other classification is possible.

Take, for instance, the work of the Coast and Geodetic Survey, the Bureau of Navigation, the Bureau of Standards, and the Bureau of Lighthouses. Their work is not strictly commercial in the term of dollars and cents, but it is a most important factor to those whose activities deal in articles of trade and commodities of all kinds.

The charting of little known waters and coast lines, soundings of water depth, gauging and measuring tide movements and other elements entering into making navigation safer is the highly technical and scientific work of the Coast and Geodetic Survey. The men engaged in this work must possess

something more than a mere lure for exploration in strange lands and seas, or love of the great outdoors. They must be skilled in the science of engineering and map making, must be physically fit and inured to the solitude and lonesomeness of noncommunication with civilization for long periods at a time.

May I call the attention of the members of the committee to what the Director of the Coast and Geodetic Survey, Col. E. Lester Jones, has to say about the wonderful tide-predicting machine that is housed in the building on New Jersey Avenue and which has for many years performed the work of a small army of employees. He says:

Early in the summer of every year the Coast and Geodetic Survey issues tide tables and current tables for the use of the Navy and merchant marine. These tables give for the tide, advance predictions of the time and height of each high and low water for the whole of the following year at 84 of the principal ports of the world. Current tables give for the 22 most important waterways the predicted times of slack water, enabling the mariner to pass through these passes at a time when they may be navigated safely. These predictions are made by means of a machine which was conceived, designed, and constructed in the office of the Coast and Geodetic Survey. With the use of this machine one tidal mathematician is sufficient for making the predictions of the tides. Without this machine it is doubtful whether 50 to 100 mathematicians could do the work and it is certain that they could not do it as well, for the tide-predicting machine is not subject to the human equations so that its predictions are very accurate. It is therefore a conservative estimate that the machine is saving the Government at least \$100,000 a year.

It has now been in use for more than 15 years, yet a recent careful check of its performances showed that it was just as accurate as when it was first put into operation.

Letter from George K. Burgess:

In reply to your question as to an example of what the Bureau of Standards has done to save money for the Government, I would say that there are two general classes, one resulting in savings in our own operations and the other assisting other Government departments in working savings.

Our scientific work is to a large degree a direct function of the scientific man power on the job. Nevertheless, we have from time to time found it possible to install automatic working and recording apparatus to dispense with assistants. For example, the bureau developed an automatic test equipment for elevator interlocks, which with only occasional supervision runs 24 hours a day, and in the course of two weeks gives a five-year test on the equipment, recording the number of failures and operations. As a result of this test the bureau saves easily two employees by the automatic feature, but more important than this is the saving of life by virtue of the test. Already the casualty insurance underwriters give a 10 per cent reduction in insurance rates to elevator owners where an interlock is used that passes this test. Practically all the manufacturers have improved their product to meet this test, and as a result approximately a million dollars a year is saved to the public by reduced insurance costs on elevators.

The bureau has installed a special computing machine on a spectro photometer which in two months' time will save its cost in reduced cost of assistants. Likewise we are having constructed an automatic working machine for certified clinical thermometers which will enable us to mark more than double the number of clinical thermometers than is possible by the old methods with the same personnel. We have changed a second one of our elevators to an automatic in order that it may do more continuous service. These are only illustrations of this class of savings.

The more important savings have been those in cooperation with the other Government departments. For the Bureau of Engraving and Printing and the Bureau of Efficiency the Bureau of Standards has done research work on the paper used in paper currency. In this work the bureau, with the cooperation of the manufacturers, has in one year's time been able to improve the life quality of the currency paper by a factor of about 400 per cent. The demands on the Bureau of Engraving and Printing for paper money have decreased so rapidly that it is impossible for us to estimate the tremendous value of this improvement.

Likewise this bureau has succeeded in making chromium surfaced printing plates for currency which wear several hundred per cent longer than those used previously. This also is of inestimable value to the Bureau of Engraving and Printing in meeting the severe demands of the public for money.

This bureau developed for the Coast and Geodetic Survey a combination sound and radio position fixing apparatus, which enables that service to work more efficiently and during foggy and otherwise impossible weather.

The bureau has developed a quartz plate oscillator for testing the frequency of radio transmitting stations and has furnished these to the Government inspectors and leading broadcasting stations. This is of very great value in increasing the effectiveness of broadcasting

stations to stay within their wave-length band and consequently makes it possible for more stations to operate simultaneously.

The bureau has built an automatic brake lining testing equipment which has been the key to the rapid and enormous improvement in quality. In fact, the average quality on the market has been improved about seventeenfold. This has resulted in probably hundreds of thousands of dollars saving to the Government, and for the country at large amounts to about \$50,000,000 annually.

Through the chief coordinator the bureau has coordinated the Government telephone service in the District with a reduced expenditure of about \$100,000 annually without impairing the efficiency.

The bureau has developed an automatic battery testing apparatus and written specifications for batteries. Since this standard was developed the life of dry batteries has more than doubled. Not only has the Government saved tens of thousands of dollars on its batteries, but the country at large has benefited many times as much.

The bureau developed specifications for varnish which last year saved one department of the Government alone \$87,000 on its purchases of this material.

These are only examples of our work, which I trust will illustrate what you wish.

Very sincerely yours,

GEORGE K. BURGESS, *Director.*

SOME OF THE OUTSTANDING ECONOMIES EFFECTED BY THE UNITED STATES COAST AND GEODETIC SURVEY

Foremost among the economies effected in the Coast and Geodetic Survey is that due to the tide-predicting machine, which was conceived, designed, and constructed in this bureau. One mathematician using this machine can easily work out the predictions of time and height of each high and low water for the 84 principal ports of the world and current predictions for 22 of the most important waterways. These predictions are made for a year in advance and are published annually in tide and current tables for the use of the Navy and commercial vessels. Without the tide-predicting machine it is doubtful whether 50 to 100 mathematicians could do the work, and it is certain that they could not do it as accurately. At a conservative estimate this machine saves the Government at least \$100,000 a year.

Another great saving has been achieved in the geodetic work of the survey by making observations at night, using specially designed electric signal lamps which are powerful enough to be seen by the naked eye for a distance of 152 miles. Occupying stations 100 miles apart, geodetic engineers make their observations regardless of hazy nights and long lines, using the daytime for traveling to their next station, so that there will be no delay. The automobile truck has made this rapid progress possible. Prior to 1914, when horses and wagons were used, it required five days to move an observing party 100 miles. In addition, it was necessary to rely on signal poles and heliographs, the latter being useless on days when there was no sun. But for modern methods these surveys would be double their present cost, but by the means described they have been kept at the same unit cost, in spite of great increases in salaries of observers and in other expenses of parties. Thus surveys which would require appropriations of \$120,000 with old methods now approximate only \$60,000.

An apparatus similar in purpose to the signal lamp in that it permits operations regardless of bad conditions is the radio acoustic ranging apparatus used by Coast and Geodetic Survey vessels in obtaining positions for offshore soundings. Ordinarily the vessel's position is determined by taking the bearing of two or more visible points on shore and fixing the position by triangulation. By the new method, which combines sound and radio signals, visibility is not necessary, nor will rain, fog, or darkness interrupt the work. Owing to the newness of the system the ultimate saving can not be estimated now, but on one vessel alone the additional work accomplished in a single season amounted to \$10,000.

The development of a new type of electrically driven deep-sea sounding machine has resulted in three distinct savings:

(1) One man can now perform work formerly done by two men on each machine.

(2) The time of taking soundings has been reduced 30 per cent.

(3) An improved control results in fewer accidents to the machines. Formerly it was not uncommon to lose wire, detaching rod, specimen bottle, and deep-sea thermometer. Savings from these new machines on all vessels of the survey will be over \$7,000 a year.

Hydrographic pressure tubes formerly costing \$31 have been replaced by more efficient tubes designed in this bureau and purchased in quantity lots for \$3.52 each. Beside the saving of \$27.48 on each tube there is a noticeable reduction in the

cost of hydrographic surveys, as the improved tubes result in a 30 to 50 per cent increase in the output of each party. This saving runs into thousands of dollars annually.

A new hand sounding machine designed in the survey costs \$30 less to manufacture and lasts twice as long as the old type. The approximate saving per year will be \$1,100.

Improved equipment for the wire drag, which is used to reveal submerged rocks in ship lanes, has already resulted in a saving of at least \$1,000 a year through decreased cost and increased efficiency.

There are various other economies which, when taken together, amount to thousands of dollars. The use of 50-meter invar tapes for geodetic base measurements, instead of the cumbersome 5-meter bars formerly used, has speeded up surveying and has reduced the cost by more than two-thirds. Through more efficient methods the productive capacity of the chart section has been doubled in 10 years. For example, the average cost and elapsed time of producing new charts has been reduced from \$1,680 and 26½ months, respectively, to \$1,284 and 12 months since the year 1920. This was effected in spite of a 41 per cent increase in salaries under the reclassification act. Replacement of type setting in magnetic publications by photolithographic methods, with a consequent elimination of proof reading, and blue printing of seismological reports instead of typewriting has caused a saving of \$3,315 per year. Substitution of trucks for commercial means of transportation has reduced expenses of one division by \$540.

Means of further savings are continually being studied. Prospective changes in one division alone—that of terrestrial magnetism and seismology—will work an economy of \$2,895 per year, mainly by elimination of steps in publishing data.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

It is, perhaps, not generally realized that the Bureau of Foreign and Domestic Commerce is operating daily in a field thirty times greater than its scope in 1910. Only four years ago they were answering 700 inquiries a day—now 7,500 a day. This is a most remarkable advancement, and, in my judgment, justifies every cent of the appropriation made for it.

Reference to the bill will show that the total amount appropriated for the Department of Commerce is \$29,735,847. Of this sum \$3,245,917, or 10.9 per cent, is for use by the Bureau of Foreign and Domestic Commerce. Compared with the wealth of the United States as indicated by the last census—\$320,000,000,000—this is \$1 for every \$100,000.

If the income of the United States is, as it is said by the Alexander Hamilton Institute to be, \$90,000,000,000 per annum, this contribution for increased activities is less than \$4 for every \$1,000,000 of income. Figured still lower, it shows that \$1 for \$25,000, or a quarter of a dollar for \$6,250, of income, or an annual expenditure of less than 3 cents per person per annum in the United States.

When the permission was given me of addressing the committee a year ago on a similar bill, the improved condition of the world's trade showed that the volume of exports exceeded the imports by a total of \$1,286,000,000. The latest statistics show that this favorable trade balance has increased additionally in the sum of \$774,000,000, making a total for 27 countries of \$2,060,137,000.

The total foreign trade, both import and export, of 62 countries (not including the United States) was \$39,559,904,000 in 1923 and \$45,110,690,000 in 1924, an increase of \$5,550,786,000. Again this sum exceeding forty-five billions is only one-half of the annual income of the United States as previously mentioned.

With the exception of 1 year in the last 10, that of 1920, the value of our imports is greater to-day than at any time during that period, while the revenue collected is \$400,000,000 more than it was in 1918.

Since 1922, when the Fordney-McCumber tariff became effective, our imports and exports have both increased, and the customs revenue therefrom has increased from \$451,356,000 in 1922 to \$570,829,000 in 1925. This is an increase of \$119,400,000, which, of course, has been a contributing cause toward a reduction of taxes.

At the same time our imports have increased from \$3,112,000,000 in 1922 to \$4,224,000,000 in 1925, a billion-dollar increase. During the same period our exports rose from \$3,831,000,000 in 1922 to \$4,908,743,000 in 1925—over another billion dollars. The increase alone would equal a belt of silver dollars encircling the globe at the Equator! These facts, compiled from official Government figures, show conclusively that the United States has increased both its import and export trade a billion dollars each, and its total export excess to 50 per cent of the favorable balance of trade of all the 27

countries of the world, having favorable trade balances, as previously noted. Who will deny this is not a wonderful showing? Paradoxical as it may at first appear, here is a case of "eating your cake and having it, too."

In the district which I have the honor of representing are located factories having world-wide points of distribution. I have seen their products in the markets of the world from Iceland to the Soudan, in Russia, in China, in Java, in Brazil, in the Argentine, and the islands of the sea. The hold, which by diligent endeavor they have secured in these world markets, must be maintained if they are to keep steadily employed the thousands of working men and women who now enjoy the highest wages even known in the history of industry.

I will at this point insert a table, prepared at my suggestion by the Bureau of Foreign and Domestic Commerce, showing the list of 27 countries having an excess of exports over imports during the calendar year 1924:

FOREIGN TRADE 1924

List of countries having excess of exports over imports and amount of such excess, in thousands of dollars

| Country | Exports | Imports | Excess of exports |
|---------------------|-----------|-----------|-------------------|
| British India | 1,216,622 | 774,761 | 441,861 |
| Dutch East Indies | 584,858 | 259,173 | 325,685 |
| Canada | 1,057,039 | 797,435 | 259,604 |
| Cuba | 434,865 | 289,831 | 145,034 |
| Argentina | 790,206 | 647,471 | 142,735 |
| Brazil | 422,684 | 307,645 | 115,039 |
| Mexico | 238,938 | 155,084 | 83,854 |
| Chile | 199,252 | 120,340 | 78,912 |
| Egypt | 304,355 | 229,853 | 74,602 |
| France | 2,170,953 | 2,101,743 | 69,210 |
| Russia | 155,704 | 112,140 | 43,564 |
| Ceylon | 131,802 | 96,105 | 35,697 |
| Czechoslovakia | 502,837 | 468,572 | 34,265 |
| Colombia | 84,413 | 51,434 | 32,979 |
| British Malaya | 368,614 | 336,799 | 31,815 |
| Peru | 102,842 | 73,829 | 29,013 |
| Philippines | 135,345 | 108,011 | 27,334 |
| Yugoslavia | 122,268 | 105,386 | 16,882 |
| New Zealand | 229,180 | 214,348 | 14,832 |
| Siam | 84,421 | 70,061 | 14,360 |
| Dominican Republic | 30,263 | 21,581 | 8,682 |
| Persia | 71,672 | 64,756 | 6,916 |
| Finland | 124,518 | 118,192 | 6,326 |
| Lithuania | 26,658 | 20,653 | 6,005 |
| Costa Rica | 16,565 | 12,003 | 4,562 |
| Nicaragua | 12,900 | 8,807 | 4,183 |
| Guatemala | 24,457 | 18,271 | 6,186 |
| Total, 27 countries | 9,644,421 | 7,584,284 | 2,060,137 |

Total foreign trade of 62 countries (not including United States)

| | 1923 | 1924 |
|---------|------------------|------------------|
| Imports | \$20,948,370,000 | \$23,958,318,000 |
| Exports | 18,611,534,000 | 21,152,372,000 |
| Total | 39,559,904,000 | 45,110,690,000 |

An increase of \$5,550,786,000.

Personal observation has convinced me how necessary it is for the United States of America to be properly represented in the diplomatic and commercial activities abroad, if we are to keep abreast with our competitors in the markets of the world.

However, for the honor of serving abroad, the American diplomat finds he must dig deep into his private funds, if he means to compete in dignity and usefulness with the other representatives of the great powers. In truth, one of them told me last year that it cost him over \$100,000 out of his own pocket to rehabilitate the embassy headquarters to which he had been accredited. And he said this, not in a spirit of complaint but as a simple statement of fact.

Although an ambassador's salary approximates twice that of a Member of Congress, it is little more than a bagatelle, as compared with the liberal allowances given by other great powers to their officials abroad. For the entire operations of the Bureau of Foreign and Domestic Commerce in all its manifold lines and activities we spend less than a cent for each dollar of revenue collected at the customhouses.

The War Department and the Navy Department have ten times the amount appropriated for the Department of Commerce, which it is a part of their function to protect.

If the wealth of this country is \$320,000,000,000, the whole annual Budget is less than 1½ per cent of that amount, and the amount appropriated for the entire Department of Commerce is less than one one-thousandth of 1 per cent of the country's wealth.

For the most part the activities of the Department of Commerce have been directed in the past toward trade expansion—that is, finding places where American goods can be used and suggesting means whereby the American manufacturers could place his article in the foreign field. Of late, however, the Secretary of Commerce, Mr. Hoover, has set in motion certain machinery purely local in character and largely voluntary on the part of the American producers to cut out waste in the manufacture of their products.

This is an economic problem. At first sight it appears simple. Naturally, one would say, any manufacturer would be glad to eliminate waste from his mill or factory. That is true so far as waste of material, time, or any of the other elements or factors of production are concerned. A prudent man already would have seen to these things in his works. What he could not see to, however, was the works of his competitors. Here is where the Department of Commerce comes in.

It was discovered that by adopting a standard of stock sizes in lumber, steel, and other industries much waste could be eliminated. Odd sizes and shapes were eliminated, with a great saving and no detrimental effect on the industry.

It is estimated that in the lumber industry alone \$200,000,000 was saved last year through the adoption of standardized sizes and shapes. This is only one of a score of industries in which simplified standards were adopted through the efforts of Secretary Hoover.

Other estimated savings were \$1,000,000 in paving brick, \$2,400,000 in sheet steel, \$4,500,000 in steel reinforcing bars, \$5,500,000 in range boilers, and \$10,000,000 in builders' hardware.

The papers tell us that the United States of America in 1925 set a record for industry that had never before been equaled.

In all lines production increased, and America is now fourth in shipbuilding. Yet the total amount that is suggested by the Budget for the expansion of foreign and domestic commerce is not as much as is allowed for the supervision of immigrants and the deportation of the 11,000 aliens per year that the Labor Department is proposing to deport.

The advantage of having a district office, located in a community, is evidenced by the fact that chambers of commerce, boards of trade, and manufacturers' associations are offering suitable quarters, rent free, for the working staff of the Department of Commerce in sending to communities which have hitherto had no district offices. Undoubtedly the future will show that foreign offices—namely, those located beyond the boundaries of Continental United States—will receive the co-operation of mercantile bodies on a corresponding basis.

As a specimen of the work done by those in charge of these offices the department has furnished me with a list of transactions in which American-made goods were placed with foreign consumers:

A New York manufacturer of automobile accessories reports that he sold \$7,000 worth of his product in Mexico as a result of the efforts of the bureau.

A Chicago manufacturer of food products has informed the bureau that his company has done business to the amount of \$54,298 as a result of the bureau's services.

Through trade opportunities furnished to a Seattle firm by the bureau's office in that city the firm was able to consummate business to the extent of \$50,000.

Another Seattle exporter says he has obtained foreign business as a result of answering four trade opportunities of the foodstuffs division, amounting to \$60,037.82.

Still another Seattle firm exporting foodstuffs states it has secured business to the amount of \$55,060 as a result of the bureau's services.

A New York exporter of foodstuffs reports foreign business as a result of the activities of the bureau amounting to \$495,874.57.

A Seattle export company obtained lumber orders as a result of answering three trade opportunities amounting to \$226,573.47.

A Portland manufacturer of doors secured business in the United Kingdom from firms whose names were furnished by the bureau amounting to \$287,331.84.

A Chicago sawmill company reports establishing an export business through services of the bureau which now amounts to \$75,000.

Lumber company of Portland, Oreg., was furnished with the names of two foreign importers by the bureau. First orders amounted to \$16,105.70.

RECENT DOLLARS-AND-CENTS RESULTS SECURED THROUGH THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE

A representative of a motor-car company located in Moline, Ill., was assisted by our commercial attaché in Berlin, and as a result succeeded in placing a contract for the annual sale of cars running from 500 to 1,000. Sales for first year amounted to \$1,500,000.

As a direct result of information furnished by our Ottawa office a Pennsylvania steel corporation obtained orders for structural steel from Canadian firms totaling \$250,000.

Due to the efforts of our commercial attaché in Bogota the Colombian Government requirements for \$160,000 worth of highway machinery are being met by American manufacturers.

An American telephone company did a \$100,000 business in Poland, and states that this business could not have been obtained without the effective assistance of our commercial attaché at Warsaw.

An American firm was assisted by our commercial attaché in Bucharest and in the face of strong British competition received an order from a Rumanian firm for oil-well equipment amounting to \$50,000.

Orders amounting to over \$50,000 received from all parts of the world are reported by a Chicago trading corporation as resulting from following up our trade opportunities.

Our office in Lima, Peru, furnished information to a Connecticut electric boat manufacturer which resulted in sales amounting to \$28,000.

A claim amounting to \$14,000 of an electric and radio corporation of New York City against a Spanish firm was considered practically lost when our representative was called upon to lend his assistance, and due to his cooperation, the firm states, they were able to save the whole amount.

Through the efforts of our trade commissioner in Ottawa, Canada, a bakery in Ottawa placed orders with American firms for equipment amounting to \$25,000.

An order for approximately \$30,000 worth of trucks was secured by an American firm as a direct result of aid given by our Berlin office.

A Bridgewater, Mass., shoe manufacturer reports placing orders in Newfoundland and Colombia amounting to \$27,360 and establishing a very good trade in Denmark and Norway as a result of information gathered by their representative when visiting the bureau.

A merchant in Johannesburg, South Africa, purchased \$27,000 of hosiery in this country after being furnished with the names of American manufacturers by our trade commissioner.

A Melbourne lighting service company after a conference with our trade commissioner in that city placed an order with an American firm amounting to \$1,400, and later gave instructions to ship \$700 worth monthly.

A California firm dealing in raisins was enabled to make a saving of \$9,100 because of the intermediation of our trade commissioner in Ottawa, which averted an embargo from going into immediate effect that had been placed on its products by the Dominion health department.

A Massachusetts manufacturer sent an elaborate machine to Canada, but after installation its return to the plant was demanded, and although a duty of \$1,600 had already been paid, authority for its refund was secured through the assistance of our trade commissioner in Ottawa.

Our commercial attaché in The Hague rendered assistance to a Detroit truck manufacturer, with the result that approximately \$20,000 worth of trucks were purchased by the ministry of war from this firm.

A chemical company of Greensboro, N. C., has placed \$10,000 worth of business in Johannesburg, South Africa, with an agency connection which was brought about with the assistance of our trade commissioner in that city.

A Pittsburgh, Pa., manufacturer of track braces states that our Philadelphia district office furnished them information which led to \$11,000 worth of export business in 1925.

An order for \$6,300 worth of seed wheat was placed with a firm in Bird City, Kans., by a railway company in Buenos Aires, due to assistance rendered by our trade commissioner in Buenos Aires.

A California firm dealing in orange products reports a saving of \$4,000 because of being promptly advised by the bureau of a bankruptcy action on the part of one of its customers in Buenos Aires.

A representative of a Buffalo, N. Y., manufacturer of horseshoe nails was placed in touch with Santiago, Chile, importers by our commercial attaché, with the result that he succeeded in placing \$7,000 worth of business.

Through the intermediation of our trade commissioner in Johannesburg, South Africa, a Cleveland tractor company was able to interest a Portuguese East African firm in their trucks, resulting in sales amounting to \$10,000 and reports further business pending.

The bureau greatly assisted a Seattle export company after becoming involved in serious difficulties in connection with foreign lumber sales amounting to \$150,000.

Kansas City manufacturer of engines informs the bureau that its foreign sales resulting from the bureau's services amounts to about \$112,000 annually.

Through the efforts of our district offices an Australian architect placed orders with a company on the coast for plumbing fixtures, kitchen devices, etc., amounting to \$85,000.

Bureau's efforts resulted in securing for a Reading, Pa., manufacturer an order for goggles from the Indian Army amounting to \$10,290.

New York manufacturer of office specialties reports sales last year amounting to \$27,500 as a result of the efforts of the New York office.

An exporter of tobacco states that he has sold \$61,000 worth of tobacco as a result of the services of the bureau.

A New York exporter of foodstuffs states that he has sold to one connection furnished by the bureau \$121,000 worth of milk, lard, and wheat.

A Kansas flour milling company states it has done business to the amount of \$98,182.50 with a connection furnished by the bureau.

Doctor Klein in his testimony given in the hearings stated that the cost this year of his bureau for the promotion and extension of foreign trade was \$3,245,917. Now what are we appropriating this money for? Not for creating more places simply to be filled by office holders among other things, for the extension of the bureau's activities in opening up new fields in Iowa, Kentucky, Tennessee, and Texas. Perhaps some of the membership of the committee may find time to read the hearings on the reasons why these new offices should be established.

They appealed to the members of the subcommittee when we heard them, and they appealed to the Budget Bureau as well.

I am inserting at this point a table showing the United States exports in 1924 by States, of which the South shared to the extent of \$1,564,000,000, and the West to the extent of \$1,146,000,000. New York, Pennsylvania, and Illinois were distanced by Texas, and the exports from Louisiana were greater than those of Ohio or Massachusetts:

Exports by States of original shipment for the year 1924

| | |
|----------------------|------------------|
| Texas | \$737, 218, 927 |
| New York | 731, 593, 502 |
| Pennsylvania | 293, 299, 153 |
| Illinois | 239, 314, 270 |
| California | 234, 684, 210 |
| New Jersey | 223, 921, 264 |
| Louisiana | 222, 847, 224 |
| Michigan | 177, 876, 654 |
| Virginia | 150, 198, 225 |
| Ohio | 133, 559, 362 |
| Massachusetts | 114, 418, 430 |
| Minnesota | 99, 880, 490 |
| Washington | 98, 930, 096 |
| Wisconsin | 89, 290, 895 |
| Georgia | 84, 963, 380 |
| Maryland | 71, 178, 310 |
| Oregon | 70, 503, 939 |
| North Carolina | 62, 321, 924 |
| Mississippi | 55, 647, 497 |
| Indiana | 55, 585, 910 |
| Missouri | 48, 142, 937 |
| Oklahoma | 47, 897, 006 |
| Tennessee | 43, 041, 084 |
| West Virginia | 39, 117, 227 |
| Arkansas | 38, 899, 816 |
| Kansas | 36, 892, 053 |
| Kentucky | 35, 988, 200 |
| Alabama | 35, 739, 440 |
| Connecticut | 35, 503, 405 |
| Iowa | 33, 992, 701 |
| South Carolina | 29, 866, 769 |
| Florida | 27, 459, 986 |
| Nebraska | 19, 628, 594 |
| Rhode Island | 13, 576, 560 |
| Porto Rico | 9, 479, 436 |
| Arizona | 9, 198, 505 |
| New Hampshire | 6, 014, 221 |
| Maine | 5, 503, 356 |
| South Dakota | 5, 240, 833 |
| Delaware | 5, 208, 333 |
| Montana | 4, 775, 365 |
| Wyoming | 4, 636, 612 |
| Colorado | 2, 766, 822 |
| Hawaii | 2, 491, 080 |
| Vermont | 2, 367, 212 |
| North Dakota | 2, 199, 103 |
| Idaho | 1, 881, 420 |
| Alaska | 1, 280, 369 |
| New Mexico | 792, 960 |
| District of Columbia | 555, 008 |
| Utah | 550, 443 |
| Nevada | 233, 413 |
| Total | 4, 498, 151, 936 |

A comparison of European and American expenditures for trade promotion

| | British Empire | France | Italy | United States |
|--|------------------|------------------|---------------|------------------|
| Amount spent on foreign trade promotion | \$8, 628, 788 | \$700, 948 | \$230, 948 | \$2, 994, 064 |
| Exports | 6, 247, 976, 021 | 1, 906, 807, 728 | 515, 448, 000 | 4, 590, 984, 000 |
| Total budget expenditure, 1925 | 4, 654, 189, 519 | 1, 524, 900, 000 | 882, 769, 200 | 4, 129, 234, 924 |
| Value of exports per \$1 of expenditure on foreign trade promotion | 724 | 2, 720 | 2, 232 | 1, 533 |
| Total budget expenditure per \$1 of expenditure on foreign trade promotion | 539 | 2, 175 | 3, 822 | 1, 379 |

I have also before me a newspaper dispatch dated Berlin, January 29, 1926, which is as follows:

TO INSURE GERMAN EXPORTS—REICH HOPES TO INTEREST EXPORTERS IN NEW MARKETS

BERLIN, January 29 (Associated Press).—In the hope of stimulating exports, thereby enabling Germany to meet her reparation payments more easily, the Government plans to create an export credit insurance fund patterned on the British system.

Experts, as well as representatives of exporting and other interests affected, have been invited by the Ministry of Economics to meet next week and pronounce on the feasibility of such a plan.

The sum of 10,000,000 marks is mentioned as the initial fund with which to test the practicability of the scheme, which is aimed especially at opening European, Central and South American, Australian, and African markets, in which German exporters have been loath to attempt pioneer work.

Believing it would be advantageous to have the information, I asked the department to prepare a statement showing the monetary value of our great activities and the amount expended for their maintenance, and I attach a table showing the result of the investigations:

Appropriations for fiscal year 1925-26

[Compared with the value of trades or products of industries served]

| Industries of trades | Federal appropriations available directly for promotion work (nonregulatory functions), 1925-26 | Value of product of industries served, 1923 or 1924-25 | Appropriation per million dollars of product |
|----------------------|---|--|--|
| Agriculture | 1 \$40, 986, 000. 00 | 2 \$12, 136, 000, 000. 00 | \$3, 377. 20 |
| Mining | 1 3, 705, 433. 00 | 4 5, 318, 000, 000. 00 | 696. 77 |
| Manufactures | 1 3, 798, 990. 00 | 6 60, 556, 000, 000. 00 | 62. 74 |
| Foreign commerce | 2, 962, 285. 00 2, 085, 238. 00 | 7 8, 689, 000, 000. 00 | 580. 90 |
| Total | 5, 047, 523. 00 | | |

¹ Does not include appropriations for such regulatory services as mean inspection, enforcement of grain futures act, enforcement of packers and stockyards act, etc., nor appropriation for "Forest Service" and "Public Roads."

² Estimated value of all farm products 1924-25.

³ Includes Bureau of Mines and Geological Survey appropriations, and one item of Bureau of Standards.

⁴ Estimated value of metal and mineral products, 1924.

⁵ Includes appropriations for Census Bureau and Bureau of Standards.

⁶ Total value of manufactures of United States for 1923.

⁷ Total foreign trade in 1924-25 (exports plus imports).

⁸ Includes appropriations of the Bureau of Foreign and Domestic Commerce (less item of \$56,000 for domestic commerce) and one-third of funds of Consular Service. Other two-thirds of consular appropriation is assumed to be for consular routine and regulatory functions.

We therefore see that manufactures comprise our greatest value of over \$60,000,000,000. Agriculture next with over \$12,000,000,000, then foreign commerce, imports, and exports, nearly \$9,000,000,000, and then comes mining, exceeding \$5,000,000,000.

To assist agriculture we appropriate nearly \$41,000,000, or \$3,377.20 per \$1,000,000 of product. For mining \$696.77 per \$1,000,000 of product; for foreign commerce, \$580.90 per \$1,000,000 of product; and for manufactures only \$62.74 per \$1,000,000 of value.

According to the Treasury Department, on January 1, 1926, there were in the continental United States, exclusive of our island possessions, 114,813,000 people. This is 7,300,000 more than at the time of the armistice and 1,418,000 more than a year ago. The population of the United States is growing at the present time at the rate of 118,000 persons per month.

If we divide the total amount of revenue received by the Treasury Department through the customhouses of this country, let us say, \$570,000,000 per year, which it was for the last calendar year, by 114,813,000 people, we will have slightly less than \$5 per individual as a year's contribution to this amount. This is slightly over 1 cent per day, but certainly less than the price of a 10-cent cigar a week. Who will declare that this is too much to pay to protect our home market and thereby preserve the high economic level of this country as compared with the level elsewhere?

It will be of value for purposes of comparison to mention in this connection that a per capita rate of \$13 per year, or about 25 cents per week per individual, obtains in Canada, and £2 5s. per year per individual, or 21 cents per week per person, in Great Britain, the hitherto so-called par excellence free-trade country.

"Less than a dime a week" is the highest possible tax that under these conditions could be extracted from each inhabitant in the United States, predicated, of course, upon the assumption of the opponents of protection that the entire burden of the receipts at the customhouses is borne by the people in increased costs, as added to the price of the articles imported.

I can not conceive how any thinking person could object to this charge of the price of a good cigar weekly out of his own pocket as his contribution to active business conditions. For the month of January, 1926, imports exceeded exports by \$15,000,000, and they were the largest for that month since 1920. That being so, the joy of those who advocate free trade should not diminish. Their argument that the Fordney-McCumber tariff hinders imports totters and falls to the ground.

The farmer, if he did not have the activity of manufacturing to fall back upon, might be—yes, would be—more hampered in marketing his crops than he claims he is at the present time. Of course the war exhilaration had its after effects, and everyone is sorry that the farming community suffered, but I am sure that any reduction in the tariff would not relieve the farmers at all, but would only serve to accentuate it.

To assist agriculture we appropriate ten times as much as is appropriated for manufacturing, but when that figure is reduced to millions of product we are appropriating fifty times as much. I am glad we are doing so. I do not begrudge it. If further appropriations would assist in making the farmers' lot easier, I can be counted on to vote in favor thereof.

Undoubtedly prosperity is here to stay if we improve the opportunities ahead of us. The Department of Agriculture is preaching diversification of crops and moderation in planting, and manufacturers undoubtedly will do likewise, but business generally is good, and this is strikingly exhibited by the fact that the newspapers a few days ago reported that greater retail sales among the larger retail stores were predicted and instances the fact that sales at Gimbel Bros. are expected to run as high as \$130,000,000; R. H. Macy & Co.'s sales are calculated at \$65,000,000. Estimates of other large stores include John Wanamaker, Philadelphia, \$48,000,000, and John Wanamaker, New York, \$35,000,000; B. Altman & Co. New York, \$45,000,000; Strawbridge & Clothier, Philadelphia, \$42,000,000; Bamberger & Co., Newark, \$35,000,000; the Fair, Chicago, \$27,000,000; Hamburger, Los Angeles, \$20,000,000; and Lord & Taylor, New York, \$18,000,000; and Associated Dry Goods Corporation probably will exceed \$80,000,000.

The Comptroller of the Currency announced a few days ago that the resources of the National Banks on December 31, 1925, were \$25,852,000,000, and that the American people had \$21,000,000,000 in the same. This was \$1,080,452,000 more than on December 31, 1924, which is indicative of a healthy increase.

What the country wants is expansion of profitable business, which in turn produces increased revenue for the Treasury Department. This augments the surplus which President Coolidge says we should have a substantial increase thereof if we are to enjoy further reduction in taxes. [Applause.]

The following tables and explanatory notes were furnished to me by the legislative reference service of the Library of Congress:

Expenditure for the promotion of foreign trade in certain countries
BELGIUM¹

| | Calendar year | |
|--|------------------------------|------------------------------|
| | 1924 | 1925 |
| 1. Miscellaneous expenses and trade promotion; purchase of commercial documents for the legations and consulates; scholarships; publication of works on commerce and industry. Share of Belgium in the expenses of the International Commercial Institute. Commercial missions. Subsidy to the Agence commerciale belge de l'Est africain. | Francs 198,000 250,000 | Francs 273,000 250,000 |
| 2. Service of information and propaganda. | 448,000 | 523,000 |
| Total, francs. | | |

FRANCE²

| | Francs | Francs |
|--|-----------|------------|
| 1. French commercial bureaus abroad. | 1,335,000 | 1,835,000 |
| 2. Office National du Commerce Extérieur. | 1,000,000 | 1,200,000 |
| 3. Commercial attachés and agents; salaries. | 1,659,891 | 1,600,000 |
| 4. Commercial attachés and agents; missions, expenses of installation, traveling expenses, etc. | 2,176,137 | 2,600,000 |
| 5. Commercial attachés and agents; compensating allowances for exchange losses. | 2,200,000 | 3,933,000 |
| 6. Commercial attachés and agents; compensating cost of living allowances, etc., in countries with depreciated currency. | | 1,200,000 |
| 7. Subventions to French chambers of commerce abroad and to commercial museums; commercial missions. | 500,000 | 510,000 |
| Total, francs. | 8,871,028 | 12,878,000 |

¹ Loi contenant le budget du Ministère des affaires étrangères pour l'exercice 1924 [-1925] (Moniteur belge, 1924, Nos. 217-218, Aug. 4-5, p. 3969-3972; 1925, Nos. 236-237, Aug. 24-25, p. 4265-4269).

² Loi portant fixation du budget général de l'exercice 1924 (act of June 30, 1923, applicable by extension to the year 1924), 1925 (act of July 13, 1925).

Expenditure for the promotion of foreign trade in certain countries—Continued

GREAT BRITAIN³

| | Fiscal year ending Mar. 31— |
|--|-----------------------------|
| | 1925 1926 |
| 1. Department of overseas trade. | £307,882 £344,907 |
| 2. Department of overseas trade, salary of directors | 2,544 2,544 |
| Total. | 310,426 346,451 |

ITALY⁴

| | Fiscal year ending June 30— |
|---|-----------------------------|
| | 1926 1927 ⁵ |
| 1. Italian chambers of commerce abroad; commercial agents and agencies abroad; organization of, and institutions for, the promotion of foreign trade; commercial museums and field exhibits; commercial scholarships. | Lire 1,000,000 1,500,000 |
| 2. Commercial agents; housing allowances, etc. | 2,000,000 2,250,000 |
| 3. Expenses for the installation of new offices for the said agents, office and traveling expenses, etc. | 2,000,000 2,250,000 |
| 4. Expenses connected with the promotion of production and export of citrus fruits in application of the act of July 8, 1903. | 12,500 12,500 |
| 5. Printing of publications concerning customs tariffs and commercial treaties. | 130,000 130,000 |
| 6. Purchase of books and subscriptions to foreign and Italian newspapers and periodicals for the Ufficio dei Trattati di Commercio (Bureau of Commercial Treaties). | 15,000 15,000 |
| 7. Contribution to the expenses of the International Commercial Institute of Brussels. | 37,000 37,000 |
| 8. Expenses of the Ufficio Speciale d'Informazioni Commerciali sull'Estero (Special Foreign Trade Information Bureau). | 65,000 150,000 |
| Total. | 5,297,300 6,374,500 |

SPAIN⁶

| | Fiscal year— | | |
|--|--------------------|--------------------|--------------------|
| | 1923-24 | 1924-25 | 1925-26 |
| 1. Instituto de Comercio e Industria (Commercial and Industrial Institute). | Pesetas 100,000 | Pesetas 150,000 | Pesetas 150,000 |
| 2. Spanish chambers of commerce abroad. | 100,000 | 150,000 | 150,000 |
| 3. Organization of and subventions to commercial missions to the South American Republics. | 100,000 | — | — |
| 4. Centro de Información Comercial (Office of Commercial Information) and Junta de Comercio de Exportación (Export Trade Council). | 25,000 | — | — |
| 5. Comisión Protectora de la Producción Nacional (Commission of Defense of the National Production). | 70,000 | — | — |
| 6. Consejo de la Economía Nacional (Nacional Economic Council), decree of Mar. 8, 1924. | 750,000 | 578,000 | 578,000 |
| Total. | 395,000 | 900,000 | 728,000 |

¹ Estimates, civil services, 1925-26, Class II, 10: Department of overseas trade.

² Stato di previsione della spesa del Ministero dell'Economia Nazionale per l'esercizio finanziario dal 1° luglio 1926 al 30 giugno 1927 (Camera dei deputati, No. 693), p. 35-36.

³ Estimates.

⁴ Gaceta de Madrid, Apr. 1, 1923, July 1, 1924, July 2, 1925.

SWITZERLAND

(Rapport du Conseil Fédéral à l'Assemblée Fédérale sur la gestion en 1924, pp. 532-535)

There exist in Switzerland two organizations having for object, inter alia, the promotion of foreign trade, namely, the Bureau suisse de renseignements pour l'achat et la vente de marchandises (Swiss Bureau of Information for the purchase and sale of merchandise) and the Bureau industriel suisse (Swiss Industrial Bureau). These organizations are placed under the control of the commercial division of the Department of Public Economy.

On September 12, 1923, was held in Lausanne the first conference for economic expansion and Swiss propaganda abroad. The conference passed a series of resolutions that were referred to the commercial division of the department of public economy, urging it to conform to them as soon as possible. Two of these propositions recommended:

1. To establish more intimate relations between the different organizations devoted to the promotion of Swiss exports and between those organizations and the Federal Government.

2. A better utilization of the economic information furnished by Swiss representatives abroad and a certain concentration in matters of publicity of economic information.

In compliance with the latter resolution the department started the publication in January, 1924, of a "Supplément économique," annexed to the "Feuille officielle suisse du commerce," the scope of which was also enlarged.

The second conference for economic expansion and Swiss propaganda abroad was held at Lausanne on September 17, 1924. It adopted resolutions recommending the study of the questions connected with the extension of Swiss propaganda abroad and with the promotion of Swiss exportation to foreign countries, especially Great Britain. These resolutions were referred to the department of public economy for consideration and action.

Figures showing the amount expended by the Federal Government for the promotion of foreign trade are not available for recent years.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 40 minutes to the distinguished gentleman from Virginia [Mr. TUCKER]. [Applause.]

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and two Members present, a quorum. The gentleman from Virginia [Mr. TUCKER] is recognized for 40 minutes.

The following excerpts displayed on charts were used by Mr. TUCKER during his speech:

THE POWERS OF CONGRESS UNDER THE PLANS OF HAMILTON, RANDOLPH, PATTERSON, AND PINCKNEY, SUBMITTED TO THE FEDERAL CONVENTION, 1787

HAMILTON'S PLAN, JUNE 18, 1787

The supreme legislative power of the United States of America to be vested in two different bodies of men; the one to be called the Assembly, the other the Senate, who together shall form the Legislature of the United States with powers to pass all laws whatsoever subject to the negative hereafter mentioned.

(The Executive to have a negative on all laws about to be passed.)

RANDOLPH'S PLAN, MAY 29, 1787

The National Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the Confederation and moreover to legislate in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation; to negative all laws passed by the several States, contravening in the opinion of the National Legislature the articles of the Union.

PATTERSON'S PLAN, JUNE 15, 1787

Resolved, That in addition to the powers vested in the United States in Congress, by the present existing Article of Confederation, they be authorized to pass acts for raising a revenue, by levying a duty or duties on all goods or merchandises of foreign growth or manufacture, imported into any part of the United States, by stamps on paper, vellum, or parchment, and by a postage on all letters or packages passing through the general post office, to be applied to such Federal purposes as they shall deem proper and expedient; to pass acts for the regulation of trade and commerce as well as with foreign nations as with each other, and so forth.

PINCKNEY'S PLAN, MAY 29, 1787

The Legislature of the United States shall have power to lay and collect taxes imposts duties and excise

To regulate commerce with all nations and among the several States

To borrow money and emit bills of credit

To establish post offices

To raise armies

To build and equip fleets

To pass laws for arming organizing, and disciplining the militia of the United States

To subdue a rebellion in any State on application of its legislature

To coin money and regulate the value of all coins and fix the standard of weights and measures.

To provide such dock yards and arsenals and erect such fortifications as may be necessary for the United States and exercise exclusive jurisdiction therein

To appoint a treasurer by ballot

To constitute tribunals inferior to the Supreme Court

To establish post and military roads

To establish and provide for a national university at the seat of the Government of the United States

To establish uniform rules of naturalization

To provide for the establishment of a seat of Government for the United States not exceeding — miles square in which they shall have exclusive jurisdiction

To make rules concerning captures from an enemy

To declare the law and punishment of piracies and felonies at sea and of counterfeiting coin and of all offenses against the laws of nations

To call forth the aid of the militia to execute the laws of the Union enforce treaties suppress insurrections and repel invasions.

And to make all laws for carrying the foregoing powers into execution—

(In all, 21 specific grants of power.)

Mr. TUCKER. Mr. Chairman and gentlemen of the committee, I rise to oppose a proposition in this bill, which, to my mind, is clearly unconstitutional, null, and void. That is the proposition appropriating \$1,232,079 for the welfare and hygiene of maternity and infancy. We have been appropriating money to that purpose and it looks as if we were trying to adopt a principle by which Uncle Sam is to be the midwife of every expectant mother in the country, and when the baby arrives, presto change, the old man, with his loving heart and sympathy is to become the wet nurse of the baby. This is State socialism; and I am against it. I am against the Federal Government appropriating any money to any function which belongs to the States. [Applause.] I stand with eminent authority. I stand, I think, with the President of the United States, Calvin Coolidge, upon this subject. [Applause.]

Mr. Chairman, when we want to find out the exact function of some part of a mechanical device, it is a wise thing to go down to the shop where the instrument is manufactured, and there study it in its relations to every other part of the mechanism. I want you to go with me this morning for half an hour to the city of Philadelphia where, 139 years ago, certain governmental artisans, noted in the history of this country for their skill in statecraft, were building the machinery for the Ship of State, the United States of America. Let us go and see exactly what this thing means, because, as I understand it, this proposition and those of kindred character are justified under what is known as the general welfare clause. In my judgment, there is no such clause, and, therefore, I beg your indulgence for a while to consider the proposition.

The Federal convention met, it will be remembered, on the 25th of May, 1787, in old Independence Hall. Sixty-five members were elected to it, but only 55 came. They began their deliberations on the 25th of May, and on the 29th of May Mr. Randolph and Mr. Pinckney offered plans, in the rough, for a Constitution for this country.

On the 15th of June Mr. Patterson offered a plan, and on the 18th of June Mr. Hamilton's plan was read to the convention. We are not interested in this discussion in knowing the whole plan, but we want to follow the exact powers given to Congress from the beginning to the end of the convention. Luther Martin, who was one of the greatest lawyers the country has produced, when he got back home from the convention, told his people in Maryland that three parties were developed in the convention, one led by Mr. Hamilton, that wanted a strong, monarchical Constitution and wanted practically to do away with the States, while another set wanted not the abolition of the States, but to magnify the power of the great States, and a third that he denominated Federal Republicans, who, he said, in numbers in the convention were equal to both of the others.

Gentlemen, look first at Mr. Hamilton's plan as to the powers of Congress:

The supreme legislative power of the United States of America to be vested in two different bodies of men; the one to be called the Assembly, the other the Senate, who together shall form the Legislature of the United States, *with power to pass all laws whatsoever*, subject to the negative hereafter mentioned.

This negative was that the President of the United States could prevent a proposed law. Congress could pass the law, but every law the President had the power to negative. But it was not the veto power as we have it. That is a sweeping power. No exemption of local rights in the States, but a sweeping power to Congress to pass all laws whatsoever. Mr. Randolph's plan, which I will not stop to consider, squints very much toward Mr. Hamilton's plan—not so inclusive—but as you read it here you will see it squints in that direction.

Mr. Patterson's plan, on the other hand, is of interest. That limits the power of Congress to pass acts for raising revenue by levying a duty or duties on goods or merchandise of foreign growth, on stamps, and so on, passing through the general post office, all of which to be applied for such Federal purposes as they shall deem proper and expedient. That was a very sound proposition, afterwards indorsed by Judge Marshall, that the Government of the United States in levying taxes must levy them for purposes of the Government of the United States. Here is Mr. Pinckney's plan, and I call special attention to that. When I began an examination of this question I was struck with the fact that this plan, as first introduced on the 29th of May, was in substance adopted by the convention on the 15th of September. It kept the center of the stage. It was always in the front. Look at it. You see there is no punctuation in it except here and there occasionally, but the arrangement of it is just what the arrangement is to-day, and Mr. Pinckney, on the 30th of December, 1818, wrote a letter to John Quincy Adams, telling him that this was the plan which

he took to the convention. You notice in it there is a provision to provide for a university. That does not appear in the Constitution as finally adopted. This proposition was offered in the convention on the 18th of August with 20 other propositions, and this proposition and one granting to Congress the power to grant incorporations were voted down. For nearly two months the convention was engaged in discussing general propositions. They were feeling their way. They knew that the Articles of Confederation under which they had been living were perfectly inadequate. They wanted to secure a real government. They wanted a government national in certain characteristics but recognizing the States in all their integrity, and for six weeks they were feeling their way adopting all sorts of resolutions, but nothing was done looking to the formulation of a Constitution until the 24th of July.

On that day, on motion of Rutledge, of South Carolina, a committee was appointed, composed of Rutledge, Randolph, Gorham, Ellsworth, and Wilson—James Wilson, of Pennsylvania, one of the greatest men in the convention—that committee, mark you, was appointed to bring in a form of a constitution, and to it was referred the plan of Randolph and Patterson, but not Hamilton's. It seems to have been not even considered, his plan. But they referred Patterson's and Randolph's plan to that committee, and with it, mark you, a resolution which had been adopted early in the convention which provided that Congress should have power "to legislate in all cases for the general interest of the Union." Judge Story refers to this resolution more than once. That resolution, mark you, was passed on the 17th of July by the convention giving Congress the power "to legislate in all cases for the interest of the Union." That also was referred to this committee. What did they do with it? On the 6th of August, and that is one of the great landmarks in the history of the convention—on the 6th of August they brought in a draft of a constitution. There was the taxing power of Congress. Practically as you see it there, in the draft submitted May 29, with some slight exceptions; there are 21 specific grants here, and in the Constitution as we have it there are 18. Practically all the powers of Congress in the Pinckney draft of May 29 you find were reported on the 6th of August.

Mr. ROBSION of Kentucky. Will the gentleman yield for an interruption?

Mr. TUCKER. I will.

Mr. ROBSION of Kentucky. Did I understand the gentleman to say that the Pinckney plan was not submitted to this committee, but it was practically adopted finally?

Mr. TUCKER. No. The Pinckney plan was submitted with the Randolph and Patterson plan, but the Hamilton plan was not. Now, gentlemen, they went at once to the consideration of that plan, and on the 16th of August they had adopted the powers of Congress in that plan.

Then on the 18th of August a motion was made to submit 20 other propositions, giving Congress certain other powers, among them the ones I mentioned, to establish a university and the right of incorporation, and to establish—hear me, Mr. Robson—to establish seminaries for the promotion of learning and science, and, in addition, to establish public institutions, immunities, and awards for the advancement of commerce, agriculture, manufactures, and so forth.

Those last two propositions were never heard of afterwards. The one to establish a university was voted down. These last two that I have mentioned were not voted down, but they were not heard of in the committee afterwards.

Now, on the 22d of August a committee was appointed, one from each State—and I love to read the names of those men—for the purpose of considering the fourth, fifth, and sixth sections of Article I, which did not involve the taxing power of Congress; but on the 4th of September that committee, consisting of one from each State, brought in a proposition to amend this first clause of section 8.

And what did they bring in? Let me read the names of the committee first: John Langdon, of New Hampshire; King; Johnson, of Connecticut; Livingston; Clymer; Dickinson; Luther Martin; Madison; Williamson; C. C. Pinckney; and Baldwin—that great committee that brought in on September 4 a proposition amending clause 1, section 8, Article VII, by adopting the words that we have now in the Constitution. In other words, this committee that was appointed for one purpose brought in a resolution on another subject; the convention adopted it at once, and it is exactly the wording we have in the Constitution to-day:

Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States;

The limitation clause as to duties, imposts, and so forth, was added later.

That was on the 4th of September. Mark you, the convention adopted the Constitution on the 15th of September. On September 8 another committee was appointed to revise the style and arrange the articles of this proposed Constitution. Who were on that committee? Hear them: Johnson, Hamilton, Gouverneur Morris, Madison, and King; a great committee.

Now I must turn to this other chart for a while. They brought in on the 12th of September this proposition, Article I, section 8:

ARTICLE I

SEC. 8. The Congress may, by joint ballot, appoint a Treasurer. They shall have power to lay and collect taxes, duties, imposts, and excises;

To pay the debts and provide for the common defense and general welfare of the United States.

Then follows the 17 grants of power to borrow money, to regulate commerce, and so on, located and punctuated and in the same language exactly of the Constitution as finally adopted. Congress shall have power—to lay and collect taxes, duties, imposts, and excises.

A distinct separate power. Look at the next. A separate clause, an independent clause:

To pay the debts and provide for the common defense and general welfare of the United States; * * *

These words are taken from their dependent position as seen in the form adopted September 4, and by change of location and punctuation are made a distinct, substantive, and independent power like each of the other 18 grants.

But mark you, gentlemen, the form in which this proposition that had been adopted on the 4th of September is just as we have it in the Constitution to-day. The scrivener who made this chart has left out the words—but all duties, imposts, and excises shall be uniform throughout the United States.

That is the form in which we have it. That is the form in which it passed on the 4th of September; it passed finally into the Constitution on September 15. But on the 12th of September they take the words, "to pay the debts and provide for the common defense and general welfare of the United States," out of that clause and make it a separate, independent, substantive clause, just like every other clause. There were 18 of them. The sentence has 18 clauses in it, each distinct and separate from the other, divided by a semicolon.

Gentlemen of the House, if that proposition brought in on the 12th of September had been adopted by the convention, I would not be here to-day contesting this question. Why? Because it is a separate, independent, substantive clause, just like the other 17, and it was exactly what Mr. Hamilton had been working for, and he was on the committee that brought it in.

How do those words stand in the Constitution as of September 4 and as of to-day? They are not in a separate clause there; "the power to lay and collect taxes, duties," and so on, was granted to Congress, "but all duties, imposts, and excises must be uniform throughout the United States." At the end of the clause is a limitation on the grant, and right in the middle, between the power to tax and the limitation of that power, right in the bowels of that power, these words are put, "to pay the debts and provide for the common defense and general welfare of the United States." Would Mr. Gouverneur Morris, the master of style; would Mr. Madison, the grammatical scholar, have put into the bowels of one power another power, if it was really intended to be such a power? If so, it is the only one of the 18 that is not a separate, independent power to itself. Can Gouverneur Morris and Madison, the masters of style and grammatical precision, be charged with such a blunder? I answer, no; the location of the words alone shows that they are merely descriptive of what follows.

But how did this happen? It is a most interesting thing to me as I study this question. The convention, gentlemen, was three days off from ratifying this Constitution. Hamilton, who had been struggling throughout the convention to accomplish his point, had failed at every point to get his idea of an unlimited power in Congress endorsed.

This committee of Johnson, Hamilton, Gouverneur Morris, Madison, and King brought in this proposition making it an independent power. Johnson brought it in and offered it to the convention. The voice was the voice of Jacob, but the hands were the hands of Esau. Mr. Hamilton, within three days from the ending of this great struggle, found that he was hopelessly

defeated. Five times the convention had practically voted against his proposition, and just a week before September 4 it had adopted a proposition fatal to his desires. The committee, evidently to give him one more chance to give unlimited power to Congress, allowed it to come in in that form on the 12th, and if that had been adopted there would be a real general-welfare clause of the Constitution. What became of it? That was on the 12th. On the 13th they tell us in the journals of the convention that things became so involved that notes were no longer taken, except fragmentary notes of Mr. Madison. There is no record in the journal of what the convention did to change this clause which had been brought in as an independent, substantive clause and for which they substituted the clause adopted on September 4. We simply note the fact that the change was made and we were saved the destructive process that an unlimited power to tax, united to an unlimited power of selecting objects of benevolent favors, would certainly have produced.

Now, gentlemen, I beg you to observe this. Mr. Hamilton was appointed on this committee on the 8th. On the 4th the proposition which had been adopted was inimical to his ideas. Mr. Hamilton recognized that this clause as adopted on September 4 did not carry out his idea of an unlimited power in Congress. He was going to make one more trial, and the committee brought this in, brought it in, no doubt, in deference to and in consideration for the position of Mr. Hamilton. When it came out from the Constitutional Convention it came out as it had been passed September 4, and the battle for a government of limited powers had been won.

I find as an appendix to one of the old journals this statement:

Copy of a paper communicated to James Madison by Colonel Hamilton about the close of the convention in Philadelphia, which he said delineated the constitution which he would have wished to be proposed to the convention. He had stated the principles of it in the course of the deliberations.

That is in Mr. Madison's handwriting, what I have read, and the copy of the Constitution that he refers to is also in his handwriting. What does that copy of the Constitution that Mr. Hamilton was leaving with his friend, Mr. Madison, as the convention was closing, mean? It seems to me, gentlemen, it means this: "I have fought my fight. I have lost, but you, as the great master mind of this convention, I want you to have for future reference what I would like to have seen adopted here for I do not believe the Constitution you have adopted is going to last."

What does he have in it under the powers of Congress?

The Legislature of the United States shall have power to pass all laws which they shall judge necessary to the common defense and general welfare of the Union.

All laws of every sort! Mr. Hamilton was a great man and a great patriot. He had made his fight. He saw toward the end of the convention, on the 4th of September, that if that proposition went into the Constitution his proposition was gone. Not only that, but he leaves with Mr. Madison this document which contains exactly what he wanted adopted as to the powers of Congress, and he knew that what the convention adopted was not what he wanted or had offered. Yet there are gentlemen here to-day living in this country who are trying to show that the words "common defense and general welfare" in this clause mean what Mr. Hamilton wanted to be put in the Constitution and failed to get. Do they know better than he? Why did he get the committee of five to offer the provision of September 12 if that of September 4 was satisfactory? He saw it did not mean the same thing. As soon as the proposition of September 4 was adopted he tried to get the proposition offered September 12 adopted; why, if the proposition of September 4, as gentlemen now claim is the Hamiltonian doctrine of unlimited power in Congress? But there are gentlemen to-day bringing in bills, maternity bills, educational bills, all sorts of bills, the object of which the Federal Government has no power or control over, claiming that Mr. Hamilton did not know what he was talking about when he tried to get this proposition of September 12 into the Constitution. [Applause.]

Mr. OLIVER of Alabama. May I interrupt the gentleman to make an inquiry here?

Mr. TUCKER. Yes, sir.

Mr. OLIVER of Alabama. I am very much interested in the very informing and scholarly statement the gentleman is making, and would like to inquire whether it is his opinion that the power to levy a tax by the Federal Government is confined

to the recited powers set out in the Constitution, to which powers the gentleman has referred.

Mr. TUCKER. I will be very glad to discuss that.

Mr. OLIVER of Alabama. And may I further inquire whether it is the opinion of the gentleman that no broad discretionary power is vested in Congress to determine what is for the general defense and what is for the general welfare.

Mr. TUCKER. The gentleman anticipates me somewhat.

Mr. COOPER of Wisconsin. And if the gentleman will permit, in answering the question of the gentleman from Alabama, will the gentleman include an answer to this question: Was not the whole struggle with respect to this particular clause, and has not the whole struggle been since the adoption of the Constitution, the question of what can be included under the general term "general welfare"?

Mr. TUCKER. Well, very much so by those who hold there is a general-welfare clause.

Mr. COOPER of Wisconsin. Is not that the whole question?

Mr. TUCKER. I promise not to let anything slip by me on that.

Mr. BLANTON. I want to interrupt the gentleman, if the gentleman will permit?

Mr. TUCKER. All right; I was looking for you. [Laughter.]

Mr. BLANTON. Is not this the trouble? The other day educators from every part of the United States met in convention in Washington, and disregarding the Constitution, throwing the Constitution to the winds, they demanded of Congress that we pass a general educational bill establishing a department of education, which ultimately would control education in every State in the United States. When we have teachers who do that, what can be expected of Congress?

Mr. TUCKER. I know, as a fact, that there were very many teachers here at that meeting who did not favor that resolution. Now, gentlemen, if I have succeeded in anything, it is in establishing this—that at least in the passage of this provision through the constitutional convention the Hamiltonian principle was lost and was practically voted down six times during its deliberation.

I am now going to ask your attention to another view, obtained by a critical examination of the journal of the convention. I make this bold declaration; hear me! Six times during the progress of the convention either the Hamiltonian theory was voted down or another proposition was voted up that was in contravention of it.

Judge Brewer in the case of *Fairchild v. United States* (181 U. S.), in passing upon the question there presented, in which a certain construction was sought to be advanced as to a certain clause in the Constitution said, in effect:

That can not be, because that construction was voted down in the constitutional convention.

But there is another thing—I shall be perfectly fair with you—twice during the Constitutional Convention Mr. Hamilton's proposition was approved. I want to examine those resolutions with you. The first time it was approved was on the 31st of May in the Randolph plan. This plan was not submitted to the convention until the 29th of May. On the 31st of May all the members had not reached there. There were only about 37 members present at that time, and I am going to astonish you probably when I tell you that the two propositions—one of which Judge Story relies upon very much, adopted by the convention—I would have voted for if I had been a member of that convention. What were they?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield the gentleman 20 additional minutes. [Applause.]

May I interrupt the gentleman at this point to ask if a report submitted by Mr. Henry St. George Tucker in 1817, in which he declared that there was a very broad, if not un-revisable, discretion vested in Congress to determine what was for the general welfare, and whether such declaration is not in conflict with the position now taken by the gentleman from Virginia?

Mr. TUCKER. Not at all; I am glad my friend has been reading such good doctrine. [Laughter.] I am very familiar with that.

Now, I beg your attention to these two propositions in the convention. One was offered on the 17th of July—and I may as well take them up now—and one was offered on the 31st day of May, when nobody could know where the convention would land.

They knew what they came there for, but they were feeling their way. They adopted these propositions giving to Congress the power to legislate in all matters in the interest of the Union. No powers had yet been given Congress. When given they would be national powers, and all that Congress would be expected to enforce, for the convention would certainly give all national powers needed for the new government. What those national powers would finally be was not known, but when known and determined the power of Congress as to them was to be supreme and without interruption by the State.

I said if I had been in the convention I would have voted for them. Why? Because the convention met to form a national Government in part, of enumerated powers, and as to those powers Congress ought to have full, untrammeled power to carry them out. That was what the convention was driving at. They had not gotten to the point where the proposed Constitution had been formulated. All the drafts submitted except Pinckney's were in the form of resolutions. They were feeling their way, but everybody was willing for Congress to have ample power to legislate for the Union, but no powers had yet been given to the Union, and that is all that was meant, because on the 31st of May and the 17th of July they had not determined what powers should be given to Congress. No form had been recommended by any committee of the convention, it was all in the dark, but there was a general feeling that when these powers came into life by the adoption of the Constitution they were to have free course for their complete fruition.

But, mark you, both these resolutions were passed favoring Hamilton's scheme before the 24th of July, when the Rutledge committee was appointed, the last one on the 17th of July.

I give the two resolutions with the pertinent observations of Butler, Gorham, and Rutledge.

May 31, on a motion of Mr. Randolph, it was—

Resolved, That the National Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation; and moreover, to legislate in all cases, to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by exercise of individual legislation; to negative all laws passed by the several States contravening, in the opinion of the National Legislature, the articles of the Union.

On the 16th of July, on a consideration of the above, Mr. Butler, of South Carolina, called for an explanation of the extent of this power, particularly of the word "incompetent."

The vagueness of the term renders it impossible for any precise judgment to be formed.

Mr. GORHAM, of Massachusetts. The vagueness of the terms constitutes the propriety of them. We are now establishing general principles to be extended hereafter in which details will be precise and explicit.

Mr. Rutledge, of South Carolina, urged a recommittal—

To the end that a specification of the powers comprised in the general terms might be reported.

By Mr. Bedford, July 17:

Resolved, And moreover to legislate in all cases for the general interests of the Union; and also in those to which the States are separately incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation. (Passed 8 to 4.)

After the 6th of August when the Rutledge committee brought in Pinckney's plan, then they knew what powers Congress was to have. No such resolution as these two could have passed after that was adopted, for they had then determined upon the powers to be given to Congress and the legislation of Congress, of course, was to be confined within those limits.

Now, I have here, and I will give you the list of the six cases in which, during the convention, the Hamilton proposition for unlimited powers for Congress was rejected. On the 17th of July the convention rejected a resolution offered by Mr. Sherman proposing to give Congress power to make laws binding upon the people of the United States in all cases which might concern the common interests of the Union. That was rejected 8 to 2. On the 16th of August, when the convention ratified the Pinckney plan giving Congress definite and specific powers, that was voted up and was a proposition directly in the teeth of Hamilton's plan, and, therefore, his plan was practically voted down.

On the 22d of August Rutledge offered an amendment, and on the same day Robert Morris, of Pennsylvania, offered one in practically the same language that the legislature should "fulfil the engagements and discharge the debts of the United States." What engagements had the United States? They were specified in 18 specific grants in the Pinckney plan adopted

August 16, such as coinage of money, roads, post offices, and so on. Three times in two days that doctrine was indorsed by the convention, showing they intended the powers of Congress to embrace the engagements or necessary expenses of the United States and nothing more.

Mr. OLIVER of Alabama. Would it be out of place here if I should read to the gentleman some statements from eminent legal writers and ask his opinion thereon?

Mr. TUCKER. No.

Mr. OLIVER of Alabama. I wish to read first from Story on the Constitution:

The grant of power to tax and appropriate in the first clause of section 8 is distinct from the grants of power in each of the other 16 clauses of that section and there is nothing in the sweeping term "to provide for * * * the general welfare" to show that the power to appropriate money was given merely in aid of the grants in those other clauses. It is not said to "provide for the common defense and the general welfare in manner following, *viz.*" which would be the natural expression to indicate such an intention; but it (the clause) stands entirely disconnected from every subsequent clause, both in sense and punctuation, and is no more a part of them than they are of the power to lay taxes.

I now wish to read from Pomeroy, Introduction to Constitutional Law, sections 274-275, where he declares:

Common defense and general welfare are terms of the broadest generality, and within them can be easily included all objects for which governments may legitimately provide. What measures, what expenditures, will promote the common defense or the general welfare, Congress can alone decide, and its decision is final. This recitation shows * * * a virtual adoption of the Hamiltonian theory that the power of Congress over the Treasury is, in effect, absolute and extends to the appropriation of money for any object which, in their judgment, will conduce to the defense of the country or promote its welfare. Such, in fact, has been the practice since the Government went into operation, and the right can hardly be disputed in the face of a usage which will soon extend through an entire century.

Mr. TUCKER. Oh, yes; but I will answer them later.

Mr. OLIVER of Alabama. Are not those statements in conflict with the position taken by the gentleman?

Mr. TUCKER. They may be, but I have not reached that question yet in the discussion. I am trying to get at how this proposition got through the convention first, and then I am going to take up this specific clause.

Mr. TYDINGS. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. TYDINGS. What would be the use of the other 17 powers if the general-welfare clause gave power to Congress to do everything, anyway?

Mr. TUCKER. I do not know. Nobody could tell.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. COOPER of Wisconsin. There are many who think that Hamilton was entirely successful when he succeeded in having retained the words "general welfare" in that clause, however one is minded to picture it. For instance, the whole doctrine of internal improvement, river and harbor improvement, the protective tariff, and many other things have been justified under the general-welfare clause, a clause which can not be interpreted except by Congress.

Mr. TUCKER. I am trying to show that what has been done in the past has been done under an unreasonable interpretation of it, and I am especially interested in the fact that each day we are carrying it further. I recognize that we can not undo much that is past, but, good heavens, unless this Congress comes to a realization of the true condition of the country we will drive on to its destruction. A most intelligent gentleman said to me only a few days ago:

TUCKER, your grandchildren will live to see the day when this Constitution is no longer in existence.

Unless we put the brakes on, unless we come to some proper determination of these things, we will drive to a concentration of power that will be perfectly irresistible.

On the 25th of August another proposition offered by Mr. Sherman, upholding the Hamilton plan, was rejected, Connecticut alone voting *yea*. Then on the 12th of September the committee which had been appointed on the 8th of September to revise and arrange the articles of the Constitution, consisting of Johnson, Hamilton, G. Morris, Madison, and King, reported to the convention a substitute for Article I, section 8, adopted on the 4th of September (which is the language of the present Constitution) the following:

ARTICLE I

SEC. 8. The Congress may, by joint ballot, appoint a Treasurer. They shall have power to lay and collect taxes, duties, imposts, and excises;

To pay the debts and provide for the common defense and general welfare of the United States;

To regulate commerce;

To coin money—

And so forth. Followed by the other 17 grants of power located and punctuated exactly as in the Constitution as finally adopted. When the Constitution was ratified by the convention, this clause does not appear, but the clause as it passed the convention on the 4th of September remained.

That makes the sixth. We come now to a discussion of the clause itself. What does the phrase mean? I have shown you that on the 22d and the 23d of August the convention passed resolutions declaring that the legislature shall fulfill the engagements and discharge the debts of the United States. Is that consistent with the clause as it now stands? Do not the words "pay the debts" and "fulfill the engagements" interpret the meaning of "common defense" and "general welfare" for the makers of the Constitution gauged the extent of our national "general welfare" by the national powers they gave the Federal Government? Those powers constitute the engagements of the United States and the "engagements of the United States" constitute our national "general welfare." They have used different words—"to provide for the common defense and general welfare." They were old words; they were found in the Articles of Confederation and were perfectly harmless there. It always has occurred to me that the makers of the Constitution, finding these old, well-sounding, harmless words, brought them in here as "filling" for the clause. Why not? The article provides that Congress shall have the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and to provide for the common defense and general welfare of the United States. Judge Story says that every word in the Constitution must have a meaning. This I doubt. Does any man doubt that the United States could pay its debts if that provision, "pay the debts," had been left out? Of course, under the coefficient clause we could have paid the debts, and the old debts were provided for in the Constitution itself. Why were those words "to pay the debts" put in there? They were put in because those men at the very birth of the Government, when repudiation was rampant all through the country, when the States were passing laws to repudiate their debts, to foreign creditors, had no idea of starting on this troublesome sea without having it distinctly understood that the first thing the young nation was to do was to pay its debts; but if the words had been left out, there is no question of our power to pay the debts. So the words "pay the debts" were useless and unnecessary.

Suppose the words "to provide for the common defense and general welfare of the United States" are left out, what would you have? You would have the Congress with the power to lay and collect taxes; and for what? To pay debts, and that alone. But what about the 17 other grants? What about commerce, what about post offices, what about post roads, if the expression "to pay the debts" had been left alone in the clause? Judge Story, in his commentary which my friend reads from, refers to the necessity of having something after "debts." It would have been a very awkward thing if it had ended there after "debts," which they were so anxious to put in to show the world that they were going to pay them; and had they put nothing else there it might have excluded Congress from appropriating money to provide for those other 17 propositions. Now, what additional words are used? The words "to provide for the common defense and general welfare of the United States." Judge Story says that those words, "to pay the debts and provide for the common defense and general welfare," show the object of laying and collecting taxes; that they are words of limitation on the powers to tax. At first sight it is a very reasonable construction, and I might go with him but for this trouble. He says that they are words merely of limitation; that Congress can not lay a tax for any other purpose except the common defense and general welfare. That is the limit. It is a pretty big limit. I think it is an expansion of power rather than a limitation.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield the gentleman 15 minutes more.

Mr. TUCKER. Mr. Chairman, I want now to read from Judge Story, because I rely upon him also. In section 909 Judge Story says:

The Constitution was, from its origin, contemplated to be the frame of a national government of special and enumerated powers and not of general and unlimited powers. If the clause "to pay the debts and provide for the common defense and general welfare of the United States" is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers but it plainly extends far beyond them and creates a general authority in Congress to pass all laws which they may deem for the common defense or general welfare. Under such circumstances the Constitution would practically create an unlimited national power.

Judge Story says that under such circumstances the Constitution would practically create an unlimited national power. Now, Congress has the power to lay and collect taxes. Suppose now, as is claimed by Judge Story and others, that the Congress has the power of determining what is the general welfare, then the entire power to determine the general welfare, united to the power of taxation without limit and the power of spending without limit, would create an unlimited Government, which Judge Story says, in the paragraph just read, the Constitution was never intended to form.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. TUCKER. I will.

Mr. OLIVER of Alabama. Do I understand the gentleman to take the position that the power vested in Congress to tax is limited to certain declared purposes or powers set out in the Constitution, and these same declared powers or purposes likewise define and fix the limits on the power of Congress to appropriate money? Is that correct?

Mr. TUCKER. I certainly do hold, as every judge on the Supreme Court discussing this subject has held, that taxes can be levied only for public purposes, and those purposes are limited to the powers of the Government.

Mr. OLIVER of Alabama. If that be true, how does the gentleman reconcile his position with that taken by Mr. Hamilton, to whom he has referred, where he urged appropriations for bounties, and by Mr. Madison, where he urged appropriations for bounties, and with the position of Mr. Calhoun, a strict constructionist, who recommended an appropriation of \$50,000 to buy provisions for the people of Venezuela?

Mr. TUCKER. I am very familiar with that.

Mr. OLIVER of Alabama. And how, may I ask, does the gentleman reconcile his position with this statement by a distinguished Virginian, whom I believe was the grandfather of my friend, the gentleman now speaking, where he said in 1818:

There is, perhaps, no part of the Constitution more unlimited than that which relates to the application of the revenues which are to be raised under its authority. * * * It would be difficult to reconcile either the generality of the expression, or the course of administration under it, with the idea that Congress has not a discretionary power over its expenditures, limited only by their application "to the common defense and general welfare." * * *

Nor is there any danger that such a power will be abused while the vigor of representative responsibility remains unimpaired.

Mr. TUCKER. A very good doctrine, but not applicable to what I am discussing. I am familiar with it, but if the gentleman will just hold on a little while I hope to get to that. I am trying to see exactly what these words in this clause mean now, and I am taking them on the line that Judge Story has construed them, as words of limitation on the taxing power. Judge Story said that this Government was intended to be one of limited power, and when you give to Congress the power to tax—which the courts have said when the object is proper is almost an unlimited power—and let that power be united to an unlimited power to determine to what these objects should be, you come in conflict with the warning laid down by Montesquieu, quoted by Mr. Hamilton, in the Federalist, in which he said:

There is no liberty if the power to judge—

That is, the power to determine what is the general welfare—

be not separated from the legislative and executive power.

You must keep them apart, for if you adopt this construction you are led into what Judge Story declares is a National Government * * * of unlimited powers.

Which was never intended, and no construction that leads to an unconstitutional act can be accepted as against one that is reasonable and free from that vice. These words are merely words of general import, which are explained by the subsequent enumeration. This is a common practice and indorsed by Judge Story himself, and under this construction

there will be no union of a "judging" power and the legislative power.

What does Judge Story say in section 910?

Nothing is more natural or common than first to use a general phrase and then to qualify it by a recital of particulars.

The words "common defense and general welfare" which are found in this first clause relate to every grant of power in the whole sentence. The sentence is not completed with a full stop until the end of the eighteenth grant of power—"shall have power to pass all laws necessary and proper," and so forth. These are words of general import; indeed, that is emphasized by the fact that they are in the preamble of the Constitution. It is recognized that they carry no force, no power, but are in the preamble merely to indicate the general scope and purpose of the Constitution which is to follow. Here they are at the beginning of a long sentence, in the first clause of it, and evidently left there to bear the same relationship to that section, all of which is one long sentence, that the same words bear in the preamble to the Constitution; and this is emphasized with a force that can not be disregarded by the fact that every one of the 18 grants in that section and in that sentence may be referred either to the question of common defense or general welfare of the United States.

Judge Story, as we have seen above, recognizes this as a common method of writers, and the alternative drives us, as Judge Story says, into an absurdity, for why enumerate 18 powers if one embraces all of them?

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TUCKER. Yes.

Mr. GARRETT of Tennessee. Is not there a line of decisions that holds that the words "The United States" have a technical meaning; that is, of the Government of the United States?

Mr. TUCKER. Yes.

Mr. GARRETT of Tennessee. As regards the general welfare. It does not mean the general welfare of the people of the United States, but it means the general welfare of the Government of the United States.

Mr. TUCKER. That subject was beautifully brought out by George Ticknor Curtis, that I referred to on another occasion. He made a point there that is almost unanswerable, I think, and I shall include it in my remarks.

Mr. George Ticknor Curtis, a scholarly student of the Constitution, delivered before the Georgetown University law school an address in February, 1886, in which he said:

We hear much nowadays about the so-called "general-welfare clause" of the Constitution. The Constitution uses the words "general welfare" in just two places, and no more. In the preamble the promotion of the general welfare is one of the objects enumerated along with five others for which the people of the United States ordain and establish the Constitution. The wildest and most latitudinarian constructionist would hardly venture to tell an audience of intelligent law students that the preamble of the Constitution contains any grant of power. It simply asserts the grand objects which the people aimed to secure by the Constitution, but as to the means by which they do secure these desirable objects we must look into the body of the Constitution and among its enumerated powers.

Looking into the body of the instrument, we come upon the first clause of the eighth section of Article I of the Constitution, which contains the grant of the taxing power. Here the words "general welfare" are used again; and, strange to say, there are persons who suppose that this clause contains a grant of authority to tax in order to promote the personal welfare of every man, woman, and child in the United States! I shall merely counsel you to analyze the clause and see how strange this notion is. The clause grants to Congress a power to tax the people for three special purposes: First, to pay the debts of the United States; second, to provide for the common defense of the United States; third, to provide for the general welfare of the United States.

In every one of these special purposes for which the taxing power is to be exercised "the United States" means the political corporation known as the United States and not the individual inhabitants of the country. The debts that are to be paid are the debts of the Government; the common defense that is to be provided for is the defense of the Government in all those matters it has duties of defense to discharge for the whole country; the general welfare that is to be provided for is the well-being of the Government in all those matters of which it has special cognizance and in respect to which its efficiency concerns the whole Union. In the very next clause, which contains the grant of power to borrow money on the credit of the United States, the "United States" is used in the same sense, meaning the Government known as the United States. It is on the credit of the Government, not on the credit of individuals or of States, that Congress is authorized to borrow money.

Now, look at the stupendous communism that is wrapped up in the taxing power on the supposition that it includes a power to tax for the promotion of the welfare of individuals. There is no limit to the taxing power excepting that duties, imposts, and excises must be uniform throughout the United States. All the property in the country may be taxed without limit for the legitimate objects of taxation. If one of those legitimate objects is the welfare of individuals or masses or classes or of the whole people, the two Houses of Congress and any President acting together can divide up all the property in the country upon the plea that a general division will promote the general welfare. By this process this Government could devour itself, and there would be nothing left for it to subsist upon.

Additional force is added to the above view from a statement by the *Encyclopaedia Britannica*, volume 7, in its reference to Mr. Curtis. It says:

This history [his *Constitutional History of the United States*] which had been watched in its earlier progress by Daniel Webster may be said to present the old Federalist or "Webster-Whig" view of the formation and powers of the Constitution.

Mr. BLACK of New York. Will the gentleman yield?

Mr. TUCKER. I will.

Mr. BLACK of New York. I am wondering if the gentleman can see any analogy between this limitation in this section and the rule of this House providing that there can be no legislation on an appropriation bill. It is just simply an appropriating feature of the Constitution to which can be carried no general legislation.

Mr. TUCKER. It is very similar.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. TUCKER. I will.

Mr. CHINDBLOM. Does the gentleman conceive of any other explanation than that made a moment ago, namely, the anxiety of the convention to proclaim to the world its purpose to have the debts of the Colonies paid? Can the gentleman conceive of any other explanation of that for giving a different construction to these first words of the clause, payment of the debts, to the following portion of the clause, providing for the common defense and general welfare? Does the gentleman understand my question?

Mr. TUCKER. I think I do.

Mr. CHINDBLOM. The gentleman before gave an independent, original meaning to the phrase, "pay the debts."

Mr. TUCKER. Yes.

Mr. CHINDBLOM. The gentleman does not give that same independent, inherent meaning to the provision, "the common defense and general welfare." In other words, in one part of the phrase the gentleman, following into an unusual construction, of course, refers specifically to the payment of the debts. In the other the gentleman's construction evidently means that what is there intended is what is subsequently included in the enumeration.

Mr. TUCKER. I want to try to finish along the line the gentleman suggests, and I hope I shall be able to meet his views.

James Wilson, of Pennsylvania, who was on the Rutledge committee that brought in the Pinckney plan on the 6th of August giving enumerated powers to Congress, afterwards became a justice of the Supreme Court. His position on this question is most enlightening. In a lecture on the powers of Congress, when he got to section 8, Article I, he went through the 18 powers with his class, indicating to them as he enumerated each separate power to which of the two—the common defense or the general welfare—it belonged, pointing out that the regulation of commerce was clearly for the general welfare; so the coining of money, establishing post offices and post roads; while the raising of armies, regulation of the militia, and so forth, pertain to the common defense. When he had gotten through, he closed with these words. His conclusion is irresistible:

For the exercise of the foregoing powers and for the accomplishment of the foregoing purposes a revenue is unquestionably indispensable. That Congress may be enabled to exercise and accomplish them, it has power to lay and collect taxes, duties, imposts, and excises. (In a lecture on "The National and State Constitutions—the Legislative Department," by James Wilson, Wilson's Works, Andrews, Vol. II, pp. 58-59.)

The word "them" refers to the enumerated powers, for nowhere does he refer to "common defense and general welfare" as a power of Congress.

This same view of Judge Wilson's we find advanced in *The Republic of Republics*, written by B. J. Sage, of New Orleans, some years ago, a book which contains the researches of one of the most acute and analytic minds of his day. I remember Mr. Sage; I knew him personally slightly, a very remarkable

man. In this book he says that in determining the real meaning of a sentence it is often valuable to change the collocation of the sentence, making no change in the words or punctuation, but changing the paragraphs from one location to another. Applying this principle to Article I, section 8, he said it would bring out the proper meaning to the whole section, for under the arrangement of the section the words, "Congress shall have power," which is used in the first clause, relates to every one of the clauses to the last.

Applying these principles, Mr. Sage would have that read as follows:

SEC. 8. The Congress, to pay the debts and provide for the common defense and general welfare of the United States, shall have power—

To lay and collect taxes, duties, imposts, and excises.

To borrow money.

To regulate commerce,

And so forth, continuing through the 17 grants of power. Is not this the reasonable and true interpretation of this section?

This subject may be illustrated in concrete form by the following contract:

This contract between H. A. Donald and H. St. George Tucker, of the town of Lexington, Va., witnesseth:

That said Donald agrees to build for the said Tucker a large, commodious, and convenient residence on a specific lot in said town of the best material in all respects; the house to contain 10 rooms, of which 6 are to be bedrooms, a dining room, parlor, kitchen, and pantry, and 4 bathrooms, 3 upstairs and 1 downstairs; the dining room to be 20 by 30 feet in dimensions, of oak floor; the parlor to be 25 by 35 feet, of maple floor, etc., and on his part said Tucker agrees to pay said Donald, on completion of the building, the sum of \$25,000.

Under this contract Donald has agreed to build for me "a large, commodious, and convenient house of the best material in all respects" in the first clause of the contract; but this clause has been modified by subsequent enumerations which explain what is meant by "a large, commodious, and convenient house." Can Donald meet the demands of this contract by building me a house with a dining room 15 by 20 feet, a parlor 20 by 20 feet, with 8 instead of 6 bedrooms, and with 2 instead of 4 bathrooms, with dining-room floor of North Carolina pine and the parlor floor of oak? Is it not perfectly clear, under the proper construction of the contract, that the unlimited discretion conveyed in the words "a large, commodious, and convenient house, of the best materials in all respects," is explained and modified by the subsequent words giving the number and size of rooms, character of floors, and so forth? The real meaning of this contract is that Donald has agreed to build me a house with a certain number of rooms; certain number of bathrooms, with the floors of the rooms specified of certain material, the size of each clearly indicated, and that when this is done the house will be regarded by me as "a large, commodious, and convenient house." In other words, the specific enumerations constitute the real contract, and the words in the first clause are merely words of general import. And so "the common defense and general welfare" are explained in their meaning by the enumerated clauses.

Judge Miller, in the case of *Loan Association against Topeka* (Kans.), makes this strong declaration:

The theory of our Government—

Just following Judge Story—

State and National, is opposed to the deposit of unlimited power anywhere. The executive, legislative, and judicial branches of this Government are all of limited and defined power. A government which held the lives and liberty and property of citizens subject at all times to the absolute disposition and unlimited control of even the most democratic repository of power is, after all, but a despotism. It is true it is a despotism of the many, of the majority, if you choose to call it so. But it is none the less a despotism.

Now, gentlemen, look at this. I have been diverted. I wanted to answer the gentleman from Alabama [Mr. OLIVER] on one point before I proceeded further. The gentleman from Alabama asked me about appropriations of money to the States. I stand, gentlemen, on the declaration of Judge Marshall. We are in the habit of referring to Judge Marshall as one who breathed life into the Constitution. I could rest this case right here. Judge Marshall did breathe life into the Constitution. He has made us a great Constitution. But hear me: Not by robbing the States! [Applause.]

He has made it by developing and magnifying the just powers of the Federal Government given in the Constitution. But where can you find that Marshall has trodden upon the States in order to obtain the power that he gave to the central Government when he gave life to the Constitution?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SHREVE. Mr. Chairman, I yield to the gentleman 10 additional minutes.

Mr. TUCKER. I am very grateful to the gentleman. I shall try to conclude in that time.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes more.

Mr. TUCKER. I beg the attention of the gentleman from Alabama [Mr. OLIVER]. Judge Marshall, in *Gibbons v. Ogden*, in discussing the powers of taxation, the power belonging to the States and the Federal Government alike, uses this language:

Congress is authorized to lay and collect taxes, to pay debts, etc. This does not interfere with the power of the States to tax for the support of their own governments, nor is the exercise of that power by the States the exercise of any portion that is granted to the United States.

In imposing taxes for State purposes they are not doing what Congress is empowered to do.

Selah! Hear me. I rest my case here. *Congress is not empowered to tax for those purposes which are within the exclusive power of the States.*

Where, then, do you get the power? You quote Marshall when it suits you. Take him now, when he is declaring what the law is. These two governments are separate, each revolving in its own orbit, each designated to discharge great functions; the one possessing great national powers and the other those local powers which belong to the people and which they are not going to give up if they can help it.

But day by day the aggressions are going on. Gentlemen ask me about these appropriations. Yes; I am opposed to the appropriation of money by the Federal Government to the States for those things which the States have the exclusive right to. How is it done? It is very curious how it is done. They pass, some of them, with no string to it; you give it straight to the States. Others they have a string to. I deny the power in either case. What constitutional right have you to do either? Gentlemen, you are trustees. Do you know what that means? This right to lay taxes is not just a thing you may do at pleasure. You are a trustee for that purpose. What power has the trustee to take funds and use them for purposes not involved in the trust? If you give that money to the States without any string to it, you are violators of the trusteeship with which you have been endowed; and if there is a string to it, if you say, "We will give you this money provided you do so-and-so," you have a right to do that; I mean a man who gives away money has the right to put conditions on it; but just to the extent of the conditions imposed you are attempting to rob the States of their rights and transferring them to the Federal Government. In either case it can not be justified.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. BLACK of New York. Does the gentleman believe it would be better justified if there was a string to it than if there was no string to it?

Mr. TUCKER. I do not know. I am against it, both ways. The string to it is very seductive.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield there to a small question?

Mr. TUCKER. Yes.

Mr. CHINDBLOM. Does the gentleman believe that there are any purposes that are common to both the States and Federal Government?

Mr. TUCKER. Yes. They are well defined. Judge Marshall, as we all know, in speaking of the powers reserved to the States, says they represent—

that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government, all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State.

What does that mean? It does not mean that the Federal Government may not have need for a health department for its soldiers, sailors, and so forth, but all the health of the people in the States, maternity, hygiene for infants is not involved in this power and must be provided by the States or the people; and the attempt of the Federal Government to take over this power is in the teeth of the great Chief Justice's doctrine that all health laws of every description are left and must abide with the States.

I may just say in passing, when the Federal Government has the power to make appropriations to run a concern in

a State that alone can be created and run by the State, it is going to control it. "Money makes the mare go." This is seen every day in the States where this 50-50 appropriation system exists. Carnegie's money, by conditions made with the gift, controls the great educational centers of the country.

Mr. LAGUARDIA. Right there will the gentleman permit an interruption?

Mr. TUCKER. Yes.

Mr. LAGUARDIA. Does the gentleman believe under the defense clause and the Army clause of the Constitution we can properly appropriate money for the raising of horses for the Artillery and Cavalry of the Army.

Mr. TUCKER. I have never considered it, but I have no doubt of its propriety as being constitutional.

Mr. LAGUARDIA. Is not healthy manhood just as necessary for a proper defense and for the maintenance of an army?

Mr. TUCKER. Yes; but the power to make war is given to the Government of the United States by the Constitution, and the power to make healthy men in the United States is not given to it, but, thank God, is reserved to the States, and I prefer to stick by the Constitution or else we get into trouble. [Applause.]

Here is what Judge Marshall says in *McCullough* against Maryland, and this is very striking:

That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is a plain repugnance in conferring on one government—the Federal Government—a power to control the constitutional measures of another, which other, with respect to those very measures, is declared to be supreme over that which exerts the control, are propositions which are not to be denied.

Yet these principles are denied on this floor, and men bring measures into this House to give to the Federal Government control of things that are reserved to the States under the Constitution. I quote Judge Marshall? Yes; Judge Marshall, the Federalist, and I would to God that this Government could be run upon the declarations and principles which he has declared and set forth in his great opinions.

Mr. COOPER of Wisconsin. Will the gentleman from Virginia permit an interruption there?

Mr. TUCKER. Yes.

Mr. COOPER of Wisconsin. Do I understand the distinguished gentleman to say that the United States Government has no right to pass a statute to protect the health of the people of the United States?

Mr. TUCKER. Oh, no. I said it has the power—

Mr. COOPER of Wisconsin. I was just about to refer to the antinarcotic importation act, which is of paramount importance in connection with the health of the people.

Mr. LAGUARDIA. That is a revenue measure.

Mr. COOPER of Wisconsin. But it protects the health of the people.

Mr. LAGUARDIA. Yes; indirectly.

Mr. TUCKER. That is a revenue measure, but very attenuated on the revenue. [Laughter.]

Now, gentlemen, how does the account stand on this proposition?

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. SHREVE. Mr. Chairman, I yield the gentleman five minutes more.

Mr. TUCKER. I thank the gentleman.

Gentlemen, necessarily it is hard to run this matter through connectedly, but I make this broad statement. The most noted writers and commentators who hold to the view that the Federal Government can not appropriate money to a State object that is under the control of the State may be given as follows:

Judge Marshall, *primus inter pares*; Monroe, often quoted the other way; Judge Miller, of the Supreme Bench; that grand old man, Judge Cooley, of Michigan, of fair renown; Willoughby; James Wilson, of Pennsylvania, one of the greatest men we had in the convention; Von Holtz; Duer; Francis Wharton, of Philadelphia; Madison; Jefferson; Grover Cleveland; Calvin Coolidge; George Ticknor Curtis; and Tucker. [Applause.]

The views of the above judges and authors sustaining my position will be found as follows:

Story on the Constitution, sections 907-909-910.

Judge Marshall in *McCullough v. Maryland*, 4th Wheat. 316.

Gibbons *v.* Ogden, 9th Wheat. 1.

Virginia Constitutional Convention, 1829-30, on the militia.

Judge Brewer in *Kansas v. Colorado*, 206 U. S. 89.

Judge Miller in *Loan Association v. Topeka*, 20th Wallace 655.

Judge Miller on the Constitution, page 229, note 2.

Mr. Madison, Resolutions of 1798.

Federalist No. 41.

Veto Message March 3, 1817.

Letter of Madison to Andrew Stevenson.

Supplement to letter to Andrew Stevenson (Writings of James Madison by Gallyard Hunt, Vol. IX, page 424).

Cooley on Taxation, 2d edition, page 110.

Cooley, Constitutional Limitations, page 11.

Willoughby on the Constitution, Vol. 1, page 40.

James Wilson (Wilson's Works, Andrews, Vol. 2, pages 56-59).

Mr. Jefferson on power of Congress to establish Bank of the United States, February 15, 1791.

Letter to Judge Spencer Roane October 12, 1815. (Works of Jefferson by Paul Leicester Ford, 1905, Vol. XI, page 489.) Von Holst, a strong Federalist, Constitutional Law of the United States, page 118.

Hare, American Constitutional Law, Vol. 1, pages 242-243.

William A. Duer, Constitutional Jurisprudence, 2d edition, page 211.

Grover Cleveland, veto message to the House of Representatives making appropriations for drought-stricken counties in the Southwest.

Calvin Coolidge, addresses of, Budget meeting January 21, 1924, and Annual Message December 8, 1925.

Tucker on the Constitution, Vol. 1, pages 477-478-480.

Who uphold the opposite view? Judge Story and Pomeroy. Where is the weight of the authority?

Now, gentlemen, that is the line-up. All of those authors hold this can not be done constitutionally, and therefore ought not to be done; and who do we have on the other side? Judge Story, holding that these words create no substantive grant of power, but that Congress may appropriate money to an object it can not create, and by conditions in the gift effectively control it, against Judge Marshall's great judgment in *McCulloch* against Maryland, just quoted.

I take pleasure in giving the position of President Coolidge on this subject, and also to vindicate the memory of Mr. Monroe, who is quoted so often as favoring this doctrine, as follows:

[From President Coolidge's message to Congress transmitting Budget for fiscal year ending June 30, 1926]

For Federal aid to States the estimates provide in excess of \$109,000,000. These subsidies are prescribed by law. I am convinced that the broadening of this field of activity is detrimental both to Federal and State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies. My conviction is that they can be curtailed with benefit to both the Federal and State Governments.

Mr. Monroe says (International improvements, May 4, 1822):

If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers, respectively, is there no limitation to it? Have Congress a right to raise and appropriate to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes.

I was very much impressed the other day by the reading by my friend RANKIN, of Mississippi, of President Washington's Farewell Address. I want to read a passage of it to you.

If—

Says General Washington—

In the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates, but let there be no change by usurpation.

Do you catch that word?

Let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

I commend those words to the membership of this House. Ought we to have more power to provide for the people of

Samoa, to vote appropriations to celebrate at Philadelphia the sesquicentennial, and many other powers; ought we? If so, let us have it done legally. Precedent? Suppose George Washington had lived until this time. If a man can find a precedent for a thing, he feels secure. He says: "Well, look at the bootlegger; he takes the risk, it is big pay, he may get through; and if he gets through, he gets big pay. So I believe I will try the bootlegger route. It is not right, it is unconstitutional, it is illegal; but I will take the risk." Oh, gentlemen of the House, let us stop this bootlegging legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes more to the gentleman, and I would like to ask him a question.

The gentleman's position, I think he will agree, is opposed to the weight of authority and the practice which has obtained almost since the Constitution was adopted.

Mr. TUCKER. Oh, no; not the weight of authority. I have just shown that Story and Pomeroy stand alone among the authors against the field.

Mr. OLIVER of Alabama. Take the gentleman's own State, you have more than 15 appropriations by the Federal Government, which Virginia accepts and uses, some absolute, without any conditions attached, and some with conditions attached. As I understand, it is the opinion of the gentleman that these appropriations are not authorized.

Mr. TUCKER. If any of those appropriations go to the State of Virginia to aid in carrying out an object which is under the control of old Virginia, I am against it first and last.

Mr. OLIVER of Alabama. The appropriations for teachers' vocational education, for promoting vocational rehabilitation of persons disabled in industry, for vocational home economics, and so forth, for farm extension work in connection with State land-grant colleges would all fall within the gentleman's inhibition.

Mr. TUCKER. No. I do not think the land-grant colleges come under that head. I have discussed that question quite fully in a speech in the House of Representatives January 2, 1924, against one of these iniquities, the Sterling-Reid educational bill. The trouble about the gentleman is, he does not discriminate. I believe, of course, in the right of the Government to appropriate for roads; I think that is a constitutional right. I do not like the way it is done, but I think there is a constitutional right. I think the question of vocational schools I discussed two years ago. Every dollar that goes to the schools from the public lands is just and proper, for they are impressed with a trust for school purposes. I have no trouble about that, but wherever there is a function or object that belongs to the State I say to the Federal Government, "Shinny on your own side."

Mr. OLIVER of Alabama. Does not the gentleman recognize it to be a proper canon of construction and one which all courts observe that a legislative practice of long standing may be looked to in determining constitutional authority to appropriate? Take the case I refer to where Congress in 1912 appropriated \$50,000 for the aid of Venezuela in purchasing clothes for its people.

Mr. TUCKER. Clearly unconstitutional, and Judge Story says so as to that very case of Venezuela; he refers to it.

Mr. OLIVER of Alabama. Here is what Mr. Calhoun said of it.

Mr. TUCKER. When did Calhoun say it?

Mr. OLIVER of Alabama. In 1817.

Mr. TUCKER. Let the gentleman get what he said in 1836, when he said in effect, When I was a young man I had another opinion, but by study and practice and experience I find I was wrong. Read that.

Mr. OLIVER of Alabama. Does not the gentleman recall that Calhoun consistently stood for internal improvements?

Mr. TUCKER. Yes; in his early life; but read his speech in 1837.

Mr. OLIVER of Alabama. That was the position of Mr. Calhoun throughout his long public career, and I do not think the gentleman will find that Mr. Calhoun ever retracted this statement:

If the framers had intended to limit the use of the money to the powers afterwards enumerated and defined, nothing could be more easy than to have expressed it plainly. * * * Our laws are full of instances of money appropriated without any reference to the enumerated powers. * * * If we are restricted in the use of our money to the enumerated powers, on what principle, said he, can the purchase of Louisiana be justified? * * * To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. * * *

He referred to these instances to prove the uniform sense of Congress and the country (for they had not been objected to) as to the powers of Congress.

Mr. TUCKER. I have not the citation here, but I will give it to you to-morrow; I have it in my office. (See Exhibit A.) I am perfectly familiar with that, and there never was a more repentant spirit in the world than John C. Calhoun. [Applause.] Now, my friend says, "Does not the practice of the Government mean something?" Yes, it does; but how much? Read Judge Brewer; read all of the great judges. They say the practice of the Government can not make an illegal thing legal. Read Judge Cooley where the great old man upholds Brewer and others who hold that only in doubtful cases can the practice of the department be even considered. Is it possible that because men have gone wrong and continue doing wrong that that makes it finally right? How often must a crime be committed to make the act innocent, or how many infractions of the law will it take to make the act legal? That is the gentleman's argument. If you have a precedent which is a wrong one and keep on with that precedent in the same line, how many illegal precedents will make it legal and constitutional?

Must we continue in sin that grace may abound? God forbid!

Here is a bootlegger. He has been violating the law not in Virginia but up in Pennsylvania. He is finally caught and brought into court. What does he say? "Judge, you will have to let me off. Why? I am acting on a precedent. I have done this thing forty times already and you have not brought me up." How many illegal precedents must a man make before it becomes legal?

Brother, put your armor on and let us fight for this Constitution as our fathers gave it to us. Let us not give up the fight. I know not what others may say, but for myself, I can say with Fitz-James, "Come one, come all, this rock shall fly from its firm base as soon as I" in defending its principles as long as I shall remain a Member of this House. [Applause.] God save the United States of America! But they can not be saved unless we abide by the provisions of this Constitution. [Applause.]

EXHIBIT A

Mr. Calhoun's position on the general-welfare clause has been misunderstood because of a speech he made as a young man soon after he entered public life, in the House of Representatives, on February 4, 1817. (See Works of Calhoun, vol. 2, pp. 192-193.)

His statement in that speech is undoubtedly a complete admission of the Hamiltonian theory as to the general-welfare clause. But 20 years afterwards, when the bill for the purchase of the Madison papers was before the Senate, Mr. Calhoun spoke against the bill, on February 20, 1837 (see Works of Calhoun, vol. 3, p. 36, etc.), wherein he says:

But where, Mr. Calhoun asked, was the special power in the Constitution for Congress to publish such a work? This was a solemn question the answer to which should be shown not by precedent but by the Constitution. The practice of Congress, Mr. Calhoun said, had been most loose on this and all other points. But the real question was whether there was such a power in the Constitution. The chairman of the committee had not rested his argument on this, but on the broad general principle that these papers would throw a new and brilliant light upon our institutions, and so on. * * * Mr. Calhoun felt that his position in opposition to this resolution was a painful one, but the opinions of Mr. Madison, which were the textbook of Mr. Calhoun and of those with whom he acted, demanded that he should not abandon it. And, further, Mr. Calhoun admitted that when a young man, and at his entrance upon political life, he had been inclined to that interpretation of the Constitution which favored the latitude of powers; but experienced observation and reflection had wrought a great change in his views, and, above all, the transcendent argument of Mr. Madison himself in his celebrated resolutions of 1798 had done more than all other things to convince him of his error. The opposite course tends to a government of unlimited powers, and in such a government the executive department must inevitably swallow up all the rest together.

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. BACHARACH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendments bills of the following titles:

H. R. 6733. An act granting the consent of Congress to the construction of a bridge across the Rio Grande; and

H. R. 9109. An act to extend the time for the construction of a bridge across the White River.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. CAMERON, and Mr. FLETCHER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age, had requested a conference with the House on the disagreeing votes of the two Houses thereon and had appointed Mr. WADSWORTH, Mr. CAMERON, and Mr. SHEPPARD as the conferees on the part of the Senate.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE AND FOR THE JUDICIARY

The committee resumed its session.

Mr. SHREVE. Mr. Chairman, I yield 40 minutes to the gentleman from Texas [Mr. WURZBACH].

Mr. WURZBACH. Mr. Chairman, I have been considering for some time bringing to the attention of the membership of this House a matter that affects not only the rights and prerogatives of a Congressman, and not only the welfare of the Republican Party, but it affects the Nation as a whole. If the matter I shall discuss concerned only my party, it could with more propriety be discussed before a party organization as a strict party affair. It has passed beyond that stage, however, and has grown into a matter of national interest, into a national scandal, rather. I refer to the vicious system and practice of Federal patronage distribution in Southern States. The Republican Party of to-day has inherited the system, but regardless of its origin, or the responsibility for its continuance, the fact remains that the cancerous growth that is sapping the vitality of southern Republicanism, must sooner or later be removed, root and branch, or the party is doomed in the South. If a major political surgical operation is necessary it ought to be performed before the patient dies.

The system and practice of exchanging or "swapping" southern patronage for southern delegates to Republican national conventions, or vice versa, is bringing our party into disrepute and contempt with the best people of the South. Everyone concedes that the system is indefensible from the standpoint of good morals as well as from the standpoint of good politics. Ninety per cent of the people of my State feel exactly as I do on the subject. Theodore Roosevelt, while President of the United States, denounced the system and millions of Americans heartily indorsed his denunciation of it. In a letter to his warm personal and political friend Senator Lodge, on October 11, 1901, he had this to say:

In the South Atlantic and Gulf States there has been really no Republican Party—

And then in language even stronger than I would want to use, describes the make-up of the party in the South, and then continues—

who have wrangled fiercely among themselves and who make not the slightest effort to get any popular votes, and who are concerned purely in getting the Federal offices and sending to the national conventions, delegates whose venality makes them a menace to the whole party. I see no advantage either to the party or to the Nation in striving to perpetuate such a condition of things.

No American stands higher in the estimation of the American people than this foremost champion of political honesty and civic virtue, and I am proud to champion in my feeble way the cause he so valiantly championed in his lifetime. What President Roosevelt said in 1901 is just as true to-day. As a Republican Congressman from the South I am familiar with political conditions in my State, and I am informed that the same conditions exist in other Southern States. Patronage is the beginning and end, the alpha and omega, of political interest and activity of Republican State organizations in Texas and other Southern States. In exchange for the patronage they receive they deliver the delegate votes to Republican National Conventions. The national committeemen handle one end of the patronage delegate exchange system and usually the Postmaster General handles the other end. Party loyalty—loyalty to party principles—does not enter into the consideration of the criminal exchange in the remotest degree. It is a spoils system pure and simple, without one redeeming quality.

The ordinary spoilsman buys influence with his own money. Under the system I am attacking, influence is bought with public office.

Not only is there an entire absence of party loyalty involved in the system, but no other loyalty, political or personal, prompts the action of your southern patronage politician, for he is quick to turn from the hand that feeds him if it is to his personal selfish interest to do so. [Laughter and applause.] His whole thought is to be on the right side, the winning side, and I want to tell you that your southern Republican delegate has an uncanny political foresight and never fails to get on the right band wagon. [Laughter.] Your ordinary Republican delegate sometimes gets on the wrong wagon in the big parade, but no hungry and ever-watchful pie delegate from the South ever makes that sad mistake. The political tides may surge and ebb and flow ever so tempestuously and ever so unexpectedly, but they do not surge or ebb or flow too quick for him. You will always find these worthies riding the topmost crest. And once the merry band wagon gets well started, it may skid or stall or turn fast corners, but you will find your Republican delegate gentleman from the sunny South hanging on somewhere somehow. [Laughter.] Generally you will find them all safely ensconced on the very front seat, from which vantage point they have snouted out all the delegate "runts" from the North, East, and West. These latter do not enter into their scheme of things at all, at all. Occasionally, but oh, so seldom, you may discover a remnant, the less hardy ones in the band wagon scramble, hanging onto the very tail gate. It is truly an inspiring spectacle and one to make the angels weep. But they will all be aboard as sure as you are born, "whooping her up" to beat the band, and from that time on and until the plum crop is fully harvested, each modestly (?) proclaiming himself the only and original Harding man or Coolidge man, as the case may be and as the circumstances call for. And all for what? For patronage purposes only! [Applause and laughter.]

I have watched these "patriots" for many years. I have heard them orate and I have seen them sweat for the Grand Old Party. On the hustings, and in defense of Republican principles and policies, did I hear you ask? Not on your life! Their labors begin and also end in convention halls. [Laughter.] To hear some of these southern patronage delegates at Republican National Conventions or caucuses you would believe that each one of them controlled thousands and thousands of votes at home, when, as a matter of fact, not one out of a dozen controls or favorably influences a score of votes in the community where he is best known. The farther they are away from their homes the louder they boast. In their own bailiwicks they act with a most becoming modesty, because they know they can not fool the home folk.

I said a while ago that their labors begin and end in convention halls, but I want to take that back. Have you ever seen them here in this fair city, like bees around a honey-pot, just about the time a new Republican administration is inaugurated? I know you have, and so have I. This is strutting time for them, and all Washington is their "Peacock Alley." [Laughter.] They have the air of "I am Sir Oracle, and when I ope my mouth let no dog bark." A mere Republican Congressman from the South had better look out or he will be stepped on sure. I know, for I have got their hoofprints all over my poor body. And the remarkable and sad thing about the whole business is they are able to put over their political "bunk" on administration leaders. It is a standing joke in my State that these gentlemen who loom so large at the Republican pie counter could not for their very lives carry their own little precincts for any office from justice of the peace up—or down. [Laughter.] Democrats and Republicans in Texas, everybody, knows that what I say is literally true.

I want you Republican Congressmen here to know, as my Democratic colleagues from the South already know, that we have thousands upon thousands of as good, faithful, and true Republicans in the South as can be found anywhere in this country. They love their party and are devoted to its principles and traditions, but they despise the class that is contemptuously spoken of as "patronage or pie Republicans."

Southern Democrats when in a frank mood will cheerfully admit that the element in control of Republican politics in the South is Democracy's best assurance of its continuance in power in the Southern States. This condition ought not to be permitted to continue if national Republican leadership expects to elect Republican Congressmen from that section of the country. If, however, the party's whole interest and concern is only, quoting President Roosevelt, to send "to the national conventions delegates whose venality makes them a menace to the whole party," why, then, of course, you have got

a beautiful system, and you ought to perpetuate it, even at the risk of wrecking the party.

It would be worth the while of you Republicans to look into this situation. You can easily determine whether or not I am giving you a true picture of southern political conditions. You have friends that have left their northern and western Republican homes to live in the South. Write to them, and you will find that I am moderate in my condemnation of the system. They will inform you that before they have lived 60 days in their new political environment they will have identified themselves with the Democratic Party. This new alignment is not due to the fact that they have acquired a sudden affection for the Democratic Party or that they have changed overnight the political convictions of a lifetime. Not so. The reason they will give you is that they refuse to identify themselves with the Republican Party in the South because of present southern Republican leadership. I hope that northern and western Republicans now in the South who read this statement will communicate with the Senators and Representatives in Congress of the districts in which they formerly lived, and confirm or deny what I say. This is not only my fight; it is, or at least ought to be, the fight of every decent Republican in the South. [Applause.]

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. ROBSION of Kentucky. When was the gentleman himself first elected as a Republican Member of Congress from Texas?

Mr. WURZBACH. In 1920.

Mr. ROBSION of Kentucky. And the gentleman has been elected each time since then?

Mr. WURZBACH. That is the fact.

Mr. ROBSION of Kentucky. I have heard it said that persons within the Republican organization in the State, as it is constituted, undertook to defeat the gentleman because they did not want to divide the patronage with anybody. Is that true?

Mr. WURZBACH. That is the fact.

Mr. ROBSION of Kentucky. And it is that sort of condition that the gentleman is talking about now?

Mr. WURZBACH. Yes. I expect to go into all of that before I get through.

Mr. ELLIS. And before the gentleman resumes the thread of his remarks, will the gentleman state in that connection what his majorities have been and the increase in them, notwithstanding that opposition?

Mr. WURZBACH. I had substantial majorities, in the neighborhood of 3,600 in my first two campaigns. In the last campaign they were good enough in my district to give me a majority of nearly 13,000. [Applause.]

The conditions I am trying to picture have aroused the righteous indignation of the better class of Southern Republicans. They protest against a system that prevents the healthy growth of the party to whose principles they are attached. They feel that if the Republican national leadership does not see proper to aid in the upbuilding of a respectable Republican Party in the South, it should at least not impose upon them a vicious system which prevents its growth and development, and which prevents the rank and file from having a fair chance to take control of the organization for the party's welfare. The present venal system is armed by the national Republican leaders with the bludgeon of Federal patronage to beat the rank and file into submission. If it is intended to use my State and other Southern States for all time to come for national delegate purposes only, and if southern patronage politicians are to be permitted to use their patronage power in turn for purposes of "revenue only," we want to know it. I go on record here and now that I shall no longer submit in silence to such a system and such a practice. [Applause.] My protests will probably go unheeded. So did Roosevelt's. But some day a change will come. God grant that it may not come too late.

The present Coolidge administration has not benefited by the system nor is it responsible for the system's establishment or continuance, but no past administration has ever been in a better position to effect a change or abolishment of the system than has the present administration. President Coolidge, if his name should be presented to the next Republican national convention, and I hope it shall be, will not need the support of organization Republicans of the South. He is undoubtedly stronger with the rank and file of the party in the South than any Republican President of the past. He is the one political Moses who could lead us out of the wilderness of political despair into the promised land of something better.

Southern States (not including Tennessee and Kentucky) are solidly Democratic so far as presidential elections go, and they are not expected to furnish a single electoral vote for a Republican presidential candidate. Yet they hold the balance of power in Republican conventions. With such tremendous power for good or evil there ought at least to be an honest political responsibility. It is not necessary for me to say that I favor Southern States representation in Republican national conventions, but I do believe that delegates of the South should not be venal, should come clean, from a clean source, and with clean and honest motives. But the system forbids and prevents that. The system induces them to remember that they have received the price of official favor and induces them to hope for a continuance of like favors in the future. The system furnishes the motive and the inducement to southern patronage organizations to preserve their patronage power at all costs, even to the betrayal of the State Republicans they are supposed to represent. These organizations are built upon patronage. They feed upon it and can not live without it. Take Federal patronage from them, and they have neither the means nor the desire of life. To preserve itself the organization will betray its most sacred trust. To save its patronage power it opposes the election of Republican Congressmen for fear of losing a part of its patronage power. The system forces it to do that very thing. I know whereof I speak. After a five years' experience of service as a Republican Congressman from Texas, I have learned that administration patronage influence goes to the self-appointed officers and not to elected representatives of the party. At this point, I want to read a real gem of editorial excellence from the Dallas (Tex.) Morning News of February 19 last. It is rich in truth as well as humor:

THE SAD CASE OF G. O. P. PATRONAGE IN TEXAS

Poor Mr. WURZBACH! He is a fine man personally. He goes to work and gets himself elected as the only Republican Congressman from Texas. He arrives in Washington and rolls up his sleeves, serving his constituency and determined to show the Capital that Republicanism is alive and doing in Texas, reports to the contrary notwithstanding. For all his merit, all his popularity, all his achievements, does Mr. WURZBACH get anything in the way of recognition and reward from his party? He does not. He gets nothing but harsh words of rebuke. It is all very sad.

[Laughter.]

Mr. Creager says that the "organization" in Texas needs no defense at his hands, and he gives the newspapers a column of no defense accordingly. "Results," he says, "show for themselves." Precisely. That is what Mr. WURZBACH is raising his voice in ultimation about. Results obtained in Texas are all to Mr. WURZBACH's credit, and results obtained where the pie counter stands are all for the "organization." What is the use of getting results if the results are not themselves resultful, wonders Mr. WURZBACH.

It seems that Mr. WURZBACH gummed up the works, so to speak, when he got himself elected. Republicans who are somebody in Republicanism in Texas get themselves appointed to office, not elected. That is where the gentleman from the fourteenth district made his terrible mistake. He lost caste by shaking too many hands and being nice to too many babies.

[Laughter.]

He took his candidacy for an elective office too seriously. He overdid the thing. He actually expected to win the office to the point where he made no advance arrangements for an appointment in case his campaign fell through. He will go down in history as a dimly successful Republican in a State where unsuccessfulness is an element of eligibility to prominence and power in the political councils of his tribe.

The Democrats, of course, are viewing the case with sympathetic tears. Alas, even Democrats sometimes quarrel with one another and call one another names in Texas. But it can scarcely be said that among Democrats getting elected to Congress is a stigma against a man's character. Getting elected to anything amounts to triumph in the Democrat's scale of things. His standards of value are fully as crude as that. Somehow or other, Federal appointments have been so removed from the Democratic horizon that a true Democrat rarely refuses the mandate of the ballot box, once it is offered to him.

[Laughter.]

I am glad that I have retained a sufficient sense of humor after my unhumorous political experiences to enjoy the editorial I have just read as much as I know all of you have enjoyed it. It is so good that it is worthy a place in the CONGRESSIONAL RECORD. The author may or may not consider that a compliment or honor, but as he is not present to protest I shall do so, anyhow. [Laughter.]

Coming back again to the subject I set out to discuss and my justification for discussing that subject here. Federal appointments in the South as elsewhere touch all the people—Democrats as well as Republicans—and all the people have a common interest in the offices they hold. They serve all alike, and no administration has the right to foist upon them Federal appointees who hold their places by the grace of irresponsible, disreputable, and corrupt patronage machines. I do not intend to charge that the appointees are corrupt. In many cases they are men of high standing and unquestioned probity. I do know that under the guise of voluntary party contributions tribute is levied by the "organization" upon the salaries of many, if not most, of the Federal appointees in Texas. The money collected is not used for legitimate party campaign expenses, but it goes into the coffers of the State organization for the building up of the patronage machine. While Congress and the President are holding down the expenses of Government and the salaries of Federal offices at this end, political vampires at the other end are sucking at their lifeblood with demands for "organization contributions." These demands are often in the form of quarterly installment notes. Early in 1921 when there were many hungry patriots among the faithful and near faithful and the plum crop was a bumper one nearly \$100,000 was collected in Texas alone. I have seen some of the blank installment notes, and I know whereof I speak. Many were "called" to contribute, and many did contribute with the inspired hope that they would be among the "chosen elect." But alack, and alas, even as in the good old days of long ago, "many were called but few chosen." [Laughter.] Those left at the post in the patronage free-for-all let out a dismal wail when called upon to pay the little installment notes, and justly complained there was an entire "failure of consideration," and that they should not be asked to pay for something they did not get. And can you blame them much? [Laughter.]

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. ROBSION of Kentucky. What has been the attitude of the national committeeman from Texas and the State chairman of the Republican organization of Texas toward the election of the gentleman himself?

Mr. WURZBACH. I expect to speak of that later on.

When I speak of the Texas Republican State organization I want to be understood as referring particularly to the national committeeman, R. B. Creager, and the State chairman, Eugene Nolte. These two practically control the organization with the patronage they are able to dispense. Without patronage they would be just ordinary plain Samsons "shorn of their locks." I could name members of the committee who are not only true and loyal Republicans but work for the party and its nominees and who have rendered me loyal and faithful support in each of my campaigns. It is an unpleasant duty for me to discuss Messrs. Creager and Nolte at all, but I have borne their unjustifiable attacks upon me, sometimes in the open, oftener in the dark, for five long years, and my self-respect forces me to keep silent no longer. I do not complain of the effects of their opposition, but of the motive that prompts it. Their opposition, as a matter of fact, has been an asset to me in the general-election campaigns; their support would be a most decided liability. [Laughter.] I have not suffered from their opposition in that respect. This is amply proven by the fact that I am serving my third successive term in Congress, and that my majorities increased from year to year as their opposition increased.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. JOHNSON of Texas. Then is it not true that to secure the appointment to a post office in Texas under the present administration one must have the indorsement of R. B. Creager, national committeeman from that State?

Mr. WURZBACH. Yes.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. GARNER of Texas. But that is not so in the gentleman's own district, is it?

Mr. WURZBACH. No. The post offices have been conceded to me in my district, although in 1921 my recommendations for the postmastership at San Antonio, the chief city in my district, were not followed.

Mr. GARNER of Texas. But the gentleman did confirm that appointed, however, in his reappointment?

Mr. WURZBACH. I found out that he is a good man and has performed good service. I found out, further, that he is a loyal Republican, working for the interests of the Republican

Party in my district, and I cheerfully gave him my recommendation in 1924, although I did not recommend him in 1921.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. HASTINGS. The gentleman does not mean to tell the House that these postmasters are not under civil service in Texas, does he? [Laughter.]

Mr. WURZBACH. I do not care to go into that.

I am not complaining especially of the rank discrimination that has been made against me in the matter of appointments in my own district. There are things vital to the interests of my district that I am more concerned about than patronage, and these always have my undivided attention, as do those more or less personal interests of my constituents. Truth to tell, it has been so long since I have been consulted and favored in patronage affairs that I have about lost my appetite for a particular kind of fruit that only grows and ripens every four years. [Laughter.] Should I ever decide to specialize in patronage I will have sense enough not to fool away my time and waste my efforts running for and being elected to Congress in Texas as a Republican. What I do complain of and strenuously object to is the efforts that have been made by the "pie-counter brigade" to discredit me with Republican administrations in Washington since my first election in 1920. Their labors were worthy of a better cause. [Applause.]

When I first came to Washington in the spring of 1921 the patronage "gang" had already arrived, and what they did to me was a plenty. They confided to President Harding that he need not consider me in the Texas Republican scheme of things at all; that I was an annual and by no means to be considered a perennial plant destined to bloom year after year [laughter]; that I was at best a political accident, a one-terminer, without hope of life expectancy; in short, that I was just a pebble that was washed along in the great Harding landslide. [Laughter.] They went so far in their abominable schemes to discredit me with President Harding as to deliver to him bogus office copies of letters I had never written and forged letters which they bought of a crooked secretary I had in my office for less than three months and who I discharged on May 23, 1921. When I say "they" I mean R. B. Creager and Eugene Nolte, and when I say "crooked secretary" I mean one P. W. Reeves, who is now a fugitive from justice and who has been since his indictment under the protective care of Creager and Nolte. Let me recite the sordid story of political corruption. When I discharged Reeves in May, 1921, I had hoped I had seen and heard the last of him. Vain hope. More than a year later, in the summer of 1922, Nolte met Reeves in New York City, when and where the latter offered to turn over to Nolte certain letters to be used against me in the approaching congressional contest. A short time after this conference Reeves turned up in San Antonio and sold to my Democratic opponent a forged letter, which was held until just a few days before the election and then given the widest publicity. In libel suits brought by me against certain newspapers that published the forgery and against my Democratic opponent the latter was requested to state in his oral depositions whether Nolte had contributed to his campaign, and he declined to answer the question, claiming that it was immaterial to the issue. [Laughter.] It was generally known that Nolte conferred with the Democratic nominee at his headquarters, and it was generally understood that he had contributed to his campaign and positively known that he was doing all in his power to defeat me, although I had received the unanimous vote of the district convention that nominated me.

In passing I want to say that the courts found that the forged letter, known as the Willie Blount letter, was in fact a forgery; that it was forged by the said Reeves, and I recovered substantial damages from the defendants. The defendants in fact confessed the forgery. [Applause.] Shortly after the 1922 campaign the said Reeves was indicted in San Antonio, Tex., for a felony unconnected with the forgery. He has escaped arrest and trial for this offense, although I employed the Burns agency at considerable personal expense to bring about his arrest, and I am just as anxious to locate him now as I ever was. [Applause.]

In January, 1925, I learned that the said Reeves was under investigation by the Department of Justice for the alleged commission of another offense, namely, with the offense of forging the indorsement on a Veterans' Bureau check and with cashing the check and appropriating the proceeds thereof. This offense was charged to have been committed while the said Reeves was in the employ of W. T. Eldridge, of Sugarland, Tex., about June, 1924. Notwithstanding this criminal record, and notwithstanding the fact that the said Reeves had forged my name to the Blount letter and sold the same to my Democratic opponent,

and notwithstanding that R. B. Creager and everyone else in Texas interested in politics knew of the infamous conspiracy to defeat me in the manner stated, yet in the face of all this the said Creager interceded with the Federal district attorney of the southern district of Texas in behalf of the said Reeves, and requested the said attorney to give the case his special personal attention, and informed the district attorney that he, Creager, after talking with Reeves, was satisfied that he was not guilty of the offense charged. The investigation was dropped. It is interesting to note that Harry M. Daugherty, then ex-Attorney General of the United States, joined Creager in his intercession in behalf of Reeves. I am forced to the conclusion that Creager protected and harbored this criminal not because he justified or condoned his criminal conduct, but because he had put himself in Reeves's power when he conspired with him in the spring of 1921 in procuring bogus and forged letters with which to poison President Harding's mind against me.

The power and influence of these patronage politicians in Washington is simply amazing and almost incredible. This is true especially with regard to the Postmaster General and his first assistant and the men holding important places in that office, especially one, Charles F. Trotter. With these gentlemen I am strictly *persona non grata*, and their feelings are but the resultant of the sinister influence of State Chairman Nolte and National Committeeman R. B. Creager, of Texas. Let me give you a glaring example and illustration of the treatment I have received at the hands of the Postmaster General. The city of Seguin, with a population of about 5,000, is my home town, where I have lived for the past 25 years. About 12 years ago the Seguin post office was moved to what is known as the Baker site, and where it remained until December of last year. Not less than 80 per cent of the patrons of the office were in favor of the Baker location at the time of its removal about three or four months ago. For the past 8 or 10 years there was no demand for its removal, nor even a murmur of dissatisfaction. The Baker leased site adjoins a quarter block of land which was donated by citizens of Seguin to the Federal Government by warranty deed, dated May 1, 1914, and which the Government accepted as the permanent site if and when Congress saw fit to make an appropriation for that purpose. The Government has held this property and exercised ownership over it since 1914. I refer to this merely to show that the Government having held this property for so many years and intending to use it for a permanent site, that then the adjoining Baker site was certainly not objectionable as a rented site so far as location is concerned.

In the summer of 1922, during a recess of Congress, I left Washington and went to Texas. I had been home only a short time when I learned that State Chairman Nolte and R. B. Creager were in Washington endeavoring to induce the Postmaster General to remove the Seguin office from the long-established Baker site to a building owned by said Nolte. The matter of the removal had not been mentioned to me by Nolte or anyone else. Shortly thereafter I received notice from the Post Office Department that the office would be moved and that the Baker lease, which by its terms ran to November 1, 1925, would be canceled. I wired my protest, requesting postponement of final action until I could return to Washington and appeal to President Harding if necessary. The chief interest the said Nolte had in attempting to bring about this removal was to discredit me in my home town and district by demonstrating his ability to cancel a Government contract and remove a post office in a Republican Congressman's home town without the latter's knowledge or consent.

They waited until I had left Washington and then took advantage of my absence from this city. As soon as I was able to return to Washington, and after first failing to get any relief from the then Postmaster General, I presented the facts in person to President Harding, who quickly sustained me in my opposition to the removal and wrote for me and handed to me, for delivery to the Postmaster General, the following letter:

WHITE HOUSE,
Washington, August 30, 1922.

MY DEAR GENERAL WORK: If you can consistently meet the wishes of Congressman WURZBACH in the matter of post-office location (not a change, but a retention) in his home city, I will be glad. Unless there are *very urgent* reasons for a change, I think his recommendations ought to carry full weight.

Yours,

WARREN G. HARDING.

This letter was given to me to deliver in person; but before delivering the same, and with the consent of the President, I made a copy of it for my files, as I feared that the letter might disappear from the post-office files. That fear or suspicion was

justified, as later events prove. When I delivered the letter to Doctor Work he informed me, of course, that in view of the President's request the matter could be considered by me as closed and that the post office would not be moved. I heard nothing further of any removal efforts, and, in fact, had discharged the matter from my mind, until, about the last of February, 1923, just before adjournment of Congress, I was preparing to leave again for home, when I got another jolt. I was called by phone by the office of the First Assistant Postmaster General and informed that it had been decided to move the Seguin office and to cancel the Baker lease, which still had two years and nine months to run. My protests were again unheeded by the department. I called attention to the letter of President Harding of August 30, 1922, and then ascertained that the same had disappeared from the files. I furnished the department with a certified copy of the letter that I had brought with me to meet that expected emergency [laughter] and requested that it be filed in place of the original.

When I searched the files about two weeks ago the copy had also disappeared and the original letter has not seen the light of day to this good hour, as I was informed by Charles F. Trotter. On the night of the same day that I had my conference with the Postmaster General—that is, about the last of February, 1923—I mentioned the matter at a meeting of the National Republican Congressional Committee, of which I am a member, and three members of the committee, WILL R. WOOD, chairman, Mr. TIMBERLAKE, of Colorado, and Mr. WASON, of New Hampshire, were kind enough to volunteer and take up the matter with the Postmaster General in my behalf. Without going into the details of their conference with the Postmaster General, it is sufficient to say that President Harding again interceded in my behalf, and again I was informed by the Postmaster General that I might set my mind at rest and that the post office at Seguin would not be moved.

President Harding departed this life about six months later, on August 2, 1923, and on December 19 following I received from Postmaster General New a letter notifying me that there would be a relocation of the Seguin office from the Baker site to a site owned by State Chairman Nolte. Nothing was said in this letter that bids would be called for, but just the plain, bare statement that the site would be changed to property owned by Nolte. This letter clearly shows that it was determined to carry out the insistent demands of Nolte by fair means or foul. The later advertisement for bids, which I shall bring to your attention in a little while, were mere gestures on the part of the Postmaster General. Upon receipt of the last letter, I again wended my weary way to the department and informed the Postmaster General that I had gotten to a point where I would no longer beg for what I knew were my rights, but that I intended to make my protest on the floor of the House. I called his attention to the fact that he, as well as Creager and Nolte, were supposed to have been warm personal friends of President Harding during his lifetime, and that they, and each of them, had received many favors from his gracious hands; and I said that it appeared strange to me that they could wait hardly long enough for the President's body to grow cold in his grave before they, his favored friends, proceeded to overrule and override his well known and expressed wishes in this post-office removal affair. Before I left the postmaster's office he informed me that he had not quite fully understood the situation, and that he would write Messrs. Creager and Nolte in Texas that the office would not be moved.

This was the situation when the last Congress adjourned March 4, 1925, and so it continued until the summer of that year. The Baker lease was due to expire November 1, 1925. On July 16, 1925, Post Office Inspector O. E. Smith, of Dallas, Tex., issued notices that—

he would receive sealed proposals up to and including August 15, 1925, for furnishing suitable quarters for post-office purposes at Seguin, Tex., including equipment, water, light, heat, etc., under a lease for 5 or 10 years from November 1, 1925.

Notices were accordingly sent the Seguin postmaster, which were posted and proper advertisement made, all calling for sealed bids for leases for 5 or 10 years, bids to be opened in Dallas, Tex., on August 21, 1925. I wrote Postmaster General New in July, and on July 27, 1925, he wrote me stating that—in negotiating new leases we prefer not to change the location of post offices, other conditions being equal, and that any bid submitted by the owner of the present quarters at Seguin will be given every possible consideration.

This letter, I understand, expresses the general and usual policy of the Post Office Department in similar cases.

On August 20, 1925, Nolte first bid \$900 per annum, and on August 24, nine days after the time set for receiving bids and

five days after the time for opening bids, he was permitted to amend his proposal from \$900 to \$600 per annum. D. D. Baker, for the Baker heirs, submitted a bid offering the Baker site at \$1 per annum for the first five years and \$840 per annum for the second five years. The bid was put at this ridiculously low rental of \$1 per year because the previous action of the department in trying to cancel the old lease in the manner heretofore shown caused Baker to believe that if the department was given but the slightest excuse or pretext it would discriminate against the Baker proposal and in favor of the Nolte proposal. The suspicion that the letting would not be a fair letting and in accordance with postal regulations and usages was more than justified. The same influences that controlled the department in its earlier actions, but which were frustrated by President Harding, again began to operate.

On August 28, 1925, the said Nolte wrote the following letter:

SEGUIN, TEX., August 28, 1925.

Gen. J. H. BARTLETT,
First Assistant Postmaster General,
Washington, D. C.

MY DEAR GENERAL: The Seguin post office situation is up again. Your department has advertised for bids and the post-office inspector has made the necessary examination and no doubt will be sending his report in shortly.

I recall that you suggested to me about a year and a half ago that I take this matter up with the Postmaster General, and which I did at that time, and presume that you will again want me to talk this matter over with him. I will ask that you defer any action on this matter until I can come to Washington and talk this matter over with you both. It is my information that the Postmaster General is away from Washington and will not return until about the 9th. Therefore it is my intention to defer my visit until he returns.

With highest personal regards, I remain,

Sincerely yours,

EUGENE NOLTE.

When this letter was written the said Nolte had already been informed by the post-office inspector that he favored the acceptance of the Baker bid and that he would so recommend to the Post Office Department. Nolte had unsuccessfully urged the inspector to make a report favoring the Nolte bid.

Before the above letter was written there had been previous correspondence between Nolte and the Postmaster General, as is shown by the following "memo" appearing in the department files, as follows:

AUGUST 17, 1925.

First Assistant McMillan:

Bids have been asked for post-office lease at Seguin, Tex. I would like to have the whole matter brought to my attention before action is taken. I have in my private files a letter from E. Nolte, of Seguin, under date of August 13, which bears upon this matter and which should be consulted in connection with the lease.

H. S. N.

I am wondering what important information is contained in this private letter to the Postmaster General "which bears upon this matter" of a business proposition of the Government to secure a lease contract in the interests of the Government. I am also wondering what was contained in the reply of the Postmaster General to the Republican State chairman, which no doubt now lies snugly in the latter's "private files." [Laughter.]

I also wrote the Postmaster General on September 5, in which I respectfully requested that if it were contemplated accepting the Nolte bid and the consequent removal of the post office that I would like to be "given an opportunity to be heard" before final action is taken on the proposals submitted. I wrote as a mere Congressman and without the influence of a Republican State chairman, and my letter was not dignified by being placed in the private files of the Postmaster General. [Laughter.] At any rate I received a reply, and that is the important thing, as follows:

WASHINGTON, D. C., September 9, 1925.

Hon. HARRY M. WURZBACH,

House of Representatives.

DEAR CONGRESSMAN: I desire to acknowledge receipt of your letter of the 5th instant with respect to the post-office quarters at Seguin, Tex. I note that you are greatly interested with respect to bids which have recently been submitted to an inspector to provide quarters for the office from November 1 next.

Upon investigation it is ascertained that the inspector's report has not been received, but a notation will be made on the case that you are especially interested in this matter, and you will be given an opportunity to be heard before a final decision is reached.

Sincerely yours,

HARRY S. NEW, Postmaster General.

Of course I did not know when I received this letter that our State chairman had a month earlier written a private letter to the Postmaster General and which was then in his private files, nor did I know that General New had sent a "memo" to his first assistant on August 17 not to lose sight of the interest of the writer of that mysterious epistle. I had foolishly deluded myself with the hope that a Republican Congressman would be given just a wee bit of consideration in the matter of his own home-town post office. When I wrote the Postmaster General on September 5 I had it in mind that as President Harding had taken the view that my "recommendation ought to carry full weight" that probably President Coolidge would take a similar view, and it had been my intention to appeal to the President if necessary and it appeared that final adverse action was contemplated by the department. This was another one of my vain hopes [laughter], and the Postmaster General made it impossible for me to take that course by deliberately and designedly concealing from me the department's preliminary acceptance of the Nolte bid on September 15, as I shall proceed to demonstrate.

The Postmaster General in his letter to me of September 9 says:

Upon investigation it is ascertained that the inspector's report has not been received.

He must have overlooked the following memorandum in the files of his office:

REPORT OF INSPECTOR SMITH, DATED AUGUST 29, 1925

The present site is at the rate of, etc. Baker estate bid, etc., for 10 years at rental of \$1 per annum for first 5 years and \$840 per annum for next 5 years. Nolte bid, \$600 per annum, etc.

It is possible that Inspector Smith held this report in Dallas for more than a week before mailing it, but it is more probable that the Postmaster General overlooked this when he wrote me on September 9. But this oversight is really not so very important, and I shall continue with the main thread of my story.

State Chairman Nolte, true to his promise of August 28, repaired to Washington and reached his destination about September 9, or a little later. We in Seguin, remembering past experiences, were not made to feel any easier by the knowledge of this fact, but we were buoyed up with the hope that it would be a rather extraordinary proceeding for the Government to turn down a bid in the nominal sum of \$1 per year for property easily worth an annual rental of \$1,500; we knew that the nonacceptance of the Baker bid would mean the removal of a post office from an established location of more than 10 years' duration, and we did not forget General New's assurance of July 27 that—in negotiating new leases we prefer not to change the location of post offices, other conditions being equal.

As I say, we were, therefore, not particularly alarmed about the chairman's Washington visit. And would not you have felt the same way? Later developments again proved that we were simple and deluded optimists. [Laughter.] We had, unfortunately, lost sight of the fact that when a southern Republican State chairman goes forth to battle, armed cap-a-pie with the spear of southern delegate influence, in his coat of mail of southern patronage, that then postal regulations, sound and honest Government business rules and usage are mere matters of detail, of no importance, and to be thrown into the scrap heap of political inexpediency. [Laughter and applause.]

We left the State chairman in Washington and business started to pick up at once in the Post Office Department. [Laughter.] He and his confederates realized that they were confronted with a very difficult situation; the Baker bid was the lowest bid; the post-office inspector, after thorough investigation, had recommended its acceptance over the Nolte bid; and the retention of the old site would be not only in accord with the expressed views of President Harding but in accordance with the views and policy of the department, as expressed to me on July 27 by General New himself. Some method had to be devised to make possible the acceptance of the State chairman's bid. And this is the plan that was evolved. A telegram was sent to Mr. Baker, reading:

WASHINGTON, D. C., September 14, 1925.

D. D. BAKER, Seguin, Tex.:

Your proposal lease post-office quarters Seguin. Rental should be same each of 10 years, not \$1 for first 5 years, and \$840 for second 5 years, as you have it. Wire revised price to-day.

BARTLETT,

First Assistant Postmaster General.

Baker, suspecting no trickery, and relying upon governmental good faith, replied:

SEGUIN, TEX., September 14, 1925.

First Assistant Postmaster General BARTLETT,

Washington, D. C.:

Answering, if you want only a 5-year lease, I offer post-office quarters at Seguin for \$1 per annum; but if you prefer a 10-year lease, I offer quarters at \$420 per annum; both offers carry full equipment as specified by Inspector Smith.

D. D. BAKER.

Baker's original bid of \$1 per year for the first 5 years and \$840 for the next 5 years was lower than the last and best bid of Nolte of \$600 per annum for the full 10 years' period. For the full 10 years the Baker lease would have cost the Government \$5, plus \$4,200. The Nolte bid, \$6,000, or a difference in favor of the Baker bid to the Government of \$1,795. For any period less than 10 years the difference in favor of the Baker bid would have been proportionally and actually greater. The Baker bid was in response to and in strict compliance with the Government's advertisement for bids, and the inspector had found no fault with it, in form or substance, and had in fact recommended that it be accepted as the best and lowest bid.

This was the situation when Nolte called at the Post Office Department in Washington on or about September 9, 1925, and this was the situation on the very day the Baker wire was sent. It was determined by the Washington Post Office authorities in conference—I would be justified in saying, but I will not, in conspiracy—[laughter] with Nolte that it was necessary to induce Baker to offer a new bid in order to give Nolte a chance to change his bid. Otherwise what was the purpose of the telegram? Baker did not fall into the trap. His telegraphic bid of September 14 was exactly the same as his former sealed bid, except that the one spread the annual payments over a 10-year period and the other over the last 5-year period. Notwithstanding the miscarriage of the telegram trick the department was determined to pursue its outlined course of action and permitted Nolte to reduce his bid of \$600 to \$360 per annum.

It is certain that Nolte was present at the very time and place that the Baker wire was sent, and also when the reply was received. The circumstances prove this to a moral certainty. It is definitely known that he was present in the city of Washington at this particular time, and it is just as definitely certain that he came to the Capitol for the very purpose of securing the removal of the Seguin office to his own building. The correspondence I have set out proves that fact. The files of the Post Office Department also prove that on September 15 Nolte was permitted to file a new bid of \$360 per annum, and this bid was not mailed to the department or wired, but was handed in person by him to the Post Office Department. And more remarkable still, the Nolte bid was accepted on the very day it was handed in, as evidenced by the following notation on the Nolte \$360 bid: "Accept McM 9/15." The initials stand for McMillan.

Mr. KNUTSON. Was the second or last Nolte bid submitted as the result of public advertisement?

Mr. WURZBACH. Not at all.

I quote further the following interesting written memoranda in the Seguin post-office file of the department:

Memorandum

Congressman WURZBACH has written the Postmaster General several times in the interest of the Baker estate. Eugene Nolte (proposal No. 2) has visited the department about this and correspondence in the files indicates that he is coming again when the inspector's report is received. • • •

This memorandum is not dated. There is another undated memorandum as follows:

There is a memorandum from the Postmaster General directing that the matter be brought to his attention before the case is disposed of. He states that he has in his private files a letter from E. Nolte, of Seguin, which bears on this matter and which should be consulted in connection with the lease.

And then the following memorandum:

We have wired the representative of the Baker estate requesting that he make the rental the same for each of the 10 years, and asked for answer to-day.

This last memorandum was made on September 14. The date is fixed by reference to the day that the Baker wire was sent. It will be noted that the Congressman wrote about this matter, but "Eugene Nolte visited the department." Final results demonstrate the greater efficacy of "personal visits" over written correspondence and of "private letters" of a patronage politician over letters of a Congressman.

Here follows another interesting memorandum which explains why I was not furnished the information that had been promised me in the letter of September 9:

SEPTEMBER 15, 1925.

FIRST ASSISTANT:

Keep this until we get final return on this case and then bring to my attention.

H. S. N.

When this notation was made the Nolte bid had been accepted the same day, as shown by the marginal notation above. And the memorandum of the Postmaster General meant simply that nothing was to be given out until the Budget officer had first approved the acceptance and the Nolte proposal and the department's acceptance was a completed and irrevocable act, and all opportunity closed against a Congressman "butting in" on such a private affair!

Mr. GARNER of Texas. No contract made for post-office rental is irrevocable. They can revoke it at any time.

Mr. WURZBACH. I meant that in the contemplation of the parties it was irrevocable.

Mr. GARNER of Texas. I understand that.

Mr. WURZBACH. Keeping in mind my letter to the Postmaster General of September 5 and his reply to me of September 9, in which it was promised that I would "be given an opportunity to be heard before a final decision is reached," and keeping in mind also that I was kept in total ignorance during the entire period that the matters referred to were being heard, I want you to consider the solicitude displayed by the department for the interested bidder, Chairman Nolte. He was kept posted with all of the proceedings after he left Washington for New York. His bid had been accepted on September 15, but certain formalities had to be complied with, as shown by the following letter of confirmation:

CONFIRMATION OF TELEGRAM

This is to confirm telegram sent you on September 29, 1925, reading as follows:

"EUGENE NOLTE,

"Roosevelt Hotel, New York, N. Y.:

"Budget officer has approved acceptance of your proposal for Seguin post office. Formal acceptance follows."

TROTTER,

Acting First Assistant Postmaster General.

This would have been a nice time to have sent me a little message. [Laughter.] But that was contrary to all their plans. The first intimation I had that the Baker bid had been rejected and the Nolte bid accepted was on October 2, full two weeks after the department had accepted the Nolte bid, and the news came to me by way of rumor. It was reported in Seguin on that day that Nolte had written or wired from New York that he was the successful bidder. I did not credit the report at first, as I remembered that the Postmaster General had given me his promise in writing that I would be consulted before final action was taken on the proposal. These rumors became so insistent that I finally decided to send and did send the Postmaster General the following wire:

SEGUIN, TEX., October 2, 1925.

Hon. HARRY S. NEW,

Postmaster General, Washington, D. C.:

It is reported here that your department has accepted Nolte bid for Seguin post-office building. In view of your letter to me of September 9 that I would be given opportunity to be heard before final action taken, I can not credit report. Will you kindly wire me, my expense, if report true or not.

HARRY M. WURZBACH.

And in response I received this remarkably naive reply:

WASHINGTON, D. C., October 3, 1925.

HARRY M. WURZBACH,

Seguin, Tex.:

Department accepted Nolte bid September 16. As both bids were in, it was naturally assumed you were fully informed.

HARRY S. NEW,
Postmaster General.

[Laughter and applause.]

I want you to get that. The Postmaster General assumed that I was fully informed that the department had accepted the Nolte bid on September 16, because both bids were in. [Laughter.]

I have tried to be fair in my judgment of the Postmaster General and of the motives that prompted him in this entire business. Before I received that wire I was giving him the benefit of every doubt. I could not believe that a Cabinet

officer, charged with the performance of official duties and representing the Chief Executive of the Nation, would or could misuse his power to favor an individual at the expense of the Government; but when I read the above wire I was forced to the conclusion that he had aided and abetted in the doing of an act that was not only unfair and unjust and against the interest of his own Government, not only that he had deliberately broken faith with me, but that he acted in flagrant violation of the rights of a private citizen and taxpayer of my State and district. Baker had a right to expect when invited by public advertisement to submit a bid a fair and honest consideration of the same. He did not receive that decent treatment at the hands of the Government due the humblest citizen of the land. [Applause.]

Mr. KNUTSON. Does the gentleman know that nominations made by the Republican Members of Congress are held up in the Post Office Department at the request of the other end of the Capitol?

Mr. WURZBACH. As I said a while ago—

Mr. KNUTSON. That is true; and I want it in the Record.

Mr. WURZBACH. I have been consulted so little in the matter of patronage that I am not very well posted on these matters. [Laughter.]

I realize, my colleagues, that I have already presumed too much upon your kind indulgence, and I do not feel justified in taxing your patience any further. The moving of a post office is of itself of slight importance to you or to me. I have gone into this only to show the operations of the vicious patronage system. How it extends its pernicious influence even beyond patronage and Federal appointments, and also to point out the apparent subservience of a great department of Government, to the influence of the southern Republican patronage politician. Such abuse of power, as I have indicated, involves not only myself but it involves the congressional prerogatives of each and all of you. I feel that as the lowliest post-office employees are subject to punishment for violations of postal regulations that the head of the department ought to set them a good example by also carrying out the letter and spirit of the law. I leave it to you whether in this case that has been done or not. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. LAGUARDIA. I state for the gentleman's information that I am in need of an assistant whip. [Laughter.]

Mr. WURZBACH. Before I close I want to challenge the false statement that is so frequently made by Committeeman Creager, that the Republican Party in Texas has made gains "by leaps and bounds," as he expresses it, since he has assumed leadership. The gains are only apparent and not real. The same claims have been made by him here in Washington. He frequently refers to the votes polled for George P. Peery, Republican nominee for Senator in the 1922 campaign, against EARL MAYFIELD, and to the votes polled for Doctor Butte for governor in the 1924 campaign against Mrs. Miriam Ferguson, to support his false and foolish claims. Everybody in Texas knows that these two campaigns under his leadership have proven Creager the greatest political acrobat in the history of Texas. [Laughter.]

Everyone knows that Peery, a popular young gentleman, ran as a Democrat on the Republican ticket, declaring himself at all times and in every speech he made a Democrat, and almost apologizing for the fact he was running on the ticket of a party with which he was not in sympathy. Doctor Butte, though a Republican, did not, so far as I was able to discover from a reading of his reported speeches, utter a solitary word in defense of Republican principles, or even mention the name of Calvin Coolidge, who was running on the same ticket with him. It is also known that Peery appealed to a certain element of Texas voters in his campaign, and that Doctor Butte appealed to exactly the opposing element in 1924. [Laughter.] And Creager was sponsoring both candidates with only two years intervening in their campaigns. [Laughter] One element hates him and the other now despises him. It will take a long, long time for the Republican Party in Texas to live down and survive his insincere and duplicitous leadership. But it has served the one purpose it was intended to serve, and that purpose is all-sufficient for patronage purposes. It has served the purpose of deceiving Republican leaders in Washington into the belief that the Republican State organization has accomplished Republican wonders in Texas.

Let me make a true comparison of Republican development (?) in Texas. In 1896 Texas, with a population of two and one-half millions, cast 158,894 votes for McKinley, and in 1924 Texas, with a population of 5,000,000, gave Coolidge only 130,025 votes; in other words, with a population increase of 100 per cent the Republican vote decreased by nearly 30,000

votes. In 1900, Hanney, Republican nominee for governor, polled 109,172 votes in Texas, while in 1922, under Creager leadership, the Republican nominee for governor polled 73,977 votes.

The same poor showing is made in the Republican congressional vote. In 1920 the combined Republican vote in 13 congressional districts (exclusive of my district), was 59,877. This was before Creager took charge. In 1922 the combined vote of 16 Republican congressional candidates in Texas, again excepting my district, fell to 41,633 votes, or 18,000 votes less than in 1920, although the latter vote includes three more districts than in 1920. In the 1924 campaign, with 13 congressional candidates, the same number as in 1920, the combined congressional vote was more than 4,000 votes less than the 1920 total.

Mr. UPDIKE. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. UPDIKE. I want to say to the gentleman that my experience with the Post Office Department gives me a sympathetic understanding of the difficulties experienced by the gentleman from Texas. [Laughter.]

Mr. WURZBACH. It is my understanding that Creager and Nolte have called upon their "cohorts" to defeat me for nomination in the July primaries. Failing in that, they have let it be known that they would throw whatever strength they have to the Democratic nominee to defeat me in the general election. I have it on good authority that one of the Democratic aspirants met with Creager and Nolte and other alleged leaders a few months ago, and was assured of their support in the November election. It is my present intention—subject to change, of course—not to make an active campaign for the Republican nomination, leaving it to the participants in the Republican primary to make their own free choice. If my record in Congress and service to my constituents does not entitle me to the nomination, I shall submit to their judgment. I do know that if there shall be a fair participation of real Republicans in the primary election my nomination is certain. [Applause.]

Mr. OLIVER of Alabama. Mr. Speaker, seldom, if ever, has the House listened to a statement more replete with interesting, informing, and surprising facts, so delightfully told, than that we have just heard from the distinguished, frank, and honest Republican, the gentleman from Texas [Mr. WURZBACH]. [Applause.] Now, since he has suggested that, perhaps some honest, frank Democrat from the South could doubtless corroborate, if not supplement, some of his statements, I feel that the House might enjoy at this time hearing from such a Democrat. Now, while all on this side can meet the qualifications of honesty and frankness, yet I am sure that, without exciting the envy of anyone, I can with perfect propriety yield some time to one, who, because of his long service, signal ability, and outstanding frankness enjoys in the fullest the confidence, the esteem, and affection of every Member of the House on both sides of the aisle—so I am going to yield 20 minutes, without consultation, and ask that it be used by my friend, that distinguished Democrat, the gentleman from Texas [Mr. GARNER]. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, the tribute paid to HARRY WURZBACH by the gentleman from Alabama [Mr. OLIVER] is deserved. [Applause.] I have had great sympathy for him ever since he has been a Member of Congress from Texas on the Republican side. I wanted to beat him, and I want to beat him now, but I still have a sympathy for him and great respect and a real affection. I know something about the matter he told you of, about Seguin, Guadalupe County. It is in the district I represented for some 12 or 14 years. I took hold of Guadalupe County when it was 1,200 and something Republican, and when I quit it was six hundred and eighty-odd Democratic, showing you can educate people even in Guadalupe County. I used to visit HARRY. He had a sympathetic Democratic feeling then for certain candidates and—

Mr. WURZBACH. If the gentleman will permit, I reformed after that.

Mr. GARNER of Texas. I want to give a little testimony, if I may, in reference to the Seguin post-office site. The gentleman from Texas [Mr. WURZBACH] has spoken of one of my constituents, and I must defend him. I am going to leave what he said about Mr. Nolte to him. He is his neighbor, his friend, I will not say his friend, but his neighbor, and they were together when he tried to beat me for Congress in Guadalupe County. But Mr. Creager is one of the ablest lawyers in Texas. He is an outstanding man in that State. He has the respect, I think, of everybody—I mean in the Democratic Party, I do not know about the Republican Party, but I have great respect for Mr. Creager. He is a gentleman in my opinion,

and while what HARRY says about him in reference to manipulation of politics I think is true; I am speaking now about him as an individual citizen and not as a Republican politician. Let me tell you about the Seguin post office, if I may just for a moment. In 1913, I believe it was, yes, 1913, we passed a Post Office appropriation bill, the last one passed by the House of Representatives, aside from this monstrosity we passed the other day.

Mr. CARTER of Oklahoma. A public buildings bill?

Mr. GARNER of Texas. And in the public building bill I secured an authorization for a site at Seguin, and the Government sent a representative of the Treasury Department out there to locate this site. Now, I am going to give you something definite in reference to Eugene Nolte. That man had so much influence through certain New York banks that I had to threaten the Assistant Secretary of the Treasury to denounce him on the floor of the House if he undertook to collaborate with Nolte in reference to this site at Seguin, and I got along better than you did. My efforts got results. It seems that the gentleman from Texas [Mr. WURZBACH] never made his demands effective. What I would have done and what he ought to do is in place of coddling up to Calvin Coolidge as he did he ought to denounce him; he, Calvin Coolidge, is responsible.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. WURZBACH. I was about to say what the President told me, but I do not think that is proper. Yet I do not think the gentleman's statement is justified—I will go that far—so far as the President is concerned, and the removal of the Seguin post office.

Mr. GARNER of Texas. Let us see. Who is at the head of this administration? Who can tell Harry New what to do? You say it is an outrage, and I know it is an outrage; and yet President Coolidge has the power to-morrow to say, "Mr. New, come to my office. This is wrong. You have treated the Congressman wrong. You have treated the people wrong in changing that contract and in changing the Baker site." Why does he not do it?

Mr. WURZBACH. I am expecting he will do it.

Mr. GARNER of Texas. Then you ought to say that if he does not do it you will go back to your district and denounce him. Are you going to do it?

Mr. WURZBACH. No.

Mr. GARNER of Texas. Oh, no. You will denounce Harry New, and you will indict the Department of Justice, as you did. You said he was shielding a criminal at San Antonio, a district attorney. Is he still a district attorney?

Mr. WURZBACH. I did not say it was the district attorney. I said Mr. Creager visited him.

Mr. GARNER of Texas. He did visit him at the instance of Mr. Creager. He is still district attorney, and he shielded a criminal.

Mr. WURZBACH. Let me correct one statement of the gentleman. I made no reference to the district attorney at San Antonio. I mentioned the district attorney of the southern district at Houston.

Mr. GARNER of Texas. He is still in office, is he not?

Mr. WURZBACH. He is still in office.

Mr. GARNER of Texas. I call attention to the fact that you stood on the floor of the House and indicted the administration, the Postmaster General, and the Attorney General, and then you say, "Poor Calvin Coolidge can not help himself," and you add that you are still for Calvin Coolidge. I would not do that. I would not go that far, HARRY.

Mr. WURZBACH. Let us keep the record straight.

Mr. GARNER of Texas. Certainly.

Mr. WURZBACH. I did not say the Assistant Attorney General. I did say that the ex-Attorney General, while Attorney General, stated in behalf of P. W. Reeves—

Mr. GARNER of Texas. I understand. Here is what you said: You said that the district attorney, at the instance of Nolte and Creager, shielded a criminal, and I agree with you that he was a criminal, and one of the worst that I ever knew of in my life. But, HARRY, you had some knowledge of him before you took him. That is the only criticism I have to make.

Mr. WURZBACH. That is not fair.

Mr. GARNER of Texas. A gentleman here notified you.

Mr. HUDSPETH. Yes. I notified him that he was a crook, and I gave him my authority. I had duly warned the gentleman about that secretary before he ever brought him here.

Mr. WURZBACH. That was after I had employed him, and the gentleman did not give me the facts about—

Mr. HUDSPETH. I have given the authority.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield? Mr. GARNER of Texas. Yes.

Mr. STEVENSON. I want to find out the location of the proposed site, whether they located it with Nolte or Baker.

Mr. GARNER of Texas. Here is what happened about the Seguin site: More than 80 per cent of the people down there, as my colleague from Texas [Mr. WURZBACH] said, wanted the site located in the center of the town. Mr. Nolte owned some property away down south in the bushes, and he wanted the Government to take it over and put the post office down there because he thought it would help his business. The people succeeded, with what little assistance I could give them, in locating the site where it ought to be. What happened? Baker and his associates had some land right beside it. They said, "The post office is away down here outside, in an inconvenient place, in a building that is not suitable. We will build you, Mr. Post Office Department, a building if you will give us a lease for 10 years." They built it right beside the Government property, where the people wanted the post office to be. The post office was held there for 10 years.

But you talk about this Mr. Nolte. It is not necessary, it is not right to say on the floor of the House what you may think. Why, HARRY, when I ran for Congress in 1902, I saw a letter written to a woman demanding \$5 for a post office for partisan purposes.

You have been right with them, old top. There is no doubt about that; and you went to the national convention the last time and trained with them. [Laughter.] I agree with what you say about that bunch down there. But, old pard, you are a little bit mixed up with them yourself. [Laughter.]

Of course, you talk about the administration paying no attention to you. What do they care for you? They have enough of those boys already. But if they want those thirty-odd delegates to the national convention, that makes it very important, and that is the reason why Coolidge is going to do what Gene wants him to do. Mr. Coolidge is not coming to your assistance, because if he undertakes to interfere down in Texas there will be thirty-odd delegates down there who will put a little business under Calvin. He wants them.

Oh, sir, what I blame you for—and I said it before—is, if you give me the position of being the only Congressman from Texas elected on the Republican ticket, I will control the boys and the machine. [Laughter and applause.] That is what I would do. Then you would have a real live Congressman here. You have undergone humiliation ever since you were elected. You have kept your mouth shut for five years. I welcome you to the Democratic Party, if you want to come in. Do not go over to the LA GUARDIA outfit. Come over with us. [Laughter and applause.]

Why, of course, the Republican vote falls off in Texas. I represent a district that some of you gentlemen over on this side know nothing about. There are a lot of fellows who come down there that we call "snow diggers." They come from Iowa, Minnesota, the Dakotas, and out in that country. They come down there, and they are Republicans. They have always been Republicans, and have never voted anything but the Republican ticket in their lives. They get down there and find out there are only Democrats down there. They buy property and they locate there, and they soon discover that commissioners of the court are to be elected to equalize taxation and value their property, and a real shrewd fellow in this crowd says to himself, "By golly, I am not having anything to do with this, and I tell you what I believe I will do. I will still be a Republican, but I will vote the local Democratic ticket." So he votes the local Democratic ticket, still declaring he is a Republican because he does not feel like changing.

Well, he votes the Republican ticket in the general election, and then two years roll around, and he says, "Oh, well, I will just vote the straight ticket this time." He votes the straight ticket that year, and, being a smart, shrewd, splendid fellow, a good citizen, hail fellow well met, maybe a Republican politician, he says, "By jimmyn, I voted the straight ticket the last time and I voted the straight local ticket," and so he runs for office on the Democratic ticket, and, by golly, he is elected. [Laughter and applause.] Now, that is not exaggerated. That is literally true; and as you said, HARRY, the respectable people down there are Democrats, and everybody wants to get in with them. [Applause.] You would want to get with the respectable bunch, of course, if you were not holding this office. Of course, if we have got to have a Republican from down there, I want you to stay here, but I would like to put the skids under you with a good Democrat, so as to be unanimous up here. It looks better and sounds better. It really is bad for Texas to have a Republican Member here; but if we are to have one, I hope it will be you, and I wish there were more of them from the North who would take the same stand

you took to-day. There was a youngster here a while ago who said he was in sympathy with you, but he has not got nerve enough to do what you did, and it took you five years to get the nerve. It takes such a long time for a Republican to get mad enough to say what he thinks about his party. [Laughter and applause.]

Mr. BANKHEAD. The gentleman has not told us about the location of the post office.

Mr. GARNER of Texas. The gentleman from Alabama says I did not finish telling about the post office. I sort of want to get on to this Republican Party, and I keep forgetting about the post office.

The post office, as now located in the Nolte Building, is an outrage to the citizens of that community, aside from the price paid for it. Men have to walk from way up town down into the brush on the south side of town in order to get their mail. Now, that is not right, gentlemen. It is not morally right; it is not legally right.

Now, what are you going to do about it? New is Postmaster General and Creager has the delegates from Texas. Now, what are you, my friend WURZBACH, and Cal going to do about it? [Laughter.] I think you ought to get out in your district and say that this thing has got to be fixed; and since you have indicted the entire administration, I think you ought to go further and say what the facts are and tell them that Mr. Coolidge is the head of this administration. He has Harry New for his Postmaster General, and he has for his Attorney General a man who can remove the district attorney that you say shielded a criminal. If you were Attorney General, would you not remove a man if you found he had been shielding a criminal at the request of prominent politicians? If that is so—and I do not doubt it, because he was a criminal, although I do not know the details about shielding him—but if that is so, gentlemen, Mr. Sargent should either remove him or the President should remove Mr. Sargent, one of the two. In the last analysis, gentlemen, you can not get away from it. The President of the United States is responsible for his Cabinet officers and all the officers he appoints.

A man who will tell the truth in a way that conveys a lie—and the telegram you read here from New pretty nearly does that—HARRY, it misled you, did it not? Truth that misleads is a lie in disguise, and you can not make anything else out of it, and do you suppose you would want to support an administration that continued to keep a Cabinet officer who would mislead you; who would connive in this way with somebody? I do not think you would.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. GARNER of Texas. I yield.

Mr. CONNALLY of Texas. As I understood the gentleman from Texas [Mr. WURZBACH], he said these gentlemen could not live a moment down there without patronage. Where do they get the patronage?

Mr. GARNER of Texas. Well, it does not look like they get it from HARRY. But this must be said—

Mr. UPDIKE. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. UPDIKE. You said a while ago that I did not have nerve enough—

Mr. GARNER of Texas. Oh, I probably should amend that—

Mr. UPDIKE. Just a minute. I want to say to the gentleman from Texas that I am too good a Republican to let a post-office matter stand in my way in regard to my Republicanism. [Applause.]

Mr. GARNER of Texas. Well, I do not blame the gentleman for not letting it stand in his way in regard to his Republicanism, but I would try to reform that kind of Republicanism. That is what I would do if I were in your place. I would not take a beating just because it was being given to me by my party. [Applause.]

Mr. UPDIKE. Just a minute. I am not beaten yet, either. [Laughter and applause.]

Mr. GARNER of Texas. I do not mean by the voters; I mean by the administration.

Now, what was the question my colleague from Texas asked me?

Mr. CONNALLY of Texas. My question was this: The gentleman said these two politicians could not live in Texas a moment unless they had the distribution of patronage—

Mr. GARNER of Texas. Oh, everybody knows Texas is Democratic, and there is not a thing to come from Texas except delegates, and in order to get the delegates the postmasters and district attorneys are all appointed in this way, and they make up the bunch that go to the convention; and just like he, Mr. WURZBACH, says, they go up there to get office and to sell out

whenever they can. That is all there is to that. I think it is that way in most of the Southern States. Is not that so? You people who know, is not that so with respect to your States?

SEVERAL MEMBERS. Yes.

Mr. CONNALLY of Texas. That is true because the administration gives them these offices to distribute.

Mr. GARNER of Texas. Oh, yes; and they do not care who it is just so they get the delegates and keep them out of jail. So long as you can get the delegates and keep them out of jail, everything goes.

Mr. RANKIN. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. RANKIN. Are these men, Creager and Nolte, white men?

Mr. GARNER of Texas. Yes, sir.

Mr. RANKIN. Then Texas just has a symptom of the real disease.

Mr. GARNER of Texas. I understand the Republican Party is altogether colored in Mississippi, but I will tell you what I would rather have. I would rather they would be negroes and sell out for money than to sell out for office. Of the two I will take the money delegate rather than the office delegate, and I know a lot of them that pretend to be Republicans that are not Republicans except to get office, and I think the gentleman from the fourteenth district has been controlling the post offices down there. They do let you O. K. these, but he pays as much attention to the civil-service rules and the law as the Postmaster General did with reference to locating this site.

Mr. WEFAULD. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. WEFAULD. I would like to know how the Republicans get along down there under the Democrats' control of patronage?

Mr. GARNER of Texas. I do not know what the gentleman means if he says the Democrats control the patronage.

Mr. WEFAULD. I mean when you have a Democratic administration.

Mr. GARNER of Texas. Oh, then we have all good people filling the offices down there. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OLIVER of Alabama. I yield the gentleman 10 minutes more. In yielding the time on this side I said I did it without consultation, and I want to add after consultation, of course, with a question mark.

Mr. GARNER of Texas. I do not want much additional time. I want to bear testimony to the gentleman from Texas [Mr. WURZBACH] that he is a delightful man; and if a Republican is coming from Texas, I want to see him come. And I want to bear testimony to the fact that it is a damnable outrage, not on Mr. WURZBACH, but on the community, to locate that post office for a term of 10 years out in the bushes at the behest of the chairman of the executive committee, Mr. Nolte, of the Republican organization in Texas. No decent man will indorse it. That is as strong as I can make it.

Mr. RANKIN. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. RANKIN. The gentleman said a few moments ago that he would rather the Republicans would be negroes and sell out for money than to be white people and sell out for delegates in the national convention. I wonder if it ever occurred to the gentleman from Texas that black Republicans in other Southern States are selling out for both.

Mr. GARNER of Texas. Yes; they sell out if they get a chance.

Mr. STEVENSON. Will the gentleman yield?

Mr. GARNER of Texas. I will.

Mr. STEVENSON. The gentleman has referred to the Attorney General's office as well as the Postmaster General. I want to be indulged a minute right here to speak of the situation in other places. Two years ago the Post Office Department found that the civil-service men were investigating the sale of offices in my State. They sent a post-office inspector down there so that they might have control of the report when it came in. They went around and got the evidence. I saw the evidence they got, and it was as damning as anything that could be written on paper anywhere. The Post Office Department got it and Mr. New notified me that it would not require any further attention.

I introduced a resolution to have it sent to Congress, and the Speaker of the House agreed to recognize me to call it up as a privileged resolution. Then, they notified me that it went to the Attorney General's office for action. The Assistant Attorney General, Mr. Donovan, sent for me and said, "We are going to prosecute there wherever it is necessary, and there is

evidence to sustain a prosecution." Then they sent two other fellows down there, and they got case after case which would warrant an indictment and made a report. I went to call on them and found that Mr. Donovan had been transferred to another position, and they said, "Take it up with the Attorney General." I could not get anything out of them. But I propose to introduce a new resolution calling on the department to send the information here; and if it comes, it will make the revelations of the gentleman from Texas look like 30 cents. [Laughter.]

Mr. GARNER of Texas. I hope the gentleman will get the information.

Mr. ROMJUE. Will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. ROMJUE. I want to ask the gentleman from South Carolina how long it has been since they began to investigate?

Mr. STEVENSON. Two years. And if the cases are not prosecuted the statute of limitation will run.

Mr. GARNER of Texas. If you send them to the penitentiary you are liable to get delegates to the national convention. That, you know, would never do. [Laughter.]

Mr. STEVENSON. The delegates to the national convention are usually colored ones, and they sell them three or four times. One of them said that a colored man was worth more in Chicago in 1888 than he was in South Carolina in 1860. [Laughter.]

Mr. GARNER of Texas. Was there not a nigger in the woodpile in this instance?

The gentleman from Texas [Mr. WURZBACH] read from the declarations of President Roosevelt. Roosevelt was a Republican and a great American; he was a good Republican except when he was a Bull Mooser. But let me tell you about his administration in Texas. Some of his appointees were Democrats, and they never changed their politics, and he never required them to change them. [Applause.] If you had a man in the White House with Roosevelt's courage and the gentleman from Texas would draw his attention to the facts, he would get results. But you have not got a man there like Roosevelt, and you will not get any results.

Mr. MANLOVE. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. MANLOVE. Before the Civil Service Committee the other day, one gentleman appearing from the Post Office Department made the statement that at the present time there has been a large number of efficient Democratic postmasters reappointed under the present administration.

Mr. GARNER of Texas. Well, I do not know anything about that. If Creager is in favor of a man he will be appointed. I told them when they came to me that I did not have anything to do about it. I did not try to make them think that I could have anything to do with it, because that would be lying about it.

I do not have any more to do with it than the man in the moon, nor does anybody else, and if they have a man in there that does not do their bidding, he is not going to be reappointed, although he may stand at the head of the list, because that little pin check gets the man.

Mr. OLDFIELD. And I want to say that the statement of the gentleman from Missouri [Mr. MANLOVE] as to what the civil-service man stated is not true as far as Arkansas is concerned. They have not been appointing Democrats in my State. They appoint whoever Colonel Remmel tells them to appoint.

Mr. GARNER of Texas. There have been a few good Democrats in Texas appointed.

Mr. MANLOVE. And I was going to ask the gentleman from Arkansas if there are not some districts in his State where it is practically impossible to get a Republican. Pardon me, because I do not want to butt into this colloquy, but before the Civil Service Committee the other day on the question of whether we would put postmasters of the first, second, and third class under the civil service this man who represented the Post Office Department made that statement.

Mr. GARNER of Texas. I do not care what he says or what anybody else in the country says, the civil service as applied to postmasters is a farce, and you Republican gentlemen know it, and we Democrats know it, and the country knows it. Is it not so? I pause for an answer. Nobody denies it.

Mr. LANKFORD. I think that I can throw some light upon the question of the appointment of Democrats. In order to be in good standing with the Republican organization the Democrat to be appointed must first make a substantial donation.

Mr. GARNER of Texas. So far as the post-office service in Texas is concerned, the postmasters that have been appointed are pretty good. They have selected pretty good men in the post offices in Texas.

Mr. BEEDY. I want to say to the gentleman that I do not think the civil service as applied to the appointment of postmasters is a farce, unless a Congressman wants to soil his hands with an attempt to subvert the civil service. I have never done it, and in my district it is not a farce. Postmasters are appointed upon their merits.

Mr. GARNER of Texas. Does the gentleman mean to say that he takes the top man every time?

Mr. BEEDY. No; I pick one of the three, and that is the law. [Laughter.]

Mr. GARNER of Texas. I will let the gentleman's answer stand.

Mr. BEEDY. And I say to the gentleman that in my time I have picked two Democrats, because the people wanted them.

Mr. GARNER of Texas. An examination is to be held. You want a good fellow on the list. You want to appoint the postmaster.

You have him take the examination, and if he happens to be a little low you throw it out, let him study a bit, and have another examination, and perhaps he gets on the list. If he happens to be the lowest man and you want him nevertheless, you just put your little pin prick by his name, and he gets the job. That is not the merit system.

Mr. BEEDY. The gentleman knows that you can not throw out an examination unless less than three qualify.

Mr. GARNER of Texas. Oh, that is ridiculous. I have heard instances where an examination has been held, where more men have qualified than necessary and only three could get on the list, and they have thrown the whole bunch out and have held another examination. And what for? Why, to get the particular fellow they wanted. [Applause.]

Mr. Chairman, the following newspaper reports will indicate the position of the Republican factions in Texas. I think it is but fair that both sides should be presented to the country, and therefore I am submitting the statement of each for your consideration:

[From the Dallas Morning News, Thursday, February 18, 1926]
HURLS ANSWER TO WURZBACH—CONGRESSMAN REBUKED BY CREAGER ON
G. O. P.'S "PATRONAGE"

SAN ANTONIO, TEX., February 17.—Reply to the statement of Congressman HARRY WURZBACH that the control of the Republican Party in Texas and other Southern States was "in the hands of a group of selfish politicians and patronage dispensers" was made Wednesday night by R. B. Creager, national committeeman from Texas.

Rebuking the Congressman in strong terms, Mr. Creager declared that the former had not during the last five years "made a speech or lifted a finger to help any Republican candidate other than himself."

Mr. Creager cited figures in an attempt to disprove Mr. WURZBACH's declaration that "until the vicious practice of trading patronage for delegations to Republican National Conventions is stopped the Republican Party will never grow in the South." He pointed out that official records show that for five years the Republican vote in Texas has been mounting by leaps and bounds at each successive election, and during this period the largest Republican vote in the history of the State has been cast.

COUNTY BODIES INCREASING

"There now are 240 Republican county organizations in Texas, where five years ago there were fewer than 80. For the first time in the history of any Southern State a permanent State headquarters has been maintained for five consecutive years."

Mr. WURZBACH himself, Mr. Creager added, was a delegate at large to the last national convention, and on all occasions he voted with the other Texas delegations.

"Does he mean that he and his vote were traded for patronage?" the committee man asked.

The Creager statement follows:

"Of course, Mr. WURZBACH's statements are untrue. He covers a great deal of territory, more, it seems to me, that a really wise man would try to cover, when he says of his charges 'the same thing holds good throughout the South.' Why, this gratuitous and wholesale reflection on Republican leaders in the South, with most of whom and with the conditions in whose States he is not even acquainted?

LANGUAGE IS RECKLESS

"Again, his language would seem reckless when he charges the trading of patronage for delegations to Republican national conventions. One can but wonder if the Congressman realizes and intends the plain meaning of his words. Statement and inference are alike untrue and I can not believe so unjustifiable an attack, aimed at national as well as State leaders, will redound to the credit of Mr. WURZBACH. Mr. WURZBACH himself, through the grace of the State organization he now attacks, was a delegate at large from Texas to the last national convention. On all occasions he voted as did the other Texas delegates. Does Mr. WURZBACH mean that he and his votes were traded for patronage? Does he not realize how gross and

offensive a reflection he casts, not only upon national leaders but upon the honorable men and women who have constituted our Texas delegations?

"The Congressman's attack upon State Chairman Eugene Nolte and myself comes with ill grace, since every informed Republican in the fourteenth district knows he owed his first nomination absolutely to Chairman Nolte, and I have helped and supported him in each of his campaigns, both by urging my friends in his district to vote for him and by personal financial contributions, some of them made to and accepted by him in person.

"The present Republican organization in Texas needs no defense at my hands. Results show for themselves. This year, for the first time in the history of Texas, Republicans are in the 'major-party' class with the Democrats and hold primary elections by reason of the 300,000 votes cast in 1924. Official records show that for the last five years the Republican vote in Texas has been mounting by leaps and bounds at each successive election, and during this period the largest Republican vote in the history of the State has been polled. There are now 240 Republican county organizations in Texas, where five years ago there were less than 80. For the first time in the history of any Southern State a permanent State headquarters has been maintained for five consecutive years, and this, I may add, without the slightest aid or assistance from Mr. WURZBACH, who, so far as I am informed, has during these five years never made a speech or lifted a finger to help any Republican candidate other than himself.

BELONGS TO NO ONE MAN

"The present leaders of the Republican organization of Texas have an ambition higher than Mr. WURZBACH is apparently able to vision—the ambition by constant, uniform, unremitting, and state-wide effort of eventually making of Texas a two-party State—this to the great and lasting benefit of Texas and the National Republican Party. Texas Republicans desire to keep a Republican in Congress from the fourteenth district, but they can not rest content with this accomplishment. If the keeping of a lone Republican in the lower House in Washington for a few terms is the limit of their ambition, then those who have been devoting their effort toward the building of the party in Texas have little conception of either their responsibilities or opportunities.

"The Republican Party belongs to no one man, and I do not believe that the Republicans of either the Nation or State approve of a lone Congressman, whoever he may be, impugning motives in the reckless manner so recently attempted by Congressman WURZBACH.

"The question is in the hands of the Republicans of the fourteenth congressional district, and it will be for them to determine in the July primaries whether their Congressman shall be a man who believes in the integrity of our national party leaders or Mr. WURZBACH."

[From the San Antonio Express, Friday morning, February 12, 1926]
WURZBACH OPENS WAR ON TEXAS G. O. P.—TELLS COOLIDGE PATRONAGE

FIRST CONCERN OF BOSS

(Express Staff Special)

WASHINGTON, February 11.—"The control of the Republican Party in Texas and other Southern States is in the hands of a group of selfish politicians and patronage dispensers, who do not have the interests of their party at heart," Representative HARRY M. WURZBACH, of Texas, told President Coolidge Thursday in the course of a 25-minute interview. He announced that he will "expose conditions as they really exist" in a speech in the House in the near future.

"Until the vicious practice of trading patronage for delegations to Republican national conventions is stopped," WURZBACH told the President, "the Republican Party will never grow in the South under the present system as practiced in Texas and in the other Southern States. Our party can never gain any real strength. It is a system that furnishes motive and inducement for these leaders and the organizations of these States to oppose the election of Republican Congressmen, because their election would reduce to some extent the patronage powers of the leaders."

Asked if he was speaking generally of conditions in the Southern States as he viewed them, WURZBACH replied:

"No; I was speaking to the President particularly of conditions in Texas, of Eugene Nolte and R. B. Creager. But the same thing holds good throughout the South."

WILL BE CANDIDATE

The lone Republican Member of the Texas delegation in Congress said his decision to become a candidate for reelection was a challenge to the Republican leaders of Texas.

"I had thought of not running again," he said, "until I learned from reliable sources that State Chairman Nolte had stated to a number of my Republican friends that he would see that I was not renominated. That is the real reason behind my decision to run again. I knew that if I did not make the race that it would be claimed by Nolte and other Texas Republican leaders that I feared defeat in the primaries and that that was my reason for not running."

"I have never run away from a fight in my life, and you can say for me now," he added, "that I intend to show them in the July primaries that the combined patronage Republicans of Texas can not muster 10 per cent of the Republican vote in my district against my renomination."

WURZBACH said he told the President that the best description of the southern Republican leaders that he knew was contained in a letter President Roosevelt wrote to Senator Lodge, which follows:

"Men who have wrangled fiercely among themselves, who have not made the slightest effort to get any popular votes, and who are concerned purely in getting Federal officers and sending to the national conventions delegates whose venality makes them a menace to the whole party. I see no advantage either to the party or to the Nation in striving to perpetuate such a condition of things."

News of WURZBACH's conference with the Chief Executive caused much discussion among Congressmen. A humorous phase of the situation which they pointed out was the fact that in 1912 WURZBACH stuck with the Republican organization, while both Nolte and Creager bolted over to the side of Roosevelt.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SHREVE. Mr. Chairman, I yield one hour to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, I believe in the separation of church and state in fact, as provided in our Constitution, and in the separation of church and state in spirit, which has been an American principle and part of the social compact existing among our people from the adoption of our Constitution until recent time.

Contrary to our Constitution, its spirit and this principle, certain sectarian church bodies as such have now established a theocracy in the United States. They have surrounded the Capitol with their offices and buildings, have filled the corridors of the Capitol and the committee rooms with their paid professional agents, have attacked many constitutional principles and legislative practices, have directed judicial appointments, and are attempting to dictate international, domestic, and economic policies. They have succeeded, after the expenditure by their agent of vast sums of money never publicly accounted for, in adding to the Constitution a sumptuary law which has deprived the American people of their fundamental liberties as individuals, spread corruption throughout our land, and disorganized our whole social structure. I refer to the eighteenth amendment to our Constitution, known as the prohibition amendment.

The surrender by churches of spiritual direction for the exercise of temporal power and the promotion of political aims has given rise to emphatic protests in denunciation of some of the political policies of these churches, even from many ecclesiastical sources. I wish to read statements from a few of these ecclesiastical sources recently published:

[Boston Traveler, February 4, 1926]

STATEMENT OF REV. DR. GEORGE A. GORDON, OF THE OLD SOUTH CHURCH (CONGREGATIONAL), BOSTON, MASS., THE MOST EMINENT CONGREGATIONAL MINISTER AND ORATOR OF NEW ENGLAND

It is evident to every thoughtful citizen that the present prohibitory law has broken down and the worst kind of a moral situation exists. When a dry agent can stage a dinner in a Washington hotel in order to find out who sells liquor, the whole thing being false from start to finish on the part of the dry agent, law enforcement has come to a terrible pass. I believe that a revision of the prohibitory law along lines proposed would result in a great gain for temperance.

[Article published in the Boston Evening Transcript, February 9, 1926, in relation to a statement made by Cardinal O'Connell, senior American Cardinal of the Roman Catholic Church]

CARDINAL SAYS PROHIBITION IS OPPOSED TO BIBLE—IS OPPOSED ALSO TO THE CATHOLIC TRADITION, ADDS PRELATE IN FIRST PRONOUNCEMENT—LAWFUL USES IN LIGHT DRINKS—HITS DRUNKENNESS, BUT TAKES FIRM STAND FOR MODERATION AND FOR PERSONAL LIBERTY

Taking a definite public stand against prohibition, Cardinal O'Connell in a statement given out yesterday at the Diocesan House on Granby Street, announced for the first time his official view on this national question and summarized the view of the church in the pronouncement that "compulsory prohibition in general is flatly opposed to Holy Scripture and to Catholic tradition." "It is grossly untrue," he added, "to say that pathology and dietetics have brought in a verdict of guilty against the immemorial beverages of the Old World."

Following upon the announcement of the movement of the Church Temperance Society of the Protestant Episcopal Church to modify the Volstead Act and legalize the sale of light wines and beer, the statement of Cardinal O'Connell establishes the official attitude of the church in which he is dean of the American hierarchy. In his statement the cardinal emphasizes the fact that for 1,900 years the Cath-

olic Church has worked for temperance and will continue to do so. But he sees a tremendous difference between laudable voluntary temperance, even voluntary total abstinence, and a law which automatically bars the use of liquor without regard to the wish of the individual and his liberty of action. Neither does he believe that fermented liquors, which when rightly used can be a boon to mankind, should be held guilty for the deplorable effect of excessive indulgence in them.

AGITATION AND CONFUSION

The full text of the cardinal's statement is as follows:

"I have been asked repeatedly of late to give my views with regard to compulsory universal prohibition. Up to the present I have preferred to keep silence, but the misrepresentation, whether due to ignorance or malice, of the position of the church generally, and especially in these United States, would seem to require some clear statement of the subject.

"I have read the controversial attitudes pro and con as voiced by prominent laymen and also by Protestant ecclesiastics of different denominations, and I think that on account of these declarations coming from people of various walks of life, while they surely indicate a deep agitation on the part of the public, they also manifest an extraordinary amount of confusion, both of principle and of fact. That, I suppose, is to be expected from sources which depend more upon emotional than doctrinal principles.

"If this most important matter of enforced prohibition were merely a question of personal conjecture or personal taste, we might wait for the time when the public would arrive at settled convictions concerning it, and hope for sane legislation. But some of the utterances, especially those purporting to give a Catholic point of view, are so distorted from Catholic principle that it may be of interest to the general public to know the true Catholic standpoint.

"Now, I know of no better way for the present to set the Catholic standpoint forth than by reproducing an article entitled 'Catholics and Prohibitionists' printed in the London Tablet of January 23, 1926.

"The statement is so clear and so comprehensive that I do not hesitate to make it my own and to take my position alongside of it as enunciating genuine Catholic doctrine. I will not give the whole article, though it would be worth while reading, but I will epitomize it in the following form:

THE ABUSE OF A THING

"The Catholic Church is the oldest and largest ethical society in the world. Therefore Christendom's moral reformers, both the right headed and the wrong headed, ardently desire Catholic cooperation.

"From their pulpits their theologians brand us as traitors to the gospel, but on the public platforms our active partnership is acclaimed with delight. Their orators tell us that Rome is the scarlet woman, but they find she is quite prettily clad in pale pink when they want her to march with them in a temperance crusade.

"Not that the church needs persuading to fight against intemperance. From the days when St. Paul warned the Ephesians not to be drunk with wine the church's pastors have dealt faithfully with this ugly vice, but—and here is the real principle—'Abusus non tollit usum' (the abuse of a thing does not destroy its use). Ale, wine, and their like are not in themselves evil. They have their lawful uses, ranging down from the supreme honor paid to wine along with bread, as the matter of the Holy Eucharist, to their general work of moistening and enlivening the laborer's rough fare.

"Unhappily this is not the view of some Protestants with whom we are asked to associate ourselves for temperance progress. Reviving the hoary heresy of the Aquarians, they would banish wine even from the sacrifice of the alter. As Neo-Manichees, they would have us err and stray with them in the thornbrakes of false physics and false metaphysics.

PLAN TO ENTRAP POPE

"To these appeals the Catholic Church can not accede. Voluntary total abstinence she applauds, as in the case of a strong-willed man who renounces fermented liquor for the sake of a weak-willed brother.

"But compulsory universal prohibition is a different thing, for compulsory prohibition in general is flatly opposed to Holy Scripture and to Catholic tradition. Moreover, it is grossly untrue to say that pathology and dietetics have brought in a verdict of guilty against the immemorial beverages of the Old World.

"Although it has been made clear a thousand times that we will work with our separated brethren as temperance men, but will not as the tools of those whose confessed policy is world-wide prohibition by installments, disloyal attempts are still being made to entangle us.

"A few months ago some prohibitionists in the United States concocted an ingenious plan to entrap the Pope by begging him to give his moral support to secure the law of prohibition. The ruse failed badly. Protestants as well as Catholics were indignant at the idea of the prohibitionists attempting to gain the moral power of the 'foreign potentate' to interfere in their country's domestic concerns, and so these disloyal Americans, seeing the mess they had created, got from under

this crazy project of an appeal to the Pope before it came crashing about their ears. They are now tumbling over one another in their hurry to disavow it.

HABIT OF MISREPRESENTATION

"Prohibitionists, having formed the bad habit of misrepresentation, will continue to repeat that same attitude. They have made misrepresentation their all-the-year-round practice. Go with them a mile and they will boast that you have gone with them twain. Promise to work with them by education and moral suasion for the genuine virtue of temperance and they will ultimately compromise you with compulsory total abstinence.

"Recently the Cardinal Archbishop of Westminster stated the following position: 'Prohibition is certainly not educational. To my mind, prohibition is the antithesis and contradiction of temperance. It is an open confession of failure. Local option is merely a means to an end.'

"These words of the Cardinal Archbishop of Westminster are perfectly clear, yet it is constantly being asserted at public places that the cardinal is solidly supporting local option.

"Unhappily the prohibitionists do not stop short of trying to mix up Catholic clerics with their conspiracy of prohibition, and when they find a Catholic taking part in anti-prohibition propaganda, true to their methods they attempt to impugn his good faith and honor. Only a short time ago Mr. Caldwell, an excellent and able Catholic, had a most incredibly hateful charge thrown at him because he spoke against prohibition. Mr. Caldwell brought the case to court, won his case on every point, and was awarded £500 damages.

INTEMPERANCE THE ABUSE

"Let me conclude with the words taken from a homily of St. John Chrysostom read in the court at that very trial by the judge of the high court:

"'I hear many cry when these excesses happen: "Would that there were no wine." Such folly, such madness. When men sin you find fault with the gifts of God. This is madness! Is it the wine that causes the abuse? Certainly not! It is the intemperance of those who abuse it. If you shout: "Would there were no wine," then you ought also shout: "Would there were no iron because of murderers, would there were no night because of thieves; would there were no light because of informers." (And this is really delicious—informers!) But St. John Chrysostom goes on, 'Do not reason that way for this is a satirical mode of reasoning. Do not find fault with the wine but with the intemperance and say to the drunkard: "Wine was given to us that it might produce in us a sweet joy, that we may laugh, that we may enjoy health, that it may be a remedy for our bodily weakness, not to deprive the soul of her strength. God honored you with the gift; do not dishonor yourself with the excess of the gift.'"

"In other words, the Quarterly Review says the same thing: 'The moral issue is quite other than the prohibitionists assume. The real moral issue is the eternal issue of liberty, upon which prohibition stamps as though it were a reptile to be destroyed. Catholic work for temperance will go on just as it has gone on for 1,900 years; but the extent to which we can go as Catholics in association with others must depend upon their willingness to run straight and fight clean.'

[Applause.]

Mr. UPSHAW. Will the gentleman yield?

Mr. TINKHAM. I can not yield.

THE CATHOLIC VIEWPOINT

"If there is any other statement which embodies more truly and more clearly the Catholic standpoint, I have yet to see it. Meanwhile, let me add, it is not a new thing to find that some people who are rabidly in favor of prohibition have no hesitation to break even more sacred laws, and therefore no one need be surprised that intemperate orators and writers who are so much concerned with a controversial civil law do not hesitate to break canon law. It may be of interest to editors in particular and the public to know that there are very wise and prudent church laws guiding ecclesiastics against rushing into print. And I would venture to say that the general public feels that a cleric who disobeys his own church laws has nothing of importance to communicate that is really worth printing."

Mr. BLANTON. Mr. Chairman, I make the point of order. The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Mr. Chairman, by actual count there are only 37 Members on the floor. There should be more to hear this specially prepared speech by the distinguished gentleman from Massachusetts, who has been given an hour, and we should have an audience here for him unless the gentleman merely wants to put this in the RECORD for some special reason, but if he wants an audience I desire to get him one, however much I disagree with him. It is nothing more than right he should have one.

Mr. TINKHAM. The honorable Representative from Texas may use his discretion in the matter.

Mr. BLANTON. If the gentleman is willing to proceed with a handful of gentlemen present—I see the gentleman from Maryland [Mr. HILL] is here—if he is willing to thus proceed, I will withdraw the point of order.

Mr. TINKHAM. I am willing to proceed.

Mr. BLANTON. Then I will withdraw the point of order.

Mr. ALLGOOD. Will the gentleman yield?

Mr. TINKHAM. I can not.

[Article published in the St. Louis Globe-Democrat in relation to a statement by Bishop C. White, of the Springfield diocese of the Episcopal Church]

SPRINGFIELD, ILL., February 8 (Associated Press).—Bishop C. White, of the Springfield diocese of the Episcopal Church, to-day expressed his opposition to the Volstead Act "on absolutely conscientious grounds."

"I do not believe," Bishop White said, "that the present law can be readily enforced without a standing army. It has been largely a joke—everyone is laughing at it—and the source of corruption of our young people.

"It is a gold mine for bootleggers in every grade of society. This is my honest and heartfelt opinion after carefully observing the matter over my diocese and wherever I have been.

"I have faith enough to believe that the Church Temperance Society, which recently urged modification, would not make the report that it has made without being absolutely sure of its grounds."

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. TINKHAM. I can not.

[Article published in the New York Times February 12, 1926, in relation to a statement made by Right Rev. Chauncey B. Brewster, Protestant Episcopal bishop of Connecticut]

(Special to the New York Times)

HARTFORD, CONN., February 12.—Modification of the Volstead Act to permit light wines and beer, as a concession to the foreign born, was urged to-day by the Right Rev. Chauncey B. Brewster, Protestant Episcopal bishop of Connecticut, who believes the law should be changed because it is unenforceable at present.

Bishop Brewster, who is a brother of the Episcopal bishop of Maine, differs with his suffragan bishop, the Right Rev. E. Campion Acheson, of Middletown, who denounced last week the Empringham pronouncement and urged a stronger attempt to enforce the Volstead Act.

In a statement to-day Bishop Brewster said:

"I am not a member of the Church Temperance Society. It is a voluntary organization, and its announcement does not commit the church. I have stood and will stand for the enforcement of law. But that is not the question which, as I understand, is now before the public.

"Personally, and speaking for myself alone, I have often wished a distinction had been and might now be made between stronger liquor and light wines and beer. This I have desired especially for the sake of our foreign-born folk, to whom the use of light wines is as innocent as tea drinking is. In Italy, for instance, I do not remember of ever seeing a drunken person.

"For this reason, and because of the apparent failure in large measure to enforce the law as it is, I should like to see, if possible, such modification of the Volstead Act."

[Article published in the New York Herald and Tribune in relation to a statement made by the Right Rev. Alexander Mann, bishop of the Pittsburgh diocese of the Episcopal Church]

PITTSBURGH, February 5.—The Right Rev. Alexander Mann, bishop of the Pittsburgh diocese of the Episcopal Church, believes that prohibition can not be enforced, and favors modification of the Volstead Act to permit light wines and pure beer.

Bishop Mann gave his views on the prohibition question to-day in commenting on the advocacy of beer and light wines by the Church Temperance Society of the Episcopal Church.

"Personally, I do not believe in the eighteenth amendment," he said, "and I think the Volstead Act is a bad law. Prohibition can not possibly be enforced. The law is resented by many persons, good and bad, who feel it is a serious infringement of personal liberty.

Mr. BLANTON. Mr. Chairman, I want to make one other point of order in the interest of fair play to the absent Members. When the gentlemen scores a wet point, and there is applause from the gentleman from Wisconsin [Mr. SCHAFER] and the gentleman from Maryland [Mr. HILL], it should not go into the Record as being applause from the House. The Reporter should note that it comes from the gentleman from Wisconsin and the gentleman from Maryland who are stationed on both sides of the aisle for that purpose.

Mr. HILL of Maryland. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. HILL of Maryland. May I have one word on the point of order?

Mr. BLANTON. I withdraw the point of order.

Mr. HILL of Maryland. When the gentleman from Texas talks he does not represent anybody at all except himself.

Mr. BLANTON. It is quite true that those I represent are not the ones whom the gentleman from Maryland represents.

Mr. TINKHAM. Let me state that Bishop Mann was rector of the largest Episcopal Church in New England, and is the most eminent orator and leader of thought in the Episcopal Church. There is no member in that church who ranks higher than Bishop Mann:

"The fact that every bootlegger would vote for continuance of the Volstead law is proof that it is not a good law. Understand me plainly, I do not believe in breaking any law, believe in keeping the law once it is passed, but I do believe that bad laws should be modified."

[Applause.]

[Article published in the Brooklyn Times, February 4, 1926, in relation to statements made by Rev. Dr. Frederick W. Norris, rector of the Church of St. Matthew, Macon Street; Very Rev. Mgr. John L. Belford, pastor of the Roman Catholic Church of the Nativity, Classon Avenue; and the Rev. Dr. Alexander Lyons, of the Eighth Avenue Temple]

The Rev. Dr. Frederick W. Norris, rector of the Church of St. Matthew, Macon Street, heartily indorsed the action of the temperance body, as did the Very Rev. Mgr. John L. Belford, pastor of the Roman Catholic Church of the Nativity, Classon Avenue, and the Rev. Dr. Alexander Lyons, of the Eighth Avenue Temple.

Doctor Norris said that he was glad the Episcopal Society had shown the courage to come out for what it believed was right. He felt, he said, that wine and beer would satisfy the greater majority of people who are now supporting speak-easies.

Mr. LEAVITT. Will the gentleman yield?

Mr. TINKHAM. I can not.

Mr. LEAVITT. Mr. Chairman, I make the point of order that there is no quorum present. The audience now is about 20.

Mr. BLANTON. Will the gentleman withdraw that; no one will pay any attention to it anyhow.

Mr. HILL of Maryland. Mr. Chairman, a point of order. The gentleman has refused to yield, and gentlemen have no right

Mr. LEAVITT. I make the point of order there is no quorum present.

Mr. UPSHAW. May I say in response to the point of order the gentleman knows I am unanimously against what he is saying, but I think he ought to have a square deal.

Mr. BLANTON. We may want to be heard in reply.

Mr. UPSHAW. The gentleman from Massachusetts has declared his willingness to proceed, and I think we ought to stay here if we have not more than two or three men and give him a chance. [Applause.]

Mr. BLANTON. This and the negro question are the only subjects on which he ever speaks.

Mr. LEAVITT. I withdraw the point of order.

Mr. UPSHAW. I will answer him to-morrow.

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. SCHAFER. Will the gentleman yield?

Mr. TINKHAM. I can not.

Monsignor Belford said he believed—

most sane people are in favor of a less stringent prohibition law.

He paid a high compliment to the Episcopal clergy, who, he said, had shown themselves to have—

high ideals about religion and can not be swayed by emotion and propaganda.

Doctor Lyons declared that the determination of the Episcopal Society is a wise counsel of expediency.

Prohibition—

He said—

seems to be producing an unwarrantable amount of evil in behalf of a certain amount of good. A conservative modification of the Volstead Act would remove some of the evil of the present system and lead to a nearer realization of temperance.

[Article published in the Washington Herald in relation to a statement made by the Right Rev. George Winslow Plummer, ranking prelate of the Anglican Universal Church in America]

NEW YORK, February 9 (Universal Service).—"The use of light wines and beer, we believe, should be permitted."

This statement was issued to-night by the Right Rev. George Winslow Plummer, ranking prelate of the Anglican Universal Church in America.

Doctor Plummer, joining with Cardinal O'Connell of the Roman Catholic Church, the Church Temperance Society of the Episcopal Church, and President Butler, of Columbia University, all of whom recently advocated temperance as opposed to legal prohibition, said:

"Prohibition in itself is not a moral issue, much as some may believe it to be so. It is essentially a principle of compulsion, which eliminates all personal and individual merit of moral sense."

"The great desideratum is temperance, which requires conscious, willing, and intentional self-control."

The Anglican Universal Church in the United States is a branch of the Ecclesia Christ Chaldean, an eastern church which has continued her mission in what is now called Iraq since A. D. 56. The see house is at 321 West One hundred and first Street, New York City. Doctor Plummer is ranking prelate and archbishop, and Mon. John Emmanuel is vicar general.

[Article published in the New York Times, February 5, 1926, in relation to statement of Right Rev. W. W. Webb, Bishop of Milwaukee diocese]

The Right Rev. W. W. Webb, Bishop of Milwaukee diocese, expressed the view that modification of the Volstead Act so as to legalize light wines and beer would tend to improve conditions.

[Article in New York Times, February 5, 1926, in relation to a statement made by the Rev. N. B. Hutton, of St. Chrysostom's Protestant Episcopal Church.]

The Rev. N. B. Hutton, of St. Chrysostom's Church, member of the standing committee of the Protestant Episcopal Church, said:

"I think prohibition a total failure and that it was recognized as such by many before it even was put into force. I believe that the stand of the Church Temperance Society of the Protestant Episcopal Church is a laudable one. I'm not for liquor, but for temperance at the same time, and I entirely indorse the society's suggestion that Government revenues derived from the sale of liquor be used to educate the country in temperance."

[Article in New York Times, February 5, 1926, in relation to statement by the Rev. William A. Sims, rector of St. Mark's Episcopal Church.]

The Rev. William A. Sims, rector of St. Mark's Episcopal Church, declared himself in favor of the stand taken by the society.

"I am heartily in sympathy with the statement issued by the Church Temperance Society," he said, "and the claims set forth in it."

[Article in the Times, Los Angeles, Calif., in relation to a statement made by the Rev. H. C. Hengell, pastor of St. Paul's University Chapel, Madison, Wis.]

MADISON, WIS., January 17.—The principles of democracy have been turned into a political blunder by the adoption of the eighteenth amendment.

This is the opinion of Rev. H. C. Hengell, pastor of St. Paul's University Chapel here, expressed in an interview on the sixth anniversary of national prohibition.

[Applause.]

"The cause of temperance was making great headway when the prohibition amendment challenged Americans to take a drink if they dared," the clergyman declared.

"A revolution might have been expected, but with their saving sense of humor the people resorted to their usual method of getting rid of surplus laws, namely, nullification. Popular nullification has rendered the prohibition amendment not only impossible, but ridiculous."

"It would be far better, of course, to repeal the prohibition amendment in a formal manner, but that is practically impossible. It is probable, however, that Congress, ultimately responsive to public opinion, will repeal all enabling acts to the eighteenth amendment. Then it will stand merely as a monument to the folly of those who believe that mere legal enactment can deprive man of natural rights."

[Applause.]

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not.

[Article in relation to statement made by Archbishop Messmer, of the Milwaukee diocese, the oldest Roman Catholic Bishop in the United States]

ARCHBISHOP FAVERS BEER—MESSMER THINKS MODIFICATION WOULD DIMINISH USE OF HARD LIQUOR

MILWAUKEE, Wis., February 3.—The Milwaukee Sentinel printed a copyrighted story of Friday quoting Archbishop Messmer, of the Milwaukee Catholic diocese, as favoring modification of the Volstead Act to permit the sale of light wines and beer, but barring the saloon.

Archbishop Messmer, the oldest Catholic Bishop in the United States, characterized the Volstead Act as "an attempt to ram morality down the throats of the American people." He was quoted as expressing his belief that with the return of light alcoholic drinks Americans would discontinue the use of hard liquor.

Present conditions under prohibition enforcement were attacked by the churchman, who indorsed the statement on prohibition this week by Cardinal O'Connell, of Boston. The archbishop declared the law was "an unnecessary violation of the liberty of the individual," and deprecated the increase of drunkenness among young people since the act went into effect.

"The law of prohibition was absolutely unnecessary to remedy the evil of drunkenness at the time it was passed," said the archbishop. "If the United States had spent one-half in enforcing the existing laws for the repression of drunkenness that it now spends to enforce the Volstead Act there would be no chance and no call for the eighteenth amendment. The laws were sufficient, but they were not enforced."

[Applause.]

[Article in relation to a statement made by Bishop Joseph Schrembs, of the Cleveland Catholic diocese]

CLEVELAND, February 10.—The Cleveland News, in a copyrighted story to-day, quotes Bishop Joseph Schrembs, head of the Cleveland Catholic diocese, as declaring "prohibition is fanaticism" in commenting on published statements of Cardinal O'Connell, of Boston, on the position of the Catholic Church with relation to the dry law and its enforcement.

Mr. MURPHY. Mr. Chairman, I make the point of order that there are only 37 Members here. It is now 5 o'clock. We have sat here long enough. I think the gentleman from Massachusetts can have his time to-morrow as well as this evening.

Mr. BLANTON. He can get unanimous consent for an extension of his remarks and put the balance of them in and not keep the House here longer.

Mr. SCHAFER. Mr. Chairman, the point of order made by the gentleman from Ohio [Mr. MURPHY] is out of order. The gentleman from Massachusetts [Mr. TINKHAM] has not yielded.

Mr. MURPHY. Mr. Chairman, I insist on my point of order.

Mr. TINKHAM. Of course, Mr. Chairman, I know that what I am reading is very unpalatable to some of the honorable Representatives here; but if my rights allow me to, I shall insist upon reading the rest of the statements which I have.

Mr. MURPHY. Mr. Chairman, I insist on my point of order.

Mr. BLANTON. I suggest to the gentleman from Massachusetts that he print the remainder of his remarks in an extension.

The CHAIRMAN. The gentleman from Ohio [Mr. MURPHY] makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON. Let the gentleman from Ohio withdraw his point of order.

Mr. MURPHY. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn. The gentleman from Massachusetts will proceed.

Mr. TINKHAM. Here is an article in relation to a statement made by the Rev. Dr. William E. Gardner, rector of the Church of the Messiah (Episcopal), Boston, Mass.:

DRY RÉGIME HIT AS "UN-CHRISTIAN"—REVEREND DOCTOR GARDNER SAYS LAW PUTS BEST IDEALS IN COLD STORAGE—CITES LINCOLN'S VIEW OF REFORM

The Rev. Dr. William E. Gardner, preaching at the Church of the Messiah, St. Stephen and Gainsborough Streets, yesterday morning, urged the disentanglement of temperance from prohibition. He declared that a Christian congregation should take a deeper interest in temperance than in prohibition.

"Before considering temperance," he said, "I want to make clear my position on the present legislation.

"The Volstead Act was unusual in a democracy. Many did not approve of it. Bishop Lawrence has said, 'Hundreds of thousands of workmen who found solace and comradeship after the day's work in what they felt to be their innocent glass of beer had it snatched from them. Thousands and thousands of reputable citizens had their personal liberties and domestic habits broken in upon. Ever since the

prohibition constitutional amendment was passed its enforcement has been accompanied by a bitterness of discussion, which augers unhappiness and dissension in our social and national life.'

HAVE LOST IDEAL

"The sad thing is that we have lost the ideal of temperance. I hold no brief for the drunkard. I am as anxious as you to rid the road of every automobile driver who has been such a blackguard as to drink while driving; but I do raise the question: What is the future of the virtue of temperance when it is entangled with the movement to suppress or reduce the use of alcoholic liquors? Temperance means moderation. It is a virtue of peculiar beauty and power, but to-day when I use the word 'temperance' the meaning is immediately narrowed. If I look up the word in the encyclopedia, I find a sentence on the virtue but pages on the movement.

"In prohibition we are denying one of the great principles of Christ. He called for temperance in thought, word, and act. Our Lord's ideas of social morality were built on the family relationship of God and man. When He condemned the prohibitions of His times, He had in the background of His mind the right of God's sons to make choices, the necessity of God's sons making choices if they were to grow into full sonship.

INCOMPATIBLE WITH CHRISTIANITY

"The man who tries to be a Christian and a prohibitionist must lead a double life. He will be forced to put some of his best ideals in cold storage in order that safety and certain standards of social manners may be secured. This may be necessary, but it is not according to the best in Christ's teaching or the best in experience. It savors more of the mother who tied her boy with a clothesline to keep him from running into the street. Such an act may be necessary for a time, but if the mother and the boy are ever to attain the best, there must be no line.

"Prohibition is not only incompatible with Christianity, it is also a bad educational method. Abraham Lincoln put this aspect clearly in an address to a temperance society in 1842. Speaking of the un-wisdom of some reformers, he said: 'Too much denunciation against dram sellers and dram drinkers' was indulged in. This, I think, was both impolitic and unjust. It was impolitic because it is not much in the nature of man to be driven to anything, still less to be driven about that which is exclusively his own business, and, least of all, where such driving is to be submitted to at the expense of pecuniary interest or burning appetite.

"When the conduct of man is designed to be influenced persuasion, kind, unassuming persuasion, should ever be adopted. It is an old and true maxim that 'a drop of honey catches more flies than a gallon of gall.' So with man.

"In the clutch of circumstances we must keep our thinking clear. Prohibition may turn us in the right pathway, but it is not Christian, and it is not good education."

Let me repeat a sentence:

"The man who tries to be a Christian and a prohibitionist must lead a double life."

[Applause.]

I desire to draw that sentence to the attention of the honorable Representative from Texas [Mr. BLANTON] and of the honorable Representative from Georgia [Mr. UPSHAW], who sits in front of me.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not.

Mr. UPSHAW. If the gentleman calls my name, I have the right to reply.

Mr. TINKHAM. I read again:

He will be forced to put some of his best ideals in cold storage in order that safety and certain standards of social manners may be secured.

Mr. MURPHY. Mr. Chairman, I make the point of order that there is not a quorum present. The gentleman a little while ago said if he were permitted to continue he would not detain the House longer, but would extend his remarks. That is what has kept us here.

Mr. TINKHAM. I never made such an agreement.

Mr. BRITTON. Mr. Chairman, the gentleman on the floor never made such a promise. The gentleman from Ohio, who is a dry leader, is irritated.

Mr. BLANTON. Mr. Chairman, the gentleman from Massachusetts is within his rights. I want to give him all the rope he wants, so that he may properly hang himself.

Mr. BRITTON. Another dry leader heard from. [Laughter.]

Mr. BLANTON. I am in favor of giving him all the rope he wants for the purpose I mentioned.

Mr. UPSHAW. He is hanging himself every minute.

Mr. TINKHAM. I repeat, Mr. Chairman:

"The man who tries to be a Christian and a prohibitionist must lead a double life. He will be forced to put some of his best ideals in cold storage in order that safety and certain standards of social manners may be secured. This may be necessary, but it is not according to the best in Christ's teachings or the best in experience. It savors more of the mother who tied her boy with a clothesline to keep him from running into the street. Such an act may be necessary for a time, but if the mother and the boy are ever to attain the best, there must be no line."

[Applause.]

[Article in relation to a statement made by Prof. Theodore Graebner, editor of the *Lutheran Witness*, through the American Lutheran Publicity Bureau of New York. February 14]

LUTHERANS OPPOSE PROHIBITION ACT FOR LAW ENFORCEMENT, BUT AGAINST PRINCIPLE, SAYS OFFICIAL ORGAN

NEW YORK, February 13.—A statement asserting that the synodical conference of the Lutheran Church believes that the Volstead Act should be obeyed, but "is out of sympathy with the prohibition act," was issued to-day by Prof. Theodore Graebner, editor of the *Lutheran Witness*, through the American Lutheran Publicity Bureau of New York.

Professor Graebner, who is a member of the faculty of Concordia Seminary, and whose publication is the official organ of the Missouri Synod, cited Martin Luther, John Knox, John Wesley, and other leaders of the Reformation as drinkers of wine and beer. He asserted that "the insistence of some churches on total abstinence is a reversal on this point of historic Protestantism," but added that the Lutheran church believed the prohibition law should be obeyed.

"While solidly ranked on the side of law enforcement," the statement continued, "the Lutheran Church is out of sympathy with the prohibition act and with the entire type of legislation which it represents. The Lutheran Church holds that everything not forbidden in Scripture is permitted. The churches which have put over prohibition through the political organization, the Anti-Saloon League, hold that nothing is permitted unless specifically authorized in the Bible.

"These churches furthermore look upon the State as the secular arm of the church, which shall enforce obedience to church regulations by the policeman's billy and handcuffs. The kingdom of God, according to these churches, is not peace and joy in the Holy Ghost, but is meat and drink to be regulated by the police authorities."

Mr. Chairman, in closing I have only this one remark to make—

Truth, crushed to earth, shall rise again.

[Applause.]

Mr. UPSHAW. Mr. Chairman, will the gentleman yield now?

Mr. TINKHAM. No; I have finished.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to address the House for one minute.

Mr. BLANTON. That is out of order, unless the gentleman can get time yielded to him.

The CHAIRMAN. The time is all controlled by the committee.

Mr. OLIVER of Alabama. I yield the gentleman one minute.

Mr. UPSHAW. I wish to be perfectly fair with the gentleman from Massachusetts. I asked that his time be extended until he could finish. But I want to state now, before this House adjourns, that that declaration of that Catholic prelate that "prohibitionists habitually practice misrepresentation" is a miserable lie, and I will pay my respects more at length to such an unwarranted, outrageous statement in my speech tomorrow.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

Mr. BRITTON. Mr. Chairman, will the gentleman withhold that motion for a minute while I ask a question of my distinguished friend from Georgia?

Mr. SHREVE. Yes; I withhold.

Mr. UPSHAW. If I have time left.

Mr. BRITTON. Does the gentleman suggest that the statement read by the gentleman from Massachusetts, referring to the language of the cardinal named, was misquoted here?

Mr. UPSHAW. I said that his statement to the effect that it is "the habitual practice of prohibitionists to misrepresent the truth" is miserably false.

Mr. BRITTON. I understood the gentleman to say that the Catholic prelate was misquoted.

Mr. UPSHAW. I did not say he was misquoted. I did not even catch his name, but I do say that such a statement of the Catholic prelate or any other man who makes the unqualified charge that all prohibitionists are given to habitual misrepresentation is infamously and outrageously false.

Mr. BRITTON. Whose statement was it that the gentleman read?

Mr. UPSHAW. He said it was the statement of a Catholic prelate.

Mr. BRITTON. Was that statement misquoted?

Mr. UPSHAW. I do not know whether it was misquoted, and I am sorry that any man was foolish enough and cruel enough to say it, but as it was read to this House as a wholesale charge against millions of the noblest, truest people on earth it is an uncalled-for, unwarranted, miserable lie, and I will not stand for it without vigorous protest.

Mr. SHREVE. 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. TINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

Mr. ABERNETHY, by unanimous consent, was granted leave of absence for two days on account of illness.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until to-morrow, Thursday, March 4, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 4, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Bills for relief of agriculture.

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress amongst the several States under the Fourteenth census (H. R. 111, 413).

To carry out the provisions of Article I of the Constitution (H. R. 398).

For the apportionment of Representatives in Congress among the several States under the Fourteenth census, reducing the number from 435 to 304 (H. R. 3808).

COMMITTEE ON CLAIMS

(10.30 a. m.)

To provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn. (H. R. 5945).

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

Extending the use of metric weights and measures in merchandising (H. R. 10).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To repeal and annul certain acts of the Public Utilities Commission of the District of Columbia (H. R. 3805).

To secure Sunday as a day of rest in the District of Columbia (H. R. 7179).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To carry into effect provisions of the convention between the United States and Great Britain concluded on the 24th day of February, 1925 (H. R. 439).

A bill authorizing the erection of a monument in France to commemorate the valiant services of colored American Infantry regiments attached to the French Army (H. R. 9643, 9694).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To extend the civil and criminal laws of the United States to Indians (H. R. 7826).

To develop hydroelectric power on rivers within the Menominee Indian Reservation, in the State of Wisconsin, from tribal funds and for the benefit of the Indians of the said reservation (H. R. 9798).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce (H. R. 8305).

COMMITTEE ON MILITARY AFFAIRS

(11 a. m.)

Authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot near the city of Little Rock, in the State of Arkansas (H. R. 4807).

Providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the conveyance thereof by the Secretary of the Treasury (H. R. 3924).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line (H. R. 7181).

COMMITTEE ON WAR CLAIMS

(10.30 a. m.)

To provide for the payment, under certain conditions, to Lester P. Barlow of royalties accruing to him by reason of the use of certain inventions by the United States (H. R. 8785).

EXECUTIVE COMMUNICATIONS, ETC.

385. Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting a draft of a bill "to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes," was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 52. A joint resolution authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; without amendment (Rept. No. 434). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. R. 8120. A bill to create within the San Bernardino National Forest in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve; with amendment (Rept. No. 435). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. R. 6720. A bill to amend section 18 of the irrigation act of March 3, 1891, as amended by the act of March 4, 1917; with amendment (Rept. No. 441). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. R. 8916. A bill granting public lands to the county of Kern, Calif., for public park purposes; without amendment (Rept. No. 442). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama. Committee on Military Affairs. H. J. Res. 180. A joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the reunion of the United Confederate Veterans, to be held at Birmingham, Ala., in May, 1926; without amendment (Rept. No. 443). Referred to the House Calendar.

Mr. HOOPER: Committee on the Public Lands. S. 1876. An act providing for the sale and disposal of public lands within

the area heretofore surveyed as Booth Lake, in the State of Wisconsin; without amendment (Rept. No. 444). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 9685. A bill providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia; with amendment (Rept. No. 446). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 2673. An act to amend the act approved June 3, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia"; without amendment (Rept. No. 447). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 8534. A bill to amend an act entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes"; with amendment (Rept. No. 449). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 9508. A bill to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of town sites in Alaska, and to provide for the survey and subdivision of such tracts and of Indian or Eskimo towns or villages; without amendment (Rept. No. 450). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 8817. A bill reserving certain described lands in Coos County, Oreg., as public parks and camp sites; with amendment (Rept. No. 451). Referred to the House Calendar.

Mr. SWING: Committee on the Public Lands. H. R. 7979. A bill granting to the Yosemite Valley Railroad Co. the right of way through certain public lands for the relocation of part of its existing railroad; without amendment (Rept. No. 440). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. H. R. 8715. A bill to authorize the Secretary of Agriculture to extend and renew for the term of 10 years a lease to the Chicago, Milwaukee & St. Paul Railway Co. of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, and for a right of way to said tract, for the removal of gravel and ballast material, executed under the authority of the act of Congress approved June 28, 1916; without amendment (Rept. No. 436). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on the Public Lands. S. 1462. An act permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof, in Carbon County, Wyo., for the improvement of the Medicine Bow National Forest; without amendment (Rept. No. 437). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 3064. A bill for the relief of Richard H. Beier; without amendment (Rept. No. 438). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. H. R. 9966. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 439). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on the Public Lands. H. R. 7276. A bill to authorize the Commissioner of the General Land Office to dispose by sale of certain public land in the State of Kansas; with amendment (Rept. No. 445). Referred to the Committee of the Whole House.

Mr. FULLER: Committee on Invalid Pensions. H. J. Res. 53. A joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved December 23, 1924; without amendment (Rept. No. 448). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6081) granting a pension to Mary E. Haydock; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9677) granting an increase of pension to Julia Gunderman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McFADDEN: A bill (H. R. 9958) to amend section 5219 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. FLAHERTY: A bill (H. R. 9959) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services"; to the Committee on the Civil Service.

By Mr. PARKS: A bill (H. R. 9960) to forbid the publication of confidential information; to the Committee on the Judiciary.

By Mr. STEDMAN: A bill (H. R. 9961) to establish a national military park at the battle ground of Alamance, N. C.; to the Committee on Military Affairs.

By Mr. KINDRED: A bill (H. R. 9962) to regulate narcotic drug traffic, to incorporate the Federal Narcotic Bureau, and for other purposes; to the Committee on Ways and Means.

By Mrs. KAHN: A bill (H. R. 9963) to increase the salaries of the United States custom guards, and for other purposes; to the Committee on Ways and Means.

By Mr. MADDEN: A bill (H. R. 9964) releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago; to the Committee on Military Affairs.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 9965) to authorize the construction of a memorial building at or near the battle field of New Orleans; to the Committee on the Library.

By Mr. KNUTSON: A bill (H. R. 9966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

Also, a bill (H. R. 9967) authorizing an expenditure of \$6,000 from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation; to the Committee on Indian Affairs.

By Mr. ZIHLMAN: A bill (H. R. 9968) relating to giving false information regarding the commission of crime in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LEAVITT: A bill (H. R. 9969) to extend the boundaries of the Absaroka National Forest, in the State of Montana, and for other purposes; to the Committee on the Public Lands.

By Mr. SCHNEIDER: A bill (H. R. 9970) to establish a fish-cultural station in the northeastern part of the State of Wisconsin; to the Committee on the Merchant Marine and Fisheries.

By Mr. WHITE of Maine: A bill (H. R. 9971) for the regulation of radio communications, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 9972) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A bill (H. R. 9973) to amend the immigration law of 1924, providing for nonquota status to American veterans of the World War and their wives and unmarried children; to the Committee on Immigration and Naturalization.

By Mr. THOMAS: Joint resolution (H. J. Res. 188) 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 the Public Lands.

By Mr. BLACK of New York: Resolution (H. Res. 155) to investigate the reported premature circulation of information in regard to the decision of the Interstate Commerce Commis-

sion prior to the release of said decision; to the Committee on Rules.

By Mr. MacGREGOR: Resolution (H. Res. 156) to amend Rule XXI of the rules of the House of Representatives by adding a new section; to the Committee on Rules.

By Mr. WOODRUM: Resolution (H. Res. 157) asking for information from the Secretary of State; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. DRANE: Memorial of the legislature of the State of Florida, asking relief for those engaged in agriculture and horticulture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 9974) granting a pension to Frances C. Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9975) granting a pension to Alice Durston Rice; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 9976) granting a pension to James R. Parker; to the Committee on Invalid Pensions.

By Mr. CARTER of California: A bill (H. R. 9977) granting an increase of pension to Hattie H. Hill; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 9978) granting a pension to Elizabeth M. Adrian; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 9979) granting an increase of pension to Sarah E. Gilchrist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9980) granting an increase of pension to Elizabeth McDuff; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 9981) for the promotion and retirement of William H. Santelmann, leader of the United States Marine Band; to the Committee on Naval Affairs.

By Mr. ELLIOTT: A bill (H. R. 9982) granting a pension to Phebe Michael; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 9983) granting an increase of pension to James Devlin; to the Committee on Pensions.

Also, a bill (H. R. 9984) authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army; to the Committee on Military Affairs.

By Mr. HAWES: A bill (H. R. 9985) granting an increase of pension to Luransa Creath; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 9986) granting an increase of pension to Ida H. Stokes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9987) granting an increase of pension to Julia Ragon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9988) granting an increase of pension to Margreat Neef; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 9989) granting an increase of pension to Mary McKnight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9990) granting a pension to Dora Butcher; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 9991) to provide an examination and survey of Skamokawa Slough Channel, Wash.; to the Committee on Rivers and Harbors.

By Mr. LAMPERT: A bill (H. R. 9992) granting an increase of pension to Marion L. Holvenstot; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9993) granting an increase of pension to Mary A. Crom; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 9994) granting a pension to Ellen C. Troupe; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 9995) granting an increase of pension to Belinda Martin; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 9996) for the relief of William H. Connors; to the Committee on Military Affairs.

By Mr. MENGES: A bill (H. R. 9997) granting an increase of pension to Anna E. Socks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9998) granting an increase of pension to Eliza J. Drawbaugh; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 9999) for the relief of John McIntyre; to the Committee on Claims.

PETITIONS, ETC.

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

907. By Mr. ALDRICH: Petitions of residents of Rhode Island, protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

908. By Mr. ARNOLD: Petition from various citizens of Mount Carmel, Ill., and vicinity, protesting against the passage of the Kelley bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

909. By Mr. BACHARACH: Petition of sundry citizens of the second congressional district, protesting the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

910. By Mr. BOYLAN: Petition of Catholic Daughters of America, State of New York, protesting against the passage of the Curtis-Reed bill; to the Committee on Education.

911. Also, petition of Catholic Women's Union of New York, protesting against the passage of the Curtis-Reed bill; to the Committee on Education.

912. Also, petition signed by residents of Brooklyn, N. Y., protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

913. By Mr. BURDICK: Petition of George W. Robblee, of Providence, R. I., and others, protesting against the passage of certain so-called compulsory Sunday observance bills and any other national religious legislation pending; to the Committee on the District of Columbia.

914. By Mr. CULLEN: Resolution of New York State Association of Retail Grocers, opposing tax on margarine; to the Committee on Ways and Means.

915. By Mr. ROY G. FITZGERALD: Petition of citizens of Dayton and Montgomery County, Ohio, protesting against House bill 7179, compulsory Sunday observance; to the Committee on the District of Columbia.

916. Also, petition of residents of Montgomery County and Dayton, Ohio, opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

917. By Mr. FULLER: Petition of various individuals, favoring the passage of House bill 98; to the Committee on Pensions.

918. Also, petition of citizens of Sheridan, Ill., opposing the passage of compulsory Sunday observance bills; to the Committee on the District of Columbia.

919. By Mr. GALLIVAN: Petition of Kathryn T. Salmon, Catholic Daughters of America, Boston, Mass., protesting against Curtis-Reed educational bill; to the Committee on Education.

920. By Mr. GARNER of Texas: Petition from citizens of Laredo, Tex., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

921. By Mr. HADLEY: Petition of residents of Marysville, Wash., protesting against House bill 7179, or any similar measure; to the Committee on the District of Columbia.

922. Also, petition of residents of Mount Vernon, Wash., protesting against House bill 7179, or any similar measure; to the Committee on the District of Columbia.

923. Also, petition of residents of Bellingham, Wash., protesting against House bill 7179, or any similar measure; to the Committee on the District of Columbia.

924. Also, petition of residents of Clear Lake, Wash., and vicinity, protesting against House bill 7179, or any similar measure; to the Committee on the District of Columbia.

925. Also, petition of residents of Snohomish, Wash., protesting against House bill 7179, or any similar measure; to the Committee on the District of Columbia.

926. By Mr. HOOPER: Petition of Mrs. Lydia Baird and 36 other residents of Bedford, Mich., protesting against the passage of compulsory Sunday legislation; to the Committee on the District of Columbia.

927. Also, petition E. C. Waggoner and 13 other residents of Burlington, Mich., protesting against the passage of compulsory Sunday legislation; to the Committee on the District of Columbia.

928. By Mr. KIESS: Petition of citizens of Coudersport, DuBois, Williamsport, Castanea, and Port Allegany, all in Pennsylvania, protesting against House bills 7179 and 7822; to the Committee on the District of Columbia.

929. By Mr. LEHLBACH: Petition of residents of Newark, N. J., and suburbs, protesting against House bills 7179 and

7822, compulsory Sunday observance; to the Committee on the District of Columbia.

930. By Mr. LINTHICUM: Petition of Towson Nurseries, Towson, Md., favoring the Luce-Pepper bills authorizing a national arboretum; to the Committee on Agriculture.

931. Also, petition of Prof. Adolf Meyer, Johns Hopkins Hospital, Baltimore, advocating metric standards; to the Committee on Coinage, Weights, and Measures.

932. By Mr. McDUFFIE: Petition of sundry citizens of Mobile, Whistler, Crichton, and other parts of the first district of Alabama, opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

933. By Mr. McREYNOLDS: Petition of residents of Hamilton and McMinn Counties, Tenn., protesting against House bills 7179 and 7822; to the Committee on the District of Columbia.

934. By Mr. MAGEE of New York: Petition of citizens of Syracuse, N. Y., in opposition to House bills 7179 and 7822; to the Committee on the District of Columbia.

935. By Mr. MANLOVE: Petition of 96 residents of Anderson, Lanagan, and Pineville, Mo., against compulsory Sunday observance; to the Committee on the District of Columbia.

936. By Mr. MAPES: Petition of Mr. H. Bespaloff and 118 other residents of Grand Rapids, Mich., indorsing and recommending the passage of legislation permitting relatives of persons in the United States who have received their first naturalization papers to come to this country without regard to existing quota requirements; to the Committee on Immigration and Naturalization.

937. Also, petition of Reuel E. Root, Coopersville, Mich., and 82 other residents of that vicinity, protesting against the passage of compulsory Sunday observance bills, H. R. 7179 and H. R. 7822, or any other national religious legislation which may be pending in Congress; to the Committee on the District of Columbia.

938. By Mr. MOONEY: Petition of the Central Body of the Polish Roman Catholic Union, of Cleveland, Ohio, protesting the Aswell registration of aliens bill and indorsing the Permanent immigration bill; to the Committee on Immigration and Naturalization.

939. By Mr. O'CONNELL of Rhode Island: Petition of citizens of the cities of Pawtucket and Central Falls, R. I., in opposition to legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

940. Also, petition of residents of Pawtucket, R. I., protesting against House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

941. By Mr. O'CONNELL of New York: Petition of citizens of the greater city of New York and New Jersey, earnestly petitioning Congress not to pass the compulsory observance bills, H. R. 7179 and H. R. 7822, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

942. Also, petition of C. A. Weed, of New York City, favoring the passage of House bill 7907, to increase salaries of Federal judges; to the Committee on the Judiciary.

943. By Mr. PATTERSON: Petition of citizens of the first district of New Jersey, against compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

944. By Mr. PORTER: Petition of 86 citizens of Allegheny County, Pa., favoring the acknowledgment of the authority of Christ and of the law of God in the Constitution of the United States; to the Committee on the Judiciary.

945. By Mrs. ROGERS: Petition of residents of Lowell, Mass., opposing House bill 7179, compulsory Sunday observance; to the Committee on the District of Columbia.

946. By Mr. SINNOTT: Petition of sundry citizens of the second congressional district of the State of Oregon, opposing House bills 7179 and 7822, compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

947. By Mr. SWING: Petition of Southeastern California Conference of Seventh-Day Adventists, protesting against passage of Lankford Sunday closing bill (H. R. 7179) for the District of Columbia; to the Committee on the District of Columbia.

948. Also, resolutions of San Diego Woman's Club, San Diego, Calif., indorsing House bill 8821, for the relief of Indians in California; to the Committee on Indian Affairs.

949. Also, letter from California State board of health, indorsing the extension of the Sheppard-Towner maternity act; to the Committee on Education.

SENATE

THURSDAY, March 4, 1926

(Legislative day of Wednesday, March 3, 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 | Ernst | La Follette | Robinson, Ark. |
| Bayard | Ferris | Lenroot | Robinson, Ind. |
| Bingham | Fess | McKellar | Sackett |
| Blease | Fletcher | McKinley | Sheppard |
| Borah | Frazier | McMaster | Shipstead |
| Bratton | George | McNary | Shortridge |
| Brookhart | Gerry | Mayfield | Smith |
| Broussard | Glass | Means | Smoot |
| Bruce | Goff | Metcalf | Stanfield |
| Cameron | Gooding | Moses | Stephens |
| Capper | Greene | Neely | Swanson |
| Caraway | Harrel | Norbeck | Tyson |
| Copeland | Harris | Norris | Walsh |
| Couzens | Heffin | Nye | Warren |
| Cummins | Howell | Oddle | Wheeler |
| Curtis | Johnson | Overman | Willis |
| Dale | Jones, Wash. | Pepper | |
| Deneen | Kendrick | Pine | |
| Dill | King | Reed, Pa. | |

Mr. FLETCHER. I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], in unavoidably detained from the Senate. I will let this announcement stand for the day.

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is absent on account of illness.

Mr. JONES of Washington. I desire to announce that the following Senators are detained from the Senate because of illness: The Senator from Massachusetts [Mr. BUTLER], the Senator from Maine [Mr. FERNALD] the Senator from Missouri [Mr. WILLIAMS], the Senator from Colorado [Mr. PHIPPS], the Senator from Minnesota [Mr. SCHALL], and the Senator from New Hampshire [Mr. KEYES].

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

PETITIONS

Mr. SHIPSTEAD presented a petition of 10 members of the faculty of the University of Minnesota, at Minneapolis, Minn., praying an amendment of the existing copyright law, so as to include copies made by the mimeographic process as well as those made by the photoengraving process, which was referred to the Committee on Patents.

Mr. JONES of Washington presented a petition of sundry citizens of Seattle, Wash., praying for the imposition of a tariff duty on shingles entering the United States, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Retsil, Wash., praying for the passage of legislation granting increased pensions to Spanish-American War Veterans and their widows, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. MCKINLEY, from the Committee on Commerce, to which was referred the bill (S. 1809) granting the consent of Congress to the State of Illinois and the State of Indiana to construct, maintain, and operate a bridge and approaches thereto across the Wabash River on the State line between Illinois and Indiana, in section 21, township 3 north, range 10 west of the second principal meridian, reported it with amendments and submitted a report (No. 255) thereon.

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

A bill (S. 1155) for the relief of Margaret Richards (Rept. No. 256); and

A bill (S. 1450) for the relief of the estate of John Stewart, deceased (Rept. No. 257).

Mr. STEPHENS also, from the Committee on Claims, to which was referred the bill (S. 2192) for the relief of Ella H. Smith, reported it with an amendment and submitted a report (No. 258) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 56) to amend an act entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other