991. By Mr. CURRY: Petition of students of Pacific Union College and other citizens of the third California district, against the enactment of House bill 7179, proposing a Sunday law for the District of Columbia; to the Committee on the District of Columbia.

992. By Mr. EATON: Petition of sundry residents of Bound Brook, N. J., and vicinity, against passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

993. Also, petition of sundry residents of Bernardsville, N. J., against passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

994. Also, petition of sundry residents of Trenton, N. J., and vicinity, against passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

995. By Mr. FORT: Petition of sundry citizens, residents of Newark and suburbs, State of New Jersey, protesting the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

996. By Mr. FULLER: Petition of the C. V. Olson Clothing Co., of Rockford, Ill., and other individuals favoring the passage of House bill 98; to the Committee on Pensions.

997. Also, petition of the Barnes Drill Co., of Rockford, Ill., protesting against the enactment of the Kendall bill (H. R. 4478); to the Committee on the Post Office and Post Roads.

998. By Mr. GALLIVAN: Petition of John Jennings, faithful navigator, Bishop Cheverus General Assembly, Knights of Columbus, Boston, Mass., protesting against outrageous persecution and malicious treatment being accorded to Catholic nuns, bishops, and priests in Mexico; to the Committee on Foreign Affairs.

999. By Mr. GARBER: Petition by citizens of Oklahoma, against compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation pending; to the Committee on the District of Columbia.

1000. By Mr. GIBSON: Petition of citizens of Windham County, Vt., protesting against pending legislation (H. R. 7179) for compulsory Sunday observance; to the Committee on the District of Columbia.

1001. By Mr. HADLEY: Petition of citizens of Mount Vernon, Wash., protesting against House bill 7179; to the Committee on the District of Columbia.

1002. Also petition of citizens of Auburn and Enumclaw, Wash., protesting against House bill 7179; to the Committee on the District of Columbia.

1003. Also, petition of citizens of Sedro Woolley, Wash., and vicinity protesting against House bill 7179; to the Committee on the District of Columbia.

1004. Also, petition of citizens of Nordland, Wash., protesting against House bill 7179; to the Committee on the District of Columbia.

1005. By Mr. HICKEY: Petition from Mr. Stanley J. Chilminiak, signed by Mr. Valentine J. Gadaez and other citizens of South Bend, Ind., expressing opposition to House bill 5386 which proposes to exclude foreign-language publications from second-class mailing privileges; to the Committee on the Post Office and Post Roads.

1006. By Mr. KEARNS: Petition of citizens of Scioto County, Ohio, protesting against the passage of the Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1007. By Mr. KING: Petitions signed by Geo. E. Peterson, J. Z. Winkler, Mrs. Rachael Shull, Fred Duke, A. B. Elmore, and 34 other citizens of the city of Galesburg, Ill.; and Geo. F. Hubbard, Florence Heck, Joseph Heck, and 21 other citizens of Farmington, Ill., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1008. By Mr. McDUFFIE: Petition of citizens of Mobile, Prichard, and Whistler, Ala., against Sunday observance bills; to the Committee on the District of Columbia.

1009. By Mr. McKEOWN: Petition of J. N. Baker and E. P. Budd and sundry other citizens of Shawnee, Okla., protesting against the passage of House bills 7179 and 7822, the compulsory Sunday observance bills; to the Committee on the District of Columbia.

1010. By Mr. MAJOR: Petition of certain citizens of Springfield, Mo., opposing the passage of compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1011. Also, petition of citizens of Sedalia, Mo., opposing the passage of House bills 7179 and 7822, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1012. By Mr. MAPES: Petition of Mr. George J. Benedict, Grand Haven, Mich., and four other residents of that city and vicinity, in opposition to the enactment of compulsory Sunday observance laws or any other national religious legislation pending in Congress; to the Committee on the District of Columbia.

1013. Also, letter of representative printing firms, members of the Grand Rapids Printers' Association, of Grand Rapids, Mich., indorsing and urging the passage of House bill 4478; to the Committee on the Post Office and Post Roads.

1014. By Mr. MOREHEAD: Petition of A. J. Meiklejohn, J. H. Clark, and others against compulsory Sunday observance; to the Committee on the District of Columbia.

1015. By Mr. MORROW: Petition of the Rocky Mountain Coal Mining Institute, opposing the Gooding long and short haul bill; to the Committee on Interstate and Foreign Commerce.

1016. Also, petition of residents of Maxwell, N. Mex., opposing compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1017. By Mr. O'CONNELL of New York: Petition of the Fulton Bag and Cotton Mills, of Brooklyn, N. Y., opposing the passage of House bill 4478, known as the Kendall stamped envelopes bill; to the Committee on the Post Office and Post Roads.

1018. By Mr. O'CONNELL of Rhode Island: 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.

1019. By Mr. ROBINSON of Iowa: Petition of sundry citizens of Cedar Falls, Iowa, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1020. By Mr. SHALLENBERGER: Petition of sundry citizens of Hall County, Nebr., opposing the passage of the compulsory Sunday observance bills; to the Committee on the District of Columbia.

1021. Also, petition of sundry citizens of Hitchcock and Red Willow Counties, Nebr., opposing the passage of any compulsory Sunday observance laws; to the Committee on the District of Columbia.

1022. By Mr. SINCLAIR: Petition of 60 residents of Minot, N. Dak., and vicinity, protesting against the passage of legislation compelling compulsory Sunday observance; also 33 residents of Dogden, N. Dak., protesting against the passage of legislation compelling compulsory Sunday observance; to the Committee on the District of Columbia.

1023. By Mr. TAYLOR of West Virginia: Petition of sundry citizens of West Virginia, opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1024. By Mr. TEMPLE: Petitions of a number of residents of Washington County, Pa., protesting against the passage of Sunday observance bills (H. R. 7199 and 7822), affecting the District of Columbia; to the Committee on the District of Columbia.

1025. By Mr. TILSON: Petition of Mr. Samuel Brelsfelder and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1026. Also, petition of William S. Clancy and other members of Sidney Beach Camp, No. 10, United States Spanish War Veterans, Branford, Conn., in support of House bill 98 and Senate bill 98; to the Committee on Pensions.

SENATE

SATURDAY, *March 6, 1926*

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

Our Father, it is to us a joy and an honor to come to Thee and to ask from Thee guidance in all the pathways. We bless Thee for this morning. We bless Thee for that contemplation of mind as we think of to-morrow. Grant that there may be had by us such a relief from the toil and duty of the everyday responsibilities that it may be a joy to enter Thy house and find the privilege of fellowship with Thyself, and thus be qualified for what may be our duty through the coming week. Hear us, Father. Take us into Thy keeping and help us to honor Thee with all the powers of our being. We ask in Jesus' name. Amen.

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

CALL OF THE ROLL

Mr. WALSH. 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	Lenroot	Sheppard
Bayard	Fess	McLean	Shipstead
Bingham	Fletcher	McMaster	Shortridge
Blease	Frazier	McNary	Simmons
Borah	George	Mayfield	Smith
Bratton	Glass	Means	Smoot
Brookhart	Goff	Metcalf	Stanfield
Broussard	Gooding	Neely	Stephens
Cameron	Greene	Norbeck	Swanson
Capper	Hale	Norris	Trammell
Caraway	Harreld	Nye	Tyson
Copeland	Harris	Oddie	Wadsworth
Couzens	Heflin	Overman	Walsh
Cummins	Howell	Pine	Warren
Dale	Johnson	Pittman	Watson
Deneen	Jones, Wash.	Robinson, Ark.	Weller
Dill	King	Robinson, Ind.	Wheeler
Edwards	La Follette	Sackett	Williams

Mr. JONES of Washington. I wish to announce that the Senator from Kansas [Mr. CURTIS], the Senator from Maine [Mr. FERNALD], the Senator from Massachusetts [Mr. BUTLER], the Senator from New Hampshire [Mr. KEYES], and the Senator from Minnesota [Mr. SCHALL] are absent on account of illness.

I desire also to state that the junior Senator from Wyoming [Mr. KENDRICK] is engaged in the Committee on Indian Affairs.

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

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 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.

EMERGENCY SHIPPING FUND (S. DOC. NO. 78)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, with an accompanying letter from the Director of the Bureau of the Budget, transmitting a supplemental estimate of appropriation for the emergency shipping fund, United States Shipping Board Emergency Fleet Corporation, for the fiscal year 1927, amounting to $10,000,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. WALSH. Mr. President, I send to the desk a resolution in the nature of a petition of the Helena Commercial Club, and ask that it may be referred to the Committee on Finance and printed in the RECORD.

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

Whereas the United States Veterans' Bureau had decided that many of the staple foodstuffs used by bureau hospitals are to be purchased centrally and distributed to these institutions at various intervals throughout the year; and

Whereas the plan as proposed by the bureau will eliminate from competitive bidding every concern within the State of Montana, owing to the fact that subsistence to be furnished is not divided specifically as to hospitals; and

Whereas there is a grave doubt if any saving will be effected after increased freight cost is taken into consideration, which is sure to result from shipping in less-than-carload lots; and

Whereas even though this were the case, it would be practically impossible for the wholesalers to compete with manufacturers who are to be invited to make bids; and

Whereas the State of Montana, the same as all other States where bureau hospitals are located, is called upon to render many deeds of service and spend considerable sums of money looking after the welfare of patients and their families; and

Whereas we are confident that this plan will result in confusion, delay in securing foodstuffs, particularly when handled in less-than-carload shipments, substitution of inferior quality of merchandise, and will generally react against the best interests of hospitals and patients: Therefore be it

Resolved, That we respectfully petition our representatives in Congress to use their greatest influence and every endeavor to secure the withdrawal of this order.

Respectfully submitted.

HELENA COMMERCIAL CLUB,
S. V. STEWART, *President*.

Attest:

WM. G. FERGUSON, *Secretary*.

Mr. ROBINSON of Arkansas presented a letter in the nature of a petition from Mr. H. H. Crittenden, curator of the Missouri Valley Historical Society, of Kansas City, Mo., favoring the passage of the bill (S. 2479) to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to same on behalf of the United States, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Randolph County, Ark., remonstrating against the passage of the so-called Curtis-Reed bill, proposing to establish a Federal Department of Education, which was referred to the Committee on Education and Labor.

Mr. EDWARDS. Mr. President, I ask leave to have inserted in the RECORD and referred to the Committee on Finance resolutions adopted by the Tri-State Packers' Association at Philadelphia, Pa., on January 13 and 14, 1926.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

IMPORTS CANNED TOMATOES—INCREASING

The following resolution was unanimously passed by the Tri-State Packers' Association at its annual meeting held in Philadelphia January 13 and 14, 1926:

Whereas the United States imports of canned tomatoes have increased from 270,000 cases in 1922 to 764,000 cases in 1924, and for 10 months of 1925, 884,200 cases; and

Whereas the United States import duty on canned tomatoes was in 1909 40 per cent ad valorem and reduced to 25 per cent ad valorem in 1913, and again reduced in September, 1922, to 15 per cent ad valorem; and

Whereas the Tri-State Packers' Association, through its constituent members, employs a large number of American laborers in the growing and canning of tomatoes, and finds the competition with foreign-grown and foreign-canned tomatoes to be a serious menace to the canning industry in the Atlantic seaboard section and also in other sections of the country: Therefore be it

Resolved, That a committee of five be appointed to take necessary steps to secure such change in the United States tariff as will afford our industry the greatest possible measure of relief; and be it further

Resolved, That our secretary be instructed to call the attention of other associations to this matter to secure their cooperation.

Test:

C. M. DASHIELL, *Secretary*.

[NOTE.—Total imports for 1925 were 88,000,000 pounds, equaling 1,833,300 cases No. 3s.]

Mr. EDWARDS. I also present a resolution adopted by the Rotary Club of Dunellen, N. J., favoring the making of an appropriation for the erection of a public building at that place, which I ask may be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

There being no objection, the resolution was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

Whereas there has been introduced in the House of Representatives a bill for the erection of a public building at Dunellen, N. J., for the use and accommodation of the United States post office and other Government offices, the cost of said site and building not to exceed the sum of $125,000; and

Whereas the annual earning capacity of the post office at Dunellen, N. J., is now between $200,000 and $250,000: Be it

Resolved, That the Rotary Club of Dunellen, N. J., of the Rotary International, in regular meeting assembled do hereby petition the Hon. EDWARD I. EDWARDS, United States Senator, to use his every influence and power to procure the passage of the bill above referred to in the interests of the Government and all the people of the borough of Dunellen, N. J.

This is to certify that the above preamble and resolution was adopted by the Rotary Club, of Dunellen, N. J., in regular meeting assembled on February 25, 1926.

EUGENE R. SMALLY, *Secretary*.

Hon. EDWARD I. EDWARDS,
United States Senator, Washington, D. C.

Mr. KING. I am in receipt of a communication from Mr. Herbert I. Auerbach, of Salt Lake City, Utah, inclosing a memorial signed by 4,766 citizens protesting against the passage of House bill 11, the so-called Kelly bill, to clarify the law, to promote equality thereunder, to encourage competition in production and quality, to prevent injury to good-will, and to protect trade-mark owners, distributers, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, name, or brand. I move that the memorial be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. KING. I also ask that there be referred to the Committee on Banking and Currency and printed in the RECORD resolutions adopted by representatives of 60 country members of the Federal reserve system in central and northern Minnesota, held at St. Cloud, Minn., January 14, 1926, in regard to our currency system and the Federal reserve banks and particularly with reference to bills now pending, which I had the honor to introduce, providing that certain banks which do not now have representation upon the Federal Reserve Board should have such representation.

There being no objection, the resolutions were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

At a meeting of representatives of 60 country members of the Federal reserve system in central and northern Minnesota, held at St. Cloud, Minn., January 14, 1926, the following resolutions were unanimously adopted:

"Whereas there are over 8,000 national banks, according to the comptroller's report for 1925, and the country national banks in cities and villages of less than 25,000 population represent over two-thirds in numbers and over one-half in total resources of such system, nevertheless the city Federal reserve membership, through the rediscount, acceptance, and trust powers conferred by the Federal reserve act, is showing unprecedently large earnings, with the values of their stocks sustained at the highest prices in their history, while the country Federal reserve membership, through the character of its business, can not profitably employ the privileges above referred to, and in consequence its membership is showing a continued loss in bank earnings, with consequent depressed values of its bank stock. A bank may jeopardize its solvency not only through direct losses, but through the failure, as well, to earn sufficient profits to provide for necessary depreciations, as well as moderate dividends to stockholders;

"Whereas we further contend that there are not sufficient compensating advantages either in more assured public confidence in Federal reserve members or in the opportunity for increasing legitimate bank earnings from other sources to compensate us for the loss of revenues;

"Whereas as members of the national banking system we were compelled to join the Federal reserve system at its inception, we have assisted in all governmental financing during the war period, and we have sustained during the readjustment period a very material shrinkage in our bank earnings, in addition to direct losses;

"Whereas we are alarmed at the present withdrawals of many national banks from the reserve system, and we feel confident that if changes are made as suggested in the following resolutions the Federal reserve membership will be materially increased;

"Whereas from reports in the public press and from other sources we are led to believe that the Federal Reserve Board at Washington is not wholly nor always in sympathy with the problems which confront the country member banks, and we feel and believe that the latter should be given direct representation on the Federal Reserve Board of men conversant with and in harmony with our views and problems;

"Whereas in our opinion the par collection of checks is not a proper function of the Federal reserve banks, and results in unnecessary expense, and deprives the member banks of material legitimate income by preventing the collection of exchange: Therefore be it

"*Resolved*, That we do hereby indorse the principles of the Federal reserve act, so far as such principles apply to the function of reserve banking; be it further

"*Resolved*, That the so-called 'par collection of checks' by the Federal reserve banks be eliminated and the privilege of collecting exchange by member banks be restored, and that the Federal reserve act be so amended; be it further

"*Resolved*, That the country member banks be permitted direct representation on the Federal Reserve Board at Washington by the appointment of one or more of their number; be it further

"*Resolved*, That a copy of these proceedings and resolutions be spread upon the minutes of this convention and that a copy thereof be mailed to the Federal Reserve Board at Washington, to the board of directors of the Federal Reserve Bank of Minneapolis, and to our Members in Congress."

Correct attest:

ARTHUR G. WEDGE, *Chairman*.
W. LEIGH CARY, *Secretary*.

The following is the list of banks indorsing these resolutions:

Farmers' National Bank, Aitkin, Minn.; First National Bank, Aitkin, Minn.; National Bank of Aitkin, Minn.; First National Bank, Bemidji, Minn.; Northern National Bank, Bemidji, Minn.; First National Bank, Bertha, Minn.; First National Bank, Carlton, Minn.; First National Bank, Crosby, Minn.; First National Bank, Deer Creek, Minn.; First National Bank, Deerwood, Minn.; First National Bank, Eagle Bend, Minn.; First National Bank, Fergus Falls, Minn.; First National Bank, Fosston, Minn.; First National Bank, Gilbert, Minn.; First National Bank, Hawley, Minn.; First National Bank, Henning, Minn.; First National Bank, Ironton, Minn.; American National Bank, Little Falls, Minn.; First National Bank, Little Falls, Minn.; First National Bank, Menahga, Minn.; First National Bank, Osakis, Minn.; First National Bank, Parkers Prairie, Minn.; First National Bank, Pequot, Minn.; First National Bank, Royalton, Minn.; Merchants' National Bank, St. Cloud, Minn.; First National Bank, Thief River Falls, Minn.; First National Bank, Two Harbors, Minn.; First National Bank, Walker, Minn.; First National Bank, Willmar, Minn.; Kandiyohi County Bank, Willmar, Minn.; First National Bank, Cambridge, Minn.; First National Bank, Aurora, Minn.; Anoka National Bank, Anoka, Minn.; State Bank of Anoka, Minn.; First National Bank, Bagley, Minn.; First National Bank, Baudette, Minn.; First National Bank, Browerville, Minn.; First National Bank, Cass Lake, Minn.; First National Bank, Detroit, Minn.; First National Bank, Deer River, Minn.; First National Bank, East Grand Forks, Minn.; Miners' National Bank, Eveleth, Minn.; First National Bank, Foley, Minn.; First National Bank, Glenwood, Minn.; First National Bank, Grand Rapids, Minn.; First National Bank, Hibbing, Minn.; Hibbing National Bank, Hibbing, Minn.; First National Bank, International Falls, Minn.; First National Bank, Long Prairie, Minn.; First National Bank, Montley, Minn.; First National Bank, Milaca, Minn.; First National Bank, Pine City, Minn.; First National Bank, Paynesville, Minn.; First National Bank, Park Rapids, Minn.; First National Bank, Staples, Minn.; City National Bank, Staples, Minn.; First National Bank, Virginia, Minn.; First National Bank, Verndale, Minn.; First National Bank, Wadena, Minn.; Merchants' National Bank, Wadena, Minn.; First National Bank, Isanti, Minn.

FEDERAL AID TO STATES

Mr. BINGHAM. Mr. President, I ask unanimous consent for the insertion in the RECORD of certain resolutions adopted by the Legislature of the State of Maryland, together with an editorial from the Bristol (Conn.) Press relating thereto, which expresses very graphically the attitude of the people of Connecticut toward State rights and State responsibility and our opposition to Federal subsidy. We do not approve of the system of bribery whereby the Federal Government consciously or unconsciously aims to force the States of the Union, by aid in the maintenance of State projects, to adopt measures and make appropriations and raise taxes which would not or might not otherwise be done.

The VICE PRESIDENT. Without objection, the request is granted.

The resolutions and editorial are as follows:

[From the Bristol Press, Bristol, Conn., Tuesday, March 2, 1926]

RESOLUTIONS THAT EXPRESS FUNDAMENTAL AMERICAN PRINCIPLES

The Maryland Senate has formulated a joint resolution to be presented to Congress concerning the matter of Federal aid to States that will meet most hearty approval on the part of people who believe in self-reliance for their Commonwealth as well as for individuals. It reads as follows:

"Joint resolution

"Joint resolution and memorial of the General Assembly of Maryland to the Senate and House of Representatives of the United States in Congress assembled, requesting the repeal of all laws which authorize appropriations to the several States in the form of Federal aid on condition that the States make similar appropriations and to abolish all offices, boards, and bureaus created to administer or supervise such appropriations.

"Whereas the enactment of laws of Congress authorizing appropriations to the several States on condition that similar appropriations be made by the States compels each State to undertake work which it may not wish to undertake or lose its share of the Federal appropriation, in which case it would be compelled to contribute in taxes to the work in other States of which its people disapprove, and from which they derive no benefit; and

"Whereas such Federal appropriations are becoming burdensome, amounting to millions of dollars each year, with similar amounts from the States; and

"Whereas in practically every case the work thus undertaken properly belongs to the several States and should be done by them without interference or control from a centralized government; and

"Whereas it is time to cease centralizing power and authority in the National Government in matters which are primarily of local concern

and which can generally be best done under local authority and supervision; and

"Whereas there is a demand on the part of the people of Maryland for a return to the fundamental principles of our Government, namely, the performance of State duties and functions by the several States: Therefore be it

"*Resolved by the General Assembly of Maryland*, That the Senate and House of Representatives of the United States in Congress assembled be, and they are hereby, requested and urged to repeal all laws which authorize appropriations to the several States in the form of Federal aid on condition that similar appropriations are made by the respective States; and be it further

"*Resolved*, That all offices, boards, and bureaus created to administer or supervise such appropriations be abolished; and be it further

"*Resolved*, That the Representatives from the State of Maryland in the Senate and House of Representatives of the United States be, and they are hereby, requested to urge and support the repeal of the abovementioned laws; and be it further

"*Resolved*, That the secretary of state of Maryland be, and he is hereby, requested to transmit, under the great seal of this State, a copy of the aforegoing resolution and memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States and to each of the Representatives from Maryland in the Senate and House of Representatives of the United States."

[From the Bristol (Conn.) Press, March 2, 1926]

HONOR TO MARYLAND

To Maryland goes the honor of being first among the States to make vigorous, sound, and logical protest against the scheme of Federal aid whereby the States are encouraged to depart from fundamental principles of self-reliance and to enter into an alliance that weakens the strength of the State and at the same time strengthens centralization. It is an insidious and dangerous invention, all the more so because of its rather alluring appeal to the careless and thoughtless.

The Maryland resolution prepared for Congress in the senate and passed by a nearly unanimous vote is a straightforward statement of that American belief in the duty and privilege of self-government. After pointing out the weaknesses of the method and the inevitable costs that must follow this coaxing of States into deeper financial waters than they are justified in entering, it presents principles in a concise and effective way.

"It is time," says this resolution, "to cease centralizing power and authority in the National Government in matters which are primarily of local concern and which can generally be best done under local authority and supervision.

"There is a demand on the part of the people of Maryland for a return to the fundamental principles of our Government, namely, the performance of State duties and functions by the several States."

This is true, accurate, and forcefully stated.

The resolution also calls for repeal of all laws that authorize appropriations to the several States in the form of Federal aid on condition that similar appropriations are made by the respective States, and the abolition of all offices, boards, and bureaus created to administer such appropriations.

We take pleasure in printing the resolution complete on page 1, and in extending assurances of appreciation to the General Assembly of the State of Maryland.

Mr. BINGHAM subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD, following the remarks which I made earlier in the session to-day, four paragraphs from addresses and from messages of President Coolidge.

The VICE PRESIDENT. Without objection, it is so ordered. The extracts referred to are as follows:

PRESIDENT COOLIDGE ON FEDERAL SUBSIDIES AND TAXATION

[From the address of President Coolidge, Budget meeting, January 21, 1924]

I take this occasion to state that I have given much thought to the question of Federal subsidies to State governments. The Federal appropriations for such subsidies cover a wide field. They afford ample precedent for unlimited expansion. I say to you, however, that the financial program of the Chief Executive does not contemplate expansion of these subsidies. My policy in this matter is not predicated alone on the drain which these subsidies make on the National Treasury. This of itself is sufficient to cause concern. But I am fearful that this broadening of the field of Government activities is detrimental both to the Federal and the 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.

[From President Coolidge's message to Congress transmitting the Budget for the fiscal year ending June 30, 1926. CONGRESSIONAL RECORD, December 2, 1924]

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

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[From the address of President Coolidge, Budget meeting, June 22, 1925]

Unfortunately the Federal Government has strayed far afield from its legitimate business. It has trespassed upon fields where there should be no trespass. If we could confine our Federal expenditures to the legitimate obligations and functions of the Federal Government a material reduction would be apparent. But far more important than this would be its effect upon the fabric of our constitutional form of government, which tends to be gradually weakened and undermined by this encroachment. The cure for this is not in our hands. It lies with the people. It will come when they realize the necessity of State assumption of State responsibility. It will come when they realize that the laws under which the Federal Government hands out contributions to the States is placing upon them a double burden of taxation. * * * Federal taxation in the first instance to raise the moneys which the Government donates to the States, and State taxation in the second instance to meet the extravagance of State expenditures which are tempted by the Federal donations.

[From the message of President Coolidge to Congress, December 8, 1925]

In our country the people are sovereign and independent and must accept the resulting responsibilities. It is their duty to support themselves and support the Government. That is the business of the Nation, whatever the charity of the Nation may require. The functions which the Congress are to discharge are not those of local government but of National Government. The greatest solicitude should be exercised to prevent any encroachment upon the rights of the States or their various political subdivisions. Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the Nation. It ought not to be infringed by assault or undermined by purchase. It ought not to abdicate its power through weakness or resign its authority through favor. It does not at all follow that because abuses exist it is the concern of the Federal Government to attempt their reform.

Society is in much more danger from encumbering the National Government beyond its wisdom to comprehend, or its ability to administer, than from leaving the local communities to bear their own burdens and remedy their own evils. Our local habit and custom is so strong, our variety of race and creed is so great, the Federal authority is so tenuous, that the area within which it can function successfully is very limited. The wiser policy is to leave the localities, so far as we can, possessed of their own sources of revenue and charged with their own obligations.

MUSCLE SHOALS

Mr. SMITH. Mr. President, I present a concurrent resolution adopted by the legislature of my State which I send to the desk and ask to have read.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read the concurrent resolution, as follows:

A concurrent resolution

Whereas during the dry weather last summer there was a shortage of power in the South, and many people were thrown out of work, industries slowed down, and in some cases suspended entirely;

Whereas the steam plant of the United States Government at Muscle Shoals was put into operation and, by means of interconnection and relays, power therefrom went into Georgia, North Carolina, South Carolina, and other States;

Whereas Congress will doubtless shortly decide upon a plan for the utilization of the vast power project of the United States at Muscle Shoals;

Whereas we believe that power not needed for the production of fertilizer or for ingredients for fertilizer, or for the purpose of developing methods and processes to lower the cost of fertilizer should be equitably distributed at the lowest reasonable cost to the people of the Southern States;

Whereas only a portion of the power of Muscle Shoals would be necessary to the operation of the nitrate plants if they were run to full capacity 24 hours per day for 365 days out of the year;

Whereas the Norris bill for Government operation, the Underwood bill, the Ford bill, the Wadsworth bill, and all other bills introduced

at previous sessions of Congress died on the calendar when Congress adjourned;

Whereas there is pending in the present session of Congress House Resolution No. 4, which provides for the appointment of a committee to negotiate for the utilization of the plants at Muscle Shoals and provides for the nitrate operation of the facilities for nitrates, but is entirely silent on the question of whether power not needed for nitrates shall be distributed. If this resolution is passed, all of the excess power may pass into the hands of some large industrialist, several of whom are clamoring to get possession of this property.

Whereas we believe that if this excess power is distributed and applied to raw materials, it will bring industries into being, create a demand for labor and materials, give the farmer a market at his door, bring about the construction of roads and schools, and contribute to the prosperity and happiness of our people; and

Whereas the land on which all live produces the sustenance for all living things, and agriculture is the basic industry generating the great wealth of the world, and from the land must come everything for the prosperity of its people: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States be memorialized by this general assembly to pass such legislation as will give to the farmers of this Nation nitrate and other fertilizer ingredients at the lowest cost of production, using the power at Muscle Shoals which may be necessary to produce an adequate supply, and then distribute the balance of this power not so needed to promote the welfare of this Nation.

Resolved further, That certified copies of these resolutions be sent officially to the South Carolina delegation at Washington, D. C., and to the United States Senate Committee on Agriculture, under the signature of the president of the senate and speaker of the house.

A true copy.

[SEAL.] JAS. H. FOWLES,
Clerk of the Senate.

The VICE PRESIDENT. The concurrent resolution will lie on the table.

Mr. SMITH. I now send to the desk a short letter from Charles H. Heighton, an attorney of Seattle, in the State of Washington, which I desire to have read.

The VICE PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

SEATTLE, *March 1, 1926.*

Hon. ELLISON D. SMITH,
United States Senate, Washington, D. C.

SIR: I have read with a great deal of interest your efforts, together with those of Senator NORRIS, to prevent Muscle Shoals to be turned over to private power interests.

The power question is a big issue in this State, and many of us are interested in the national aspect this question is assuming. I wish you would be good enough to send me copies of any speeches you make on this question and other available literature bearing on the same.

The cities of Seattle and Tacoma have their own power plants and an intertie line, and Seattle is now developing the Skagit project, which will produce 550,000 horsepower, and Tacoma has just completed her Cushman project, which will produce 160,000 horsepower. Through municipal competition in Seattle, rates have been reduced to a maximum of 5½ cents per kilowatt, and Tacoma has driven the private power company out of the field and makes a maximum rate of 5 cents per kilowatt.

We have a City Light Patrons Club here, the object of which is to foster and extend the development of our city light and power plant, and the members are greatly interested in all phases of the power question. Anything that you care to send me will be made good use of before this organization.

Very respectfully, CHARLES H. HEIGHTON.

Mr. SMITH. Mr. President, the only comment I desire to make is that I am gratified to know that the American people are beginning to take notice of the principle involved in this discussion and what it means to them. The comparative figures that are given as to the two cities in the State of Washington are illuminating in connection with the subject we are now discussing, particularly with reference to the difference between the cost to people who use the natural power as contradistinguished from the cost to those who have to use the power when distributed by a private corporation.

Mr. HEFLIN. Mr. President, on yesterday morning a gentleman interested in the resolution regarding Muscle Shoals sent in for me. I went out to the reception room, and he asked me if I knew what was going on. I told him that I did not know all that was going on but I knew some of the things that were going on. He said, "Well, a propaganda is on to have a number of telegrams sent in here Saturday and Sunday and Monday morning urging that this resolution be amended, and applications for power will be sent in in an effort to stampede the Senate to do what they have always been able to do heretofore; namely, to defeat legislation upon this question." He seems to have known what he was talking about. I have two letters, Mr. President, which I wish to have read, one dated February 2 of this year, and the other February 20.

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

The Chief Clerk read as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., February 2, 1926.

Hon. J. THOMAS HEFLIN,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR HEFLIN: The American Farm Bureau Federation takes this opportunity to make a final statement relative to House Concurrent Resolution No. 4, which is scheduled to be voted on by your committee Wednesday morning at 11.30.

Certain amendments to the above-named resolution have been proposed, all of which serve the purpose of those who have been opposing the dedication of this project to agricultural and preparedness uses. These proposed changes are unnecessary and will merely result in delay and confusion if not in the defeat of all Muscle Shoals legislation at this session of Congress.

House Concurrent Resolution No. 4, as drawn, is sufficiently broad to admit the consideration of any proposal that would carry out the purposes for which Muscle Shoals was built.

The action of this congressional joint committee is not final but it is the setting up of a mechanism to determine whether or not a satisfactory private lease can be secured.

You will recall that the American Farm Bureau Federation and the National Grange are in complete accord as to the action of the committee which will best serve agriculture; namely, to report House Concurrent Resolution No. 4 without change and with the recommendation that it be passed.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Associate Director.*

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., February 20, 1926.

To all Members of the United States Senate.

MY DEAR SENATOR: Muscle Shoals was built by the Government for the production of nitrates, to be used in time of war for the manufacture of explosives and for fertilizers in time of peace.

You have now before you House Concurrent Resolution No. 4, setting up a special congressional committee to determine if, through private activity, capital, and initiative, these purposes can be accomplished.

There are no restrictions in this resolution that will prevent anyone who sincerely desires to accomplish these results or to perform any additional service from making a proposal to the Government. Surely after failing to accept H. R. 518 it is fair to insist that any other proposal should be at least as good an offer as that one.

This resolution has the indorsement of the American Farm Bureau Federation, and you will serve agriculture well by passing this resolution promptly and without change.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Acting Director.*

Mr. HEFLIN. Mr. President, I merely wish to say a word or two before I yield the floor. The President of the United States, as I have stated, has approved this resolution as it stands; the House of Representatives by a vote of 9 to 1 voted for it as it stands; and every Member of Congress from the States of South Carolina, Georgia, Arkansas, Mississippi, Texas, and, with one exception, from my State of Alabama, and all the Members of the other Southern States, voted for it. I think there was only one vote from the entire South opposing the resolution. The farmers' organizations, as I have said, are asking us to vote for it as it stands, and any amendment placed upon it may cause its defeat. I trust we will not take that responsibility at this end of the Capitol.

Mr. GEORGE. Mr. President, notwithstanding the admonitory remarks of the Senator from Alabama and the various resolutions which he reminds us will be sent to the Senate for the purpose of persuading or influencing the Senate, I wish to send to the desk and have read into the RECORD a telegram from the secretary of the Georgia Senate.

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

The Chief Clerk read as follows:

[Western Union telegram]

ATLANTA, GA., *March 4, 1926.*

Senator WALTER F. GEORGE,
Washington, D. C.:

The Georgia State Senate to-day passed a resolution in regard to House of Representatives Concurrent Resolution 4, of which the follow-

ing is the substance: That it is the earnest request of this assembly that such amendments be incorporated into the House resolution above referred to, or any other legislation authorizing the disposal of the Muscle Shoals property, as will require that the electric power, which may now or in the future be generated at Muscle Shoals above the requirements for the manufacture of fertilizers or fertilizer ingredients, shall be distributed equitably throughout the territory in the States adjoining the Muscle Shoals property.

DEVEREAUX F. MCCLATCHEY,
Secretary of the Senate.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. GEORGE. Mr. President, notwithstanding the letter of the American Farm Bureau, I desire to read into the RECORD a provision of section 124 of the national defense act of 1916, the act which brought before the American people the whole question of Muscle Shoals; an act for which the distinguished Senator from South Carolina [Mr. SMITH] was responsible:

> The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

Mr. President, I recognize that this is the morning hour; and while I desire to make some remarks on this concurrent resolution I restrain myself from doing so in order that other matters properly coming before the Senate in the morning hour may receive consideration.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. GEORGE. I do.

Mr. HEFLIN. I desire to ask the Senator from Georgia a question just following the line that he read from the national defense act. Does not the Senator agree that if a bid is made, and the Congress shall accept it, it will repeal that provision of that law?

Mr. GEORGE. Why, certainly I do; and, Mr. President, I agree to more than that. I agree that if this concurrent resolution, as it is offered to the Senate at this time and as it has passed the House, passes the Senate the bid—not all of the bids submitted by all of the bidders but the bid which the three members of the Agricultural Committee of the Senate and the three members of the Military Committee of the House are pleased to submit to the Congress, and note, if Senators please, this statement: Not all of the bids that may be submitted to this committee, but such one of the bids as this select committee may choose will be reported to the House in the form of a bill, without going to a committee, and will be put through the House or voted down by the House under the provisions of this House concurrent resolution which we are now asked to take without amendment.

Mr. President, at this point I desire to say that the function of leasing Muscle Shoals or any other property belonging to the United States is properly an executive function. It is not properly a legislative function. Even the Underwood bill, which we passed in the Senate at a previous session of the Congress, and which went to conference, provided that the President of the United States should offer Muscle Shoals for lease. No bill heretofore has undertaken to constitute a select committee of the House and Senate a committee with the power to negotiate a lease and to report that bid back to the House in the form of a bill which shall have the status that is provided for measures enumerated in clause 56 of Rule XI in the House.

Mr. HEFLIN. Right there, Mr. President——

Mr. GEORGE. To my mind, it is an incomprehensible suggestion, to my mind it is a pitiable suggestion, that the Congress of the United States shall pass this concurrent resolution without amendment, and solemnly ask for bids upon $167,000,000 worth of property of the United States without laying down a single condition, without fixing a single line of policy, in flat contradiction to the organic law that brought Muscle Shoals into being. It would be, Mr. President, ludicrous if it were not tragic in the extreme that the Congress of the United States should propose to submit to leasing for the long period of a half century of time this valuable property without laying down expressly and precisely the affirmative and the restrictive covenants of the lease. It is the relinquishment of a trust placed upon the Senate and upon the body at the other end of this Capitol, a relinquishment of a solemn trust to a committee of six, which committee may be literally swamped with bids and proposals, which committee may sift out of those bids the one that the committee itself chooses to submit, which must be sent back to the House to be either taken or rejected, and to the Senate to be either taken or rejected; because when it comes back here in the form of a contract or an offer to enter into a contract the Senate, of course, will have the power, but the power merely to amend it, because in the last analysis it will have only the power to accept or reject the offer to enter into the contract which the lessee himself makes.

Mr. President, is the Senate of the United States solemnly to ask for bids, and when a bid comes in here in no wise exceeding the broad general powers that we give our general agent to negotiate that lease, is the Senate of the United States then to reject it? It will have the legal power; but will it do do any credit to the morality or integrity of the American Congress flatly to reject a bid clearly within the very terms of the offer made by the Congress?

I do not appreciate the suggestion, from whatever source made, that when the concurrent resolution is passed and the bid is made, if made and reported back to the Congress, then the Congress will have the right and power either to reject it or to accept it. I understand that proposition as a mere legal proposition; but, Mr. President, I would not think that I was reflecting credit upon my morals or integrity if, when I sent out into the market my agent with general powers to negotiate for me a lease, and when my agent returned with the lease in no manner or wise exceeding the power with which I had clothed him, I then exercised the mere legal right of rejecting an offer which I had seriously invited by sending my agent out to make the offer; and yet that is exactly what the Senator from Alabama is here attempting to do.

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. GEORGE. Yes; I yield.

Mr. HEFLIN. The Senator says that the committee will report back one bid only. The concurrent resolution says that the committee shall have leave to report its findings and recommendations. Its findings may include all the bids, if it sees fit; but in the House it can report a bill or a resolution. Suppose the House should reject that; would not the committee then have the opportunity to bring in another one of the bids, and so on until the matter was disposed of?

Mr. CARAWAY. No.

Mr. GEORGE. I should think not.

Mr. HEFLIN. Why not?

Mr. GEORGE. Because the concurrent resolution says that the committee must report by April 1, and it says that the committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect.

Mr. ASHURST. Mr. President, a point of order.

Mr. HEFLIN. But the Senator suggested yesterday that that bid might be immediately rejected. If that were done, why could they not submit another on the same day?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arizona?

Mr. ASHURST. I wish to make a point of order.

The VICE PRESIDENT. The Senator from Arizona will state it.

Mr. ASHURST. The discussion is interesting and should be made after the morning hour is concluded. A great deal of morning business is yet to be disposed of.

The VICE PRESIDENT. The regular order is demanded.

Mr. ASHURST. I do not want to take the Senator off his feet.

Mr. GEORGE. I think the point of order is well taken. I said in the beginning that I did not mean to consume the morning hour.

Mr. CARAWAY. Mr. President, I hope before the Senator finishes his speech he will call the attention of the Senator from Alabama to this question: Under the concurrent resolution that is now before the Senate the committee are empowered to report a bill. They do not report back an offer, but their report is in the nature of a bill; and under the concurrent resolution that bill has a privileged status and goes immediately upon the House Calendar, and there has a privileged status and is up for consideration. It is a bill, not a report, and it does not go to any of the committees of the House. It is already reported and goes on the calendar, and there will not be any two bills.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from Arkansas and the Senator from Georgia, as well as the Senator from Alabama——

The VICE PRESIDENT. The regular order has been demanded. The presentation of petitions and memorials is in order.

RAILROAD LABOR BOARD

Mr. SACKETT. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter from the United States

Railroad Labor Board which has reference to a bill now on the calendar for the consideration of the Senate providing for settlement of railway labor disputes and for the abolishment of that board. I may offer an amendment to the bill when it is called up for consideration, or perhaps later in the day.

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

The letter is as follows:

UNITED STATES RAILROAD LABOR BOARD,
Chicago, Ill., March 2, 1926.

Hon. FREDERIC M. SACKETT,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: From the evidence submitted at the hearings on the Watson-Parker railway labor bill by the House Committee on Interstate and Foreign Commerce, and from subsequent debate on the floor of the House on the same bill, it is apparent that the status of cases now pending action by the Railroad Labor Board is not generally understood or known—e. g., I quote Congressman NEWTON'S answer to Congressman TINCHER'S question, taken from page 4584 of the CONGRESSIONAL RECORD, February 25, 1926, at which time it was asked whether or not the Labor Board had application for considerable raise in wages. Mr. NEWTON replied:

"I understand that the applications have been very greatly exaggerated, but there are, I think, one, two, or three applications pending for wage increases."

For your information the Railroad Labor Board now has on hand 87 applications for increases in rates of pay, the requests involving approximately $32,295,541; there are also pending 11 applications covering dockets involving requests for changes in rules and working conditions, making a total of 98 applications for decisions covering cases that may be termed major disputes in which the public is interested.

The attached statement of dockets now before the Labor Board, in addition to indicating the number of wage and rule disputes, also sets forth an additional 439 disputes that are pending decisions. These include wage and rule interpretations, grievances, etc. There is also attached communications from the executives of certain labor organizations in which they are urging that their pending disputes be decided by the Railroad Labor Board. During the year 1925 the Labor Board docketed 618 cases, and during January and February, 1926, it docketed 116 cases.

In justice to the parties that have voluntarily submitted these disputes in all sincerity to the Labor Board and who have expended thousands of dollars in their preparation, and in justice to the United States Government, that has also spent thousands of dollars in the hearing of evidence and reducing same in form preparatory to decision, all of which will be lost by the contemplated unnecessary and hasty action in attempting to abolish the Railroad Labor Board without providing for its consideration of the business now before it, the Labor Board should be allowed to continue its operation until the end of the fiscal year, June 30, 1926, by which time it will have been able to clear its calendar by rendering decisions on all undecided disputes.

I trust you will give this situation the careful consideration it deserves.

Yours very truly,

EDWIN P. MORROW.

United States Railroad Labor Board

Name of organization	Disputes pertaining to general revision of—				Estimated financial effect
	Wages		Rules		
	Heard	Not heard	Heard	Not heard	
Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen, joint		1			(1)
Order of Railway Conductors and Brotherhood of Railway Trainmen, joint	2				(1)
Order of Railway Conductors, Brotherhood of Railway Trainmen, Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, joint	1				(1)
Order of Railroad Telegraphers	24				$1,003,878.72
Brotherhood of Maintenance of Way Employees	27				28,995,447.00
Masters, Mates, and Pilots of America	5				18,000.00
Ferry Boatmen's Union of California			1		
Lighter Captains' Union			2		
American Train Dispatchers' Association	6	2	7		39,683.04

[1] Impracticable to estimate financial effect.

United States Railroad Labor Board—Continued

Name of organization	Disputes pertaining to general revision of—				Estimated financial effect
	Wages		Rules		
	Heard	Not heard	Heard	Not heard	
Brotherhood of Railroad Station Employees	3	1			235,622.24
Railroad Yardmasters of America	2	1		1	(1)
Railroad Yardmasters of North America	1				(1)
Brotherhood of Dining Car Conductors	1				(1)
Railway Men's International Ben. Ind. Association	1				20,000.00
National Association of Railway Mechanics, Helpers, and F. H.	1				(1)
Dining Car Cooks and Waiters Union		1			116,703.75
Association of Train Porters, Brakemen, and Switchmen	1				64,560.00
Marine Culinary Workers of California	1				15,600.00
Brotherhood of Railway and Steamship Clerks		5			1,786,060.00
Total major cases	76	11	10	1	32,295,554.75

[1] Impracticable to estimate financial effect.

United States Railroad Labor Board

Name of organization	Disputes pertaining to grievances	
	Heard	Not heard
Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen, joint	3	
Brotherhood of Railroad Trainmen	4	
Order of Railway Conductors and Brotherhood of Railway Trainmen, joint	31	
Order of Railway Conductors, Brotherhood of Railway Trainmen, Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, joint	1	
Switchmen's Union	3	
Federated Shop Crafts	8	
Order of Railroad Telegraphers	50	61
Brotherhood of Maintenance of Way Employees	10	2
Brotherhood of Railway and Steamship Clerks	166	45
International Longshoremen's Association	2	
American Train Dispatchers Association	15	2
Railroad Yardmasters of America	1	
Order Sleeping Car Conductors	3	
Order Railway Expressmen	1	
American Federation of Railroad Workers	4	
Railway Men's International Ben. Ind. Association	2	
Brotherhood of Dining Car Employees	1	
National Association Railway Mechanics, Helpers, and F. H.	2	
Brotherhood Railroad Bridge and Building Mechanics and Helpers	1	
Sailors Union of Great Lakes	1	
Unorganized Employees	2	
American Federation of Express Workers		18
Total	311	182

[Western Union telegram]

CHICAGO, ILL., *February 17, 1926.*

UNITED STATES RAILROAD LABOR BOARD,
Care L. M. Parker, Secretary,
Transportation Building, Chicago, Ill.

Indirect information comes to me that some of the organizations having disputes pending for decision before your tribunal have expressed desire that they would prefer that no decisions be rendered affecting their case, believing that any subsequent tribunal would be more or less affected. This is to inform your honorable body that our organization does not countenance such a policy and are very desirous of having each and every dispute now pending before you affecting our class given the earliest possible consideration and decision, and we further express our hopes that each and every member of the Labor Board will diligently perform the obligations imposed, as provided in title 3, transportation act, regardless of any prospective pending legislation.

J. G. LUHRSEN,
President American Train Dispatchers' Association.

[Western Union telegram]

BUFFALO, N. Y., *February 15, 1926.*

CHAIRMAN UNITED STATES RAILROAD LABOR BOARD,
Chicago, Ill.

I would earnestly request that your honorable body render a decision in the case of the Central Railroad of New Jersey *v.* the Railroad Yard-

masters of North America. These men have been very patient and have exercised all means within their power to arrive at a decision on the property before bringing the matter to the attention of your honorable body. The negotiations were started in 1921, and being unable to reach a satisfactory settlement the case was submitted to your honorable body in July, 1925. The men on the property concerned feel it is their just due that a decision be rendered in the near future.

Very truly yours,

P. W. QUIGLEY,
President Railroad Yardmasters of North America.

[Western Union telegram]

DETROIT, MICH., *February 23, 1926.*

TO THE CHAIRMAN AND MEMBERS
OF THE UNITED STATES RAILROAD LABOR BOARD,
608 South Dearborn Street, Chicago, Ill.,
Care of L. M. Parker, Secretary:

As you were advised by myself and my representative recently, the organization I represent is anxious to have decision rendered on our wage case heard by your board last October. Any impression created with your board by statements from other sources that no further decisions on submissions now pending before the board are wanted does not represent the desire of the organization I represent. Our policy in the past has been to submit meritorious grievances that we could not settle with our employers to your board for decision. We intend to continue that policy and ask that our cases be acted on by your board, and we specially urge that a prompt decision be rendered on our pending wage case.

F. H. FLJOZDAL, *Grand President,*
Brotherhood of Maintenance of Way Employees.

CHICAGO, ILL., *February 25, 1926.*

Mr. L. M. PARKER,
Secretary United States Railroad Labor Board,
Transportation Building, Chicago, Ill.

DEAR SIR: There is one case on the calendar that is not an ordinary case. I earnestly plead in behalf of the San Francisco Bay Ferryboatmen, Docket 5059, Ferryboatmen's Union of California *v.* Southern Pacific Co.

I wish to call your attention to my supplemental statement filed with the board February 24, 1926. This will reveal—

1. That the public is paying the company for the specific purpose of establishing and maintaining the 8-hour day, 6-day week, as of February 1, 1926.

2. That the company acknowledges our clear right to the 8-hour day by denying to the public that we had requested the 8-hour day or that any negotiations were pending when charged with accepting the rate increase and maintaining the 12-hour day.

The case is simple; the injustice is great and absolutely inexcusable. The men I represent have struggled a long time and at great expense, believing in the ultimate fairness of the board.

If the case is permitted to die, the expressed will of the public will be defeated and a group of men will be forced to suffer an inexcusable condition.

It is a local and not a general case. As a representative of the men and a citizen I plead with you to not let this case die. A few minutes' study will convince you that what I say is worthy of consideration and action. I therefore ask that you make it a special order of business and that a decision be rendered.

Most sincerely,

C. W. DOAL,
For Ferryboatmen's Union of California.

THE NASHVILLE, CHATTANOOGA & ST. LOUIS
RAILWAY CO. CLERKS' ASSOCIATION,
Nashville, Tenn., January 22, 1926.

Hon. BEN. W. HOOPER,
Chairman United States Railroad Labor Board,
608 South Dearborn Street, Chicago, Ill.

DEAR SIR: Referring to Docket No. 4972 heard on October 14, 1925.

The clerks on the Nashville, Chattanooga & St. Louis Railway have been anxiously awaiting decision in the above case, as the matter has been before the board since July of last year.

It seems now that legislation is being prepared to do away with the Labor Board and establish certain other boards to handle cases of this kind. The clerks' association, as you well know, is an independent organization and is not associated in any way with the brotherhood organizations, but is operating in accordance with certain provisions made by the Labor Board providing for the organization of unorganized employees.

The clerks' association has always been friendly to the board and has carried out its decisions in the spirit of the law, and have, in accordance with your rules, presented a case for decision which we believe should be acted upon, as the clerks have become reconciled to the fact that the matter is in your hands and that action will probably be taken most any day.

The clerks' association is positively against the proposed bill. As we see the matter, it provides only for the organized employees, which would mean that the four large brotherhoods would control the situation, and the employees performing the less important duties would not be considered by them. I have read the proposed bill and find no provision made for independent organizations, such as our own, and I can not see but that if our case is not acted upon by the United States Railroad Labor Board before the proposed legislation is passed, that we will be left without any further course to pursue.

In view of the foregoing facts, as we see them, we wish to respectfully ask that the board make some disposition of this case, as our organization has been formed on the laws laid down by the Labor Board and brought into existence by the provisions of the board, and, of course, after the board has been abolished and the proposed legislation put through there will be little chance for the situation to be brought to a conclusion.

Personally, I am quite sure the management is expecting an increase to be granted, and I do not believe that they have any serious objection, as our clerical turnover for the past year has far exceeded anything we have ever had, except during the war period. This is due to the fact that the clerks have left the railroad in order to secure better salaries. Voluntary increases have also been allowed the shopmen, trainmen, and telegraphers since clerical employees were increased, and the earnings of the railroad have been very satisfactory.

We sincerely hope, therefore, that if there is any way possible for this matter to be disposed of by the board that a decision be rendered before the passage of the proposed legislation.

Yours very truly,

T. FULCHER JONES,
General Chairman.

ST. FRANCIS RIVER BRIDGE NEAR CODY, ARK.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably with an amendment the bill (H. R. 9095) to extend the times for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark., and I submit a report (No. 275) thereon. I ask unanimous consent for the present consideration of the bill.

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

The amendment of the Committee on Commerce was, on page 1, line 9, after the word "hereof," to insert a colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by the act of Congress approved March 3, 1923, to be built across the St. Francis River near Cody, in the county of Lee, in the State of Arkansas, by bridge district No. 2 of Lee County, Ark., are hereby extended one and three years from the date of approval hereof: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORTS OF COMMITTEES

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 869) for the relief of Harry Ross Hubbard, reported it without amendment and submitted a report (No. 276) thereon.

Mr. TYSON, from the Committee on Claims, to which was referred the bill (S. 945) for the relief of Gershon Bros. Co., reported it with an amendment and submitted a report (No. 277) thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the joint resolution (S. J. Res. 61) authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich., reported it with an amendment and submitted a report (No. 278) thereon.

BILLS INTRODUCED

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

By Mr. ERNST:

A bill (S. 3435) authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments; to the Committee on Civil Service.

By Mr. NORBECK:

A bill (S. 3436) for the relief of Eugene D. Mossman, James B. Kitch, and certain Indians of the Standing Rock Indian Reservation, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 3437) granting an increase of pension to Clarissa J. Allum; and

A bill (S. 3438) granting an increase of pension to Melissa B. Baldwin (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3439) 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; to the Committee on Public Lands and Surveys.

By Mr. WATSON:

A bill (S. 3440) to regulate the interstate transportation of black bass, and for other purposes; to the Committee on Interstate Commerce.

By Mr. HARRELD:

A bill (S. 3441) authorizing the Secretary of War to sell a portion of land at Fort Sill Military Reservation, Okla., and to acquire necessary additional land at said reservation; to the Committee on Military Affairs.

By Mr. SWANSON (by request):

A bill (S. 3442) providing for an inspection of the Bull Run Battle Fields from and including Centerville, and to and including Thoroughfare Gap and Warrenton, in the State of Virginia; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 3443) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes; to the Committee on Indian Affairs.

By Mr. CUMMINS:

A bill (S. 3444) to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States"; to the Committee on the Judiciary.

By Mr. OVERMAN:

A bill (S. 3445) to divest certain telegraph messages of their interstate character; to the Committee on the Judiciary.

By Mr. BROOKHART:

A bill (S. 3446) to provide for buying, storing, processing, and marketing agricultural products in interstate and foreign commerce, and especially for thus handling the exportable surplus of agriculture in the United States, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GOFF:

A bill (S. 3448) granting compensation to Auguste C. Loiseau; to the Committee on Finance.

A bill (S. 3449) for the relief of the heirs of John B. Johnson; to the Committee on Claims.

A bill (S. 3450) granting a pension to Lucy A. Rowles;

A bill (S. 3451) granting an increase of pension to Emma Gue; and

A bill (S. 3452) granting an increase of pension to Phoebe Comer; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3453) to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek, in the District of Columbia; to the Committee on the District of Columbia.

THE TARIFF COMMISSION

Mr. ROBINSON of Arkansas. Mr. President, I introduce a bill to reduce the membership of the Tariff Commission and provide for the disqualification of members to serve in proceedings of the commission in certain cases. I ask leave to make a very brief statement respecting the bill, and I also desire to submit a resolution which has direct relationship to the subject matter of the bill I introduce. The resolution directs the Finance Committee of the Senate to make an inquiry into the proceedings, the regulations, the findings, and the recommendations of the Tariff Commission, and particularly with respect to what is known as the flexible provision of the tariff act of 1922.

The bill to reduce the membership of the Tariff Commission from six members to four, if enacted, would have the effect of abolishing the position to which Mr. Baldwin has been nominated, but not confirmed, and would result in abolishing the position now filled by Mr. Glassie after the expiration of his term, which will occur about the middle of September next, as I am informed. I want to take just a few minutes to explain what I conceive to be the justification for this bill and this resolution, because I expect to ask action by the Senate within a reasonable time.

As at present constituted, the Tariff Commission functions very poorly, and scarcely at all in the manner contemplated by the law which created it. Everyone here knows that the Tariff Commission was designed to be a bipartisan body, and the purpose of making it such was to have fairly reflected by the membership of the commission the two prominent economic theories or views respecting tariff policy.

By the appointment of a commissioner nominally a Democrat, but actually an advocate of high protective tariff rates, the Tariff Commission has been perverted into a partisan body; that is, into a body in which partisanship dominates.

Of course, the commission ought to be permitted to discharge its duties without compulsion or undue influence from any source.

The action of the Executive in requiring a member of the commission to resign and to place his resignation in the hands of the Executive, subject to be accepted at any time it pleased the Executive, necessarily intimidated and embarrassed the commissioner. No question has been raised as to the occurrence of the incident to which I refer. It was discussed in the Senate by the able Senator from Nebraska [Mr. NORRIS], and evidence in the nature of quasi records was produced, showing conclusively that the Executive demanded of Commissioner Lewis his resignation, with the understanding that the President should pigeonhole it or pocket it, and accept it when it pleased the Executive. That, of course, meant that if in the performance of his duties as a member of the commission the commissioner displeased the Executive, the commissioner would immediately lose his official status. The only object of requiring the resignation in such a manner would seem to be a deliberate design on the part of the Executive to subordinate the commissioner's views to his own and to restrain the commissioner from a free exercise of his judgment. Nothing could be more subversive of sound principles of government.

The usefulness of the Tariff Commission as a fact-finding body has been well-nigh destroyed. If the proposed bill is passed the bipartisan character of the commission will be restored, and it is to be hoped safeguarded and maintained.

Other provisions of the bill contemplate a legislative determination of the long-continued controversy in the commission as to whether a member shall be the judge of his own qualifications when he has been challenged because of alleged interest in the result of the commission's findings or recommendations. The bill provides that no member shall be deemed qualified to serve if he, or any member of his family, has a direct pecuniary interest in the result, or if any former employer of the commissioner has such an interest. It is also contemplated that the commission shall be authorized to make rules and regulations for determining when a commissioner is not qualified, but in no case shall the commissioner himself whose right to serve is questioned participate in deciding that issue.

The resolution of inquiry which accompanies the bill authorizes a comprehensive investigation of the proceedings of the tariff commission, with a view to determining its efficiency, and the necessity for the legislation which I am now discussing and other legislation. The investigation has particular reference to the flexible provision of the tariff act of 1922, under which the tariff may be raised or lowered by the President in accordance with the alleged difference in costs of production in the United States and in competing countries. The resolution is broad enough to permit an inquiry into all facts and circumstances which reflect light on the manner in which our tariff laws are administered and on the way in which those laws influence the commerce of the country.

The record of proceedings by the commission under the so-called flexible provision of the tariff law show that in every important instance in which it has been employed the result has been to increase very greatly the rates of duties, and in most instances the existing rates are already too high. The only instance I can now recall in which the flexible provision of the tariff act of 1922 has been used to reduce import duties was in the case of quail imported from the Argentine. In all the important cases, in instances involving the very necessities of

life, the flexible provision of the tariff law has been employed to increase the burdens, already too heavy, resting upon the consumers of this Nation.

If the Congress wants to pass legislation helpful to the American farmer, of whom we hear so much and read so much as the prospective beneficiary of our wise conclusions, the first measure it ought to pass is a general tariff law, revising downward the rates now in force. It would not only be helpful to consumers but it would also be helpful in stabilizing business conditions, both at home and in the foreign countries with which the United States trades.

The administration will, of course, resist any effort to modify the tariff, except in conformity with a misconceived conclusion as to the purpose of the flexible provision of the law. It is quite likely that it will be impracticable, if not impossible, to consider and enact during this Congress a general tariff law, but it is to be hoped that in the early future conditions in both branches of the Congress will be changed to such an extent as to enable the people of the Nation to obtain relief from the very unjust burdens which the tariff law imposes.

Even though it seems impracticable now to effectually deal with the general subject of the tariff, it is both practicable and necessary to take such action as will enable and require the tariff commission to function in the way it was intended to function, to function in the public interest rather than for the benefit of those who practice extortion against the people of this Nation.

I introduce the bill to which I have referred, and ask to have it read and sent to the Committee on Finance; and I present the resolution which has also been discussed, and ask that it lie over under the rule.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. ROBINSON of Arkansas. I yield.

Mr. KING. I hope the Senator will press the consideration of his bill. May I say to the Senator that there is now pending before the Committee on Finance a bill which I introduced some time ago, I think the first day of the session, to abolish the Tariff Commission for the reasons which the Senator has given; namely, that it has ceased to function, that it has become a useless organization, and, if it serves any purpose, it is to enable trusts, those who are the beneficiaries of high protection, to further exploit the people.

Mr. ROBINSON of Arkansas. An investigation of the proceedings of the Tariff Commission will disclose that it has been converted into a mere debating society, and that its decisions reflect the fact that it has been so constituted by the appointment of one nominally a Democrat, known to be in favor of high protective tariff, that those who favor the reduction of tariff as an economic principle are never able to have their views considered, much less carried into effect. The resolution and the bill will be pressed, as the Senator from Utah suggests.

Mr. WALSH. I understand the Senator from Arkansas requested that the bill and resolution be read from the desk, and I ask that they may be read.

The bill (S. 3447) to reduce the membership of the Tariff Commission and to provide for the disqualification of members of said commission in certain cases was read the first time by its title, and the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, etc., That from and after the passage of this act the United States Tariff Commission shall be composed of four members, no more than two of whom shall be members of the same political party.

Provided, That any member of the commission who has been appointed and confirmed in the manner required by law may serve until the end of the term for which he has been appointed.

SEC. 2. No member of the Tariff Commission shall be deemed qualified to serve in any proceeding by or before the commission in the result of which he or any member of his family has a direct pecuniary interest, nor shall any member of said commission participate in any proceeding to which a former employer of said member of the commission is a party, or in which a former employer is directly interested, whether such employer be a person, firm, association, or corporation.

SEC. 3. The Tariff Commission may provide rules and regulations for determining when a member of the commission is disqualified to serve in any proceeding by or before the commission, but in no case shall a member whose right to serve is under question be permitted to vote or have any part in deciding questions relating to his disqualification, nor shall any member be deemed qualified unless a majority of the members of the commission entitled to participate hold that such member is qualified.

The resolution (S. Res. 162) was read and ordered to lie over under the rule, as follows:

Resolved, That the Committee on Finance is hereby authorized and directed to investigate the manner in which section 315 (the flexible provision) of the tariff act of 1922 has been and is being administered. The inquiry shall have particular reference to the regulations and procedure of the Tariff Commission, the powers exercised and the functions performed by said commission, and to the institution, investigation, hearing, and decision of cases arising under said section.

Said inquiry shall also comprehend the agents and processes employed by the Tariff Commission in proceedings to ascertain the difference in costs of production in the United States and in competing countries, as well as the method of ascertaining which country constitutes the principal competing country within the meaning of said tariff act of 1922. The committee may inquire into any and all other facts, circumstances, and proceedings which it deems relevant in arriving at an accurate conclusion touching the operation and the administration of the tariff laws.

The committee may summon witnesses, administer oaths, hear testimony, and compel the production of papers, documents, books, and records in the possession of or kept by the Tariff Commission.

The committee shall promptly report its proceedings, findings, and recommendations to the Senate.

WABASH RIVER BRIDGE, ILLINOIS-INDIANA

On motion of Mr. BINGHAM, 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, was recommitted to the Committee on Commerce.

CLAIMS FOR RECOVERY OF TAXES ON DISTILLED SPIRITS

Mr. EDWARDS. On January 16 I introduced a bill (S. 2536) allowing claims for the recovery of taxes on distilled spirits in certain cases. I now wish to submit an amendment to that bill, which is a substitute for the text of the original bill. I ask that it be referred to the Committee on Finance.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Finance.

DISMISSAL OF GOVERNMENT'S APPEAL IN PACKERS' CASE

Mr. WALSH. Mr. President, I had hoped that the Senator from Wyoming [Mr. KENDRICK] might be present this morning. I desire to call attention to an article appearing in the new United States Daily, the first issue thereof, of Thursday last, which is entitled: "Packer decree fails as court rejects appeal—California canneries retain right to market foods through packers on contract—Government is set back on technicality—Failed to file transcripts or motions to suspend within 20 days provided by the law."

I read from the article as follows:

PACKERS, CANNERIES, CONSENT DECREE GROCERS

The appeal of the United States Government and the National Wholesale Grocers' Association from the decision of Justice Jennings Bailey, of the District of Columbia Supreme Court, who last May sustained the motion of the California Cooperative Canneries to suspend the operation of the packers' consent decree was dismissed by the District of Columbia Court of Appeals.

The Government's appeal was dismissed on a technicality—that of having failed to file its transcript of record within the required time of 20 days allowed by the court, upon a motion filed by Frank J. Hogan, attorney for the California Cooperative Canneries Association.

According to Mr. Hogan, the court's action places the "Big Five" packers—Swift & Co., Armour & Co., Wilson & Co., Cudahy Packing Co., the Western Meat Co., and other packing companies—in the same position they were before they entered into the consent decree with the Government on February 27, 1920, by which they agreed to disassociate themselves from all unrelated lines of trade and commerce.

DECREE FILED IN WASHINGTON

This consent decree between the Government and the packers was signed after the Government had filed a petition in the District of Columbia Supreme Court alleging violations of the antitrust laws, charging that the packers had created a monopoly in the trade and commerce of livestock, meat products, and other unrelated commodities, including terminal railways, market papers and journals, branch houses, cold-storage warehouses, control of substitute foods, which threatened to control the quality and price of each article of food found on the American table.

Although the packers denied the Government's allegations of violating the antitrust laws, they entered into the decree. The decree was signed during the administration as Attorney General of A. Mitchell

Palmer, who was assisted by Special Assistants Isador J. Kresel, John H. Atwood, and Joseph Sapinsky.

The California Cooperative Canneries intervened, due to a 10-year contract it had with Armour & Co. to purchase annually a large percentage of their output, which was practically voided by the decree.

The rule under which the appeal was dismissed provides that "in all cases of appeal from an interlocutory order or decree of the Supreme Court of the District of Columbia the transcript of record shall be filed within 20 days from the entry of the order of the allowance of such appeal, unless such time, for special and sufficient cause, shall be extended for a definite and fixed period by order of a justice of the Supreme Court of the District of Columbia.

According to the motion to dismiss filed by Mr. Hogan, the appeal of the United States was taken and perfected May 22, 1925, and the appeal of the National Wholesale Grocers' Association was taken on May 23, 1925.

The transcript of record on the Government's appeal was not filed until October 31, 1925, and the transcript of record on the grocers' appeal was not filed until November 9, 1925. The time was not extended, and no such extension was asked, Mr. Hogan's motion declared.

BASIS OF ARMOUR MOTION

The decree suspending in whole the operation of the consent decree was issued by Justice Bailey on May 1, 1925, upon the motion of the Swift and Armour groups of defendants to vacate and set aside and declare void the decree of February 27, 1920, and also upon the motion of the California Cooperative Canneries to vacate or modify the decree or suspend its operation.

Then follows, Mr. President, a statement of the grounds upon which the motion was based and the action thereon. I do not take the time of the Senate to read it, but I shall ask that the entire report be incorporated in the RECORD as if read by me. I read, however, the concluding paragraph, as follows:

The petition of the canneries to intervene, filed in 1922, was overruled by Justice Bailey. However, the court of appeals overruled the lower court and ordered a rehearing. It was as a result of this that Justice Bailey issued his decision, suspended the consent decree, and from which the Government, through Assistant Attorney General Herman J. Galloway, failed to file its transcript of record within the required 20 days.

That means, Mr. President, that these two companies made application to have declared null and void the decree entered against the packers in the year 1920, and they made a further application to have the decree suspended until that application could be heard. That order was made. So the decree to-day is ineffective. The Government, conceiving that the ruling of Judge Bailey was erroneous, took an appeal to the District Court of Appeals, then failed to file the transcript, in accordance with the rules of the court, and the appeal was dismissed for that reason.

I am glad to observe that the chairman of the Committee on the Judiciary, the Senator from Iowa [Mr. CUMMINS] is present. I think I shall ask that the article from which I have read be referred to the Committee on the Judiciary for consideration.

The VICE PRESIDENT. Is the request of the Senator that the article be printed in the RECORD?

Mr. WALSH. I have requested that the article be printed in the RECORD and referred to the Committee on the Judiciary.

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

The article entire is as follows:

[From The United States Daily, Washington, Thursday, March 4, 1926]

PACKER DECREE FAILS AS COURT REJECTS APPEAL—CALIFORNIA CANNERIES RETAIN RIGHT TO MARKET FOODS THROUGH PACKERS ON CONTRACT—GOVERNMENT IS SET BACK ON TECHNICALITY—FAILED TO FILE TRANSCRIPTS OR MOTIONS TO SUSPEND WITHIN 20 DAYS PROVIDED BY THE LAW

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According to Mr. Hogan, the court's action places the "Big Five" packers—Swift & Co., Armour & Co., Wilson & Co., Cudahy Packing Co., The Western Meat Co., and other packing companies in the same position they were before they entered into the consent decree with the Government on February 27, 1920, by which they agreed to disassociate themselves from all unrelated lines of trade and commerce.

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Although the packers denied the Government's allegations of violating the antitrust laws, they entered into the decree. The decree was signed during the administration as Attorney General of A. Mitchell Palmer, who was asssited by Special Assistants Isador J. Kresel, John H. Atwood, and Joseph Sapinsky.

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1. That the decree is void because the court was without jurisdiction, for the reasons that there were no facts adjudicated; it violated the fifth amendment to the Constitution; there was no case or controversy before the court, and the decree was beyond the jurisdiction of the court in any event.

2. The decree is void because it is violative of the antitrust laws themselves, and neither the consent of the Attorney General nor the consent of the defendants could validate it.

3. The Attorney General was without power or authority to consent to the decree on behalf of the United States.

In answer to the above grounds in the motion which he overruled, and explaining why he granted the motion of the canneries, Justice Bailey said:

"As to the first ground, that the court was without jurisdiction, I think counsel have somewhat confused the situation where a decree is erroneous on the face of the record and where it is void for want of jurisdiction. A decree may so clearly adjudicate matters which are beyond the province of the court of equity that it may be void on its face.

"On the other hand, a decree in a case where the jurisdiction of equity might be disputed might be erroneous and subject to correction on appeal or a bill of review and yet not void.

"In this particular case I think the subject matter of the decree is certainly of the same nature as that conferred by statute upon the Federal courts sitting as court of equity, and if the parties now think that its provisions were somewhat broader than those embraced in the pleadings and somewhat beyond the powers conferred by statute, it is too late now to raise this objection and especially by mere motion.

CONSENT BY DEFENDANTS

"It is not sought to set aside the decree on the ground that the consent of the defendants was obtained by fraud, but that the decree was entered by accident or mistake. The parties consented to the decree and their consent evidently showed their construction of law at the time the decree was entered, and, in my opinion, they are now stopped from contesting its validity.

"While it is true there was no adjudication of facts before the court, there was the consent of the parties. The bill was filed to enjoin future acts. The defendants consented that they should be enjoined from doing such future acts and no other adjudication was necessary.

"As to the objection that it violates the fifth amendment, it is sufficient to say that the parties consented to the decree.

"The same reasoning will apply to the second ground; and as to the third ground, that the Attorney General was without power or authority to consent, the Attorney General is the duly authorized counsel for the United States and a part of the executive department of the Government, and I have no doubt of his power to consent to the entry of such a decree. He has consented to the entry of many other decrees and up to this time his principal has not come before the court to repudiate his authority.

"The motion of these defendants, therefore, will be overruled."

FIRST DECREE A CONTRACT

In discussing the Canneries case Justice Bailey said:

"The motion of the Canneries presents a very different case. The court of appeals has sustained its right to intervene based upon the allegations in its petition. The original decree in this cause was entered without the taking of any proof and without the admission of any facts, and may be considered as little more than a contract between the parties sanctioned by the court.

"Had this decree been entered upon the taking of proof, either by formal testimony or by the admissions of the parties, I think that the burden would have been upon the intervener to show that the actual facts did not justify the decree.

"The pleadings show that the intervener has a substantial interest, that its contractual rights have been impaired by the entry of this decree, and that it is damaged by it. If there were even proof to show that the defendants had violated, or were about to violate, the laws of the United States, the situation would be different, but, as I have said, there was no such proof.

SUSPENSION OF DECREE

"It is clear that the canneries are being damaged by the continuance of this decree, and while I do not think that the decree should be vacated in the present state of the pleadings, I do think that the operation of the decree should be suspended.

"My first view was that it should be suspended merely in so far as the canneries were concerned, but all of the parties have agreed that if it should be suspended or modified, it should be suspended or modified as a whole.

"There seems to be little difference in effect between vacating the decree and suspending its operation, but as in my opinion the decree is valid as long as it stands, and no proof has been taken to show that it was improperly entered; all that should be done now is to suspend the operation of the decree."

Following the above opinion, a week later, on May 1, 1925, Justice Bailey ordered the following decree:

"1. The said motions of the Armour and Swift groups of defendants are overruled.

"2. The said motion of the California Cooperative Canneries to suspend the operation of the said decree of February 27, 1920, is granted and the operation of the said decree as a whole is suspended until further order of the court to be made, if at all, after a full hearing on the merits according to the usual course of chancery proceedings."

The petition of the canneries to intervene, filed in 1922, was overruled by Justice Bailey. However, the court of appeals overruled the lower court and ordered a rehearing. It was as a result of this that Justice Bailey issued his decision, suspended the consent decree, and from which the Government, through Assistant Attorney General Herman J. Galloway, failed to file its transcript of record within the required 20 days.

RIGHTS OF AMERICAN CITIZENS IN MEXICO

Mr. NORRIS. Mr. President, I would like to have the Chair lay before the Senate Resolution No. 151, coming over from a previous day.

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 151), submitted by Mr. NORRIS February 18, requesting information relative to reported objections of the Mexican Government to the publication of official correspondence with the United States in regard to American oil interests in Mexico.

Mr. BORAH. Mr. President, I do not desire to ask the Senator from Nebraska to longer postpone consideration of the resolution. I endeavored to get in touch with the Secretary of State this morning, but he is ill at his home and was unable, therefore, to know just the status of the correspondence.

As I stated a day or two since, a memorandum has been agreed upon between the Secretary of State and the representative of the Government of Mexico which looks to the publication of the correspondence just as soon as it is completed. I am not going to ask the Senator, however, if he desires to have the resolution considered, to longer postpone the consideration of it, but I do suggest to the Senator that he change the terms of the resolution. I think he will see the desirability of changing it in view of the present situation. The resolution now reads:

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to inform the Senate whether the Mexican Government has objected and is objecting to the publication of all the official correspondence, etc.

I would suggest to the Senator that it be changed to read:

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to send to the Senate all official correspondence pertaining to said dispute referred to in the preamble.

That would provide merely for calling for the correspondence without raising the question as to whether the Mexican Government has or has not objected to its publication. I suggest this in view of the fact that they have now practically agreed to publish it, and I am sure that what the Senator desires is the correspondence. I think that will more readily get it.

Mr. KING. Mr. President, I shall be glad to have the information which the Senator's resolution seeks to obtain made available for public use. However, I regret that the resolution does not call for all correspondence between the State Department and the Mexican Government, covering a period of from 12 to 15 years, based upon protests made and claims submitted by American citizens against the Mexican Government.

There are some Americans who entertain the view that the matter in dispute between our Government and the Mexican Government, or between American citizens and the Mexican Government, relates solely to oil lands in Mexico. The fact is that the oil controversy lacks importance when measured by the principles involved and the value of property concerned, which have been the subjects of diplomatic correspondence since 1910. It is true that the rights of many American citizens owning oil lands in Mexico have been disregarded by the Mexican Government, and in many instances illegal exactions have been made and heavy tribute has been levied upon them. Moreover, the title to their lands has been assailed and is now directly challenged. But, Mr. President, the oil companies have dealt with representatives of the Mexican Government and have managed to survive the assaults made upon them. But the holdings of American oil companies, as I have indicated, are much less in value than the property of thousands of Americans located in various parts of Mexico.

American investments in Mexico in 1910 and 1912 amounted to approximately one and one-half billion dollars. American citizens went to Mexico not as trespassers or intruders but, as a general rule, upon the invitation of the Mexican Government. They built railroads, developed mines, erected smelters, converted arid wastes into fertile fields and farms, and made important contributions to the development of Mexico and improved the material and moral condition of the Mexican people.

But in 1912 thousands of them were compelled to leave, and from that time until the present many of them have been deprived of their property, and the fear of some has prevented them from returning to Mexico. The Mexican Government and its soldiers, agents, and representatives seized and destroyed or confiscated property of the value of tens of millions of dollars owned by American citizens. Real estate, as well as personal property, has been seized and confiscated by the Mexican Government and by persons for whose acts it is responsible. Moreover, hundreds of Americans have been killed upon Mexican soil and hundreds more have been subjected to brutal treatment and to cruel persecutions and shameful indignities.

Numerous protests have been filed with the State Department against the illegal and unjust acts of the Mexican Government and its officials and nationals. Hundreds of claims, amounting to tens of millions of dollars, have been filed against Mexico growing out of the assassination of Americans upon Mexican soil, and the wrongs and cruelties to which Americans have been subjected and because of the confiscation of American property.

The State Department has repeatedly protested to the Mexican Government against these cruel and illegal acts, and demands have been made that the rights of American citizens be respected and that they be protected in their personal and property rights. As I am advised, there have been many notes and letters between our Government and the Mexican Government, based upon Mexico's violation of her duties and obligations to the United States and to American citizens who were rightfully in Mexico.

Mr. President, we should have full information regarding the claims and protests filed with the State Department, and the American people should be apprised of the notes exchanged by the two Governments and of the correspondence which has occurred relative to the matters to which I have referred

since 1910. When possessed of this information the American people will understand that it is not the claims of oil companies that is the most serious and vital matter of controversy and difference between the two Governments.

In my opinion the American citizens have not been fully protected by their Government, and it would seem as if the developments during the past few days warrant the conclusion that the administration is not pursuing a course that will vindicate American rights or protect American citizens.

We should have more light upon the Mexican situation. We should learn the reasons why the American representative in Mexico, Mr. Sheffield, is being sidetracked by Charles Beecher Warren, of whom we have heard in the Senate and of whom, doubtless, we shall hear much more. Mr. Sheffield, I believe, has attempted to protect American rights. He is an efficient, patriotic, and able diplomatic representative of our Government; but the evidences are accumulating that he is being ignored and that Mr. Warren is being projected into the negotiations, to the disadvantage of our country and to the injury of American citizens.

Mr. President, if the resolution now before us is adopted—and I hope it will be—I shall offer a resolution on Monday calling for all correspondence between the State Department and the Mexican Government in relation to the matters to which I have referred.

Mr. NORRIS. Mr. President, I want to assure the Senator from Utah that I shall be glad to cooperate with him in my weak way and give him any assistance possible to put through any resolution that will bring about publicity along the lines he has suggested. I think it ought to be done not only with Mexico but every other country, because secrecy in these matters has caused more trouble for our country and for the world and for humanity generally than any other one thing. Of course, the object of my resolution was to get publicity of the correspondence between the United States and Mexico on the question of the difficulties existing. I framed it as I did because I had been very reliably informed that our Department of State was replying to those who were trying to get the correspondence that the Mexican Government was objecting to its publication and that the Mexican officials were claiming that they were anxious to see it published, but that our Secretary of State would not allow it to be published. I wanted to see first if I could get its publication and just where the trouble was.

I will accept the suggested amendment of the Senator from Idaho and modify my resolution accordingly.

The VICE PRESIDENT. The resolution as modified will be stated.

The Chief Clerk read the modified resolution, as follows:

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to send to the Senate all official correspondence pertaining to said dispute referred to in the preamble.

Mr. BORAH. I would suggest to the Senator, likewise, that the fourth whereas should be stricken out. It reads:

Whereas it has been stated in the public press that the Department of State has been very anxious to give full publicity to the official correspondence, and that the Mexican Government has objected to such publicity.

Mr. NORRIS. I accept that suggestion, too.

Mr. BORAH. I am very glad that the correspondence is going to be published, and I should like to see more of the record between Mexico and the United States made public. I am satisfied that when it is published there will be less reason to be disturbed about the Mexican situation than there now seems to be. I think that, so far as the particular controversy to which this resolution addresses itself is concerned, it is approaching a state of solution. In my opinion, the constitution of Mexico and the laws of Mexico are not so confiscatory as has been supposed, and the correspondence will enlighten the public satisfactorily when it is finally published.

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

The resolution as modified was agreed to.

The VICE PRESIDENT. The question is now on agreeing to the preamble as modified.

The preamble as modified was agreed to.

The preamble and resolution as agreed to are as follows:

Whereas various statements in the public press seem to indicate that there is a serious dispute between the Government of the United States and the Government of Mexico, in which it is claimed that various constitutional provisions and statutes of the Mexican Government conflict with the rights of American citizens alleged to have been acquired in oil lands in Mexico prior to the adoption of such constitutional provisions and the enactment of such laws; and

Whereas the American people are in ignorance of the real questions involved because the official correspondence between the two Governments has not been made public; and

Whereas full publicity of all the facts entering into such dispute is extremely desirable in order that the people of the two Governments may fully understand all the questions involved in said dispute: Therefore be it

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to send to the Senate all official correspondence pertaining to said dispute referred to in the preamble.

LAND IN BOUNDARY COUNTY, IDAHO

Mr. BORAH. Mr. President, I ask the Senator in charge of the Muscle Shoals resolution to indulge me a moment. There is a bill on the calendar, being House bill 7173, which is purely of local concern, the passage of which is necessary, however, in order that those having the matter in charge may proceed with the organization of their drainage district. The bill was reported favorably from the House committee, it was passed by the House, and is now before the Senate on a full report of the Senate Committee on Indian Affairs. I ask unanimous consent that the bill may now be considered.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7173) authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized in his discretion to sell through sealed bids in unit offerings not exceeding 80 acres certain allotted lands of the Kootenai Indians situated in Boundary County, Idaho, at not less than the appraised price and deposit the proceeds derived therefrom to the credit of the individual Indians entitled thereto and to use such individual funds so derived to purchase tracts not exceeding 5 acres for each Indian living at the time of the passage of this act. That the Secretary of the Interior shall issue patents in fee for lands sold hereunder to the purchaser upon payment of the purchase price, and trust patents shall be issued to the Indians allotted the tracts as hereinbefore provided containing restrictions against alienation for a period of 25 years: *Provided*, That where the lands are held for allottees the consent of said allottees shall be obtained: *And provided*, That the proceeds derived from the sale of the allotted lands over and above the amount required for the purchase of tracts for the individual Indians shall be available to the individual Indian's credit and may be used in the discretion of the Secretary of the Interior for the purchase of building material, clothing, farming implements, livestock, foodstuffs, and other necessary purposes, and for the payment of the reclamation charges that may be assessed against such Indian allotments by a drainage district created in pursuance to the State laws of Idaho for the diking and drainage of such lands.

Mr. GOODING. Mr. President, I wish to say that, as has been stated by my colleague the senior Senator from Idaho, this is a very important bill. I hope that there will be no objection to its passage.

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

EMPLOYMENT OF CONSULTING ENGINEERS ON COOLIDGE DAM

Mr. CAMERON. I ask unanimous consent for the present consideration of the bill (H. R. 6374) to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam. It is rather an emergency bill, because the Coolidge Dam is held up for lack of such legislation as is proposed by the measure.

The VICE PRESIDENT. Is there objection to the present consideration of the bill referred to by the Senator from Arizona?

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

Mr. FLETCHER. What will be the cost to the Government should this bill become a law?

Mr. CAMERON. Under the present law the Secretary of the Interior is authorized to pay only $20 a day for a competent engineer. I will state to the Senate that the plans for this dam have already been approved; three models of the dam have been prepared and are now before the Secretary of the Interior. The construction of the dam does not come under the reclamation law but under the Secretary of the Interior and the Commissioner of Indian Affairs. The dam is being built and the Secretary desires to have some competent engineers outside of those who are at present being employed and who have already passed on the project. The necessary money is already available, and the Secretary asks that he be allowed

to have $75 a day men, so that he may pass on this improvement.

Mr. FLETCHER. What I am getting at is, how much is this going to cost the Government?

Mr. CAMERON. The amount is limited by the bill to $3,500. The appropriation for the dam has already been made.

Mr. FLETCHER. The department merely wishes to employ a number of experts at $75 a day. Is that the idea?

Mr. ASHURST. Mr. President, will my colleague yield to me?

Mr. CAMERON. Certainly.

Mr. ASHURST. Mr. President, this bill contemplates authorizing the Secretary of the Interior to employ for consultations on plans and specifications for the Coolidge Dam, authorized to be construted by an act of June 7, 1924 (43 Stat. 476), as he may deem necessary, the services of not more than three experienced engineers with the necessary qualifications at rates of compensation, including travel and other expenses incident to such employment, for each engineer employed not exceeding in the aggregate for the time actually engaged upon the work $3,500 and at not to exceed the rate of $75 per day.

In accordance with an opinion rendered by the Comptroller General of the United States under date of October 5, 1925, except during an emergency, the rate of compensation for consulting engineers may not exceed $7,500 per annum, or $20.83⅓ per day.

The construction of the Coolidge Dam was authorized at a limit of cost of $5,500,000, for the purpose, first, of providing water for the irrigation of lands allotted to the Pima Indians on the Gila River Reservation, Ariz., now without an adequate supply of water, and second, for the irrigation of such other lands in public or private ownership as in the opinion of the Secretary of the Interior may be served with water impounded by said dam without diminishing the supply for the Indian lands.

The magnitude of this project is such as to warrant the securing of opinions and advice of consulting engineers of the highest standing in their profession. Their employment would be only temporary and they would be called upon from time to time as required for advice on various matters pertaining to the construction of the dam. The usual rate of compensation for engineers of the caliber desired is greatly in excess of the $20.83⅓ per day, it ranging from $100 to $200 per day. Due to the character of the work, and the fact it is a Government project, no doubt the desired engineers could be secured at the rate and under the conditions set forth in the bill.

Mr. FLETCHER. The bill reads:

> Not exceeding in the aggregate more than $3,500 for any engineer so employed for the time employed.

The Secretary might employ half a dozen of them.

Mr. ASHURST. But he could not employ more than three.

Mr. JONES of Washington. Mr. President, I desire to offer an amendment to strike out "$75" and to insert "$50" as the per diem compensation of the consulting engineers. I will say that in the Army appropriation bill where provision is made for the employment of experts we have fixed $50 per diem as being the proper limit. I therefore submit that amendment.

Mr. CAMERON. So far as I may, I will accept the amendment proposed by the Senator from Washington.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The CHIEF CLERK. On page 2, line 2, before the words "per day," it is proposed to strike out "$75" and in lieu thereof insert "$50," so as to make the bill read:

> *Be it enacted, etc.*, That in carrying into effect the provisions of the act of June 7, 1924 (43 Stat. L. p. 476), entitled "An act for the continuance of construction work on the San Carlos Federal irrigation project in Arizona, and for other purposes," the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultations on plans and specifications for the Coolidge Dam, as he may deem necessary, the services of not more than three experienced engineers, determined by him to have the necessary qualifications, without regard to civil-service requirements, and at rates of compensation to be fixed by him for each, respectively, but not to exceed $50 per day for each engineer, respectively, not exceeding in the aggregate more than $3,500 for any engineer so employed for the time employed and actually engaged upon such work, and which compensation shall be inclusive of all travel and other expenses incident to the employment: *Provided*, That a retired officer of the Army may be employed by the Secretary of the Interior as consulting engineer in accordance with the provisions of this act.

The amendment was agreed to.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MUSCLE SHOALS

The VICE PRESIDENT. The calendar, under Rule VIII, is in order.

Mr. HEFLIN. I ask that the unfinished business may be laid before the Senate and proceeded with.

There being no objection, the Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. TYSON. Mr. President, last month I proposed an amendment to the pending resolution, House Concurrent Resolution No. 4, relative to Muscle Shoals. I now desire to make a few remarks upon the resolution. The question has been so fully discussed here that it would seem to be somewhat idle to say anything more, but the proposition is so closely connected with my own State, the plant is so near to us and so valuable to us if it shall be properly operated, that I feel that I desire to express myself upon the subject. I shall not detain the Senate long.

Tennessee is a very long and narrow State. The western part of Tennessee has no power facilities whatever; we can get no power there except through coal, there being no water power. That is a very rich section of the State, and we are not so much in need of fertilizer there as we are in need of power. The people need electric and water power there for various purposes; they need it in their homes; they need it in manufacturing; they need it on the farm; they need it everywhere. In the center of my State much the same condition prevails, although there is a considerable amount of water power in that particular portion of the State.

The question has arisen here as to what disposition we shall make of Muscle Shoals. Some Senators are in favor of having it privately operated; others are in favor entirely of Government operation; some do not wish to make fertilizers at all. The distinguished junior Senator from Nebraska [Mr. HOWELL] yesterday afternoon presented a very able argument here to the effect that it should be used only as a water-power proposition. So far as I am concerned, I am in favor of carrying out the purposes for which the plant at Muscle Shoals was first constructed, and that is to use it for production of fertilizers, for power purposes, and in the interest of the national defense. I think it is absolutely necessary and proper and right that we should keep faith with the people. We told the farmers that we were going to make cheap fertilizer for them, but the question has arisen here as to whether or not it is practicable to make cheap fertilizers at Muscle Shoals.

The distinguished Senator from Nebraska yesterday afternoon said that it would be impossible ever to make cheap fertilizers at Muscle Shoals, except perhaps by the expenditure of a great amount of money. If it is necessary to spend a large amount of money there for the purpose of placing that plant in condition so that cheap fertilizers can be made, then I say, Mr. President, that it is the duty of the Senate and of the House to do their part in seeing that we keep faith with the farmers and that we shall produce as cheap fertilizers as can possibly be produced at Muscle Shoals. Whatever position we may take in this matter, however, there is only a limited amount of the water power which is to be developed there that can be used for that purpose. As I understand it, whatever may be the process, the power that may be used there for making the maximum amount of fertilizer at Muscle Shoals can not exceed 100,000 horsepower. That being the case, there will be a large amount of surplus power which is to be used for some other purposes, for it must be known that we are now developing at Muscle Shoals more than 60,000 horsepower; by the 1st day of July we will be producing perhaps 60,000 more, making 120,000 horsepower, and then we have a possibility there of producing 76,000 horsepower from the steam plant, making a total possibility of about 200,000 horsepower that could be ready and available for use perhaps inside of six months. That being the case, Mr. President, there has been no proposition presented here which would provide for the use of any surplus power, perhaps, within three or four years; so that that amount of power must be sold, or the Government will be losing a lot of money between now and the time when the maximum amount of fertilizers can be produced at Muscle Shoals. So it is very important that we shall make the proper effort to see that it is properly distributed.

Our people are greatly interested in its distribution, and while I do not mean to say for a single moment that the Utility Commission of Alabama will not be ready to see that we get a fair deal, at the same time, while we are considering this resolution,

I feel that we should not leave out of it anything that it is absolutely necessary to provide so that we may secure a proper and fair distribution of this power.

I realize, Mr. President, that time within which the committee which is provided for in this resolution may act is very short. There are now only about three weeks left, and I doubt very seriously if the committee can properly act within that time. I am very loath to do anything or to support anything that would in any way tend to prevent the pending resolution from being properly acted upon or the proposed committee from being appointed and being able to bring a bill in here by the time fixed, which is the 1st day of April; yet, Mr. President, I can not feel that it would be right and just, in view of the fact that an amendment has now been presented to the Senate by the Senator from Arkansas, providing for an equitable distribution of the power of Muscle Shoals, for me not to support it. As a matter of fact, I did not intend to present my amendment.

I had thought that, perhaps, in view of the fact that the committee would be so close to us, that it would be right in the Capitol, perhaps, or in the Senate Office Building, that Senators could appear before that committee and give the committee their views upon this question; but, since it has come up, since the Senator from Arkansas has presented his amendment seeking an equitable distribution of the power to be developed, it seems to me that we should vote for his amendment, and especially for this reason: If we shall vote this amendment down, the question will arise whether or not the committee will not feel that it is not necessary to say anything about the distribution of the surplus power. I think that we could have accomplished the purpose, perhaps, as well if nothing had been said about the amendment, by going before the committee and telling them what we wanted done, but now that the question has come before the Senate I shall vote for the amendment to which I have referred.

Mr. President, it has been stated that fertilizer can not be made cheaply at Muscle Shoals. The Senator from Nebraska said it would take $10,000,000 to change the plant so that it could be put into condition to make cheap fertilizers, and, therefore, he did not think, as I have said, that it could be used for a fertilizer plant at all. I have been informed that it is not proposed to manufacture fertilizers along the lines that were stated by the Senator from Nebraska yesterday afternoon. He spoke about the necessity of making ammonium sulphate and about that being the base for the nitrogen that was to go into the fertilizer. As I understand, under present-day methods ammonium sulphate will not be made there, but ammonium phosphate will be made, and that can be used in such a way as that cheap fertilizer can be made at Muscle Shoals.

Mr. President, whatever company or whatever corporation obtains Muscle Shoals, I feel they should be compelled to make the minimum of 40,000 tons of nitrogen every year and that they should make it in such a way as will be satisfactory and useful to the farmers. I believe that such a lease can be had and that such a condition can be placed in the contract as will insure the production of 40,000 tons of nitrogen and reasonably cheap fertilizer for the farmer. If we do not insist upon 40,000 tons at least, we will not have carried out our contract with them.

The Senator from Nebraska said yesterday that there was a "joker" inserted in the bill which the committee are to follow, in that the production of fertilizer was to be "according to demand" and therefore that would not compel the lessee to make 40,000 tons of nitrogen a year, but I do not understand that to be the case. The wording of the bill that is to be the guide for this committee says "according to demand," but later on it says:

> * * * with an annual production of these fertilizers that shall contain fixed nitrogen of at least * * * 40,000 tons.

That would require them to make or manufacture at least 40,000 tons every year, and there could not be any mistake about it. If there is any possibility of mistake about that, I think those three words ought to be left out of any lease that may be brought here for the consideration of the Senate.

Not only that, Mr. President, but I feel that by having private operation of this plant we will get many advantages which can not be had if it is operated by the Government. In the first place, if it is operated by the Government we are not sure how much fertilizer we are going to get. There is no guaranty on the part of the Government that the plant will produce any particular amount of fertilizer each year. It may finally turn into simply a water-power proposition. You know how it is when the Government operates anything; there is nothing especially fixed about it; but if we put this requirement in a definite contract with responsible people who can put up enough capital to operate this plant properly, we can compel them to produce the amount of fertilizer which they agree to produce, or else we can take back the plant. That is a condition that should be placed in the lease; and I have no doubt that the able committee that will be appointed from the Senate and from the House will see that the interests of the United States are so safeguarded that there can be no question but that the full terms of the contract are carried out.

Mr. President, so far as I am concerned, I want to say that I believe that this plant should be operated by private parties. I am opposed to having it operated by the Government unless no satisfactory bid can be had, for the reason that I believe it will be far better and far more in the interest of the public that it should be operated by private parties than if it is operated by the Government. If the Government goes into the fertilizer business, which it would be required to do in this case if it operates there and makes fertilizer, it will be the first time so far as I know that the Government has gone into the mercantile business. It will have to compete with all of the other fertilizer plants of the country.

It has been said that there is a fertilizer monopoly in this country. That may be true in a sense. I know that there are three or four great fertilizer corporations in this country; but, Mr. President, I desire to call to the attention of the Senate the fact that there are 748 different corporations or firms now manufacturing fertilizer in this country. Therefore there is no absolute monopoly of fertilizers in the country; and I doubt if there is any very great demand, so far as that is concerned, for any more fertilizer in the country if it can not be made cheaper than it is being made to-day.

The Senator from Nebraska [Mr. HOWELL] said yesterday that it would be impossible to make fertilizer more cheaply at Muscle Shoals than it is now being made. As you know, the President of the United States, in the effort to find out what was the best thing to do with Muscle Shoals, last March appointed a committee to investigate this matter fully and to report back not later than the 15th of November for the purpose of ascertaining what was the best thing to do with this great plant. That committee reported back, and they decided that the best thing to do with it was to lease it, and to lease it to private parties, and to lease it in such a way—at least the majority made that report—as to get the maximum amount of fertilizer that could be produced in nitrate plant No. 2. They said, further, that if no satisfactory bid could be had, then, as a last resort, they thought it was necessary and proper that the Government should operate it, but under no other conditions.

Let me read to you a part of the report which was made by that committee at that time. It says:

> Operation of either the power business or the fertilizer business by the Government can not realize the full values available at Muscle Shoals. The interferences set up by political pressure, the lack of business initiative, the natural timidity of bureaucracy in the face of ever-present criticism, the evident difficulty of competition with industry in the payment of salaries, and the general inability to operate as economically or to secure as large returns as private industry does, all cumulate to bring disaster to every venture in business by the Government. We therefore consider private leases at Muscle Shoals indispensable.

That is the minority report, and the majority said the same thing, except that they would take Government operation as a last resort, but the minority stated that under no circumstances should the Government undertake to operate this plant.

Mr. President, Senators and others who have not been in business, perhaps, may feel that it is an easy thing to go out and manufacture fertilizer, but the greatest trouble in all business, so far as I have been able to find in my experience, is not the manufacture of products, but it is their distribution. There is the trouble, as I see it, that the Government will have in undertaking to distribute fertilizers, even assuming that they make them, and make them reasonably cheap. It is assumed that with 40,000 tons of fixed nitrogen manufactured they would be able to make 2,000,000 tons of fertilizer. There were produced in this country last year seven and a half million tons of fertilizer, and of that amount the South used about four and a half million tons. If we add 2,000,000 tons to that, that will be nine and a half million tons, and by the time we are able to produce 40,000 tons of nitrogen at Muscle Shoals and to make 2,000,000 additional tons of fertilizer in this country I believe that the country will have grown up to it, and that we will be ready to absorb at least 10,000,000 tons of fertilizer.

But, Mr. President, when we have that 2,000,000 tons manufactured, we will have to distribute it. How is the Government going to distribute 2,000,000 tons of fertilizer, and distribute it in any sort of satisfactory way?

The Muscle Shoals plant has been built by the Government. It is owned by all the people. Everybody in this great country has an interest in it. When those 2,000,000 tons of fertilizer are to be distributed, everybody is going to want to get a little of it, provided it is cheaper; and if it is cheaper than any other fertilizer there is going to be no end of trouble. Other manufacturers would have to bring theirs down to the point at which the Government is selling it; and, Mr. President, we can not afford to drive people out of business.

It is said that the fertilizer plants are making a great deal of money. I know very well that many of them have not made money for the last five years. As a matter of fact, some have gone almost through bankruptcy. One of them, I know, has gone through bankruptcy, and the southern people have lost a great deal of money by virtue of the fact that this great plant has had to go through bankruptcy. So, Mr. President, we are asked to compete with our own people; and we should not do that except, as I see it, as a last resort. If we can produce reasonably cheap fertilizer there, and keep our faith with the farmers by letting a private concern have this plant, we should do it.

When it comes to power and the distribution of power, we are going to find that when the Government, if it does ever operate this power plant and undertakes to distribute power, it is going to have a very difficult problem right there. It is going to have the same sort of difficulty, though not so much difficulty, as if they should undertake to distribute fertilizer; but they will have a great deal of difficulty, because there is no city of any size, no town of any size, that has not already got its electric light and power plant; and when you undertake to go into a town and to distribute power and to distribute electricity for light, you are going to have a perplexing proposition. You are going to have to run somebody out of business. There can not be two electric-light plants in a town. It is a natural monopoly; so that if the Government undertakes to go out and to distribute light to all of the sections of the States around Muscle Shoals, there will be no end of difficulty and no end of trouble. If the Government shall undertake to operate this plant, the only way in the world they can operate it successfully is to sell the power at the bus bar—that is, right at the plant itself.

We would be continually having to appropriate enormous sums of money; everything would be disturbed; and I say, Mr. President, that this plant, instead of becoming a blessing there, would have quite the contrary effect. We would not get the benefits that we are now hoping and expecting. We can demand and stipulate in our contract that anybody who takes over this power shall distribute it equitably and fairly.

We know very well that to-day the power corporations are all over the country. They are taking possession of the country as no other corporations are. They are getting possession of the great natural resources and facilities, in a way, and we can not very well stop it, because we can not stop progress; and the only hope we have is not to undertake to compete, but to regulate. We must regulate these great corporations and these great power plants, these corporations which are distributing electricity for light and power. We have a utility commission in practically every State—certainly in my State and in the State of Alabama. If the people are paying too much for electric light, if they are paying too much for power, it is the fault of the public utility commission of the State wherein this injustice is being done. Public utility commissions are comparatively new, and I know that they are improving in their knowledge of how to regulate rates and distribution every year. They are learning what power costs and at what price it should be sold.

The Senator from Nebraska [Mr. HOWELL] was speaking yesterday afternoon about the low rates that were charged in Ontario and elsewhere in Canada, and he was speaking about the high rates that were charged in Birmingham and in Nashville and in Memphis and in Chattanooga. It is true that we are paying too much for power; we are paying too much for electric light; but that is in the hands of the public utility commissions. Not only that, but we do not realize that in these larger towns those who buy electricity are helping to carry the street railroads of practically every city in the country. I know this is true in my own section. I know it is true all over Tennessee. The electric light company, which owns the street railroad at the same time, is practically carrying the deficit which is being incurred upon the street railroads every year.

It is true in Nashville; it is true in Chattanooga; it is true in Knoxville; and I have no doubt it is true in every other southern city. You can not make money, as I understand, in the street-railroad business to-day at the low rates of fare which now prevail and which the people insist upon having. In other words, every man who pays an electric-light bill in my State helps to carry the people who ride upon the street railroads.

I am making no complaint about that, because if that were not done I doubt very seriously if we could have any proper and efficient operation of street railroads, especially in some of the smaller cities. So we have to consider this matter from several standpoints. It is not only a question of considering it from the standpoint of operation by the Government, but it is a question of the policy that we are going to pursue in the future. We are right at the parting of the ways. If we shall operate this Muscle Shoals plant, I hope that the Government will build Dam No. 3. I hope it will build the dam down at Colbert Shoals. If Dam No. 3 is not built, the navigation of the Tennessee River will not be complete. I have been hoping for years that we would have complete navigation of the Tennessee River from Knoxville clear on through to St. Louis and to New Orleans.

If this resolution, referring to House bill 518, is carried out, Dam No. 3 will be built, the navigation of the Tennessee River will be made complete from Chattanooga to St. Louis, and to New Orleans, and to Pittsburgh, and everywhere; and later on, when we get power plants developed along the Tennessee River, the channel will be 6 feet deep all the way from Knoxville to Pittsburgh and to St. Louis and to New Orleans. That is a dream we have had for 50 years. If we shall undertake to operate this by the Government alone, I am convinced that Dam No. 3 will never be built; at least it will not be built for a very long time. There will be no special reason why it should be built, because the Government will be simply trying to see how little money it can lose at this plant. I am convinced that if the Government ever undertakes to operate Muscle Shoals, it will operate it at a loss. If we manufacture any fertilizer there, it will be manufactured at a loss. If it is sold at a price lower than that at which fertilizer is sold by private parties, it will be sold as a subsidy to the farmer. I do not object to the farmer getting a subsidy. I do not object to his getting the fertilizer cheaper, and I believe that if we acquire private ownership to make 40,000 tons of nitrates and 2,000,000 tons of fertilizer every year, they will make enough out of the water power so that they can sell their fertilizer to the farmer at a reasonable price.

That is my idea about this proposition. Gentlemen talk about selling power for 2 cents a kilowatt-hour. If that were the case—if power could be made and distributed for 2 cents a kilowatt-hour—the power companies of this country, the electric light companies of this country, would be making enormous fortunes. They may be averaging 6 or 7 cents a kilowatt-hour, and if they could make it at 2 cents it would be the greatest bonanza ever known in the history of the world. It is true that, according to information, they are making money.

I think they are making too much money. I think there is a great deal of water in their stocks; but it is the duty of the public utilities commission of each State to see that the stocks and the bonds are not watered; that the public has a fair deal; and that the rates are so regulated and so fixed upon the investment that the public will have to pay only a reasonable price for what it is getting. That is the proposition.

If this plant is put into the hands of the Government, who will regulate it? I have no doubt that sooner or later appeals would come to us for appropriations to keep it up. That is what I fear, and not only that, but whenever we start out with a proposition of operating Muscle Shoals, or any other plant as large as that, by the Government, why should not other sections of the country come in and demand that Government money be used for them just as well? Why should not that be the case with the great Boulder Dam, on the Colorado River, which will take two or three and perhaps five hundred million dollars to develop? Yet those people would have just as much right to come here and say that it is a great development that ought to be made, and that the Government should come in and furnish them with the money with which to do it. Then, when that has been done, those interested will want the Government to go to Snake River and to Columbia River and to every other great river in this country. They will want the money loaned to them at 4 or 4½ per cent, or some other small rate, and they will have just as much right to demand that of the Government as we have to use Government money at Muscle Shoals.

The only excuse for the Government putting its money in Muscle Shoals was the fact that there was a great emergency, there was a great war on, and we had to have ammunition. We had to have nitrates, and we had to have them promptly, and the Government put its money into that project

for that purpose, and it should be maintained for that purpose.

When the project is put out under private contract, we know what we will get back. If the lessee does not carry out the contract, the lease will be forfeited, and the property will be returned to the United States.

I think this is a great question. It is one of the most momentous questions that has been presented to the Congress, not so much from a dollars and cents standpoint but in the principle, in the policy, in considering what will happen in the future.

In regard to this House concurrent resolution I have sympathized very much with the Senator from Alabama in his effort to get it passed, to get the committee appointed, and to get it at work, because I am confident now that it will be impossible for this committee to bring back a carefully digested bill, a carefully digested lease, to present to Congress by the 1st day of April.

I am confident they will have to have more time, but, notwithstanding all that, this concurrent resolution ought to be passed with as little delay as practicable, in order that this committee may be appointed and in order that they may get at their work, with the hope that they shall be able to dispose of this question during this session of Congress.

I shall be compelled, owing to the situation in my own State and owing to the fact that I believe in an equitable distribution of the power developed there, to support the amendment which has been offered along that line, not that it is an absolutely necessary proposition, but for the reasons that I have already stated and the fact that, having been now presented, I doubt seriously if the Senate can afford—and certainly Senators who live in adjoining States to Muscle Shoals can not afford—to fail to vote for the amendment. Whatever may be the fate of the amendment, I intend to vote for Concurrent Resolution No. 4, and I hope that it will pass.

Mr. HEFLIN. Mr. President, I realize the situation in which my good friend the distinguished Senator from Tennessee finds himself. He feels as if he must vote for the amendment relating to the distribution of power.

The official survey now being made of the State of Tennessee shows that the power possibilities of Tennessee are greater than those of Alabama. The State of Georgia has power possibilities of nearly a million horsepower, and South Carolina has possibilities of between 700,000 and 1,000,000 horsepower.

The Senator from South Carolina had read a resolution from the legislature of his State suggesting that surplus power distribution be provided for. The resolution mentioned the fact that last year during the drought South Carolina obtained power from Muscle Shoals. That shows that my contention is correct—that South Carolina will get power from Muscle Shoals if she needs it and that there is no necessity for putting such a provision in the law. She got it last year, and got it before Dam No. 2 was completed, and none of that power came from that dam. The power they got down there came from plant No. 2.

With Dam No. 2 being completed and with the Cherokee Bluffs Dam in my State nearing completion, they will probably produce, both of them, nearly 200,000 horsepower, and the primary power. So there will be no question about those surrounding States—Tennessee, Georgia, and Mississippi—getting power. Georgia is getting power there now, as is Mississippi, and I think some is going into Tennessee.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I yield.

Mr. HARRIS. If there is so much power in Alabama, as the Senator states, independent of Muscle Shoals, I can not see why he would object to the amendment providing for the distribution of the power, so that Georgia and other States could get some of the Muscle Shoals power.

Mr. HEFLIN. For the further reason that nobody can tell what an equitable distribution would be, and if it could be worked out it would present a ridiculous situation. The idea of saying by statute that Georgia shall receive so many thousand horsepower and South Carolina and North Carolina and Mississippi and Tennessee and the other States so many. Suppose we should do that. Can it be supposed that anybody who has enough money to make a bid on this project would make it? We want to get a bid. We do not want to insert conditions in the resolution so that we can not get a bid. Some Senators do not want any bid made. Some of them want this resolution killed; there is no denying that fact. My contention is that we should not hamper the resolution. Let the committee go out and get the bids and bring them in, and if Congress does not accept them, then we will have to take up some other plan for a settlement of the matter.

Congress can reject the bids outright. Why quibble here about what sort of amendments we will put on the resolution? If the bids are not what they ought to be, let us reject them. My contention is that Congress is going to adjourn early, and if the bids come in and are not accepted, we will have to do something with this Muscle Shoals dam quickly, under the Norris bill or some other bill. If we amend the resolution and it gets tied up in conference and is defeated, then the Senate must take the blame, and those must take the blame who put the amendments on, if they succeed in getting them put on.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Washington?

Mr. HEFLIN. I yield.

Mr. DILL. Under this resolution this committee will determine which bid it will put into the bill. Is not that the fact?

Mr. HEFLIN. No. It determines what bid it will recommend.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. The report of the committee must be a bill, which will go on the calendar without reference to any standing committee. Therefore it must be a bid, and two bills covering bids can not be put on the calendar. The committee will make one report.

Mr. DILL. The resolution provides that the committee "shall have leave to report its findings and recommendations, together with a bill."

Mr. CARAWAY. But that bill is its report, it has a privileged standing, and goes on the calendar of the House without any further consideration.

Mr. GEORGE. That means one bid only, because we could not accept two bids.

Mr. DILL. My contention is that this committee will select whichever of these bids it wants to select, and present it in the form of a bill, instead of presenting the bids to Congress for Congress to choose which one it would accept.

Mr. HEFLIN. I submit that that is very appropriate. The committee need not come back and lay down a bundle of bids in the Senate and House and say, "Take your choice." It ought to pick out one of them and say, "We deem this the best one, and we recommend its acceptance." Then the Congress can say, "We decline to accept it," and Congress can do so if it desires.

Mr. CARAWAY. May I ask the Senator another question?

Mr. HEFLIN. I yield.

Mr. CARAWAY. Under the Senator's contention there will never be any opportunity to amend anything. According to him, it is wrong to amend the resolution, and when the report comes back it will be a contract, and we must accept it or reject it.

Mr. HEFLIN. No; I do not agree with that.

Mr. CARAWAY. If two people make a contract and it is reduced to writing and submitted to one of them, he must accept or reject. The committee's report is a formulated bill, which is the accepted contract, and we must reject it or accept it.

Mr. HEFLIN. No; the committee must recommend, and then the bid recommended would go on the calendar, as the Senator has said, under Rule LVI in the House of Representatives.

Mr. CARAWAY. It will be a bill.

Mr. HEFLIN. Even if it were a bill——

Mr. CARAWAY. It will be a contract.

Mr. HEFLIN. And it were under consideration, suppose some Member of the House should say, "I will not vote for this bid or bill unless it is amended in a certain particular." Then suppose the man making the bid should inform the committee or Congress that he would include that provision in his bill. The House could amend the bid.

Mr. GEORGE. The committee provided for is to remain a standing committee, to negotiate between the lessee and the lessor? Is that the idea?

Mr. HEFLIN. No. The committee will not be finally discharged until the legislation is finished.

I submit that is perfectly sound—that if we should inform the bidder that his bid was acceptable, with the exception of certain provisions which Congress wanted in, the House would be at liberty to put a provision in if the bidder agreed to it, and the Senate could do likewise. There is no doubt about that.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. I yield.

Mr. CARAWAY. Does it strike the Senator that that would be a very dignified and very appropriate course—to have constant bickerings going on between some fellow and the Congress as to whether we should take this trade or that trade, and all the Members passing on it? Does the Senator think that is possible and practicable?

Mr. HEFLIN. Yes; I think it is possible, and I do not think there is anything undignified about it. It is Government property. We are trying to dispose of it to the best advantage, and we want a provision in the bid to show just what is going to be done with it. I do not think it is undignified to go out and ask some one to bind himself to make cheap fertilizer for the farmer.

Mr. CARAWAY. Now, if the Senator would forget about fertilizer for a moment we would all be glad.

Mr. GEORGE. It might expedite matters to have the fertilizer people come in and take a seat in the Senate while we are considering the matter.

Mr. HEFLIN. No; I am not asking that they be invited to take a seat in the Senate.

Mr. CARAWAY. They already have one.

Mr. GEORGE. We could consult them more readily about changes in the contract.

Mr. HEFLIN. I am glad all of this debate is of record, because the farmers will have an opportunity to see just what is being done with regard to them when time for action arrives. The Senator from Georgia this morning suggested that there was no suggestion or guide in the resolution for the committee to follow. The Senator is entirely mistaken. The resolution refers to House bill 518, that bill refers to the Ford bid, and that bid provides that the lessee shall make at least 40,000 tons of fixed nitrogen and shall sell it to the farmer for not more than 8 per cent profit. It provides that a commission of farmers shall inspect the books of the manufacturer and find out what is the cost of production. It requires that Dam No. 3 shall be constructed, and Dam No. 8 constructed will complete navigation of the entire Tennessee River. So when Senators are trying to load the resolution down with amendments, they are undertaking to kill the development of the Tennessee River. They may not know it. I do not think some of them do.

Mr. CARAWAY. The Senator from Alabama will tell us about it.

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

Mr. HEFLIN. I yield.

Mr. GEORGE. The Senator said the resolution provides that all bids shall be as good, and therefore no better, of course——

Mr. HEFLIN. As good or better, and I am hoping that we will get one that is better.

Mr. GEORGE. No better, because nobody will offer more than the seller of an article publicly announces he will take. It will be as good and therefore no better than H. R. 518. Which H. R. 518 is referred to?

Mr. HEFLIN. The one that we discussed yesterday and the one that the Senator from Nebraska [Mr. NORRIS] agreed with me was House bill 518, as it passed the House, and not House bill 518 as amended by the Underwood bill or by the Norris bill in the Senate.

Mr. GEORGE. I want to get that very clear, because it is very interesting.

Mr. CARAWAY. It is particularly enlightening when those two gentlemen can settle the whole subject without taking anybody else into consideration.

Mr. GEORGE. There was one bill introduced in the House, H. R. 518, which was the Ford offer. It came to the Senate and in the committee everything was stricken out except the number and title, and then H. R. 518 became the Norris bill. It then came to the Senate and everything was stricken out except the title and number, and the Underwood amendment was substituted, and that then became H. R. 518.

Mr. HEFLIN. That is correct.

Mr. GEORGE. The Underwood amendment, H. R. 518, passed the Senate, went to conference, and was amended and that came back into both the House and Senate as H. R. 518.

Mr. HEFLIN. That is correct.

Mr. GEORGE. That was rejected upon the ground, as ruled by the president pro tempore of this body, that it was wholly a new bill and that it was not at all kindred to anything the Senate passed. Which H. R. 518 is the one the Senator refers to?

Mr. HEFLIN. Yesterday afternoon I discussed that matter, and the Senator from Nebraska [Mr. NORRIS] agreed that what I have said is correct, that the resolution refers to the House bill as it passed the House and before it was amended in the Senate.

Mr. GEORGE. That is the Ford offer?

Mr. HEFLIN. Yes. I called up Congressman GARRETT of Tennessee, who is strongly in favor of the resolution, and he said to me that they meant the House bill, that they had the House bill in mind and not the bill as amended by the Senate, and that if they had referred to that bill they would have said House bill 518 as amended by the Senate.

Mr. GEORGE. I want to get that straight, because I confess I am confused about it.

Mr. HEFLIN. That is the situation. This is the second time I have explained that matter, but it is all right, because I want all Senators to have correct information on every phase of this question.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. Would it not be safer for the Senator from Alabama and the Senator from Nebraska and Congressman GARRETT of Tennessee to put their understandings in writing, because there have been so many shifts of position here that the rest of us would like to know that our action is not going to rest upon the fallibility of human memory and that we are not legislating on something as fallible as that?

Mr. HEFLIN. I am sorry my friend talks about changing position, because when he mentions that subject I think of him. He supported the Ford offer very enthusiastically. The Ford offer provided for turning the Muscle Shoals property over to Mr. Ford for a hundred years, and he was to use all of the power right there at Muscle Shoals except what was used for the manufacture of fertilizer. That is not all. We were going to turn over to him Dam No. 3 and he was to have that power. I stand right where I did before when my friend stood with me, I supporting the Ford offer.

Mr. CARAWAY. Who is the Senator standing for now? He was standing by Ford previously. Who is it now?

Mr. HEFLIN. I am standing by whoever will make the best bid.

Mr. CARAWAY. Who is it?

Mr. HEFLIN. I do not know.

Mr. CARAWAY. And the Senator asks me to commit myself to somebody he does not know, to somebody I do not know, to some proposition where I am not allowed even to suggest that it ought to be made fair, and then he claims that is no change of position.

Mr. HEFLIN. Oh, no!

Mr. CARAWAY. Is the Senator from Alabama perfectly willing to tie his hands and give this great national asset to somebody about whom he knows nothing and on terms as to which he is not willing even to have a suggestion made for amendment?

Mr. HEFLIN. Not at all.

Mr. CARAWAY. Then where does the Senator stand?

Mr. HEFLIN. I will say once more that——

Mr. CARAWAY. It does not take any "once more" for the Senator to tell his stand about fertilizer. We all understand about that.

Mr. HEFLIN. I will say that whoever bids, his bid will be sent to the Senate and the House to be accepted or rejected.

Mr. CARAWAY. And we are not to be allowed to amend a single line of it.

Mr. HEFLIN. That is not the situation. It can be amended.

Mr. CARAWAY. Oh, no, because it is a contract.

Mr. HEFLIN. I do not agree with the Senator on that.

Mr. CARAWAY. I do not care whether the Senator agrees to it or not.

Mr. HEFLIN. If the man making the bid would say that he would be willing to put a new provision in it, Congress could permit him to do so.

Mr. CARAWAY. That is, we will go outside hat in hand to somebody who wants the power and say, "Now, my lord, will you let us amend this contract by adding this language?" Is that the Senator's position?

Mr. HEFLIN. Not at all.

Mr. CARAWAY. Then what is it? Now do not talk again about standing by somebody. Just tell us what it is.

Mr. HEFLIN. If the Senator could defeat the resolution——

Mr. CARAWAY. Just where is the Senator standing? Where does he stand now?

Mr. HEFLIN. If the Senator should defeat this resolution he would say "My lord" at some other place much louder than he has just said it here.

Mr. CARAWAY. Will the Senator tell us where he stands?

Mr. HEFLIN. I am trying to do so if I can have time in my own time to do so. I have the floor.

Mr. CARAWAY. The Senator has had plenty of opportunity every day since the matter came up. Nobody else can get the floor except the Senator from Alabama.

Mr. HEFLIN. I repeat I am hoping that some one will make a bid in line with the Ford offer.

Mr. CARAWAY. Who is it?

Mr. HEFLIN. I do not know.

Mr. CARAWAY. Oh, well! The Senator has a mighty strong suspicion, has he not?

Mr. HEFLIN. No; I have not.

Mr. CARAWAY. He just does not care who gets it.

Mr. HEFLIN. No; that is not my attitude at all.

Mr. CARAWAY. What is the Senator's attitude then?

Mr. HEFLIN. My attitude, if I can get the attention of the Senator——

Mr. CARAWAY. If the Senator would forget about fertilizer a minute, perhaps he could tell us where he stands.

Mr. HEFLIN. My attitude is that I would lease it to some private individual and have the proposed lease brought back and laid before the Senate and laid before the House. I would let the Senator from Arkansas pick it to pieces if he could and let every other Senator do likewise. No one here is undertaking to receive a bid and accept it without first having Congress to place its approval upon it. That is fair and that is just to the Congress and the country. Senators can not get away from the position that they now find themselves in by any such argument as that. They have stood here and pleaded for the making of cheap fertilizer through the plan submitted by Henry Ford, but now they are backing off when we require that whoever gets it shall make cheap fertilizer for the farmer as Ford agreed to make it and not charging more than 8 per cent profit.

Senators, the farmers can not be here. They are scattered throughout the South and West. They are trusting to those of us who have been elected here. Many of us have received their almost solid support, and I am one of them. I am proud to speak for them, and I hate to see any division on this side of the aisle at all when this great question is up for consideration. We all signed the minority report supporting the Ford offer; the Senator from South Carolina [Mr. SMITH], the Senator from Arkansas [Mr. CARAWAY], and myself. We recommended that the whole proposition be turned over to one man, and that that one man should use it to make fertilizer for the farmer, nitrates for the Government, and do what he pleased with the power at Muscle Shoals. Now, because the farmer has dared to ask that we pass this resolution without amendment so as to prevent its defeat, it is said we are doing an undignified thing, a pitiful thing. The farmers have a right to be heard. They have more friends on the hustings and fewer in some legislative bodies than any other class of people that I know. Senators stand up and smite themselves on the breast when they are running for office and say, "I am for you farmers; I am your friend"; and when they get in the Senate Chamber where they can show their friendship for the farmer, where their alleged friendship can be translated into something worth while, we find them squirming, dodging, and evading. The Power Trust is abroad in the land.

The farmer is asking not to have the resolution changed. The farmers are opposed to changing it. The President wants it passed just as it is. The House of Representatives have passed it just as it is in the hope of leasing this property at an early day. The Senate Committee on Agriculture and Forestry reported it without change, and I believe that two-thirds of the Senators are ready to vote for the resolution without change, and yet fun is made of those of us who stand up and ask that it be put through and bids brought back in the interest of the toiling farmers of America. It is said that we can not amend the bid reported; but we can. If the man who will agree to make fertilizer for the farmers is in earnest, and if some Member of the House should inform him, as I said before, "We will vote for it with this provision in it," there is no doubt that it could be amended if the bidder should agree to do as the House requested.

Mr. GEORGE. Mr. President, I renew the suggestion that it would be much more convenient to have the representative of the fertilizer people take a seat in this body, so he could be consulted without any of us going outside of the Chamber. Why make it necessary to go outside every time a suggested amendment to the contract is made? Why not bring the fertilizer representative into the Senate Chamber?

Mr. SMITH. We have converted ourselves into a negotiating company.

Mr. GEORGE. Absolutely.

Mr. HEFLIN. I do not think there is any merit in that suggestion.

Mr. CARAWAY. Of course not. The Senator himself did not make it.

Mr. HEFLIN. I am rather surprised that it should come from a Senator from the great State of Georgia.

Mr. CARAWAY. Of course, it should have come from Alabama.

Mr. HEFLIN. Those people down there are paying the fertilizer combine for their fertilizer this year between $5 and $10 a ton more than formerly. The farmers of the Senator's own State are paying $62 a ton for nitrate of soda, buying it through the cooperative marketing system, and the individual or little farmer in the open market pays $75 a ton. We are seeking to grant them relief, and we are told that we ought not to hold up the legislation to go out and consult somebody who will agree to give them relief but should bring him in and seat him in the Senate.

Mr. GEORGE. Mr. President, if the Senator will yield, I happen to be one of the farmers of Georgia, and I hold in my hand a quotation on fertilizer at this moment, received this morning. The figure is $30.72 for 8–4–4 goods, cash, and $60.69 for nitrate of soda.

Mr. HEFLIN. Doctor Duncan, of Athens, Ala., was here last week, a State senator in my State, and a big farmer. He told me he paid $62 a ton for nitrate of soda coming here from Chile, a foreign country, and that his neighbors, not members of the cooperative organization, paid as high as $75 a ton.

Mr. GEORGE. The reason why I rose was merely to say that I am one of the farmers in the State of Georgia and that I buy fertilizer, and these are the prices that I am paying for it to-day. It is not a question of price.

Mr. HEFLIN. How do those prices compare with the prices of last year?

Mr. GEORGE. They are exactly the same.

Mr. HEFLIN. I thought the Senator and I had a conversation on this subject last year, and he agreed with me that the prices of fertilizer had advanced $5 a ton?

Mr. GEORGE. The prices did advance last year.

Mr. HEFLIN. And the price this year is approximately the same, with this $5 increase added?

Mr. GEORGE. The price now is the same as it was last year.

Mr. HEFLIN. With the $5 added, which makes it $5 a ton more.

Mr. GEORGE. I want to ask the Senator from Alabama how the farmers are going to get any fertilizer and how cheap is the fertilizer to be sold to the farmers under this resolution?

Mr. HEFLIN. The fertilizer is to be sold at a price not over 8 per cent profit, while it has been claimed that some of the manufacturers have been making a profit of 50 per cent and some of them a profit of even 75 per cent on fertilizer.

Mr. GEORGE. Very well. Fertilizer, then, is to be sold for 8 per cent above whatever it costs the lessee to make it?

Mr. HEFLIN. Certainly.

Mr. GEORGE. In other words, it will be sold at cost plus 8 per cent. How is that going to get cheap fertilizer for the farmer?

Mr. HEFLIN. Mr. Hooker said they ought to be able to make it at half price and Mr. Mayo said the same thing before our Committee on Agriculture.

Mr. GEORGE. Does the Senator think that we could turn over this vast public property to anybody to make fertilizer with any assurance that there would be a single cent of reduction per ton on any grade of fertilizer when the lessee will be allowed to charge the cost price plus 8 per cent profit?

Mr. HEFLIN. Yes; certainly, Mr. President; otherwise I should not be supporting the resolution. I am surprised that the Senators who used to be with me on the very same proposition in the Ford bill have now deserted me.

Mr. GEORGE. No, Mr. President; I was never with the Senator on the Ford bill.

Mr. HEFLIN. The Senator was not then here, I believe?

Mr. GEORGE. No; I was not then here. And had I been here, I would not have been for the Ford bill.

Mr. HEFLIN. Well, the Senator's colleague, who is a very clever and very able Senator, was for that bill.

Mr. GEORGE. Yes; that is all right. Nor was I for the Underwood bill until we wrote into the bill that the surplus power should be distributed, because I know that if Muscle Shoals shall be leased to a private concern, the one single guaranty that fertilizer will be made and sold for one penny less than the fertilizer people are now selling it for is to take away from the lessee the enormous surplus power so that he can not recoup the loss that he will sustain on fertilizer by

making an enormous profit out of the property that belongs to the people of the United States. If we shall leave that out of the resolution, we shall simply give in to private hands a vast public property which is owned by all the people of the United States without the least guaranty that there will be even the slightest economy in the manufacture of fertilizer.

Mr. HEFLIN. Then, Mr. President, the position of the Senator is that he would not so arrange this lease that the lessee can profit by making fertilizer, but will handicap and hamstring him so that he will have to abandon it.

Mr. GEORGE. No, Mr. President.

Mr. HEFLIN. That is the Senator's attitude; that is the logical situation in which the Senator has put himself.

Mr. GEORGE. Oh, no, Mr. President.

Mr. HEFLIN. I want to interpret what the Senator said.

Mr. GEORGE. Well, the Senator——

Mr. HEFLIN. The Senator wants to take that surplus power away from the lessee so that he can not recoup out of it what he may lose on fertilizer. I do not care if he loses on fertilizer if he can recoup out of the power. I want to relieve the farmers of Georgia and the South.

Mr. GEORGE. Then, Mr. President, it would be better to pay to the Fertilizer Trust an outright subsidy out of the Treasury of the United States, so that we may know what we are giving them, rather than to give them this vast property that belongs to all the people.

Mr. HEFLIN. O Mr. President——

Mr. GEORGE. Does the Senator from Alabama want to subsidize them? If so, let us have the courage to say so, and say how many dollars and cents we propose to give to them.

Mr. HEFLIN. The Senator from Georgia himself is talking about the subsidy business, but I am talking about relieving the farmers.

Mr. GEORGE. The Senator from Alabama is talking about the subsidy, because he wants the lessee to recoup his losses on fertilizer out of this vast power.

Mr. HEFLIN. I can not yield to the Senator to make a speech in my time to get himself out of the awful predicament into which he has placed himself.

Mr. GEORGE. If any Senator wishes to make a speech on this question, he will have to do it in the time of the Senator from Alabama, because, although the Senator has repeatedly stated that there was no argument against his proposition——

Mr. HEFLIN. There is none.

Mr. GEORGE. And that he had made it perfectly plain, he persists in standing on the floor continuously after unanimous consent has been given to vote on the resolution on next Monday and occupying it every moment of the time, and my only apology is that if I have anything to say I must say it in the time of the Senator from Alabama.

Mr. HEFLIN. I deny that statement. The Senator from Alabama spoke for about 2 hours on Monday; about 12 hours have been used on the other side and a little more than 2 hours on this side. Senator HOWELL, of Nebraska, opposing the resolution, spoke two hours and a half yesterday. I sent word to the Senator from Georgia while he was eating his lunch——

Mr. GEORGE. And I came.

Mr. HEFLIN. That if he wanted to speak——

Mr. GEORGE. I came, and the Senator from Alabama was going on like the water over the dam at Muscle Shoals. [Laughter.] He is going on forever.

Mr. HEFLIN. I sent word to the Senator from Georgia that the Senator from Tennessee [Mr. TYSON] was about to conclude his speech, and if he wished to speak to come in; but the Senator from Tennessee concluded before the Senator from Georgia got here, and I took the floor in order to make a statement or two. I should have been through long ago if Senators had not got themselves into the awful predicament in which they now find themselves by asking me questions.

Mr. CARAWAY. Mr. President, may I ask the Senator from Alabama a question?

Mr. HEFLIN. Yes; I yield.

Mr. CARAWAY. Would the Senator from Alabama mind indicating when he would be willing to yield the floor and let some others of us have a minute of time? The Senator may take another hour or two; I do not want to hurry him at all. [Laughter.]

Mr. HEFLIN. I spoke the other day, Mr. President——

Mr. CARAWAY. For five hours.

Mr. HEFLIN. And I yielded to interruptions. Probably I was on the floor two hours all together, and the interruptions amounted to 45 minutes of that time. I did not intend to speak as long as I did.

Mr. CARAWAY. When is the Senator going to quit? That is what I want to know.

Mr. HEFLIN. The Senator from Georgia [Mr. GEORGE] has put himself in the attitude of denying to whomsoever gets this dam the right to recoup out of the power if he should sell fertilizer to the farmer so cheaply that he can not make money out of it.

Mr. GEORGE. No, Mr. President; I have said that if we want to pay the Fertilizer Trust a subsidy let us be honest and pay it out of the money in the Treasury, and know what we are paying them.

Mr. HEFLIN. Yes.

Mr. GEORGE. That is all I insist on.

Mr. HEFLIN. I hope I will understand the Senator, and I think I will before we get through.

Mr. GEORGE. I doubt that, Mr. President. [Laughter.]

Mr. HEFLIN. Mr. President, the Senator is probably right about that.

Mr. GEORGE. Yes; I think it is true.

Mr. HEFLIN. The Senator knows his capacity to make people understand him better than I do.

Mr. GEORGE. And I know the capacity of the Senator from Alabama to understand what is perfectly plain to everybody.

Mr. HEFLIN. No, Mr. President; the thing that hurts some Senators is that I am making this situation too plain. I will again make it plain——

Mr. CARAWAY. Do not do that. [Laughter in the galleries.]

Mr. HEFLIN. That the farmer is being deserted here.

The PRESIDING OFFICER. If occupants of the galleries persist in laughing, the Chair will have the Sergeant at Arms clear the galleries. We are here for business and not for pleasure.

Mr. CARAWAY. Oh, Mr. President, do not do that.

Mr. HEFLIN. Mr. President, I decline to yield to the Senator from Arkansas to carry on his walking conversation.

The PRESIDING OFFICER. Senators will take their seats. The Senator from Alabama will not proceed until there is order in the Chamber.

Mr. HEFLIN. There are some strange things going on around here.

Mr. SMITH. There are.

Mr. HEFLIN. The Power Trust is in action and the Fertilizer Trust is looking on.

Mr. CARAWAY. We have heard them.

Mr. HEFLIN. I can see their tracks. There is something wrong around here, Mr. President.

Mr. SMITH. There is no doubt about it.

Mr. HEFLIN. I make no reflection upon any Senator, but there is something wrong somewhere regarding this question. Senators who have stood here and boldly declared in favor of the offer of Henry Ford to make fertilizer in the very way that we are proposing to require that it shall be made under this resolution have now changed completely, have turned about face, and walk around and snap and quarrel, one way and another, about our trying to "turn over this vast property to somebody for a song." What are we trying to do with it? We are trying to guarantee cheap fertilizer for the farmer. Then Senators come in and let their positions be known by saying, "We want power." On which side is the center of gravity in their natures—on the farmer's side, with cheap fertilizer, or on the Power Trust's side, with power? "By their fruits ye shall know them."

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New York?

Mr. HEFLIN. I yield.

Mr. COPELAND. Mr. President, I ask in all frankness and sincerity of the Senator from Alabama, does he believe that the plan he has in mind is going to make available to the farmers of this country a vast quantity of cheap fertilizer?

Mr. HEFLIN. Certainly.

Mr. COPELAND. Mr. President, I am surprised to hear the Senator say that, because from what we heard yesterday from the junior Senator from Nebraska [Mr. HOWELL] and from what we have heard on various occasions from the senior Senator from Nebraska [Mr. NORRIS], and others who have studied this question, it has been developed that the making of cheap fertilizer no longer depends upon large quantities of power.

I want to say for myself, Mr. President, that I can not understand why the farmers of the country are here urging the adoption of this resolution. There is not anything in the resolution, as I see it, that is going to help the farmers of America. We have here a project which will be a power project. I can not blame the Senator from Alabama for urging the adoption of his resolution and the operation of this

plant as a power project, because his State is almost the only one which will be benefited, but as one from a distant State, a State which contributed a very large proportion of the $167,000,000 which went into the plant at Muscle Shoals, I protest against giving it over to private interests, to be operated purely in the interest of local institutions, no matter though they may be in the State of my friend, the Senator from Alabama.

Mr. HEFLIN. Now, Mr. President, I am a little surprised at my good friend from New York. He told me the other day in the open Senate that if we could make it certain that any bids which were received would be reported back to the Congress for our consideration he would vote for the resolution. Now, he has found another objection to it. The Senator's own State is trying to take over its own water-power projects and control them; and it is right about it. Now, however, he is serving notice on me and the Senators from other States that he proposes to have projects in those States taken over by the Federal Government, but that the Government must keep its hands off such projects in the State of New York.

Mr. COPELAND. Mr. President, I am sure my friend from Alabama does not want to misrepresent the attitude of the Senator from New York. I did not say that I would vote for the resolution if it were changed. I said I certainly would not unless it were changed.

Then further, as regards the Senator's second statement, I can not see why the investment of the United States Government of $167,000,000 should make this a project to be developed and to be used purely in the interest of the State of Alabama.

Mr. HEFLIN. That is not being done.

Mr. COPELAND. Is not that what the Senator said a moment ago, that he did not want me to interfere with what was going on in Alabama——

Mr. HEFLIN. No.

Mr. COPELAND. Because the governor of my State is trying to keep the water powers of that State intact for the people?

Mr. HEFLIN. I was calling attention to the Senator's attitude; that he told me the other day he wanted the policy of Al Smith to be carried out in New York, where they are seeking to control their own power projects. But now he is coming here in the Senate and urging that the Senate apply a different rule to the situation in my State. That was the attitude to which I was trying to call attention.

Mr. COPELAND. Does the Senator from Alabama think that is a fair statement of the situation?

Mr. HEFLIN. I think so.

Mr. COPELAND. The governor of my State is trying to control the water powers within the State——

Mr. HEFLIN. Yes.

Mr. COPELAND. For the benefit of the people of the State; but this great project in Alabama was developed under an act of Congress which provided that—

> The plant or plants provided for under this act shall be constructed and operated solely by the Government, and not in conjunction with any other industry or enterprise carried on by private capital.

That was the contract we entered into with the people of this country; and I want to say it is a violation of that contract and a violation of the understanding of our people when they entered into it now to turn it over to private interests to be developed, I do not care whether in Alabama or in any other State.

Mr. HEFLIN. The Senator, then, is opposed to leasing it and wants the Government to operate it?

Mr. COPELAND. I am glad to say yes; I do, until the Government finds out what should be the ultimate disposition of this property, for as yet the Government has not found out what is the wise thing to do.

Mr. HEFLIN. It is estimated that cheap fertilizer made at Muscle Shoals will save to the farmers of the South $200,000,000 annually on their fertilizer bill. Would the Senator deny us the right to grant that relief to our people from this great project down there in the South if some party is willing to lease it and agree to make cheap fertilizer, as Ford agreed to make it?

Mr. COPELAND. Mr. President, there is such a radical difference of opinion between the Senator and myself on this subject that it is impossible to debate it. My position is that it has been proven conclusively that this plant will never be used for the development of fertilizers, and that the farmers of this country are being hoodwinked by all the plans and schemes which seek to put it over upon the public in this particular way.

Mr. HEFLIN. It is not conceded at all that fertilizer can not be made there. All those who know the situation down there know that it can be made. They have already made nitrogen there; we had samples of it before the Committee on Agriculture, as I said yesterday; they have made considerable quantities of it; but they do not have to use the cyanamide process; they can use other processes to make cheap fertilizer for the farmers.

Mr. President, I know that our farmers will appreciate the coming to their rescue of the Senator from New York. He was so amiable and nice the other day that I thought he was about to vote with us; but when he got up and said to me that unless I agreed to put the word "shall" in the concurrent resolution I would surely lose his vote, and I took the matter up with Congressman GARRETT of Tennessee and discussed it with him, he said: "That is not necessary at all. The last line in the concurrent resolution says that they shall report by the 1st of April." I came back and read it over to the Senator and showed him the House rule, and he smiled and we chatted together very pleasantly, and I thought he had been converted and was going to be saved. Now he has gone off and he is getting on the backs of our farmers, and from the great city of New York he is telling the farmers of the South that when we want cheap fertilizer for them we are trying to hoodwink them and put something over on them. I am sure they will appreciate the position of the Senator from New York. Of course they will. If they were here, they would laugh out loud.

But they say, "You can not make fertilizer down there." Mr. President, some of these same Senators used to stand here and say we can make fertilizer down there. Which time am I going to believe them? I am standing now where I stood then. We said we could make it then. We had already made it there. Ford agreed to make it. We were going to accept his bid. Then a private individual was going to take it, not for 50 years, I will say to the Senator from New York, but for 100 years; and the Senator from New York, as I recall, never protested at all. But now, when power propositions are coming, coming thick and fast we are told, they change their attitude. Power concerns have rights, and they have a right to be heard, and they are being heard and felt.

Mr. COPELAND. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. COPELAND. I want to say to the Senator from Alabama that I have been against any proposition for the leasing of this property. My vote has been consistent from the beginning to now, and I am going to continue to stand against it, because I am not willing to have this property, owned by the American people, turned over to any private corporation at this stage; I do not care what corporation it is.

Mr. HEFLIN. I understand the Senator's attitude; but I want to remind him that the Hickory powder plant in Tennessee, built during the war, cost the Government $88,000,000, and when the war was over the Government sold it for $4,500,000—a loss to the Government of $83,500,000. This dam at Muscle Shoals makes the river navigable for 25 miles, and, in addition to that, the dam is going to be made to pay for itself and more; and I want to say to the Senator from New York again that it is the only one of all the war projects that is going to pay for itself and make money for the Government.

Senators talk about giving this plant away to somebody down there. Some Senators do not seem to understand the facts about this situation. They keep saying that experts say fertilizer can not be made there. My good friend from New York must be an expert on fertilizer, because he says it can not be made there, and the Senator from South Carolina says it can not be made there.

Mr. SMITH. Which Senator from South Carolina?

Mr. HEFLIN. Did not the senior Senator from South Carolina say that?

Mr. SMITH. No.

Mr. HEFLIN. I thought he did.

Mr. SMITH. I said the Government could make it and not charge any 8 per cent. The Senator is working for a Power Trust to make it, and then, on top of its cost, to charge the farmers 8 per cent; whereas I said, since the Government had constructed the plant and had developed the processes, let the Government go on until it decides just what is the cheapest process, and then keep going on and relieve the farmer without charging 8 per cent under any patent that some private individual may have.

Mr. HEFLIN. No power trust. My purpose is to let somebody make fertilizer who will do so under the rules and regulations that we lay down and make him sell it to the farmer

at not over 8 per cent profit; and I hold that when that is done it will cut his fertilizer bill in half and save to South Carolina $14,000,000 a year.

Mr. SMITH. Then why not let the Government do it? Why does the Senator want to go out and give it to a private corporation?

Mr. HEFLIN. I do not believe in the Government going into the manufacturing business against private citizens.

Mr. SMITH. The Senator does not believe, then, in the Government running the boat line on the Mississippi that has saved us millions?

Mr. HEFLIN. That is all right. That is a different proposition.

Mr. SMITH. The Senator does not believe in the Government running the Postal Service?

Mr. HEFLIN. The boat line on the Mississippi was instituted during the war or soon after. That is a different proposition altogether.

Mr. SMITH. I know it is when it comes to a trust.

Mr. HEFLIN. We want to lease this property; three-fourths of the Senate want to lease it; four-fifths of the House want to lease it; the President wants to lease it; the farmers want to lease it; but the Power Trust and the Fertilizer Trust are seeking to defeat this resolution.

Mr. SMITH. Which farmers?

Mr. HEFLIN. All of them; nearly all of them except some farmers who say they are farmers and are not farmers in the true sense of the word.

Mr. SMITH. Like the gentleman who is pleading for them.

Mr. WHEELER. Mr. President, where does the Senator find those farmers who are not farmers and say they are farmers?

Mr. HEFLIN. I do not want to call any names.

Mr. WHEELER. The only farmers I have heard from who are for this concurrent resolution are those farmers who farm the farmers, who live down in Washington.

Mr. SMITH. That is right.

Mr. HEFLIN. There are some of them about here who are farming them now.

Mr. WHEELER. I am not a farmer, so that does not apply to me.

Mr. HEFLIN. Mr. President, these present-day pessimistic prophets of evil, who used to stand here and talk about how glorious it would be to turn out vast quantities of cheap fertilizer at Muscle Shoals, when the farmers would buy it at reduced prices and use it in abundance and make the earth to blossom as the rose, and how all the people in the kingdom of agriculture would be happy, have turned completely around, and they are saying, "You can not make cheap fertilizer down there." After we get this property leased, and they do make cheap fertilizer at Muscle Shoals, and they see it, the situation will then be somewhat different.

I am reminded of the old chronic kicker who did not believe anything was ever going to come to pass until it had come to pass. He was not an optimist by any means. He was like the son of old man Greer, the author of Greer's Almanac. Somebody asked the son if he had the prophetic vision that his father had. The man who made the inquiry said: "Your father could always tell when it was going to rain." The boy said: "No; I have not his talent along that line, but I can always tell when it has rained." [Laughter.]

These Senators who say that fertilizer can not be made at Muscle Shoals, including my good friend, the specialist on the subject, from New York, remind me of the story of the old village pessimist and chronic kicker of the community. Every time they would tell him they were going to do something of value for the community he would say: "They can not do it. They will never do it." Finally the surveyors went through that territory surveying a railroad, and the people said: "Uncle Johnny, they are making a survey preparatory to building a railroad through this community." Uncle Johnny said: "Road surveying and road building are two different and distinct propositions. My judgment is they will never build it." But after a while they said: "Uncle Johnny, they are digging the dirt; they are building the road." He said: "They will never complete it." Finally they went up to him and said: "Uncle Johnny, the road is completed. The train came in this morning. It is standing out yonder on the track now." He said: "I will never believe it until I see it." They went out there, and the engine was standing there cold and lifeless, and he said: "My judgment is they will never budge her." In a little while they united the forces of the fire, the coal, and the water and the engine pulsing like a thing of life went thundering down the track, whistle blowing, sparks flying, and train roaring as it sped by the spot where Uncle Johnny stood. He looked at it with wide-eyed astonishment, and his friend almost knocked him down as he hit him on the back and said: "What have you to say now?" He said: "By golly, they will never stop her!" [Laughter.]

So, Mr. President, when we get the fertilizer machinery at Muscle Shoals going good in the interest of the American farmer and these senatorial prophets of evil, these seemingly unhappy and pessimistic patriots go down there and see it running, and see the boats on the Tennessee River taking away fertilizer, and see the phosphate rocks of Tennessee coming up out of the earth by the thousands of tons and the green potash shales of Georgia coming to the relief of the farmers, and tons and tons of nitrogen plucked out of the air above Muscle Shoals, they will see the farmers reducing the cost of production and his fields yielding increased production per acre; and, as they hear the hum of wheels and the roar of industry as cheap fertilizer for the farmer is produced, they will say, "We did not believe they could even start her, and now we say, by golly, you will never stop her!" [Laughter.]

Mr. President, I would not have talked over 10 minutes if these opponents of the resolution and these fertilizer specialists had not interrupted me so frequently.

NATIONAL AND STATE QUARANTINE REGULATIONS

Mr. GEORGE obtained the floor.

Mr. SHORTRIDGE. Mr. President, will the Senator yield to me for a few moments?

Mr. GEORGE. I yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, the Supreme Court of the United States handed down on March 1 an opinion which is of very great and direct immediate importance to every State in the Union. It is the case of Oregon-Washington Railroad & Navigation Co., plaintiff in error, against the State of Washington. It involves the power of the several States to enforce quarantine orders or regulations. I desire to arrest the attention of the Senate and the country to the great importance and far-reaching effect of this decision.

The Supreme Court of the United States holds that when Congress has dealt with the subject of quarantine—that is to say, has dealt with the subject of transportation in foreign and interstate commerce of anything which by reason of its character can convey disease to and injure trees, plants, or crops—the power of the individual State to deal with that subject is suspended. In other words, it holds that by the act of March 4, 1917, the Secretary of Agriculture is authorized and directed to deal with this whole subject matter. The State of Washington had promulgated and was enforcing certain quarantine orders or regulations as against the bringing into that State of alfalfa infested with the so-called alfalfa weevil. The proceeding was against the transportation company for violating that State regulation or quarantine order. The Supreme Court of Washington upheld the action of the State, but now our Supreme Court has reversed the decision of the Supreme Court of the State of Washington, and in so doing has delivered the opinion to which I am inviting the attention of the Senate. I am sure this decision must directly interest every Member of the Senate and every citizen of the country, because we are all vitally interested in agriculture and strive to guard against the dangers which come from the pests, so numerous, that attack and destroy the products of the soil. If the Senator from Georgia will indulge me, I beg to read the concluding paragraph of this all-important decision. It will thus be seen why I am prompted to call the decision to the attention of the Senate and the country.

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

Mr. SHORTRIDGE. Yes; I yield.

Mr. KING. I am sure the Senator will be glad now, in view of that decision, to have an order promulgated by the Department of Agriculture which will do away with the prohibition now in existence in California against the importation into California of the very superior grapefruit from Florida.

Mr. SHORTRIDGE. I do not wish to be diverted to enter into a controversy as to the relative merits of California and Florida grapefruit.

Mr. GEORGE. I do not yield for that important discussion between the Senators.

Mr. SHORTRIDGE. I do not desire to deal with this important matter in a spirit of levity nor attempt any wit. If the Senator from Georgia will pardon me for a moment, I know this decision affects his State, as it does mine, as it does Utah, as it does every other State in the Union. Senators will immediately grasp the far-reaching effect of this decision, which has alarmed many of the States already, as I know from

many telegrams which have come to me. After a statement of the case and a review and discussion of authorities the Supreme Court says:

It follows that pending the existing legislation of Congress as to quarantine of diseased trees and plants in interstate commerce, the statute of Washington on the subject can not be given application. It is suggested that the States may act in the absence of any action by the Secretary of Agriculture; that it is left to him to allow the States to quarantine; and that if he does not act, there is no invalidity in the State action. Such construction as that can not be given to the Federal statute. The obligation to act without respect to the States is put directly upon the Secretary of Agriculture whenever quarantine, in his judgment, is necessary. When he does not act it must be presumed that it is not necessary. With the Federal law in force, State action is illegal and unwarranted.

I repeat, Mr. President, that everyone will grasp the far-reaching importance of this decision. Until the Congress has acted upon the subject it is, of course, conceded that the State has the power to regulate the subject matter and protect itself; but it is held when Congress has acted, as the court points out it did act by the passage of the law of March 4, 1917, then all State regulations upon that subject are suspended, the power of the State is suspended, to deal with the subject. "When Congress has acted and occupied the field," says the court, "as it has here, the power of the States to act is prevented or suspended."

I have indulged in these explanatory words, Mr. President, preliminary to asking unanimous consent that this opinion be published in the RECORD.

The VICE PRESIDENT. Is there objection?

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

SUPREME COURT OF THE UNITED STATES

(No. 187, October Term, 1925)

Oregon-Washington Railroad & Navigation Co., plaintiff in error, *v.* State of Washington. In error to the Supreme Court of the State of Washington

(March 1, 1926)

Mr. Chief Justice Taft delivered the opinion of the court.

This was a bill of complaint filed by the State of Washington in the Superior Court of Thurston County of that State against the defendant, the Oregon-Washington Railway & Navigation Co., an interstate common carrier in the States of Idaho, Oregon, and Washington. The bill averred that there existed in the areas of the States of Utah, Idaho, Wyoming, Oregon, and Nevada an injurious insect popularly called the alfalfa weevil and scientifically known as the phytonomus posticus, which fed upon the leaves and foliage of the alfalfa plant, to the great damage of the crop; that the insect multiplied rapidly and was propagated by means of eggs deposited by the female insect upon the leaves and stalks of the plant; that when the hay was cured, the eggs clung to and remained dormant upon the hay and even in the meal made from it; that the eggs and live weevils were likely to be carried to points where hay was transported, infecting the growing crop there; that when the hay was carried in common box cars the eggs and live weevils were likely to be shaken out and distributed along the route and communicated to the agricultural lands adjacent to the route; that a proper inspection to ascertain the presence of the eggs or weevils would require the tearing open of every bale of hay and sack of meal, involving a prohibitive cost of inspection, and that the only practical method of preventing the spread into uninfested districts was to prohibit the transportation of hay or meal from the district in which the weevil existed; that the pest is new to, and not generally distributed within, the State of Washington; that there is no known method of ridding a district infested of the pest; that subsequent to June 8, 1921, and prior to September 17, 1921, information was received by the Washington director of agriculture that there was a probability of the introduction of the weevil into the State across its boundaries; that he thereupon investigated thoroughly the insect and the areas where such pests existed and ascertained it to be in the whole of the State of Utah, all portions of the State of Idaho lying south of Idaho County, the counties of Uinta and Lincoln in the State of Wyoming, the county of Delta in the State of Colorado, the counties of Malheur and Baker in the State of Oregon, and the county of Washoe in the State of Nevada; that he, with the approval of the governor of the State, thereupon, on or about September 17, 1921, made and promulgated a quarantine regulation and order under the terms of which he declared a quarantine against all of the above-described areas and forbade the importation into Washington of alfalfa hay and alfalfa meal, except in sealed containers, and fixed the boundaries of the quarantine. The bill further averred that the defendant, knowing of the proclamation, and in violation thereof, had caused to be shipped into Washington, in common box cars, and not in sealed containers, approximately 100 cars of alfalfa hay, consigned from various points in the State of Idaho lying south of Idaho County and through the State of Oregon and into the State of Washington, in direct violation of the quarantine order; and that unless enjoined, the defendant would continue to make these shipments from such quarantined area in the State of Idaho into and through the State of Washington; that large quantities of alfalfa were grown in the eastern and central portions of Washington and adjacent to the railroad lines of the defendant and other railroads over which such shipments of alfalfa hay were shipped and were likely to be shipped in the future, unless an injunction was granted, to the great and irreparable damage of the citizens of Washington growing alfalfa therein. A temporary injunction was issued, and then a demurrer was filed by the defendants. The demurrer was overruled. An answer was filed and in each of the pleadings was set out the claim by the defendant that the action and proclamation of the director of agriculture and the governor, and chapter 105 of the Laws of Washington of 1921, under which they acted, were in contravention of the interstate commerce clause of the Federal Constitution and in conflict with an act of Congress.

At the hearing there was evidence on behalf of the State that the Oregon-Washington and Northern Pacific Railroads ran through the parts of the State where the alfalfa was raised; that the weevil had first appeared in Utah in 1904 in Salt Lake City and that it had spread about 10 miles a year; that it came from Russia and southern Europe; that it would be impossible to adopt any method of inspection of alfalfa hay to keep out the weevil not prohibitory in cost; that in Europe the weevil is not a serious pest, because its natural enemies exist there and they keep it down; that the United States Government had attempted to introduce parasites, but that it takes a long time to secure a natural check from such a method; that methods by using poison sprays, by burning, and in other ways had been used to attack the pest, but that no one method has been entirely successful; that there is no practical way of eliminating the beetles completely if the field once becomes infected, and the continuance of the pest will be indefinite; that the great danger of spreading the infection is through the transfer of hay from one section to another. In behalf of the defendant it was testified that the prevalent opinion in regard to the spread of the alfalfa weevil and the damage it was doing was vastly exaggerated; that the spread of the weevil from hay shipped in the cars through the State of Washington was decidedly improbable. The superior court made the temporary injunction permanent and the Supreme Court of Washington affirmed the decree. This is a writ of error under section 237 of the Judicial Code to that decree.

By chapter 105 of the Washington Session Laws of 1921, page 308, the director is given the power and duty, with the approval of the governor, to establish and maintain quarantine needed to keep out of the State contagion or infestation by disease of trees and plants and injurious insects or other pests, to institute an inspection to prevent any infected articles from coming in except upon a certificate of investigation by such director, or in his name by an inspector. Upon information received by the director of the existence of any infectious plant, disease, insect, or weed pest new to or not generally distributed within the State, dangerous to the plant industry of the State, he is required to proceed to investigate the same, and then enforce necessary quarantine. There is a provision for punishment of a fine of not less than $100 or more than $1,000, or by both such fine and imprisonment, for violation of the act.

In the absence of any action taken by Congress on the subject matter, it is well settled that a State in the exercise of its police power may establish quarantines against human beings or animals or plants, the coming in of which may expose the inhabitants or the stock or the trees, plants, or growing crops to disease, injury, or destruction thereby, and this in spite of the fact that they necessarily affect interstate commerce.

Chief Justice Marshall, in Gibbons *v.* Ogden (9 Wheat. 1), speaking of inspection laws, says at page 203:

"They form a portion of 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 and those which respect turnpike roads, ferries, etc., are component parts of this mass."

Again he says, at page 205:

"The acts of Congress passed in 1796 and 1799 empowering and directing the officers of the General Government to conform to and assist in the execution of the quarantine and health laws of a State proceed, it is said, upon the idea that these laws are constitutional. It is undoubtedly true that they do proceed upon that idea, and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations or among the States, for they do not imply that such laws are an exercise of that power or enacted with a view to it. On the contrary, they are treated as quarantine and health laws, or so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State to provide for the health of its citizens. But as it was apparent that some of the provisions made for this purpose, and in

virtue of this power, might interfere with and be affected by the laws of the United States made for the regulation of commerce, Congress, in that spirit of harmony and conciliation which ought always to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws, and has in some measure adapted its own legislation to this object by making provisions in aid of those of the States. But in making these provisions the opinion is unequivocally manifested that Congress may control the State laws, so far as it may be necessary to control them, for the regulation of commerce."

This court in the Minnesota Rate cases (230 U. S. 352, 406) said:

"Quarantine regulations are essential measures of protection which the States are free to adopt when they do not come into conflict with Federal action. In view of the need of conforming such measures to local conditions Congress from the beginning has been content to leave the matter for the most part, notwithstanding its vast importance, to the States and has repeatedly acquiesced in the enforcement of State laws. * * * Such laws undoubtedly operate upon interstate and foreign commerce. They could not be effective otherwise. They can not, of course, be made the cover for discriminations and arbitrary enactments having no reasonable relation to health (Hannibal & St. Joseph Railroad Co. *v.* Husen (95 U. S. 465, 472, 473); but the power of the State to take steps to prevent the introduction or spread of disease, although interstate and foreign commerce are involved (subject to the paramount authority of Congress if it decides to assume control), is beyond question. (Morgan, etc., S. S. Co. *v.* Louisiana, 118 U. S. 455; Missouri, Kansas & Texas Ry. Co. *v.* Haber, 169 U. S. 613; Louisiana *v.* Texas, 176 U. S. 1; Rasmussen *v.* Idaho, 181 U. S. 198; Compagnie Française, etc., *v.* Board of Health, 186 U. S. 380; Reid *v.* Colorado, 187 U. S. 137, 138; Asbell *v.* Kansas, 209 U. S. 251.)"

Counsel for the company argues that the case of Railroad Co. *v.* Husen (95 U. S. 465) is an authority to show that this law as carried out by the proclamation goes too far, in that it forbids importations from certain parts of Idaho, of Utah, of Nevada, of alfalfa hay, without qualification and without any limit of time. The Husen case is to be distinguished from the other cases cited, in that the Missouri statute there held invalid was found by the court not to be a quarantine provision at all. It forbade the importation into Missouri for eight months of the year of any Texas, Mexican, or Indian cattle without regard to whether the cattle were diseased or not, and without regard to the question whether they came from a part of the country where they had been exposed to contagion. We think that here the investigation required by the Washington law and the investigation actually made into the existence of this pest and its geographical location makes the law a real quarantine law, and not a mere inhibition against importation of alfalfa from a large part of the country without regard to the conditions which might make its importation dangerous.

The second objection to the validity of this Washington law and the action of the State officers, however, is more formidable. Under the language used in Gibbons *v.* Ogden, supra, and the Minnesota Rate cases, supra, the exercise of the police power of quarantine, in spite of its interfering with interstate commerce, is permissible under the interstate-commerce clause of the Federal Constitution "subject to the paramount authority of Congress if it decides to assume control."

By the act of Congress of August 20, 1912 (37 Stat. 315, c. 308), as amended by the act of March 4, 1917 (39 Stat. 1165, c. 179), it is made unlawful to import or offer for entry into the United States any nursery stock unless permit had been issued by the Secretary of Agriculture under regulations prescribed by him.

Section 2 makes it the duty of the Secretary of the Treasury to notify the Secretary of Agriculture of the arrival of any nursery stock and forbids the shipment from one State or Territory or District of the United States into another of any nursery stock imported into the United States without notifying the Secretary of Agriculture, or, at his direction, the proper State, Territorial, or District official to which the nursery stock was destined. Whenever the Secretary of Agriculture shall determine that such nursery stock may result in the entry of plant diseases or insect pests, he shall promulgate his determination of this, but shall give due notice and a public hearing, at which any interested party might appear before the promulgation.

Section 7 provides that whenever, in order to prevent the introduction into the United States of any tree, plant, or fruit disease, or any injurious insect, not theretofore widely prevalent or distributed within and through the United States, the Secretary shall determine that it was necessary to forbid the importation into the United States, he shall promulgate such determination, and such importations are thereafter prohibited.

Section 8 of the act was amended by the agricultural appropriation act of March 4, 1917, and reads as follows:

"SEC. 8. That the Secretary of Agriculture is authorized and directed to quarantine any State, Territory, or District of the United States, or any portion thereof, when he shall determine that such quarantine is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States; and the Secretary of Agriculture is directed to give notice of the establishment of such quarantine to common carriers doing business in or through such quarantined area, and shall publish in such newspapers in the quarantined area as he shall select notice of the establishment of quarantine. That no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine except as hereinafter provided. That it shall be unlawful to move, or allow to be moved, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from any quarantined State or Territory or District of the United States or quarantined portion thereof, into or through any other State or Territory or District, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. That it shall be the duty of the Secretary of Agriculture, when the public interests will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, and method and manner of delivery and shipment of the class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from a quarantined State or Territory or District of the United States, or quarantined portion thereof, into or through any other State or Territory or District, and the Secretary of Agriculture shall give notice of such rules and regulations as hereinbefore provided in this section for the notice of the establishment of quarantine: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to quarantine any State, Territory, or District of the United States, or portion thereof, under the authority given in this section, he shall, after due notice to interested parties, give a public hearing under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney."

Section 10 of the act provides that any person who shall violate any provisions of the act, or who shall forge, counterfeit, or destroy any certificate provided for in the act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court. It is made the duty of the United States attorneys diligently to prosecute any violations of this act which are brought to their attention by the Secretary of Agriculture, or which come to their notice by other means, and that for the purpose of carrying out the provisions of the act the Secretary of Agriculture shall appoint from existing bureaus in his office a commission of five members employed therein.

It is impossible to read this statute and consider its scope without attributing to Congress the intention to take over to the Agricultural Department of the Federal Government the care of the horticulture and agriculture of the States, so far as these may be affected injuriously by the transportation in foreign and interstate commerce of anything which by reason of its character can convey disease to and injure trees, plants, or crops. All the sections look to a complete provision for quarantine against importation into the country and quarantine as between the States under the direction and supervision of the Secretary of Agriculture.

The courts of Washington and the counsel for the State rely on the decision of this court in Reid *v.* Colorado (187 U. S. 137) as an authority to sustain the validity of the Washington law before us. The Reid case involved the constitutionality of a conviction of Reid for violation of an act of Colorado to prevent the introduction of infectious or contagious diseases among the cattle and horses of that State. The law made it unlawful for any person, association, or corporation to bring or drive any cattle or horses, suffering from such disease, or which had within 90 days prior thereto been herded or brought into contact with any other cattle or horses, suffering from such disease, into the State, unless a certificate or bill of health could

be produced from the State veterinary sanitary board that the cattle and horses were free from all infectious or contagious diseases.

It was urged that it was inconsistent with the Federal animal industry act. This directed a study of contagious and communicable diseases of animals and the best method of treating them by the Federal Commissioner of Agriculture, to be certified to the executive authority of each State and the cooperation of such authority was invited. If the authorities of the State adopted the plans and methods advised by the department, or if such authorities adopted measures of their own which the department approved, then the money appropriated by Congress was to be used in conducting investigations and in aiding such disinfection and quarantine measures as might be necessary to prevent the spread of the diseases in question from one State or Territory into another. This court held that Congress did not intend by the act to override the power of the States to care for the safety of the property of their people, because it did not undertake to invest any officer or agent of the department with authority to go into a State and without its assent take charge of the work of suppressing or extirpating contagious, infectious, or communicable diseases there prevailing, or to inspect cattle or give a certificate of freedom from disease for cattle of superior authority to State certificates.

It is evident that the Federal statute under consideration in the Reid case was an effort to induce the States to cooperate with the General Government in measures to suppress the spread of disease without at all interfering with the action of the State in quarantining or taking any other measures to extirpate it or prevent its spread. Indeed, the Commissioner of Agriculture in that case was to aid the State authorities in their quarantine and other measures from Federal appropriation. The act we are considering is very different. It makes no reference whatever to cooperation with State authorities. It proposes the independent exercise of Federal authority with reference to quarantine in interstate commerce. It covers the whole field so far as the spread of the plant disease by interstate transportation can be affected and restrained. With such authority vested in the Secretary of Agriculture, and with such duty imposed upon him, the State laws of quarantine that affect interstate commerce and thus Federal law can not stand together. The relief sought to protect the different States, in so far as it depends on the regulation of interstate commerce, must be obtained through application to the Secretary of Agriculture.

In the relation of the States to the regulation of interstate commerce by Congress there are two fields. There is one in which the State can not interfere at all, even in the silence of Congress. In the other, and this is the one in which the legitimate exercise of the State's police power brings it into contact with interstate commerce so as to affect that commerce, the State may exercise its police power until Congress has by affirmative legislation occupied the field by regulating interstate commerce and so necessarily has excluded State action.

Cases of the latter type are the Southern Railway Co. *v.* Reid (222 U. S. 424); Northern Pacific Railway Co. *v.* Washington (222 U. S. 370, 378); C. R. I. & P. Ry. Co. *v.* Elevator Co. (226 U. S. 426, 435); Erie Railroad Co. *v.* New York (233 U. S. 671, 681); and Missouri Pacific Railroad Co. *v.* Stroud (267 U. S. 404).

Some stress is laid by the counsel of the State on the case of Missouri Pacific Ry. Co. *v.* Larabee Flour Mills Co. (211 U. S. 612). There the question was whether a State court might by mandamus compel a railroad company, under its common-law obligation as a common carrier, to afford equal local switching service to its shippers, notwithstanding the fact that the cars in regard to which the service was claimed were two-thirds of them in interstate commerce and one-third in intrastate commerce. The contention was that the enactment of the interstate commerce law put such switching wholly in control of the Interstate Commerce Commission. The case was one on the border line, three judges dissenting. The number of cases decided since that case and above cited have made it clear that the rule, as it always had been, was not intended in that case to be departed from. That rule is that there is a field in which the local interests of States touch so closely upon interstate commerce that in the silence of Congress on the subject the States may exercise their police powers and local switchings as in that case, and quarantine as in the case before us, are in that field. But when Congress has acted and occupied the field, as it has here, the power of the States to act is prevented or suspended.

It follows that pending the existing legislation of Congress as to quarantine of diseased trees and plants in interstate commerce, the statute of Washington on the subject can not be given application. It is suggested that the States may act in the absence of any action by the Secretary of Agriculture; that it is left to him to allow the States to quarantine, and that if he does not act there is no invalidity in the State action. Such construction as that can not be given to the Federal Statute. The obligation to act without respect to the States is put directly upon the Secretary of Agriculture whenever quarantine, in his judgment, is necessary. When he does not act, it must be presumed that it is not necessary. With the Federal law in force, State action is illegal and unwarranted.

The decree of the Supreme Court of Washington is reversed.

Mr. Justice McReynolds and Mr. Justice Sutherland dissenting:

We can not think Congress intended that the act of March 4, 1917, without more should deprive the States of power to protect themselves against threatened disaster like the one disclosed by this record.

If the Secretary of Agriculture had taken some affirmative action, the problem would be a very different one. Congress could have exerted all the power which this statute delegated to him by positive and direct enactment. If it had said nothing whatever, certainly the State could have resorted to the quarantine; and this same right, we think, should be recognized when its agent has done nothing.

It is a serious thing to paralyze the efforts of a State to protect her people against impending calamity and leave them to the slow charity of a far-off and perhaps supine Federal bureau. No such purpose should be attributed to Congress unless indicated beyond reasonable doubt.

Mr. KING. Mr. President, will the Senator from Georgia yield for just a suggestion?

Mr. GEORGE. I yield.

Mr. KING. I agree with the Senator from California that that is a decision of great importance, and the consequences are very far-reaching. If it be a fact that by endowing some of these little bureaus here in Washington with authority to promulgate regulations, they may promulgate regulations of this far-reaching importance, nullifying the laws of the States, preventing intercourse between the States according to their own wish, it is about time that we restricted the authority of the bureaucrats in Washington, and we ought to scrutinize with more care the measures which come before us to confer unlimited and plenary authority upon the bureaucrats here in Washington to promulgate regulations which affect to such a degree the industries and the transportation of commodities of the people.

Mr. SHORTRIDGE. Mr. President, by indulgence of the Senator from Georgia——

Mr. GEORGE. I yield.

Mr. SHORTRIDGE. I beg to add that I have been in conference with the Secretary of Agriculture, and that an amendment to the act of March 4, 1917, is being drafted, in the hope that the law may be so amended that the power of the State shall not be regarded as wholly suspended by the act of March 4, 1917, and certainly not where the Secretary of Agriculture has not, as a matter of fact, exercised the power which that act gives him.

I should add, Mr. President, that Mr. Justice McReynolds and Mr. Justice Sutherland dissented from this opinion.

Mr. KING. Did not the Chief Justice dissent?

Mr. SHORTRIDGE. The opinion was delivered by the Chief Justice.

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. GEORGE. Mr. President, I shall not attempt at this time to make any remarks on this resolution further than a very brief statement of some pertinent facts which ought to be kept in mind in dealing with Muscle Shoals.

In the Senate on April 7, 1916, when the Senate had under consideration section 124 of the national defense act of 1916, offered by the Senator from South Carolina [Mr. SMITH], the question was then raised whether or not the plant at Muscle Shoals should be operated by the Government for the purpose of the fixation of nitrogen for purposes of national defense and of nitrogen in an available form for the American farmer. At that time in the Senate the then junior Senator and the now senior Senator from Alabama [Mr. UNDERWOOD] offered his amendment providing for the leasing of Muscle Shoals to a private lessee, the amendment which in varying terms has from the beginning come down to the Senate to-day and is covered under the loose language of House Concurrent Resolution No. 4, which we are invited to take without amendment or the privilege of amendment, on the mere assurance of the outstanding friend of the farmers in the United States, the now junior Senator from Alabama [Mr. HEFLIN]. From the beginning the friends of the farmer, according to the junior Senator from Alabama, have stood for the leasing of the Government-owned power plant and nitrate plant at Muscle Shoals, Ala., to private lessees.

The senior Senator from Alabama [Mr. UNDERWOOD] offered and debated day after day and week after week his measure to turn over this public property to a private lessee. When I came to the Senate in 1922 I found pending here a proposal to dispose of Muscle Shoals, and the Senator from Alabama [Mr. UNDERWOOD] again offered in an elaborate form precisely the same amendment, and now it is being championed by the junior Senator from Alabama [Mr. HEFLIN].

When this amendment was offered by the senior Senator from South Carolina [Mr. SMITH] it was pointed out that it was proposed to put the Government in business, not strictly governmental in its nature and character, and Senator SMITH took occasion to say that he wished no Senator to labor under any misapprehension, that he did propose that this property should be owned and operated by the Government, both for the making of munitions and for the making of fertilizer for the farmers of America.

His position was assailed by many Senators in this body. He was supported by such able Senators as Senator Kenyon and Senator Owen and a number of other Senators. When the amendment offered by the Senator from Alabama [Mr. UNDERWOOD] came to a vote it was then happily overwhelmingly defeated. In that hour the policy of the Government with respect to Muscle Shoals was declared, and I should dislike to be the President of the United States who, in the interest of private monopoly, would vary that policy which for more than 10 years has remained the settled policy of this Congress and of this Nation. It is still the policy of the people of the United States, and the Senator from Alabama may, in his superior virtue, and in his immaculate purity of motive, and in his supreme love for the farmer, protest as much as he may. He is not speaking here for the farmers of America. He is speaking to a proposition to sell to the farmers of America fertilizer on the cost-plus basis, and the plus is 8 per cent interest. He would turn the interests of the farmer over to the tender mercies of a trust and say to the trust, "You shall charge the farmers of America only 8 per cent profit upon the fertilizer, but your fertilizer may cost you whatever you will to make it cost you."

There is not a restriction in the Ford offer or in any other offer that has ever been submitted to this Congress that looked to economy in the making of fertilizer by the lessee, save the single provision that the surplus power not used for the purpose of making fertilizer should be generally distributed under regulations prescribed by the State utilities commissions or the Federal Water Power Commission.

Why do I say that? It is a plain business proposition. Everybody understands it. Nobody can be deceived about it. If a lessee is permitted to have the vast power at Muscle Shoals, and if he is permitted to make fertilizer not exceeding 40,000 tons, and none after six years if it is found to be unprofitable; if he is permitted to make fertilizer reaching the maximum of 40,000 tons of fixed nitrogen and to charge 8 per cent profit upon that fertilizer; and if he may in turn have the vast residue of primary power and secondary power at Muscle Shoals, to be used by him as he sees fit, without restriction, without regulation—and H. R. 518 prescribes no restriction, fixes no limitation, fixes no regulation—if he is to have this vast residue of power, to be used as he pleases, he can well afford to sustain a loss upon his manufacture of fertilizer. Yet he can recoup that loss out of the enormous subsidy that is given him under H. R. 518.

Mr. President, that is exactly what he will do, that is exactly what it is proposed to do, because there is not a hydroelectric engineer in the world who does not know that even the secondary power at Muscle Shoals will not nearly be consumed in the manufacture of fertilizer, in the making of the 40,000 tons of fixed nitrogen, and the whole of the primary power will be in the hands of the private lessee. What is he to pay for it under H. R. 518? He is to pay not exceeding 4 per cent upon $45,000,000, less a deduction even from the $45,000,000 of the value to navigation of the improvements at Muscle Shoals. He is to pay at the outside not exceeding $2,000,000 for the vast property and power developed already at Muscle Shoals, and I undertake to say that there is not a private owner or operator of hydroelectric power in America who would for one moment entertain a proposition to lease Muscle Shoals and its appurtenant properties from him, if he were the owner, for twice the amount that H. R. 518 says shall be stipulated in a lease of that property.

Mr. HEFLIN. Mr. President, will the Senator permit me to interrupt him?

Mr. GEORGE. Certainly.

Mr. HEFLIN. Mr. Hooker, of New York, who is a fertilizer manufacturer, testified before the committee with reference to this very resolution. He is perfectly familiar with House bill 518, and he said that he intended to make a bid.

Mr. GEORGE. Of course he intended to make a bid. Somebody intends to make a bid. The bidder is waiting. The bidder is all arrayed in bridal robes and is waiting the coming of somebody armed with authority; and if the Senator from Alabama knows anything, he knows that the bidder is in waiting.

Mr. HEFLIN. I do not know it. The Senator has the confidence of somebody I have not.

Mr. GEORGE. I qualified my statement in the first instance.

Mr. President, I know that there is a bidder in waiting or else this proposition would be submitted to the Senate as all other propositions are submitted to a deliberative body. Otherwise the proponents of House Concurrent Resolution 4 would not come before the Senate and say that the resolution ought not to be amended; they would not come before the Senate and say that we must not modify it at all in any respect or any particular, even the mere verbiage of the resolution. That is a most unusual course to be pursued in this body. That would not be suggested, Mr. President, unless we were called upon to face an extraordinary situation, and that extraordinary situation is this:

I said this morning, and I repeat, that the leasing of Muscle Shoals is peculiarly an Executive function. It is so under the law. It is so as a matter of fact. We are offered a resolution which the President of the United States is not even required to approve. Not only is the Congress to relieve him of his duty and his responsibility, but it is to relieve him of that duty and responsibility under a form of legislation or quasi legislation which he does not have to approve. Why does not some one on the other side of the aisle rise and say that the Congress ought not to intrench upon the power and prerogative of the Executive? The Senator from Alabama intimates that the President has approved the resolution, because he has repeatedly said that the President wants it. If the President wants to lease to a private lessee this vast property belonging to the people of the United States, thus enabling that lessee to exploit the people of America, let him have the responsibility. Let him take the responsibility. Let him take it under direct authority. At least allow him to take it under legislation that will require his approval.

Mr. HEFLIN. I know the Senator does not want to labor under a misapprehension as to the provision he was discussing a while ago when he was talking about giving up the property after six years. That provision was in the Underwood bill, but it is not at all in the House Ford bill. Section 14——

Mr. GEORGE. I do not care to go into that now, because I have pointed out already that the resolution provides that the offer must be as good or better, therefore no better than H. R. 518; that there are five separate bills bearing the number H. R. 518, and the Senator has agreed with some other Senator that a certain H. R. 518 is incorporated and included in the resolution. I do not know to which one he is referring.

Mr. HEFLIN. It is the House bill unamended.

Mr. GEORGE. I do not care anything about it.

Mr. HEFLIN. But the Senator ought to let me give the facts to the Senate.

Mr. GEORGE. The Senator has taken nearly all of the time debating the question since the resolution came before the Senate. If he has not already placed the facts before the Senate and the country, he can not do so now.

Mr. HEFLIN. The Senator is not willing for me to show that he is wrong about that section providing that the lessee shall make fertilizer continuously for 100 years under the Ford offer?

Mr. GEORGE. One hundred years?

Mr. HEFLIN. Yes.

Mr. GEORGE. Then the Senator has relieved them of 50 years of that onerous burden, because he has said that this contract shall not be in effect exceeding 50 years.

Mr. SMITH. Mr. President, may I ask the Senator a question?

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

Mr. GEORGE. Certainly.

Mr. SMITH. The Senator was referring to the procedure that we are going to follow and the fact that we are going to have a legislative committee. Aside from the legal aspect of the situation, does the Senator think that it is good ethics, good morals, for us to appoint Senators and Congressmen to go out and chaffer for the disposition of public property when we must enact the legislation that ratifies it?

Mr. GEORGE. Certainly I do not. That is what I meant when I said that this is an Executive function. I mean that no committee from the Senate or from the House should be put in the position of going out and asking for bids and coming back here and asking their colleagues to accept those bids, and particularly is that true when the clear duty, certainly in morals, is that the bid should be procured, if it is desirable to lease the property at all, by the President of the United States.

Mr. President, I take this occasion to say that no odor shall ever attach to me, because I never shall vote for the leasing on any terms to any private individual of this property if that lease is negotiated by a committee from the legislative body itself that must ratify and confirm the lease. Senators on the other side of the aisle may do it if they will upon the theory that they have no interest in this great property, upon the theory that it is a southern enterprise affecting only the interests of the Southeast. But Senators in every part of the Chamber representing every part of the Union will find that in the proposal is immeasurably the biggest issue the Senate has considered at this session, a proposal to take $167,000,000 of the money of the taxpayers invested in a property at a certain place on the Tennessee River in the State of Alabama and lease that property for 50 years for the nominal sum of 4 per cent upon $40,000,000, without one restrictive covenant in the lease. The Senator from Alabama may stand here as long as he will and say that he and he alone is a friend of the American farmer, but I prefer to stand here and say that no man will vote for this proposal who is a friend of the American people, including the American farmer.

The great legislative branch of the Government is asked to give away for 50 years so vast a property without prescribing one affirmative covenant except that the lessee shall make as much fertilizer as was proposed to be made under House bill 518 and without writing into the offer one single restrictive covenant, one single limitation or restriction upon the power of the lessee.

Mr. President, I have seen in my very limited legislative career no proposition in brazenry one whit comparable to the resolution which we are asked to take without amendment, without change, without restriction. I undertake to say that if the President of the United States drives his party—as the junior Senator from Alabama seems to assume he is able to drive it, because he has repeatedly said that two-thirds of the Senators are anxious to take the resolution without change, alteration, or amendment—into the passage of the resolution without change, and if the resolution shall ultimately result in a bid being accepted by Congress in accordance with the resolution, the President of the United States will find that he has laid his hand upon far the most important issue in his administration.

Mr. President, it is perfectly clear that if House Concurrent Resolution 4 passes the Senate in its present form and if a responsible bidder can be found who will offer to take the property under the general terms of the offer, the Congress would be morally bound to accept it. The Senator from Alabama may not recognize any moral obligation. I do not assert that there would be any legal obligation, but I do assert that when any responsible man creates a general agent and authorizes that general agent to negotiate within clearly defined but general terms, then the principal assumes a moral obligation to accept the fruits of his agent's negotiation. Oh, I know that it is said in effect that the bid is to be referred to Congress by the committee for the ratification or rejection of the bid, though the resolution does not say rejection. It has carefully avoided even the suspicion that the Congress would reject it.

It says only that they shall report it for confirmation by the Congress. That is the meaning of it. I repeat, when any responsible man sends out his agent clothed with general power to sell for him or to lease for him any property, and that agent comes back with an offer clearly within the terms of his authority, in no whit exceeding the powers vested in him as an agent, then his principal, if he be a responsible man, must recognize the moral responsibility placed upon him by that act of his agent.

Reject it! Of course, the Senate will have the power to reject this offer, if any offer should be made, and certainly one would be immediately forthcoming. Reject it! Certainly; but what are the terms fixed in the resolution? None except that the lease shall not be longer than for 50 years; therefore the lease will be for 50 years; except that the property that is to pass under the lease is that which is generally described as Muscle Shoals; and except that the conditions of the lease must be as good, and therefore no better than the terms of H. R. 518. Otherwise, the proposed joint committee will be clothed with general power; and when that committee shall return to the House of Representatives and to the Senate with an offer and a bill confirming and ratifying it, we will be in the position where we can not morally repudiate the offer. I repeat, Mr. President, that for the Senate of the United States so to refuse to exercise its power, its authority, and so to refuse to discharge the plain duty placed upon it in these circumstances is nothing less than tragedy itself.

Mr. SMITH. Mr. President, I wish before the Senator from Georgia concludes to call his attention to the fact that, by all the testimony of all the experts and the scientists who are engaged in investigating the art of fixing nitrogen, it appears that progress has been rapid. The possibility exists of having fulfilled in the art of production the hope of the American farmer. We have the power and we have the experts, and it will be only a very short time before nitrogen may be produced in almost unlimited quantities. With that possibility right here, are we justified, in the face of the law as it now stands, in abandoning the whole proposition and turning Muscle Shoals over to a private corporation when the hope of the American farmer is so imminent of fulfillment?

Mr. GEORGE. Mr. President, I should like to discuss the interesting proposition that the Senator from South Carolina raises, but I have not the time to do so this afternoon and probably shall not have the time to do so; but it is undoubtedly obvious that we are now less excusable than we should be at any other time for turning this property over to a private lessee.

Mr. President, the people of America might well secrifice $167,000,000. It may well be that we can allow the whole benefit to go to the State of Alabama and to Alabama alone; and, so far as that goes, I had as soon see Alabama have it as any other State. It may well be that the enormous amount of taxes taken from the pockets of all the people and invested in this property may be dissipated at will, turned over to a private lessee solely for the purpose of enabling a private lessee to make money out of it; but all that does not touch the real question. The question is a moral one. The President of the United States has a responsibility, and that responsibility is about to be taken from him under a resolution which he is not required to approve and for some thinly disguised purpose. Under it, however, lies a big moral proposition.

I am not mistaken about it, I know that a bidder is in waiting, and unless he is deterred by the courageous attack of a few Senators who are willing to have their colleague from Alabama stand here and say that they are traitors to the farmer; unless that bidder is deterred by a few men with courage enough to withstand the insult hurled at them that the Senator from Alabama sees fit to direct at every man who dares to oppose his scheme, that private lessee will take this property from the people of the United States. From whose hands? From the hands of the Congress of the United States without one whit of responsibility resting upon the executive branch of this Government, where it rightfully rests.

Mr. President, I shall never defend myself against a charge of unfriendliness to the farmers, the laborers, the merchants, or any other class of honorable Americans. I do not have to do so. All that I want to say to the Senator from Alabama is that he is the most suspicious honorable man within this Chamber.

Mr. HEFLIN. Mr. President, it is not a matter of suspicion. I am judging by their acts. The Bible gives us the standard. It says, "By their fruits ye shall know them."

Mr. GEORGE. Mr. President, I will not attempt to engage in any Biblical or theological discussion with the Senator from Alabama; and I repeat that I do not defend myself or make any further answer than the answer which I have just made; but I assert here now, without impugning anybody's motives, without raising any question of the honesty of the proponents of this resolution, that it is an iniquitous proposal; that it raises a moral question transcending the value of every foot of physical property owned by the United States in any quarter of the globe.

I say that this resolution will not result in any benefit to the farmers of the South or of the East or of any other section of the country where commercial fertilizers must be used, because it does not carry one single restriction save only that the maker of the fertilizer shall not charge in excess of the total cost of production and 8 per cent profit upon the fertilizer made by him; and there is no restriction whatever as to what he may do with every kilowatt of the surplus power not used for the purpose of manufacturing fertilizers. There is, therefore, no guaranty; there is, therefore, no certainty; there is, therefore, no possibility that any American farmer will be profited by any private lease of Muscle Shoals under the terms of this resolution.

Not only is that true, Mr. President, but it undoubtedly is true also that this vast primary power is to be turned over to a private lessee who is to use it—having gotten it for one tithe of its value—in competition with honest enterprise to the unsettling of economic conditions in the whole Southeast, solely to the end that the dividends of the private lessee may be increased, with no benefit to the American people. It seems to me to be altogether clear that it is the plain duty of Congress to refuse to part either with the title to Muscle

Shoals or the right to control and direct it at every moment of the time. Then assuredly, with whatever inefficiency may be charged to governmental operation and control, there may be something done with this property in the real interest of the American farmer.

I never have advocated Government ownership; I never have advocated Government operation of anything that did not lie within the clear field of legitimate governmental functions and powers; but I am not deterred, I am not one whit frightened by the suggestion of Government operation of Muscle Shoals. At this hour every man in America must know that there is a vast difference between governmental operation of ordinary enterprise and governmental operation or control of a standardized industry like a water power. A handful of men, not exceeding six in number, can operate and distribute the power at Muscle Shoals; the Chemical Research Board, which the Government ought to maintain, can carry on experimentation at Muscle Shoals in the interest of the Nation in war and in peace, and the processes perfected by the Research Board can be so handled by the Congress as to insure real benefit of American agriculture in the needed element of commercial fertilizer.

Mr. President, if this property is to be leased to a private lessee, upon what possible ground of justification can the Senate say to all the people, "We did not dare lay down a single policy to be pursued, a single restriction to be observed, a single negative requirement to be inserted in the lease of your property"? The American people might well say, indeed, as they will say, "You have dealt with this great enterprise in a manner befitting children."

But it is said, "Oh, we will reject the bid if it is not a proper one." Reject a bid that is within the very terms of the offer which we make; stand upon the morally unjustifiable ground that since we sent our agent out to sell the property we have either learned something or some information has come to us which now impels us to reject the bid which we ourselves have invited? Within 24 hours the bidder will be here with his lease drawn for 50 years for the Muscle Shoals property, with terms identical with H. R. 518, and then we may amend.

Mr. DILL. Mr. President——

Mr. GEORGE. I yield to the Senator from Washington.

Mr. DILL. I desire to ask the Senator whether he does not think that if bids are to be submitted for this property, the time ought to be extended sufficiently in order that those who do not know the terms—and nobody does know the terms of the bill as amended—may have an opportunity to prepare a bid, and we may have some intelligent, honest competition in the bidding?

Mr. GEORGE. I certainly think so, and I have heretofore suggested it; but, of course, that would be amending House Concurrent Resolution 4, and House Concurrent Resolution 4 is a sacred ox. It can not be touched. It can not be altered. It can not be changed. There is no secret reason back of it; there is an honest purpose in the background; everything is consistent with purity of motive and purpose; but you must not touch House Concurrent Resolution 4. You must not touch it, because the time has come to do something with Muscle Shoals.

Mr. President—and with this I am through—the dam at Muscle Shoals was completed in the late summer of last year. Senators would have us believe that all this time the water has been going to waste at Muscle Shoals. On September 12, 1925, for the first time water power was put in operation at Muscle Shoals, and in part at least upon my own insistence to the War Department that the power be utilized for the purpose of relieving an unusual condition of drought in the Southeast. At that time one of the units was put to work. A little later a second unit was put to work, and the energy generated by these two units, Nos. 1 and 2, plus the energy generated by the steam plant, which has been in operation for some time, was carried over the single transmission line leading to Sheffield and out into the world, and much of it came into my State and into other States. I am not here, however, pleading for any power company. I am here pleading that this power ought to be reserved and controlled, both day and night, by the Government of the United States, in the interest of national defense and in the interest of the farmer in the United States.

Mr. President, there is now no immediate need for hasty action. Not yet are all the units in operation at Muscle Shoals. Only Since September 12 last have any of them been operated. There is no need for hasty action. It could well be that this power plant could remain there idle, if that were necessary, until the Congress of the United States had ample time to prescribe the terms upon which they are willing to lease it, if it is to be leased to a private person.

After the adjournment of the Congress last year the President of the United States, upon his own initiative, and in the clear exercise of his power and authority over Muscle Shoals, appointed his commission to investigate Muscle Shoals and to make recommendations concerning that property.

The majority of that committee and the minority recommended a lease, it is true; but both the majority and the minority were careful to submit to the President terms and conditions under which the lease should be made. And yet, with this report upon the desks of Senators, with this report in the hands of the Members of the House, we are asked to disregard even the solemn recommendations of the President's commission and to pass a concurrent resolution which will give to three Members of the Senate and three Members of the House the power to go out and ask for bids, and the power to reject any of those bids and all of those bids to them not acceptable, and to select the one of those bids that to them may be acceptable, and to report that bid, with a bill making us a party to the contract, to the respective bodies from which the members of the committee come, with the added moral obligation of the Senate, if it is dealing seriously with this matter, and it is, to accept that bid if it is exactly what we authorize the committee to do.

Mr. President, if there is to be a private lease of this property, here and now is the time to prescribe the terms and conditions and restrictions and fix all of the covenants of that lease.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. GEORGE. I yield.

Mr. CARAWAY. What is the reason why this leasing should not be public, so that everybody shall know the exact terms of each offer?

Mr. GEORGE. I can see none, if the Senator from Arkansas will pardon the answer. I can see none, absolutely.

Mr. CARAWAY. What justification can there be for opposing letting the public know what other offers are made, aside from the one the committee recommends?

Mr. GEORGE. I am utterly at a loss to imagine why.

Mr. CARAWAY. So am I.

Mr. GEORGE. For that reason, Mr. President, I have said, and, though it is a repetition, I say, that the leasing of this property is an executive function, and the laws generally do require the leasing or sale of the properties of the people of the United States to be made on public bids; and I do not know why that should not be the case here.

Mr. WILLIAMS. Mr. President, may I inquire of the Senator?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. GEORGE. I yield to the Senator from Missouri.

Mr. WILLIAMS. I have followed the Senator very closely and have been very deeply affected by the poise and the strength of his argument, except in one point.

While it is true that if a man appoints a general agent to do a general thing in a general way, and the agent reports the thing he has done, and it has been done generally in fulfillment of the terms of the authority given him, I can see how the principal might well be bound by such negotiations and how the agent might be entitled to his fees for his service so rendered, I am unable to follow the argument of the Senator with respect to the moral responsibility that attaches to giving to a committee power to negotiate, so that when that committee comes back to a legislative body representing the people of the United States it will not be fully competent for Congress to accept or reject the offer so made.

The Senator has referred to this side of the Chamber, and from his point of view I can well see how he could do so; but I do not follow him with respect to the moral responsibility attaching to granting to some of our number authority to negotiate for a lease. I do not see that it follows at all, and I do not catch the analogy that exists between a private individual and his agent and the Congress of the United States and a committee from the Congress.

Mr. GEORGE. Mr. President, I have not contended that there is a strict analogy. There is not. Nor do I assert that there would be any legal obligation resting upon Congress, because there would not be; nor do I assert that there would be any moral obligation resting upon the Congress if the lease were negotiated by the Executive. I do assert, however, that when any responsible body after due deliberation invites a bid to be made to its selected agent, and the bid is made clearly within the terms of and in no manner exceeding the conditions which the responsible body has laid down, the moral obligation to accept the bid is, to my mind, clear and unmistakable. I

have used the analogy of the private principal and agent purely for the purpose of reinforcing what to me appears plain.

Mr. WILLIAMS. Does not the Senator think that this may not be an offer made by us, but that negotiations may result in an offer made by a proposed lessee; and if so, would not the quality of our act be one of acceptance rather than one of approval of the act of an agent?

Mr. GEORGE. Exactly so, Mr. President; but what I have tried to make plain is that when the lease is offered within the very terms on which we have indicated it should be concluded we certainly will owe to that lessee the duty and obligation of a fair and just consideration of his offer.

Mr. WILLIAMS. Mr. President, the reason why I ask the question is because I shall await the action of the committee and shall not feel myself in the least bound, morally or otherwise, by what the committee may or may not do.

Mr. GEORGE. Mr. President, I must ask the pardon of the Senate for having consumed so much of the time this afternoon.

Mr. LENROOT. Mr. President, like the Senator from Missouri [Mr. WILLIAMS], I can not agree with the viewpoint of the able Senator from Georgia [Mr. GEORGE] with regard to any moral obligation following the passage of this concurrent resolution. It seems to me the situation is identical with that of principal and agent in private life, where the agent in dealing with the other principal makes known to him that he has no power to bind his principal and that any negotiations must be ratified, accepted, or rejected by the principal. It seems to me that Congress is just as free to accept or reject any report made by this committee, as if the offer had been made to Congress in the first instance.

However, Mr. President, there is one phase of this concurrent resolution that in its present form would compel me to vote against it unless it be amended; and I appreciate the attitude of the friends of the concurrent resolution with reference to amendment. This concurrent resolution was introduced in the House on January 7, and it provides, as has been so often stated, that this joint committee shall make their report to Congress not later than April 1 next. This is the 6th day of March. This concurrent resolution can not pass until the 8th. This joint committee can not be created and meet until the 10th day of March, or the 9th at the very earliest.

Mr. President, does this concurrent resolution mean what it says, that a joint committee shall really negotiate, or does it mean that there are one or two gentlemen ready now with bids in their pockets, and this committee is to be merely a channel through which a proposition shall be made to Congress? If the latter is the case the concurrent resolution is a deception, is deceiving the American people, and I could not support it for that reason.

In the absence of any rule laid down to govern this committee, as the Senator from Georgia has so well stated, leaving them practically a free hand, as it does, we are entitled to actual and real and bona fide consideration of this proposition by any joint committee which may be created.

Is there any Senator who will assert on this floor that a space of less than three weeks is sufficient for any committee of this Congress to seriously consider this very great and very important proposition, and if there be more than one bid, intelligently give consideration to the various provisions of the bids, and give to Congress their intelligent and well-considered and deliberate judgment? That would be impossible, unless it be that this committee has already been created, and has already been at work, which I do not for a moment believe, because I know that the Vice President would not indicate in advance whom he would appoint, nor would the Speaker of the House do so.

So it seems to me we are in this position: Either the consideration by this committee is not to be a bona fide consideration, or, if it is to be a bona fide consideration, we do not give them sufficient time to consider the proposition. For that reason I could not vote for this resolution as it now stands.

When the resolution was introduced in the House, a period of three months was provided, if the resolution had been promptly passed. Now it is proposed to give this committee three weeks to consider this proposition, which has so many angles and so many important bearings.

It has been stated time and time again that the proposition this committee is authorized to make must be a proposition at least as favorable to the Government and to the agricultural interests as was the Ford offer; but no such restriction as contained in the resolution. There is no such limitation upon the power or authority of this committee. The language is—

and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518.

That means that if any bidder does not see fit to propose terms equal in benefit to those of the Ford offer, the committee is absolutely unrestricted, and it is free-handed to consider any kind of a proposition. There is no limitation of any kind upon the power of the committee, not even the restriction, as has been so often asserted, that their proposal must be at least as favorable as was the Ford offer.

So, in view of this situation, in view of the absolute impossibility of any joint committee giving proper and adequate consideration to these offers in the short space of three weeks, I shall vote against the resolution unless it be amended.

If it be in order—and I think it is under the unanimous-consent agreement—I offer this amendment, that on line 13, page 2, after the word "April," the numeral "1" be stricken out and the numerals "26" be inserted in lieu thereof. That would give at least three weeks longer for the joint committee to give consideration to this proposition.

The VICE PRESIDENT. There is now pending the amendment offered by the Senator from Arkansas [Mr. CARAWAY].

Mr. LENROOT. I ask unanimous consent that the amendment I have just suggested may be considered as pending following the amendment offered by the Senator from Arkansas.

The VICE PRESIDENT. Is there objection? The Chair hears none, and that will be the order.

Mr. HEFLIN. Mr. President, I want the RECORD to show to-day that the bill to which the Senator from Georgia [Mr. GEORGE] referred as providing for experimentation for six years, and that the lessees should abandon the plant if they were unable to make fertilizer, was the Underwood bill, and not the Ford offer as contained in the McKenzie bill. The McKenzie bill provided that they should make fertilizer, "mixed or unmixed, with or without filler, according to demand," and so forth, at nitrate plant No. 2 continuously for a hundred years.

The Senator from Wisconsin [Mr. LENROOT] states that he could not vote for the resolution if somebody had a bid ready to submit in two or three days. I submit that that is not a sound argument. This matter has been discussed for two years and more, and five or six companies, I am informed, told the President's commission that they intended to bid. Two companies testified before the Committee on Agriculture that they intended to bid. If they intend to bid, have they not the right to go ahead and submit bids and indicate just what they are willing to do? Would we deprive an American citizen who wants to lease this property of the right to go ahead in advance and write out his bid, and explain in detail just what he wanted to do, and no more? I can not see any objection to that, if any bidder wants to do it.

It means something to a company which is going to pay to the Government from two to five million dollars a year for the use of this dam and plant No. 2. What is there wrong in permitting a patriotic American citizen, believing that the resolution will pass, knowing that the time is short, to go ahead and prepare his bid, and when the committee is appointed, to be ready to go before it and say, "Gentlemen, here is my bid. Consider it and let me know what your decision is." Who can object to that? There is nothing in that contention on the part of Senators.

The Senator from Georgia [Mr. GEORGE] warns the other side and warns us of what a serious issue is going to spring up out of the disposition of 85,000 primary horsepower away down in Alabama. Keokuk Dam on the Mississippi is a greater proposition than ours. I think the horsepower developed there is between one hundred and one hundred and forty thousand primary horsepower. Did that create a national issue? Did the people rise up in their wrath and tear things to pieces? I have not heard of it.

I think the Senator's prediction will come to naught, just like that of the Senator from Missouri [Mr. REED] and the Senator from Idaho [Mr. BORAH], who, so the papers tell us, are going to start a campaign out in Chicago to defeat every Senator who voted for our entry into the World Court. They have a good big job on their hands, and I do not expect to see very much of a storm come from that campaign.

I remember a few years ago some of the scientists told us that, according to the movements of certain stars, the seaboard would sink in the Atlantic and that Florida would pass from the earth; that water would cover it, and we would see it no more; that all life there would be destroyed. Instead of that dire prediction coming true, Florida still blooms, and it is one of the best States in the Union, with some of the very best people in it, and two of the best Senators in this body. Florida is still with us. Last year a certain religious sect in this country predicted that the world would come to an end on a certain day, and I am glad to say that they were mistaken.

Mr. BLEASE obtained the floor.

Mr. JONES of Washington. Mr. President, will the Senator yield to me for a moment?

Mr. BLEASE. Certainly.

Mr. JONES of Washington. Several Senators have expressed the hope that the Senate might take a recess to-day so as to give as much time on Monday as possible for the consideration of the pending resolution. Therefore I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock on Monday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of Washington. I understand that the Senator from South Carolina would prefer to proceed when we meet on Monday.

Mr. BLEASE. That will be satisfactory to me.

EXECUTIVE SESSION

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock p. m.), under the order previously entered, took a recess until Monday, March 8, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 6, 1926

UNITED STATES ATTORNEYS

Roy C. Fox, of Washington, to be United States attorney, eastern district of Washington, vice Donald F. Kizer, appointed by court.

Thomas P. Revelle, of Washington, to be United States attorney, western district of Washington. (A reappointment, his term having expired.)

UNITED STATES MARSHAL

E. B. Benn, of Washington, to be United States marshal, western district of Washington. (A reappointment, his term having expired.)

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

First Lieut Floyd Thomas Gillespie, Infantry (detailed in Signal Corps), with rank from July 1, 1920.

COAST ARTILLERY CORPS

First Lieut. Wilfred Hill Steward, Infantry, with rank as prescribed by the act of June 30, 1922.

INFANTRY

Second Lieut. Richard Gernant Herbine, Air Service, with rank from June 12, 1924.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. George Oremaudle Hubbard, Coast Artillery Corps, from March 3, 1926.

TO BE LIEUTENANT COLONEL

Maj. Franklin Thomas Burt, Infantry, from March 3, 1926.

TO BE MAJORS

Capt. Harrison Willard Smith, Quartermaster Corps, from March 1, 1926.

Capt. Horace Grant Rice, Finance Department, from March 3, 1926.

TO BE CAPTAINS

First Lieut. Henry Christopher Harrison, jr., Field Artillery, from February 26, 1926.

First Lieut. Hanford Nichols Lockwood, jr., Field Artillery, from March 1, 1926.

First Lieut. John Markham Ferguson, Infantry, from March 1, 1926.

First Lieut. Joseph Saunders Johnson, jr., Infantry, from March 3, 1926.

TO BE FIRST LIEUTENANTS

Second Lieut. John Kenneth Sells, Cavalry, from February 18, 1926.

Second Lieut. Douglas Cameron, Cavalry, from February 21, 1926.

Second Lieut. Arthur Jennings Grimes, Infantry, from February 24, 1926.

Second Lieut. Walter Duval Webb, jr., Field Artillery, from February 26, 1926.

Second Lieut. Ernest Starkey Moon, Air Service, from February 27, 1926.

Second Lieut. Harry Craven Dayton, Field Artillery, from March 1, 1926.

Second Lieut. Edward Charles Engelhardt, Field Artillery, from March 1, 1926.

Second Lieut. Chester Arthur Carlsten, Infantry, from March 2, 1926.

Second Lieut. Joseph Myles Williams, Cavalry, from March 2, 1926.

Second Lieut. Harold Arthur Doherty, Field Artillery, from March 3, 1926.

PROMOTION IN THE PHILIPPINE SCOUTS

TO BE FIRST LIEUTENANT

Second Lieut. Eleuterio Susi Yanga, Philippine Scouts, from February 24, 1926.

POSTMASTERS

ALABAMA

Lucy Downing to be postmaster at Moulton, Ala., in place of Lucy Downing. Incumbent's commission expires March 8, 1926.

ARIZONA

Donald McIntyre to be postmaster at Yuma, Ariz., in place of Donald McIntyre. Incumbent's commission expires March 7, 1926.

COLORADO

Charles Lawton to be postmaster at Fort Logan, Colo., in place of Charles Lawton. Incumbent's commission expires March 8, 1926.

Kiah C. Brown to be postmaster at Merino, Colo., in place of K. C. Brown. Incumbent's commission expires March 7, 1926.

DELAWARE

William H. Rogers to be postmaster at Frederica, Del., in place of W. H. Rogers. Incumbent's commission expires March 7, 1926.

John J. Jolls to be postmaster at Middletown, Del., in place of J. J. Jolls. Incumbent's commission expires March 7, 1926.

HAWAII

Manuel S. Botelho to be postmaster at Honokaa, Hawaii, in place of M. S. Botelho. Incumbent's commission expired November 2, 1925.

John F. Rapozo to be postmaster at Kapaa, Hawaii, in place of J. F. Rapozo. Incumbent's commission expires March 7, 1926.

ILLINOIS

Charles Koenig to be postmaster at Brookfield, Ill., in place of Charles Koenig. Incumbent's commission expires March 8, 1926.

Fred W. Diefenbach to be postmaster at Herscher, Ill., in place of F. W. Diefenbach. Incumbent's commission expires March 8, 1926.

Arthur L. Johnson to be postmaster at Rockford, Ill., in place of A. L. Johnson. Incumbent's commission expires March 8, 1926.

Frank B. Courtright to be postmaster at Sheridan, Ill., in place of F. B. Courtright. Incumbent's commission expires March 8, 1926.

John R. Fornof to be postmaster at Streator, Ill., in place of J. R. Fornof. Incumbent's commission expires March 8, 1926.

INDIANA

Alice H. Firebaugh to be postmaster at Medaryville, Ind., in place of A. H. Firebaugh. Incumbent's commission expires March 8, 1926.

IOWA

John H. Taylor to be postmaster at New Sharon, Iowa, in place of J. H. Taylor. Incumbent's commission expires March 8, 1926.

Thomas F. Fawcett to be postmaster at Ocheyedan, Iowa, in place of T. F. Fawcett. Incumbent's commission expires March 8, 1926.

KANSAS

Mabel I. Driggs to be postmaster at Bern, Kans., in place of M. I. Driggs. Incumbent's commission expired March 2, 1926.

Stephen T. Roach to be postmaster at Englewood, Kans., in place of Josie Curtis. Incumbent's commission expired November 21, 1925.

Marion W. Covey to be postmaster at Miltonvale, Kans., in place of M. W. Covey. Incumbent's commission expired February 3, 1926.

Melvin L. Holaday to be postmaster at Anthony, Kans., in place of G. E. Corbin, resigned.

KENTUCKY

Walter Robins to be postmaster at Brodhead, Ky., in place of Walter Robins. Incumbent's commission expired March 1, 1926.

Arthur G. Powell to be postmaster at Irvine, Ky., in place of A. G. Powell. Incumbent's commission expired August 9, 1925.

Ludlow F. Petty to be postmaster at Louisville, Ky., in place of L. F. Petty. Incumbent's commission expires March 14, 1926.

Oscar W. Gaines to be postmaster at Oakland, Ky., in place of O. W. Gaines. Incumbent's commission expired March 1, 1926.

LOUISIANA

Angus O. Ott to be postmaster at Kenwood, La., in place of A. O. Ott. Incumbent's commission expired January 17, 1926.

George S. O'Brien to be postmaster at Rhoda, La., in place of G. S. O'Brien. Incumbent's commission expired October 8, 1925.

Maude Norsworthy to be postmaster at Collinston, La., in place of E. S. Keller, deceased.

Thomas E. Barham to be postmaster at Oak Ridge, La., in place of H. J. Norris, resigned.

MAINE

Charles E. Davis to be postmaster at Eastport, Me., in place of C. E. Davis. Incumbent's commission expired January 30, 1926.

Theresa M. Tozier to be postmaster at Patten, Me., in place of T. M. Tozier. Incumbent's commission expires March 7, 1926.

MARYLAND

Mary W. Stewart to be postmaster at Oxford, Md., in place of M. W. Stewart. Incumbent's commission expires March 7, 1926.

MASSACHUSETTS

George L. Minott to be postmaster at Gardner, Mass., in place of G. L. Minott. Incumbent's commission expires March 7, 1926.

Frances C. Hill to be postmaster at Templeton, Mass., in place of F. C. Hill. Incumbent's commission expires March 7, 1926.

MICHIGAN

Isaac Hurst to be postmaster at Akron, Mich., in place of Isaac Hurst. Incumbent's commission expires March 7, 1926.

Edwin L. Fox to be postmaster at Athens, Mich., in place of E. L. Fox. Incumbent's commission expires March 7, 1926.

Webster C. Casselman to be postmaster at Baroda, Mich., in place of W. C. Casselman. Incumbent's commission expires March 7, 1926.

Percy W. Totten to be postmaster at Brooklyn, Mich., in place of P. W. Totten. Incumbent's commission expires March 7, 1926.

Olin M. Thrasher to be postmaster at Mount Morris, Mich., in place of O. M. Thrasher. Incumbent's commission expires March 7, 1926.

Amos H. Crosby to be postmaster at New Buffalo, Mich., in place of A. H. Crosby. Incumbent's commission expires March 7, 1926.

MISSISSIPPI

Nettie M. Scott to be postmaster at Lake Cormorant, Miss., in place of N. M. Scott. Incumbent's commission expired February 7, 1926.

Lula M. T. Rutledge to be postmaster at Newhebron, Miss., in place of L. M. T. Rutledge. Incumbent's commission expired February 28, 1926.

MISSOURI

Leland G. Riley to be postmaster at Eagleville, Mo., in place of L. G. Riley. Incumbent's commission expires March 8, 1926.

John M. Atkinson, jr., to be postmaster at Eldorado Springs, Mo., in place of J. M. Atkinson, jr. Incumbent's commission expires March 8, 1926.

Herold D. Condray to be postmaster at Ellsinore, Mo., in place of H. D. Condray. Incumbent's commission expires March 8, 1926.

Clyde E. Jennings to be postmaster at Hollister, Mo., in place of C. E. Jennings. Incumbent's commission expires March 8, 1926.

Guy Ridings to be postmaster at Middletown, Mo., in place of Guy Ridings. Incumbent's commission expires March 8, 1926.

George W. Davies to be postmaster at Osceola, Mo., in place of G. W. Davies. Incumbent's commission expires March 8, 1926.

Gustav C. Rau to be postmaster at Pacific, Mo., in place of G. C. Rau. Incumbent's commission expires March 8, 1926.

William F. Norris to be postmaster at Perry, Mo., in place of W. F. Norris. Incumbent's commission expired February 2, 1926.

Jennie M. Peck to be postmaster at Sheldon, Mo., in place of J. M. Peck. Incumbent's commission expired February 20, 1926.

Oscar F. Schulte to be postmaster at Washington, Mo., in place of O. F. Schulte. Incumbent's commission expires March 8, 1926.

John J. Schaper to be postmaster at Warrenton, Mo., in place of J. J. Schaper. Incumbent's commission expires March 8, 1926.

Albert W. Selway to be postmaster at Williamstown, Mo., in place of A. W. Selway. Incumbent's commission expires March 8, 1926.

Benjamin S. Lacy to be postmaster at Malden, Mo., in place of Mary Shivers, resigned.

NEBRASKA

Frank A. Millhouse to be postmaster at Sumner, Nebr., in place of F. A. Millhouse. Incumbent's commission expired November 21, 1925.

NEW JERSEY

Charles H. Conner to be postmaster at Bayonne, N. J., in place of C. H. Conner. Incumbent's commission expires March 8, 1926.

Michael A. Eganey to be postmaster at Lincoln, N. J., in place of M. A. Eganey. Incumbent's commission expires March 8, 1926.

NEW MEXICO

Guy Miner to be postmaster at Des Moines, N. Mex., in place of Guy Miner. Incumbent's commission expired November 19, 1925.

NEW YORK

Otis G. Fuller to be postmaster at Central Square, N. Y., in place of O. G. Fuller. Incumbent's commission expires March 8, 1926.

Norman S. Taylor to be postmaster at Clayville, N. Y., in place of N. S. Taylor. Incumbent's commission expires March 7, 1926.

Earl A. Wheeler to be postmaster at East Randolph, N. Y., in place of E. A. Wheeler. Incumbent's commission expires March 7, 1926.

Lena M. Johnson to be postmaster at Interlaken, N. Y., in place of L. M. Johnson. Incumbent's commission expires March 7, 1926.

Darwin A. Sanders to be postmaster at Keene Valley, N. Y., in place of D. A. Sanders. Incumbent's commission expires March 7, 1926.

David C. Gilmour to be postmaster at Morristown, N. Y., in place of D. C. Gilmour. Incumbent's commission expires March 7, 1926.

John B. Mullan to be postmaster at Rochester, N. Y., in place of J. B. Mullan. Incumbent's commission expires March 7, 1926.

NORTH CAROLINA

Dan W. Hill to be postmaster at Asheville, N. C., in place of D. W. Hill. Incumbent's commission expires March 8, 1926.

Walter F. Justus to be postmaster at Flat Rock, N. C., in place of W. F. Justus. Incumbent's commission expires March 8, 1926.

Jenks Terry to be postmaster at Hamlet, N. C., in place of Jenks Terry. Incumbent's commission expires March 8, 1926.

James L. Davenport to be postmaster at Jamesville, N. C., in place of J. L. Davenport. Incumbent's commission expired January 20, 1926.

Thomas H. Peele to be postmaster at Rich Square, N. C., in place of T. H. Peele. Incumbent's commission expires March 8, 1926.

NORTH DAKOTA

M. Evelyn Peavy to be postmaster at Egeland, N. Dak., in place of M. E. Peavy. Incumbent's commission expires March 8, 1926.

OHIO

Clarence E. McCafferty to be postmaster at Chauncey, Ohio, in place of Edward Minister. Incumbent's commission expired December 22, 1925.

Charles E. John to be postmaster at Elida, Ohio, in place of C. E. John. Incumbent's commission expires March 8, 1926.

Harry F. Mikesell to be postmaster at New Madison, Ohio, in place of H. F. Mikesell. Incumbent's commission expired December 15, 1925.

OKLAHOMA

Leo C. Sharp to be postmaster at Antlers, Okla., in place of L. C. Sharp. Incumbent's commission expires March 7, 1926.

Thomas H. W. McDowell to be postmaster at Blackwell, Okla., in place of T. H. W. McDowell. Incumbent's commission expires March 7, 1926.

William C. Cooley to be postmaster at Cashion, Okla., in place of W. C. Cooley. Incumbent's commission expires March 7, 1926.

Dallas M. Rose to be postmaster at Davis, Okla., in place of D. M. Rose. Incumbent's commission expires March 7, 1926.

William J. Krebs to be postmaster at Kaw, Okla., in place of W. J. Krebs. Incumbent's commission expires March 7, 1926.

Marshall H. Whaley to be postmaster at Morrison, Okla., in place of M. H. Whaley. Incumbent's commission expires March 7, 1926.

Robert V. Anderson to be postmaster at Muskogee, Okla., in place of B. H. Cureton. Incumbent's commission expired December 22, 1925.

James S. Goodwin to be postmaster at Stratford, Okla., in place of J. S. Goodwin. Incumbent's commission expires March 8, 1926.

Etta B. Henderson to be postmaster at Wayne, Okla., in place of E. B. Henderson. Incumbent's commission expires March 7, 1926.

PENNSYLVANIA

Lois Hill to be postmaster at Baden, Pa., in place of Lois Hill. Incumbent's commission expires March 7, 1926.

Harry N. Beazell to be postmaster at Belle Vernon, Pa., in place of H. N. Beazell. Incumbent's commission expires March 7, 1926.

Dolph T. Lindley to be postmaster at Canton, Pa., in place of D. T. Lindley. Incumbent's commission expired March 1, 1926.

Althea D. A. Busch to be postmaster at Fairview, Pa., in place of A. D. A. Busch. Incumbent's commission expires March 8, 1926.

Harry L. Warnick to be postmaster at Glen Riddle, Pa., in place of H. L. Warnick. Incumbent's commission expired March 2, 1926.

Delma Byham to be postmaster at Guys Mills, Pa., in place of Delma Byham. Incumbent's commission expired February 28, 1926.

Edward F. Poist to be postmaster at McSherrystown, Pa., in place of E. F. Poist. Incumbent's commission expired December 20, 1925.

Lawrence L. Steiger to be postmaster at Mercersburg, Pa., in place of J. C. Wilson, deceased.

SOUTH CAROLINA

Louis Stackley to be postmaster at Kingstree, S. C., in place of Louis Stackley. Incumbent's commission expired March 4, 1926.

Trower Cravens to be postmaster at Beaufort, S. C., in place of H. J. Young, removed.

SOUTH DAKOTA

William J. Ryan to be postmaster at Bridgewater, S. Dak., in place of W. J. Ryan. Incumbent's commission expires March 8, 1926.

Amlin A. Isakson to be postmaster at Canton, S. Dak., in place of A. A. Isakson. Incumbent's commission expired February 16, 1926.

Chris Wittmayer to be postmaster at Eureka, S. Dak., in place of Chris Wittmayer. Incumbent's commission expired February 24, 1926.

TENNESSEE

Harriett L. Lappin to be postmaster at Monteagle, Tenn., in place of H. L. Lappin. Incumbent's commission expired February 28, 1926.

Roberta J. Tatum to be postmaster at Alamo, Tenn., in place of Leslie Vernon, resigned.

TEXAS

John H. Atterbury to be postmaster at Benjamin, Tex., in place of J. H. Atterbury. Incumbent's commission expired February 3, 1926.

Emil Gold to be postmaster at Kerrville, Tex., in place of Emil Gold. Incumbent's commission expires March 7, 1926.

John H. Sharbutt to be postmaster at Lueder, Tex., in place of J. H. Sharbutt. Incumbent's commission expired March 2, 1926.

Ada Rodgers to be postmaster at Miami, Tex., in place of Ada Rodgers. Incumbent's commission expired March 2, 1926.

Jesse E. Meroney to be postmaster at Ranger, Tex., in place of J. F. Dreinhofer. Incumbent's commission expired August 17, 1925.

Frank L. Aten to be postmaster at Round Rock, Tex., in place of F. L. Aten. Incumbent's commission expired February 10, 1926.

UTAH

Frank M. Shafer to be postmaster at Moab, Utah, in place of F. M. Shafer. Incumbent's commission expired February 17, 1926.

VERMONT

Milton B. Hoag to be postmaster at Grand Isle, Vt., in place of M. B. Hoag. Incumbent's commission expires March 7, 1926.

Otto R. Bennett to be postmaster at Manchester, Vt., in place of O. R. Bennett. Incumbent's commission expires March 7, 1926.

Arthur G. Hinman to be postmaster at Middlebury, Vt., in place of A. G. Hinman. Incumbent's commission expires March 7, 1926.

VIRGINIA

Harry Fulwiler to be postmaster at Buchanan, Va., in place of Harry Fulwiler. Incumbent's commission expired March 1, 1926.

Bruce L. Showalter to be postmaster at Wegers Cave, Va., in place of B. L. Showalter. Incumbent's commission expired March 1, 1926.

W. Frank Bowman to be postmaster at Altavista, Va., in place of J. W. Morgan, resigned.

WASHINGTON

Jesse Simmons to be postmaster at Carnation, Wash., in place of Jesse Simmons. Incumbent's commission expired January 17, 1926.

Orie G. Scott to be postmaster at Tekoa, Wash., in place of O. G. Scott. Incumbent's commission expired February 20, 1926.

WISCONSIN

Royal C. Taylor to be postmaster at Boyceville, Wis., in place of R. C. Taylor. Incumbent's commission expires March 7, 1926.

Leo O. Dietrich to be postmaster at Cassville, Wis., in place of L. O. Dietrich. Incumbent's commission expires March 7, 1926.

Benjamin F. Querhammer to be postmaster at Cazenovia, Wis., in place of B. F. Querhammer. Incumbent's commission expires March 7, 1926.

Lewis T. Larson to be postmaster at Danbury, Wis., in place of L. T. Larson. Incumbent's commission expired January 18, 1926.

Clarence L. Jordalen to be postmaster at Deerfield, Wis., in place of C. L. Jordalen. Incumbent's commission expires March 7, 1926.

Kate C. Conrad to be postmaster at Hammond, Wis., in place of K. C. Conrad. Incumbent's commission expires March 7, 1926.

William T. Hoyt to be postmaster at Rosendale, Wis., in place of W. T. Hoyt. Incumbent's commission expires March 7, 1926.

Christian R. Mau to be postmaster at West Salem, Wis., in place of C. R. Mau. Incumbent's commission expires March 7, 1926.

Ferdinand E. Grebe to be postmaster at Waupun, Wis., in place of Dena Kastein, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 6, 1926

JUDGE CIRCUIT COURT, FIRST CIRCUIT OF HAWAII

John R. Desha to be judge, circuit court, first circuit, Territory of Hawaii.

PROMOTIONS BY TRANSFER IN THE ARMY

Ray Longfellow Avery to be major, Chemical Warfare Service.

Edward Montgomery to be major, Chemical Warfare Service.

William Frank Steer to be second lieutenant, Coast Artillery Corps.

Nathaniel Claiborne Hale to be second lieutenant, Coast Artillery Corps.

PROMOTIONS IN THE ARMY

Frank Upton Greer to be captain, Infantry.

Laurin Lyman Williams to be captain, Infantry.

Anderson Hassell Norton to be captain, Cavalry.

POSTMASTERS

INDIANA

John N. Brown, Ladoga.
Levert E. Binns, New Richmond.
Vernon Nowels, Rensselaer.
William H. Ammon, Swayzee.

IOWA

John R. Barker, Indianola.

MISSOURI

John Rohrer, Bourbon.
Kinzie K. Gittings, Chilhowie.
William C. Christeson, Dixon.
Henry D. French, Jameson.
Morris W. Ledbetter, Marble Hill.
Clarence B. Robinson, South West City.

OREGON

Charles W. Halderman, Astoria.
Frank L. Laughrige, Condon.
Logan E. Anderson, Cove.
Richard E. Tozier, Helix.
Harry E. Jones, Jefferson.
Ollie Gillespie, Willamina.
Lyman H. Shorey, Woodburn.

PENNSYLVANIA

John N. Gelder, Carbondale.
John A. Balsbaugh, Hershey.
John K. Ellis, Jeddo.
James Hewett, Pen Argyl.

VERMONT

Robert C. Olds, Norwich.

HOUSE OF REPRESENTATIVES

SATURDAY, *March 6, 1926*

The House met at 12 o'clock noon, and was called to order by the Speaker.

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

Our blessed Lord and divine Helper, amid the prevailing problems and ills of life Thou art our refuge above all earthly powers. Our Father in heaven, hear us as we call and answer in wisdom Thy children's supplication. Put into our lips clean words and into our minds clean thoughts. May all that is beautiful, good, and true remind us of Thee and lead us to the source of all truth. We thank Thee for that generous, broad, and sympathetic spirit which is gradually taking hold of mankind. May the paths of the world continue to be strewn with the flowers and fruits of peace until all races and all creeds shall acknowledge Thy fatherhood and the Man of Galilee as the Teacher of the world. Do Thou bless us with an increasing sense of our destiny and give answer to the countless prayers that fall from the hearts of the peoples of the earth. Through Jesus Christ our Lord. Amen.

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

MUSCLE SHOALS

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD some remarks by myself on a new subject, namely, Muscle Shoals. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, along the Atlantic and Gulf coasts is a region of gentle slopes known as the coastal plain. Further inland is the plateau region at a considerably higher elavation than the coastal plain. Where these two meet is what is known as the river fall line, which starts east of Harrisburg in Pennsylvania, passes west of Washington, and continues down the coast, passing between Richmond and Roanoke, Raleigh, and Charlotte, through Augusta, Ga., down to Montgomery, Ala., where it turns northwestward to Muscle Shoals and parallels the Mississippi and Ohio Rivers on the east and south side almost to Pittsburgh.

Where the various rivers cross this fall line they descend from the interior plateau to the coastal plains or valleys, and this marks the principal power sections of these streams.

The Tennessee River crosses this fall line at Muscle Shoals where the river falls 130 feet in a distance of about 37 miles.

During the high-water months in the spring the power at Muscle Shoals is very large, and in the month of April it has been known to run well over a million horsepower, but in the fall, particularly in the months of September and October, the river is so low that its power is greatly reduced.

Anyone can see that power which is available only a few months in spring has practically no value at all, for nearly all industries require a reliable source of power every day in the month and every month in the year.

The amount of this power that is continuously available depends upon the amount that it is possible to generate during the month of October, so we find that the useful power at the Muscle Shoals Dam is not a million horsepower, nor 500,000 horsepower, but is only about 100,000 horsepower.

Now, if storage reservoirs can be found which will hold back the flood waters of spring and allow them to be used in the fall, then, of course, the useful power at the Wilson Dam will be increased, but just how much this power can be increased will depend upon the storage capacity and the water supply of the available reservoir sites. A survey is being made of these sites, and at present it is known that the reliable power at Muscle Shoals can be doubled in this way.

The useful power available at Niagara Falls is fully 6,000,000 horsepower. At Muscle Shoals it is two or three hundred thousand horsepower. The power supply at Muscle Shoals has indeed been enormously exaggerated.

Muscle Shoals might never have been known, and certainly would never have reached its present prominence in national affairs, if it had not been for the war. The war brought out the fact that every form of explosives is made from nitrogen and that nitrogen in available form could be had in sufficient quantity only by importing it as nitrate of soda from the desert region along the rainless coast of Chile, 4,000 miles away.

Think of it! Here we were with our hundreds of millions of dollars invested in warships, coast defenses, and an Army which it was proposed to expand to 4,000,000 men, and yet from the big guns of the warships and the coast defenses down to the smallest hand grenade of the Infantry not a single gun or bomb or torpedo could be fired unless we had the nitrogen to make the explosives.

Nitrogen is one of the most necessary and at the same time one of the most peculiar of the elements. In its free or pure form it is a gas that obstinately refuses to unite with any other element. Only at high temperatures or high pressures, or both, does the nitrogen atom become sociable. Under ordinary conditions it refuses to join hands with any other atom whatever.

It is fortunate, indeed, for the human race that this is so, for nitrogen comprises four-fifths of the earth's atmosphere. The remaining one-fifth is oxygen, a most active element whose atom unites with almost any other atom that may come along, and if the invisible atoms of nitrogen and oxygen, which, mixed together, comprise our atmosphere, should join hands, the result would be disastrous, for every drop of water on earth would soon become a concentrated form of nitric acid. Our population, however, would not live long enough to miss the water, for our atmosphere would be destroyed and we would not live as long as a fish does out of water.

When this inert nitrogen atom is found in combination with other atoms, however, its character is entirely changed. Instead of being a slow-going, unsociable, sluggish individual, Mr. Nitrogen Atom becomes exactly the opposite, and something may be expected to happen in any compound where he is found to be present.

His tastes are quite various, for he enters with equal readiness into the most delicate of aromatic perfumes or in the vilest of odors. In one form nitrogen becomes a whole family of dyes of the most brilliant colors, while in another it forms an entirely different series of compounds useful in the sick room for treating a large variety of diseases, but it kills or cures with equal readiness, for it forms the best of disinfectants or the deadliest of poisons. Combined with sawdust or cotton or other forms of cellulose it becomes dynamite, and by a simple process it is changed into rayon or artificial silk.

The most general usefulness of nitrogen, however, is its usefulness in fertilizers. The fact is that we must have nitrogen for our fertilizers, or sooner or later, as Sir William Crookes pointed out in 1898, starvation will be the fate of the human race.

This is not a pleasant prospect and I hasten to add that it is not a likely one, for means have been found to take from the inexhaustible atmosphere all the nitrogen that we need for fertilizers or any other purpose. Nitrogen is one of the principal elements in our food. We find it in our beefsteak, in our vegetables, and in every kind of bread or cereal foods. The nitrogen which we eat in this way, however, has been taken from the soil by plants and the soil has slowly obtained its nitrogen from the air by natural processes. For instance, a

small amount of nitrogen combines with hydrogen in moist air to form ammonia whenever a flash of lighting takes place, and there are billions upon billions of tiny bacteria in the soil and in certain plants which transform atmospheric nitrogen into combined forms through long periods of time.

Intensive agriculture, however, draws heavily upon the nitrogen supply of the soil, and just as we can not draw indefinitely upon a bank account without exhausting it, so if we continue drawing upon our nitrogen supply in the soil and never replace it we will soon find ourselves confronted with nitrogen bankruptcy and the soil will no longer repay its cultivation.

This has been the type of agriculture that has been practiced in the United States for generations, and thousands upon thousands of deserted farm houses throughout New England and along the Atlantic seaboard bear mute witness to the folly of robbing our soil of its nitrogen. The problem is not one of finding a supply of nitrogen, for there is no less than 33,800 tons of pure nitrogen in the air above every acre of ground. The problem has been how to cause this nitrogen to combine with other elements so that it could be used to make explosives, fertilizers, and other products.

Realizing our national helplessness should an enemy fleet succeed in cutting us off from our source of nitrates in Chile, Congress included in the national defense act of 1916 a section which authorized the President to determine the best means for obtaining nitrogen from the air and combining it with some other elements, so that it could be used for explosives in time of war and for the manufacture of fertilizers and other useful products in time of peace. Since the process which was selected required a large amount of power for the purpose, the plant was located at Muscle Shoals, where cheap power for the economical production of fertilizers was known to exist at a protected location far removed from any of our country's frontiers.

It was necessary that the power should be cheap, for high-priced power would make expensive fertilizers. In spite of all that has been said about making new and improved fertilizers without power, the fact remains that cheap power is still essential for the making of these fertilizers, as we will see in a moment.

The first step in utilizing a cheap source of nitrogen is either to take it from the air or from coal.

Suppose we take it from the air. We can do this by compressing and cooling the air repeatedly until it becomes a liquid. This liquid air is then boiled and pure nitrogen gas comes off.

Now, if limestone and coke are melted together in an electric furnace, which takes an enormous amount of power, the product is calcium carbide—the gray, powdery stuff that will generate acytelene gas when water is dripped upon it.

This calcium carbide, when hot, will unite with nitrogen gas to form a new grayish, powdery material called calcium cyanamide.

Now, calcium cyanamide is itself a fertilizer and is successfully used throughout European countries in large quantities. It has certain limitations and has not proved especially popular in this country, although something more than 50,000 tons of it are used in our mixed fertilizers every year. Its principal value is due to the fact that when treated with steam it gives up its nitrogen in the form of ammonia gas.

Ammonia gas can also be made by combining the nitrogen gas directly with pure hydrogen gas, and the actual combining process takes little power, it is true, but where shall we get the pure hydrogen gas?

That is the question which has caused so much misunderstanding and makes it so easy to represent Muscle Shoals as a bonanza.

There are two commercial sources of hydrogen; one is water, the other coke. You can get hydrogen by decomposing water in an electric cell; but that method takes more power than the cyanamide process, so there is no power economy to be gained by doing that.

If you get your hydrogen by passing steam through a red-hot bed of coke, then the gas is very impure and hard to purify, and impurities will destroy the economy of the entire process.

Only one country in the world uses this coke process. That country is Germany; and only one company in Germany uses the coke process, and that is the Badishe Aniline and Soda Works.

It is a most significant fact that this Badische company has recently acquired some large water powers in Norway for the purpose, they say themselves, of making ammonia.

In other words, the world's only makers of air-nitrogen fertilizers by processes not requiring water power, after 13 years' experience, are now going back to water power.

Water power is and, in my opinion, will continue to be a big factor in the manufacture of improved fertilizers for many years to come.

When once we have ammonia gas there are many forms of fertilizer which we can make. One of the principal forms—now made from ammonia which is obtained when coal is made into coke in a by-product coke oven—is sulphate of ammonia. This is made by causing ammonia gas to bubble up through a solution of sulphuric acid, and the combination of the two produces a material that looks something like brown sugar and is used in mixed fertilizers to supply the nitrogen. Sulphate of ammonia, however, contains only about 20 per cent of nitrogen. The other 80 per cent has no fertilizing value; it might just as well be sand or dirt.

The farmer for a long time has been buying mixed fertilizers which contained but very little of real fertilizing elements. When mixed fertilizers contain as much as 14 per cent of these real fertilizer elements they are called "high grade" by the trade, although in every 100 pounds the farmer gets 14 pounds of fertilizer and 86 pounds of something else that might just as well be sand or dirt. The farmer does not like it any more than you would like it, Mr. City Man, if you went to the grocery store and asked for a peck of potatoes and the grocer insisted on sending you a bushel of dirt with a peck of potatoes at the bottom of it. Now, while it is not possible to eliminate all of the inert matter in fertilizers, it is possible to improve them greatly. For example, if phosphoric acid is substituted for the sulphuric acid and ammonium phosphate is produced instead of ammonium sulphate, this ammonium phosphate will carry two plant food elements in concentrated form, while the ammonium sulphate has but one. In other words, the ammonium phosphate would be about 72 per cent plant food while the ammonium sulphate is only about 20 per cent plant food.

Now, all of this is nothing new to the fertilizer companies; they have known for years that nitrogen could be taken from the air with electric power and phosphoric acid could be made from phosphate rock in an electric furnace and ammonium phosphate produced, but that would eliminate their vast sulphuric acid business, and fertilizer manufacture is the chief market for millions of tons of sulphuric acid, which the fertilizer industry manufactures themselves and sells to the farmer at a good, round profit. So, if they eliminate the sulphuric acid they would have to find another market for one of their most important products. Therefore, instead of joining hands with the farmers and helping to work out the fertilizer industry on a new and improved basis at Muscle Shoals, they have chosen, instead, to try to defeat the entire proposition. So, when the United States had built its nitrate plants at Muscle Shoals and had started to work on the big dam that was to furnish the plants with power, the Government, not wishing to scrap these plants which had such large possibilities, tried to interest the fertilizer industry in them and offered to lease them without any rental whatever on most generous terms, but not an offer could they get. The presidents of all the large fertilizer companies were seen, but with one accord they all declined to bid.

Meanwhile, the funds for building the dam were exhausted and Congress, following the lead of those who declared the whole enterprise was a war-time blunder, declined to appropriate to complete the dam, and it was not until Henry Ford made his famous proposition to lease the entire property and offered $215,000,000, payable over a period of 100 years, for the property, that Congress was made to realize that its nitrate enterprise was not the white elephant which it had been represented to be. After Mr. Ford had broken the ice, others came in with bids.

The House of Representatives accepted the Ford offer, but the Senate could not agree, because of obstructions thrown in the way by those who wish the Government to engage in the fertilizer business, who were assisted in their obstruction by the fertilizer industry and the power companies, who wanted the power for themselves. This combination not only defeated the Ford offer but by a series of destructive amendments they killed the Underwood bill, which was intended to make possible a private lease of this property.

After the Underwood bill had been amended to death and Congress had adjourned with the Muscle Shoals problems still unsolved, President Coolidge appointed the Muscle Shoals Commission, whose duty it was to determine upon a policy to provide for the future of these properties. While the commission did not agree as to the details of the lease, they were agreed that the plant should be operated by private enterprise and not by the Government. Furthermore, the commission employed a technologist who, with the cooperation of some 1,200 county

agents in 23 of the principal fertilizer-using States, carried on an investigation and established beyond reasonable doubt that fertilizers could be produced at Muscle Shoals and delivered in concentrated form directly to the farmers through their own cooperative purchasing associations with a saving that averages about 43 per cent of present prices. The saving varies from 55 per cent in Louisiana to about 35 per cent in South Carolina.

With the opening of the present Congress the House passed the Snell resolution carrying out the recommendations of President Coolidge by providing for the appointment of a congressional committee of six members, three from the House and three from the Senate, having authority to negotiate a private lease of the Muscle Shoals properties and recommend it to Congress for acceptance. There were just five specifications for the lease in the resolution as it passed the House:

1. The properties must be leased as a whole; that is, the nitrate plants shall not be separated from the supply of power that is necessary for their operation.

2. The lease must be made primarily for the production of nitrates and incidentally for power purposes. In other words, the peace-time purpose which Congress had in mind in establishing the nitrate plant at Muscle Shoals must be carried out. Power distribution is an element to be considered, but it is not the chief element.

3. The lease must serve national defense, agricultural, and industrial purposes.

4. The terms of the lease, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in the offer of Henry Ford.

5. The lease shall be for a period not to exceed 50 years.

Under the terms of this resolution the bidder can use any process that he desires. He does not need to operate either one of the two nitrate plants; he can build a new one, utilizing an entirely different process if he desires to do so, but he must specify the amount of fertilizer that he will make.

Any bidder who will agree to utilize the Muscle Shoals power for the production of fertilizers as far as may be required by the market demand will soon find his entire power supply absorbed in the fertilizer business, for his product could be sold at about half the present price and the demand would far exceed the supply. It would take many plants like that at Muscle Shoals to supply the farmer with these improved fertilizers when they are available at half their present cost.

Those who have studied the subject realize that there is a serious business risk involved in introducing new fertilizer materials that the farmer knows nothing about and which he has never used and they recognize the fact that it is no more than just to grant the successful bidder at Muscle Shoals the right to use the power, not required for fertilizer purposes, for his own uses in order that he may be protected so far as it is possible to do so in view of the business risk which he undertakes.

Opposed to the Snell resolution are those who wish to see the Government do this work itself, but we have only to look at the record of the Government in previous business enterprises to realize that private capital can secure results which far surpass anything that the Government can do. It is true that the Government can operate a research laboratory or a bureau, but we should not forget that there is a vast difference between conducting a mere laboratory and operating a manufacturing enterprise, where the cost of the product is vital to the success of the enterprise.

A feature of the Ford proposal which the Snell resolution seeks to secure in any new offer is the limitation of profit to 8 per cent on the cost of operation and the supervision of the distribution by a board of farmers who have authority to inspect the books of the lessee and assure to agriculture that the lessee is carrying out his contract in good faith. This limitation of profit constitutes the first real regulation that was ever proposed for the fertilizer industry and is a greater measure of protection to the consumer against the high prices of monopoly than anything heretofore proposed.

It is confidently expected that the Snell resolution will pass the Senate, probably without change, and the experience of the President's Muscle Shoals Commission indicates that there are a number of bidders who can be depended upon to come forward with offers for the property when Congress has provided a competent committee to receive proposals and make recommendations to the House and Senate.

Muscle Shoals legislation has been before Congress, in one form or another, for 10 years. That fact alone should be sufficient evidence that this Government is not adapted to carry on a private business enterprise. Any business concern of any ability whatever could have settled the disposition of these properties in 30 days. While the outcome can not yet be predicted, it is safe to say that if the Snell resolution passes and a suitable private offer is accepted the farmers of the country will be in a fair way to realize their long-deferred hopes for cheaper fertilizers, and a vast section of our country not only in the South and East but in the Middle West will receive a benefit that will become increasingly evident as the years go by.

APPROPRIATION BILL FOR THE DEPARTMENTS OF STATE AND JUSTICE AND FOR THE JUDICIARY AND FOR THE DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9795.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. TINCHER] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9795.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9795, which the Clerk will report by title.

The Clerk read as follows:

A 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.

Mr. SHREVE. Will the gentleman from Alabama [Mr. OLIVER] use some of his time?

Mr. OLIVER of Alabama. Yes.

Mr. GARNER of Texas. Mr. Chairman, I assume that the gentleman is going to talk upon this bill?

Mr. OLIVER of Alabama. Yes.

Mr. GARNER of Texas. It seems to me it would be well, then, to have a larger audience.

Mr. OLIVER of Alabama. I hope the gentleman will not make the point of no quorum.

Mr. GARNER of Texas. All right.

Mr. OLIVER of Alabama. Mr. Chairman and gentlemen of the committee, high-school students will find in the CONGRESSIONAL RECORD for the past three days a wealth of material for June essays and orations. The discussions have covered a wide and varied field, touching almost every phase of morals, religion, home, and industrial economics, the history and interpretation of State and Federal Constitutions, the science of government, and so forth. Surely no searcher after wisdom, if patient, persistent, and industrious, will fail to be rewarded, if he will only read the discussions that appear in the RECORD for the three days on Sabbath observance, prohibition, tariff, railroad rates, the farmer's problems, the Philippines, and countless other allied and unallied subjects.

Mr. RANKIN. Including a discussion of patronage matters in Texas?

Mr. OLIVER of Alabama. Yes. In the midst of this encyclopedia of information there appear two very modest addresses, one by the gentleman from Pennsylvania [Mr. SHREVE] and the other by the gentleman from New Jersey [Mr. ACKERMAN], on the pending bill, which carries appropriations approximating $80,000,000 for four important departments of the Government.

The gentleman from Pennsylvania has given the House in his address a very logical analysis of all the appropriations, together with an explanation, which seeks to justify the appropriations for the four separate departments; and the gentleman from New Jersey, always a wizard with statistics, has as usual written a most interesting story in figures of the important service which these four departments are rendering the public, laying special emphasis on the work of the Department of Commerce and its wonderfully helpful service to business, both at home and abroad.

Now, I simply wish to support what these two gentlemen have so well said and to emphasize, if I may, some few of the outstanding activities of these four departments. My remarks, however, will be largely devoted to the Department of Justice.

First, may I call attention to the Department of State, where you will find that for many, many years every bill, both legislative or appropriation, has been stamped with the distinctive personality of one man, not so widely known to the people of the United States, but who has done more to frame the legislation that gives to the Department of State its outstanding place of dignity and importance than all others? This man is Wilbur F. Carr. [Applause.] To him perhaps is due more than any other single individual the fact that the personnel of this department is stable and permanent and now

invites to its service only men and women of high character and signal ability and who, after examination, can show proper qualifications for that important governmental service.

You will be interested in reading the hearings to find, in connection with the subject which the gentleman from Virginia [Mr. WOODRUM] discussed yesterday, a most enlightening statement made by the head of the Mixed Claims Commission, and I commend it to your careful reading.

Mr. McKEOWN. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. McKEOWN. While the gentleman is talking about the Department of State, there has been frequent complaint made that persons are not permitted to become employees of the Department of State unless they have certain social advantages; that is to say, certain social influences. Does the gentleman know anything about that?

Mr. OLIVER of Alabama. I think the gentleman is in error in saying they can not become employees unless they have certain social influences, but I think they must have certain educational qualifications.

Mr. McKEOWN. With that I agree, but the complaint comes from a good many people in the West that unless they have certain social connections they are unable to get places.

Mr. OLIVER of Alabama. I think if the gentleman will follow that up he will find there is little, if any, foundation for it.

The hearings for the Departments of State, Commerce, Labor, and Justice are all full and accurate and are entitled to a place in your libraries. Passing next to the Department of Labor, I commend to those interested in the important subject of naturalization a splendid statement which appears in the hearings by Mr. Crist, the head of this bureau. You will also find a most informing statement by Miss Abbott, the head of the Children's Bureau; included in the work of that bureau has been the expenditure of money appropriated for cooperative work with the States in maternity and infant hygiene and welfare.

The gentleman from Virginia [Mr. TUCKER], in his address before the House a few days since, questioned the power of Congress to appropriate money for the important work assigned to Miss Abbott's bureau. I wish to refer the House in this connection to a brief which answers completely the argument of the gentleman from Virginia, filed in the United States Supreme Court by the States of Virginia, Pennsylvania, Arizona, Arkansas, Colorado, Indiana, Delaware, and Minnesota. I had intended to read as a part of my remarks this brief, but since it is probably too long, I wish to enjoin on every Member interested in this discussion to read the brief, a copy of which can be secured from the clerk of the Supreme Court.

Mr. HILL of Maryland. Were any briefs filed on the other side of the case?

Mr. OLIVER of Alabama. Yes; by the State of Massachusetts, appellant in the suit before the Supreme Court.

Mr. HILL of Maryland. That was the only one filed?

Mr. OLIVER of Alabama. Yes.

Mr. HILL of Maryland. There will be no objection to that being filed, would there?

Mr. OLIVER of Alabama. It is rather long, and since the Supreme Court refused to consider and dismiss the appeal I think the gentleman from Maryland will hardly insist that the brief should here be set out in the RECORD.

Mr. HILL of Maryland. My recollection is that the Supreme Court decided in favor of the contention of the States. Is not that the case?

Mr. OLIVER of Alabama. Not in favor of the contention made by the State of Massachusetts, because, as stated above, the Supreme Court held that the case was not properly before the court and did not present a question which the State of Massachusetts could raise, and the appeal was accordingly dismissed. There is another interesting brief on file in the court by the land-grant colleges. These colleges, as well as the States which I enumerated above, felt a deep interest in the matter and filed what to my mind were unanswerable arguments upholding the power of Congress to make the appropriations which were sought to be questioned by the State of Massachusetts.

The committee increased the amount for the Department of Labor, under the head of immigration, a million dollars over the Budget estimate, but it will be found that notwithstanding this item of increase the total amount carried in this bill for the four departments is about $60,000 under the Budget estimate.

The committee felt that this increase was absolutely necessary to make effectual the border patrol and to provide funds for deporting a large number of aliens unlawfully here. I am sure the committee in providing funds for this purpose has reflected the overwhelming sentiment of the Members of the House. The committee were unable to understand why the Bureau of the Budget should have estimated the amount needed for border patrol and deportation in 1927 to be $600,000 less than for 1926. The estimate submitted by the Department of Labor was convincing that a much larger sum would be needed for this work in 1927 than has been appropriated for 1926, including the deficiency appropriation of $600,000 recently made.

Passing now to the Department of Commerce, the gentleman from New Jersey [Mr. ACKERMAN], as I stated in the outset, has discussed the work of this department in a very interesting way, and I only wish to confirm what he has said and what the House has on several occasions expressed as its estimate of the important work which the Department of Commerce is doing.

I recall that at the last session the gentleman from Tennessee [Mr. BYRNS] and my colleague, the gentleman from Alabama [Mr. BANKHEAD], and the gentleman from Minnesota [Mr. NEWTON] and many others on both sides of the aisle volunteered to pay high tribute to the splendid service which the Department of Commerce has and is rendering both at home and abroad. Knowing your interest in this department, the committee has been careful to have written into the hearings a very full and complete statement by the able representatives of the Department of Commerce who appeared before the committee, and I commend these hearings to every Member of the House. The appropriations carried in this bill for the department are very liberal and will permit the department to discharge its important responsibilities with increasing efficiency.

I wish to specially commend the interesting statements submitted by Doctor Klein, Chief of the Bureau of Foreign and Domestic Commerce; by Doctor Burgess, Chief of the Bureau of Standards; by Col. Lester Jones, Chief of the Coast and Geodetic Survey; and by Mr. O'Malley, Chief of the Bureau of Fisheries. Since the last appropriation bill was considered two important bureaus, namely, the Bureau of Patents and the Bureau of Mines, have been transferred to the Department of Commerce, and I invite the Members of the House to read the interesting statements made by the heads of these two bureaus. The splendid work of the Lighthouse and Steamboat Inspection Services will appeal strongly to every Member of the House, I am sure.

Passing now to the Department of Justice, no one can seriously question that this department under the administration of Attorney General Daugherty largely lost the confidence of the people of the Nation, and his immediate successor, Mr. Stone, and the present Attorney General have rendered a signal service to the department since they took charge. I wish now to say that, though my acquaintance with Attorney General Sargent is limited, he has most forcibly impressed me as being a gentleman of highest character, sincere, courageous, conscientious, and deeply devoted to the public interest. [Applause.] I believe that when he shall have had time to become thoroughly familiar with the many intricate duties of that great office you will find that he will have established there a permanent and able personnel that will restore this great department in the full confidence and esteem of the American people. If there be one department above all others of the Government where appointments should be made free from every suspicion of politics, it is the Department of Justice. [Applause.] A department that represents the Government and its people in the courts and which, under the Constitution, is clothed with the power to review the acts of the other coordinate departments of Government must, my colleagues, hold a firm place in the esteem, confidence, and affections of our people, and this can only be accomplished when it is understood that all appointments in that important department are made on merit and not in response to political influence or suggestion.

Mr. McKEOWN. Will the gentleman yield?

Mr. OLIVER of Alabama. Not just yet. It would be wise for Congress to pass a law that Members of the Senate and House in submitting any recommendation for appointments to the Department of Justice should be limited to stating the qualifications of the applicant within the personal knowledge of the party making the recommendation.

I now yield to the gentleman from Oklahoma.

Mr. McKEOWN. I wanted to ask the gentleman if he thought, as a practical proposition, that ideal ever obtained in the Department of Justice?

Mr. OLIVER of Alabama. No. Yet I hope some day it may, and when it does there will be no refusal by the House to provide adequate compensation for its personnel. As emphasizing the great responsibility of this department, may I call attention to the fact that there are now pending in the Court of Claims suits against the Government approximating in figures

$1,600,000,000? Fortunately, the Government's interests are in the hands of Mr. H. J. Galloway, Assistant Attorney General, an able lawyer, and the hearings will disclose what splendid results he has obtained in the cases disposed of before the Court of Claims in the last 12 months.

I wish to invite your attention also to the hearings before the committee by Mr. Hoover, head of the Bureau for the Prosecution and Detection of Crime. His is a short statement, yet thoroughly interesting, and will supply the Members of the House with interesting information for talks to civic organizations. Examine also the very full report submitted by Mr. Myers to the committee relative to the enforcement of the antitrust laws. On page 130 and those that follow will be found a long and complete list of the important cases handled by this section of the department.

I wish to call special attention to the statements submitted by Mr. Michael in behalf of himself and Mr. Andrews, who, since July, 1924, have been in charge of the prosecution of war frauds. Appropriations amounting to $2,700,000 had been made by Congress for the prosecution of war frauds since May, 1922. The amount of recoveries by the Department of Justice approximate $10,400,000. There are still pending a number of cases, and the unexpended balance of the 1926 appropriations has been reappropriated to carry on this work in 1927. Since we have heard in and out of Congress so much said about war frauds, I feel constrained to read what Mr. Michael and Mr. Andrews submitted to the committee as their conclusions relative thereto. You will recall that after the war, when partisanship was intense, committees from Congress submitted some astounding reports, and now we find that two able and disinterested lawyers, acting for the Department of Justice, after a thorough and complete study of these so-called war frauds, relative to which the Graham and other committees have submitted reports, have submitted to the Congress the following impartial and impersonal statement:

ACTIVITIES AND INFORMATION OBTAINED FROM INVESTIGATION OF WAR FRAUDS

As this is the last time that Mr. Andrews or I will appear before the committee, it may not be inappropriate for us to make certain observations, based upon our experience, with respect to the general subject of war frauds.

Charges that fraud and profiteering were committed on a large scale during the war and in the liquidation of war activities have been frequently made in and out of Congress, and yet comparatively few cases involving fraud have been discovered. Although 37 indictments charging war frauds have been returned, only two convictions and two pleas of guilty, and these in relatively unimportant cases, have been obtained. Of these indictments, 22 have been dismissed on the Government's motion. The inference is either that no honest and efficient effort was made to detect and punish war frauds or that war frauds were not as prevalent as was supposed. Because we believe it of the utmost importance that the correct inference be drawn we deem it our duty to throw such light upon the question as we can. As we have said, we were placed in charge of the work of investigating and prosecuting war frauds almost six years after the armistice. It had then become extremely difficult, if not practically impossible, to detect frauds not theretofore discovered, except in isolated cases, by reason of lapse of time. We feel that we may therefore speak without being suspected of a desire to conceal our own delinquencies rather than to aid in ascertaining the truth. However, we quite appreciate that we run the risk that our motives may be misconstrued.

We believe that an honest and determined effort has been made to detect the frauds perpetrated against the Government during the war and in the liquidation of war activities, although it is undoubtedly true that some fraud has gone undetected. War transactions in general or specific war transactions have been the subject of investigation by eight different agencies. Contracts for the production of airplanes and related contracts were investigated by the Hughes committee and the audit section of the Air Service of the Army. Numerous war transactions extending into almost every phase of the War Department's activities during and after the war were investigated by the Graham committee. For three and one-half years the contract audit section of the Finance Division of the Army has been making a review of war contracts of all kinds under congressional direction. For more than two years the joint board of survey examined into war contracts generally. Specific war transactions have been the subject of investigation by the office of the Inspector General of the Army and of the General Accounting Office. Further investigations have been made by the Department of Justice. We are familiar with the work of all these agencies, and our knowledge of their work induces our belief that the effort to detect war frauds was honest and determined.

We believe also that an equally determined and honest effort has been made to punish fraud. As far as we know, every case of alleged fraud which has been referred to the Department of Justice has either been carefully investigated, and where the evidence warranted it indictments have been sought, or is in the course of investigation.

We are inclined to believe that both the effort to detect and the effort to punish fraud might have been made with greater efficiency, and that some additional frauds might have been discovered and punished, but we are not at all convinced that the results would have been radically different.

We believe that profiteering, as that term is popularly understood, was widespread, but that fraud, in its technical sense of conduct which constitutes a violation of the criminal laws or, if not criminal, involves moral turpitude in the eyes of the law, was neither prevalent nor as serious in its consequences to the Government as has been supposed. We believe that the appearance of fraud was much greater than the existence of fraud. Thorough investigation has demonstrated that in most cases, including those which from time to time have been the subject of congressional inquiry and comment, there was in fact no fraud. We believe that the appearance of fraud resulted inevitably from the incompetence, inexperience, and bad judgment of many of the agents of the Government, from the wastefulness and extravagance which characterized many of the war activities, and from the large profits which the war made possible. Time does not permit a discussion of individual cases, but the files of the department contain convincing proof of these assertions.

It was perhaps inevitable that fraud on a large scale should appear to have been committed. When war was declared the Government was unprepared. An army of several million men had to be recruited, housed, trained, and equipped within the shortest possible time. Huge quantities of war materials and munitions had to be obtained as quickly as possible. The primary consideration in the minds of the responsible Government officials was speed rather than economy. A large procurement organization had to be created with all possible dispatch for the purpose of obtaining the necessary housing, equipment, and supplies for the Army. It is not strange that that organization should have included some dishonest men and more inexperienced and incompetent men. It was probably inevitable that men should have been assigned to tasks which they were not fitted to perform, either by experience, training, or innate ability. The policy of obtaining practically all war supplies and materials by purchase was adopted, and the war thus became the source of private profit, and often of very large profits. It was believed to be impossible to make purchases on a competitive basis, and competition was eliminated, so that the Government's only protection lay in the patriotism and honesty of war contractors and the good judgment and integrity of Government agents.

There were some contractors so patriotic that they were willing to supply the Government without thought of profit or loss to themselves. Others treated their transactions with the Government as ordinary commercial transactions and, while entirely honest according to accepted business standards, attempted to make the best bargains they could. Some of them, overcome by the desire for profit, took advantage of the Government's necessities to drive exceedingly hard bargains. Most of the Government's agents were honest and conscientious men, eager to serve their country well. Many of them, however, as was perhaps inevitable, possessed neither the experience nor the capacity to enable them to do the work intrusted to them or to deal on an equal footing with the more experienced and astute contractors with whom they came in contact, so that it was often a simple matter to take advantage of their ignorance and inexperience. Contractors were called upon to render services and to furnish supplies which they had never before performed or furnished, and they were unwilling to take the risk of loss. The cost-plus contract was therefore adopted and became a convenient instrument for overreaching the Government. Bad judgment was often displayed by representatives of the Government in estimating the Government's requirements, and unnecessarily large quantities of supplies of various kinds were contracted for on any terms obtainable. Most of the war contracts were drafted by representatives of the Government, and many of them were poorly and vaguely drawn and failed to contain terms necessary for the adequate protection of the Government.

The conditions which we have described persisted after the cessation of hostilities and characterized to a greater or less degree the settlement of war contracts and the sale of surplus war property. When the time came to settle war contracts, the war was over. Contractors endeavored to settle their contracts on the best possible terms and were often able to get better terms than they were entitled to, without resorting to fraudulent methods. Similarly, purchasers of surplus war materials considered only their own advantage and made the best bargains they could.

We do not state these facts in any critical spirit. They may have been inevitable under the circumstances. We state them merely in explanation of our conviction that the Government's war losses are to be attributed chiefly to improvident and extravagant contracts, rather than to fraud. The agents of the Government who made and settled war contracts, and who sold surplus war property, were vested, and perhaps necessarily, with the widest discretion. If, in the exercise of that discretion, they made improvident and wasteful

contracts which were neither fraudulently induced nor fraudulently performed, the Government must suffer the resulting loss. Fraud is not to be predicated upon the superior bargaining power or shrewdness of the contractor, or upon the inexperience or bad judgment of the Government agent with whom he dealt.

Mr. BANKHEAD. Will the gentleman yield?

Mr. OLIVER of Alabama. I will.

Mr. BANKHEAD. I understand that the statement the gentleman has just read was made by two special agents.

Mr. OLIVER of Alabama. Yes; they were appointed by Attorney General Stone and are lawyers of splendid ability and high standing.

Mr. BANKHEAD. It seems to me that that statement exonerates the administration from being responsible for the charges of fraud and also settles once for all all suspicion and accusation that there was a wholesale fraud and inefficiency under the Democratic management. It is in marked contrast to developments and reports in some other branches of the Government.

Mr. OLIVER of Alabama. An impartial survey of Mr. Michael's report, in which Mr. Andrews fully concurs, will sustain every statement that the gentleman from Alabama has made.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. OLIVER of Alabama. Certainly.

Mr. BRAND of Georgia. I want to say that I know Mr. Michael; he was admitted to the bar under me. He is from my State. He was appointed by Attorney General Stone, and I believe is one of the ablest attorneys in the Department of Justice and the only attorney from the State of Georgia.

Mr. OLIVER of Alabama. He has been practicing in New York and was appointed from New York. Mr. Andrews is also a resident of New York, and I have read from a joint report submitted by Mr. Michael and Mr. Andrews, which is set out in full in the hearings. I regret that both of these gentlemen are retiring from the department on July 1. I had hoped that one at least would remain to wind up the war-fraud cases, which I feel in the main can be disposed of during the fiscal year 1927. You will be interested in the concluding statement by Mr. Michael and Mr. Andrews as to what may be expected to be recovered in the large number of cases. This will be found on page 207 of the hearings.

There is another statement to which I wish to call your attention, and that is by the superintendent of prisons, Mr. White, a most excellent gentleman, who has practical ideas about the expenditure of public funds. You will recall that there are now five penal institutions, namely, Leavenworth, Atlanta, McNeill Island, the training school in Washington, the industrial institution for women, and the industrial school for boys, between 17 and 30, not committed for serious offenses.

These two last institutions you are making appropriations for in this bill. A very capable lady is at the head of the industrial institution for women, and she is rendering useful service in that work.

Heretofore women prisoners have been placed in State institutions, where the surroundings have not been good and wholesome. Heretofore we have been confining young men convicted oftentimes for minor offenses in the penitentiaries at Leavenworth and Atlanta, where they were in contact with criminals of long standing.

You have wisely concluded to separate these prisoners and to give them some industrial training. I think you will find a productive return for the investment made for these unfortunates.

You may be interested to know what the committee observed as to the two industrial establishments, one at Atlanta and one at Leavenworth. The oldest is the textile mill at Atlanta. They are making 30 different samples of cloth for the Army, Navy, Coast Guard, and Post Office Department. You understand that nothing they make is sold to the outside trade; the Government takes for its own use what is made by prison labor. Recently you established a shoe factory at Leavenworth. That building has just been completed, and it is estimated that when they can train the number required to operate the machinery now installed there they can probably make 600,000 pairs of shoes a year. The demands of the Army and Navy exceed that amount. It is thought they will make a better shoe than the Army and Navy are now buying at a cost of $1 less per pair, thus practically paying the expense of maintaining the prison.

We found likewise at Leavenworth that the convict labor had been usefully employed in clearing up a large farm transferred by the Army and in constructing suitable buildings there to house all who work on the farm as trusties. Prison labor has completed an abandoned bridge that Congress took over some time ago at a large saving. That bridge is serving a very useful purpose at Leavenworth and is used by the public also.

We found that in each of these prisons they were working a large number of men out in the open fields, and working them without shackles, as trusties. They have a splendid dairy at each of these Federal prisons. Your Federal prisons, however, are badly crowded. You have twice the number at Leavenworth that the building was designed for, and the same is true at Atlanta and at McNeil Island.

The one thing that those prisoners are crying for is an opportunity to learn something to do. Most of them, especially those convicted of serious crimes, have lived by their wits in the past. They have, perhaps, never done an honest day's work.

Strange to say, they seem anxious and willing to work, and I think the study of criminals discloses that the best way to reform them is to put them at honest work. It is not intended by that to suggest that Congress provide work that will compete with outside business, but simply that they should and can make many things that the Government needs and itself uses. Surely there can be no objection in providing useful employment to these unfortunates for that very purpose.

I appreciate the patience of the committee in listening to these matters. They all appear in the hearings before the committee, and I have briefly alluded to them, hoping that in so doing I may kindle an interest on the part of the membership to read the hearings, and if you do I know you will have some fair conception of what the Department of Justice is doing.

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

Mr. OLIVER of Alabama. Yes.

Mr. JONES. I notice in the bill an appropriation for an International Institute of Agriculture at Rome, Italy. Does not the gentleman think that that appropriation and the investigation in regard to it properly belongs in the agricultural appropriation bill?

Mr. OLIVER of Alabama. I think not. The gentleman will find that there has been no insistence even by the Department of Agriculture that they collect the information that this institute collects, and which is the most important data collected of that character.

Mr. JONES. How is the $9,600 expended? Is it expended in maintaining a representative there?

Mr. OLIVER of Alabama. Maintaining and sending representatives there to these different conferences and in publishing reports.

Mr. JONES. Who appoints that representative?

Mr. OLIVER of Alabama. The Department of State.

Mr. JONES. What means of distribution of the information do they utilize?

Mr. OLIVER of Alabama. The gentleman can get the information by inquiry at the State Department.

Mr. JONES. Does the State Department turn it over to the Department of Agriculture?

Mr. OLIVER of Alabama. I am not prepared to say to what extent they may submit this information to the Department of Agriculture.

Mr. JONES. If it is intended for the Department of Agriculture it ought to be distributed by the Secretary of Agriculture in connection with agricultural activities.

Mr. OLIVER of Alabama. I have no doubt that a number of copies are distributed by the Department of Agriculture. The gentleman will recognize at once that this very naturally should be attached to the Department of State. In all our relations to foreign countries every department of the Government must act through the Department of State. That is one reason why this particular activity very properly belongs with the Department of State.

Mr. JONES. That is all right, if they furnish the information to the proper authority. But I can see no use in gathering the information unless they send it to the proper department. I notice on page 48 of the bill there is an appropriation amounting to $645,920 for printing and binding for the Department of Commerce. Is that an increase over the amount of appropriation for that purpose last year?

Mr. OLIVER of Alabama. Yes.

Mr. JONES. How much?

Mr. OLIVER of Alabama. I do not recall exactly. The Department of Commerce must have money to print the information that it collects, if it is to serve the business interests of the Nation. It would be folly to employ men abroad to collect information and not get it quickly to the business interests,

and so we provided an additional appropriation such as the department felt might be necessary for the purpose of quickly assembling and disseminating the information.

Mr. JONES. I am asking for information, especially in view of the fact that some criticism was leveled at the Congress a short time ago because it appropriated a considerably less sum than this for getting out some information already collected and which is useful to agriculture. I wondered about the consistency of opposing that appropriation and increasing an appropriation to a considerable extent for the business interests.

Mr. OLIVER of Alabama. I think my good friend has been in Congress long enough to know that Members of Congress can stand some criticism, and that it does not deter us from doing what we think is right.

Mr. JONES. I wanted to know if they had the information which——

Mr. SHREVE. I can supply the information. In the first instance, the reason it is not handled by the Department of Agriculture is because it is a treaty obligation, and there is no place to handle it except in the Department of State. The other item the gentleman mentioned was simply a transfer; it is not a reduction, but it is only an apparent reduction, and it is made by a transfer down to South America to be used exactly for the same purpose.

Mr. JONES. The first purpose the gentleman mentioned, the fact that it is a treaty obligation—I do not understand it is an obligation. I understand it is a voluntary proposition; but even though it is a matter that refers to some treaty rights, is there any reason why with the cooperation of the Department of State the Department of Agriculture could handle the information?

Mr. SHREVE. Those matters are all conducted by the Department of State; treaty obligations, international agreements, and matters of that kind are all conducted there.

Mr. JONES. I understand that, but I was trying to get information to ascertain whether the Department of State simply files away this information or furnishes it to the Department of Agriculture.

Mr. SHREVE. Certainly; the information is supplied very generously to the Department of Agriculture. We get a vast quantity of information from Rome, and it is the quickest thing I know of. I made a statement a couple of years ago, as you may remember, stating that there was a tornado in southern Italy and the lemon crop was destroyed. That information was wired to Rome, was cabled to Washington by 1 o'clock. At 4 o'clock the lemon growers of California knew all about it, and it shows how rapidly that information is collected and disseminated. It is absolutely indispensible; the Department of Agriculture can not get along without it.

Mr. OLIVER of Alabama. Mr. Chairman, in conclusion, may I call attention to a statement, found in the hearings, by Mr. Myers, since I feel the House would like to know it. It suggests that some legislation may be needed to correct what seems to be a court interpretation of section 7 of the Clayton Act. When Congress passed the Clayton Act I am sure it was not contemplated that section 7, which prohibits one company from buying the stock of another, could be avoided by one company buying all the physical property of another and issuing its stock in payment for such physical property. That seems to be the decision of some courts, and this Congress should pass the necessary legislation to make impossible gigantic mergers and combinations which 1926 and 1927 seem now to promise.

Mr. McDUFFIE. May I interrupt the gentleman with a question?

Mr. OLIVER of Alabama. Certainly.

Mr. McDUFFIE. I thoroughly agree with the last statement made, and I want to call attention to another department of the Government. Many think that there should be an increase in the salary of those employed in the Steamboat Inspection Service. I have not read the hearings, but I want to ask the gentleman if his committee has allowed any increase, or what was done by the subcommittee?

Mr. OLIVER of Alabama. I think later it may be necessary for Congress to authorize a study of these matters, so that uniform increases can be provided for all underpaid in the field service. The trouble is that it is difficult to pick out those some may think are underpaid and not consider others whose work is equally meritorious. I hope that that can be attended to at another time. [Applause.]

Mr. SHREVE. Mr. Chairman, I now yield the remainder of my time to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Chairman, I desire to have printed in the RECORD a concurrent resolution passed by the Assembly and Senate of New York State, and to call particular attention to articles 1, 2, 5, 7, and 8:

IN SENATE OF THE STATE OF NEW YORK,
Albany, February 19, 1926.

A nation comprised of integral States attains its maximum strength and development only through best contribution of each component part of the general welfare of the whole. Conceiving this principle, as enunciated by the founders of this Nation 150 years ago and as established by the history of this State and this Nation, to be a firm and abiding principle in the affairs of the United States of America; and

Conceiving it to be the first duty of any State of this Union to invite to the attention of the General Government a condition or situation deserving the consideration and action of the Federal Government for the greatest good of the greatest number.

The Senate and Assembly of the State of New York, in concurrent resolution herewith, urge for the attention of the Sixty-ninth Congress of the United States the consideration of these facts concerning a national asset lying within the State of New York thus far largely developed for the people of the United States under the sovereign control of the State of New York.

1. There exists in the State of New York the only water-level route between the highly industrialized and agriculturally productive areas surrounding the Great Lakes in the interior of this continent and the Atlantic seaboard, lying wholly within the control of the United States.

2. Because of the recognized savings in transportation and trade effected by the use of waterways for the movement of bulk tonnage over long distances, it has been the aim and ambition of leaders of national thought and experts in national economics for the past 30 years to develop an effective water route between the Great Lakes areas and the Atlantic coast, and constructive national administrations regardless of political faith have pledged their aid and their cooperation thereto.

3. Under the authority of the Congress of the United States concurrent surveys have been made of: (a) A projected water-level route between the Great Lakes and the Atlantic by the way of the Mohawk and the Hudson Valleys through the State of New York which 100 years ago by the enterprise of the people of the State of New York was established as the leading national trade route of America whereby the interior of the United States was built to its present greatness, and (b) the St. Lawrence River, a national boundary stream of the United States, controlled at its strategic points of progress to the Atlantic Ocean by a foreign power.

4. The original Erie Canal, built by the State of New York a century ago, had its eastern terminus at the Hudson River opposite the city of Troy, and ran thence westerly through the city of Cohoes and continued on through the State of New York until this canal was united with the waters of Lake Erie.

This water-level route through the State of New York, of which the barge canal and Mohawk River, which discharge into the Hudson River at head of tidewater, are most important parts of the existing trade route, offers an efficient and practicable route for the development of an all-American ship canal, and by reason of the existence of present canal structures and the location of populous industrial communities it presents features of great value in the establishment and usefulness of a ship canal.

5. Because of involvements between provincial and domain authorities of the Dominion of Canada controlling the St. Lawrence route, it has also been established that the St. Lawrence route, even if it were practicable as a trade route, can not be negotiated for development for the immediate relief of American trade; and

6. Since, in any event, the development of the St. Lawrence route at the expense of the established but not fully developed American trade route through the valleys of the Mohawk and the Hudson in New York State would be also at the expense of that trade route, with resulting penalties upon the commercial structure of the United States, the port of New York, and the port cities of the eastern seaboard of the United States; and

7. Since 85 per cent of the commerce between the Great Lakes and the Atlantic seaboard is domestic and not foreign commerce, which could be penalized and detoured rather than expedited by the use of the St. Lawrence waterway, while

8. The development of the all-American route through the State of New York would serve both foreign and domestic trade of the United States to the best advantage of the United States, and

9. Since the development of the all-American route through the State of New York is immediately possible under the authority of Congress for the immediate relief of the industrial and agricultural States of the interior, and

10. Since the State of New York has developed to the extent of its present ability a system of interior canals serviceable as feeder routes to the full development of the national-trade route thus described, and

11. Since it is the opinion of the leading transportational experts of the Nation that with the cessation of the railroad building under the present policy of the Nation, and

12. There will occur within 50 years at the present populative increase of the Nation a critical shortage in transportation unless the waterways of the Nation are developed within the decade to assume a fair portion of the bulk tonnage of national commerce, and

13. Since under the authority of the Congress of the United States the Hudson River, comprising one-third of the national trade route thus described, is being developed to a depth of 27 feet to the port of Albany in accordance with the recommendations of the United States Army Engineers: Now, therefore, be it

Resolved (if the assembly concur), That the people of the State of New York in senate and assembly assembled, do hereby in joint resolution urge upon the President and the Congress of the United States the immediate availability of this trade route lying wholly within and under the control of the United States; and be it further

Resolved (if the assembly concur), That the Senate and Assembly of the State of New York urge action by this session of the Congress for the authorization of the development of the aforesaid route, in accord with the all-American ship canal plan; and be it further

Resolved (if the assembly concur), That if it should be determined that the cost of such route be deemed excessive, the Senate and Assembly of the State of New York hereby request and urge that the Congress of the United States give due thought and consideration to the feasibility of the project for a ship canal from Lake Erie to the sea via the Lake Champlain route.

By order of the senate.

ERNEST A. FAY, *Clerk.*

In assembly February 25, 1926. Senate amendments concurred in by order of the assembly.

FRED W. HAMMOND, *Clerk.*

Article 1 states that—

There exists in the State of New York the only water level route between the highly industrialized and agriculturally productive areas surrounding the Great Lakes in the interior of this continent and the Atlantic seaboard lying wholly within the control of the United States.

These are the outstanding facts in the case, and it seems to me that the one thing of which we must be absolutely certain is that no moneys of American taxpayers shall be spent in constructing a ship canal in Canadian territory.

The present barge canal is capable of handling 10 times as much tonnage as is at present being carried. There seems to be a lack of general knowledge regarding the great waterway and I insert the following editorial which is a comprehensive statement of the facts:

PROMOTING WATERWAYS

Congressman S. WALLACE DEMPSEY expressed wonder in his discussion before Congress of the proposed ship canal across New York State that newspapers so infrequently "boost" the barge canal and so frequently mention favorably the proposed St. Lawrence ship canal.

There is no occasion for wonder. Does not Congressman DEMPSEY know that the St. Lawrence ship canal proposition is being furthered by one of the biggest propaganda organizations in the country? Does he not know that 19 of the mid-western grain States have been organized into a Great Lakes-St. Lawrence Tidewater Association, with a highly salaried staff in a Washington office to promote in every way it can the idea of a ship canal through the St. Lawrence? This is a private interest fostered, financed, and promoted by people who expect to reap benefits from such a waterway.

Congressman DEMPSEY surely must know that the State of New York, which built and operates the barge canal, has no funds and has no organization for propaganda work of this sort. He surely must know that the State, having built the waterway and having opened it to traffic, has no more means to go out and "sell" it to the country and drum up commerce for it than it has means to "sell" the State roads and go out to solicit automobile traffic for them.

It is, in a word, the difference between a paid propaganda organization and a State government.

And yet nobody knows better than the State engineer and the State superintendent of public works that the American public never has grasped the significance of the barge canal. It is no time to discuss whether the canal should have been built in the first place. The fact is the State of New York spent a hundred and fifty millions on it. It exists and is functioning. So long as the State has put so much money into it, the least the State can hope is that commerce will use it.

Popular fancy never has turned to the barge canal, because the public never clearly has grasped what it is. Hardly one person in a thousand knows that the barge canal for a large part of its length is the Mohawk River. Not one person in 5,000 of those who go up and down the Mohawk Valley knows that the structures they see that resemble bridges are not bridges at all, but are movable dams that in the summer create a series of deep pools for navigation, and in the winter are listed to let the Mohawk flow unimpeded. Even yet there are people, millions of them, who believe that mules are still used to haul canal boats. Millions never saw or even heard of the Standard Oil fleet of tankers built to navigate the barge canal or of the fleets of grain boats.

There has been a great deal of discussion on this subject, and I think the action taken by the Canadian Parliament and their authorities in the last few weeks denotes very clearly that there is a wide difference of opinion among their statesmen and authorities as to whether they themselves care to have a ship canal such as is recommended by the Great Lakes-St. Lawrence Tidewater Association. In fact, they have declared that they do not want to have a canal of that sort. What we want is to have a ship canal within the borders of the United States, and not in any other country. [Applause.]

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

Mr. CROWTHER. Certainly.

Mr. MAPES. Does the gentleman also intend to incorporate the report from our own engineers to the effect that a canal of that kind would be too expensive?

Mr. CROWTHER. Oh, a number of qualified men, including engineers and business men, think that the commission to which the gentleman refers has made an entirely too low estimate in regard to the traffic that will be carried on that canal; minimizing the traffic and magnifying the expense seems to have been their purpose.

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

Mr. CROWTHER. Yes; I yield.

Mr. COLE. Would you object to the Mississippi River being used as an all-American way to the ocean?

Mr. CROWTHER. If that route is practicable, I am willing to leave those matters to the judgment of the proper board of engineers and the commercial and transportation experts of the country. I do not pose as an authority. I am simply recommending this wonderful water-level route in the great State of New York.

Now, Mr. Chairman, the British privy council has decided that the bed of the St. Lawrence and the power which may be developed from its waters within the Province of Quebec are under the full control of that Province, which objects to the deep-water route as injurious to its ports. This evidently puts the St. Lawrence waterway proposal in the discard, where it properly belongs.

The St. Lawrence River project is a pure and unadulterated power scheme, nothing more and nothing less. The water-level route, Lake Ontario to Oswego, and from there by way of the barge canal to the Hudson River, which is to have a 27-foot channel development, is the logical solution of this important problem.

The CHAIRMAN. The time of the gentleman from New York has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

BUREAU OF INTERPARLIAMENTARY UNION FOR PROMOTION OF INTERNATIONAL ARBITRATION

For the contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration, $4,000.

Mr. BURTON. Mr. Chairman, I move to strike out, in line 28, page 16, the figures "$4,000" and insert the figures "$6,000."

I am always extremely reluctant to advocate any proposition which increases the estimates of the Budget Bureau, but there are special reasons existing in this case. In the appropriation bill last year the amount to be contributed to the Interparliamentary Union was fixed at $6,000. After a canvass of the facts by divers nations contributing to the support of this union—and our contribution is the largest—an increase in their activities by the engagement of an additional clerical force has made it desirable that their funds be increased. That reason exists this year, and there is an additional form of activity which they have taken on of publishing a monthly bulletin which will be of very considerable value. I hope there will be no objection offered to this amendment.

Mr. BLANTON. The gentleman has offered an amendment to line 26, on page 16. I understand the Clerk has read only to line 14.

Mr. BURTON. No; I think the paragraph was finished. Was it not?

Mr. SHREVE. I will say to the gentleman that we have been carrying this appropriation right along for a number of years at $4,000. It was increased to $6,000 a couple of years ago, so that a clerk might be employed to assist in preparing for the celebration that was held here last year.

Mr. BURTON. That was for additional clerical service.

Mr. SHREVE. The committee was of opinion that the amount should go back to its normal condition and that the sum of $4,000 would be sufficient. The committee concluded that this figure should be restored.

Mr. BURTON. The additional clerical service is still retained, and in addition to that, as I have already stated, a plan for the publication of a monthly bulletin has been made; a bulletin which will be of very considerable value, and have a considerable circulation among the Members of this House; so that if the needs were such as justify an increase to $6,000 in a recent appropriation bill, the demands for the continuance of that increase are even stronger than they were before.

Now, a word or two in addition. The union met here last October. They left with a very pleasant impression of their reception in the United States. They probably received more attention in the way of hospitality than they had received in any other capital city in which they have gathered. I would very much regret to see the amount diminished below what it was last year because of that favorable impression which they gained here, and I think it would be looked upon as something of a slight if we diminished the amount.

I have been surprised, Mr. Chairman, at the objections that are sometimes raised to this little item. This union is very important from the standpoint in our foreign relationships and membership in international associations. This is one of the closest forms of touch we have with foreign countries.

Our delegates have been received with the utmost consideration in every meeting; subjects of international importance are discussed at every gathering, and I earnestly desire that similar participation may continue. It is not alone to the honor of our own country, but I think for our substantial benefit.

Mr. BLANTON. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. BLANTON. Does not the gentleman believe that if every one of our 435 colleagues could have been present at the last meeting in October they would pass any amendment which the gentleman from Ohio might see fit to offer on this subject?

Mr. BURTON. I think so, within any reasonable limits.

Mr. BLANTON. I think they would back him up on any kind of a proposition he would make, because I think this is one of the most valuable organizations that is in existence today.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON: Page 16, line 26, strike out the figures "$4,000" and insert in lieu thereof the figures "$6,000."

Mr. SHREVE. Mr. Chairman, of course, this is a matter for the committee to decide, but in order that the committee may fully understand the situation I will say, as I have already said, that we have carried only $4,000 for several years, Prior to the meeting that was held last year we did increase the appropriation to $6,000.

Now, it was not suggested by the Bureau of the Budget that we should make an increase, and it was not suggested by the Department of State. There was no suggestion but what they could get along with this money. However, I am perfectly willing that the matter should be left to the judgment of the House.

Mr. OLIVER of Alabama. Mr. Chairman, I trust the House will not increase this appropriation. It may seem small, but surely the House should be willing, in reference to a matter of this kind, to take the recommendations of the State Department and the President, and I think the House should be slow, in the absence of good reasons, to override the recommendations of the President and the State Department as to a matter of this kind.

I understand, of course, the peculiar interest of the gentleman from Ohio in this matter, but if you undertake to add to an appropriation of this kind even a small amount, you can hardly justify it, since the gentleman failed to go before the Budget or the President with such recommendation. Therefore I hope the House will not start out, here on the first few pages, to encourage the overriding of a recommendation in the absence of substantial facts for so doing.

Mr. BURTON. Does the gentleman from Alabama believe that either the President or the Budget Bureau gave any attention to this item? I want to say for myself that I certainly should have appeared before the committee; indeed I did speak with the chairman of the subcommittee about it and supposed that the appropriation to be carried would be the same amount as carried last year. If I had not had that impression, I certainly should have gone to all proper agencies, the Budget Bureau, the President, or anywhere else, to see that the amount was maintained at $6,000. I repeat that I am a good deal surprised that this small item, involving an association with foreign countries, as it does, always seems to evoke the discussion that it does upon this floor.

Can we not afford to appropriate $6,000 for our participation in a gathering by which we come, I repeat, in perhaps closer touch with foreign nations than any other of the associations in which we participate. I feel that failure to appropriate $2,000 additional would make a very unfavorable impression, particularly in view of the larger demands of the union for enlarged activities.

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

Mr. OLIVER of Alabama. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. I will say to the gentleman from Ohio, who submits to me the inquiry as to whether or not this was called to the attention of the State Department, that it was, and if the gentleman will read the hearings he will find that it was inquired about. Mr. Carr and the Assistant Secretary of State were before the committee, and they did not suggest that this amount be increased. Since this matter is peculiarly within the State Department, it should not be granted unless asked for by the State Department.

Mr. BURTON. I call the attention of the gentleman from Alabama to the hearings, page 130 and page 131. From a hasty examination I do not see that there was any discussion of the amount.

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

Mr. OLIVER of Alabama. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. If the gentleman will refer to the hearings, he will find that Mr. SHREVE asked Mr. Carr the express question:

The current appropriation for this purpose is $6,000 and your estimate for 1927 is $4,000.

Mr. BURTON. But he goes on and makes an answer which is not at all responsive to the question of the amount.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I claim to be one of the economists of the House; but if the gentleman from Ohio [Mr. BURTON] were to request $50,000 instead of this $2,000, I would vote with him, because he is right. The most hopeful sign I have seen in this Nation for peace and harmony between the nations of the world was the meeting of the Interparliamentary Union in this Chamber last October. The members of every parliament of the world are eligible for membership in the Interparliamentary Union.

Mr. SHREVE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SHREVE. The gentleman will recall we appropriated $50,000 for that meeting last year.

Mr. BLANTON. Yes; but this little item of $2,000 the gentleman from Ohio [Mr. BURTON] is asking for now is for a needed assistant secretary. They do need an assistant secretary, and the gentleman has given you a good reason for appropriating this $2,000. If our good friend [Mr. SHREVE] had been here during the recent meeting of the Interparliamentary Union and had seen the number of requests that were made upon Secretary Call, he would know the necessity of this assistant. Why, this Chamber was full of delegates. The banners of practically every country of the world were displayed in this Chamber during October, with their delegations present, and we heard the members of the Interparliamentary Union, who were members of the parliaments of the world, on this floor trying to devise ways and means of promoting the peace of the world. Is not that of enough importance to spend a little amount of $2,000 for an assistant secretary? I am surprised that the great keynoter of the Republican Party [Mr. BURTON] has to get up on this floor and plead with the House and plead with the Committee on Appropriations to give this great enterprise $2,000 for an assistant secretary. It would be ridiculous not to give it. We should pass the amendment.

Mr. BLACK of New York. Mr. Chairman, I wish to be heard in opposition to the pro forma amendment.

Mr. Chairman and gentlemen of the committee, I think I attended every session of the Interparliamentary Union held here last October, and to my mind it is one of the healthiest movements that has appeared in international life. [Applause.] It was a convention made up of the legislative branches of the different governments of the world; and we all know that

the common criticism against governments arising out of war is that war has been caused by diplomats and war has been caused by the executive branch of government, represented by the military and naval arms of government.

This was a convention purely of the delegates of the people, purely of the legislative branch of government, and we got here on the floor of this House an expression of good will toward America, of good will toward the entire world, from the direct representatives of the entire peoples of the world. [Applause.]

The League of Nations is about to engage in drawing up a code of international law. There should be some check on this work of the League of Nations, as far as our own viewpoint is concerned. We are not members of the League of Nations. We have nothing to say about that code of international law. It will be binding on the World Court, of which we may be a part. However, the Interparliamentary Union passed a resolution providing for a committee to do something along the same line; namely, to propose a code of international law that might be approved by the different legislatures and governments of the world. We are members of that union. We have a voice in that committee. Truly it is only semiofficial but it has great moral effect on all the governments of the world, and I think inasmuch as this great code is about to be drawn by a supergovernment, to wit, the League of Nations, we ought to participate far more aggressively than we are doing in the work of a code that is to be drawn by the direct representatives of the people, to wit, the Interparliamentary Union.

Gentlemen, there is constant encroachment all over the world by the executive branch of government upon the legislative branch of government, and I think it is up to us as Members of the greatest Legislature in the world to see to it that this great unofficial legislative body gets what it can from us in the way of financial support. I thank you. [Applause.]

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BURTON].

The amendment was agreed to.

The Clerk read as follows:

WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN: INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State, cost of law books, books of reference and periodicals, office equipment and supplies, and necessary traveling expenses, and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909, $32,000, to be disbursed under the direction of the Secretary of State: *Provided*, That no part of this appropriation shall be expended for subsistence of the commission or Secretary, except for actual and necessary expenses, not in excess of $8 per day each, when absent from Washington and from his regular place of residence on official business: *Provided further*, That a part of this appropriation may be expended for rent of offices for the commission in the District of Columbia in the event that the Public Buildings Commission is unable to supply suitable office space.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word.

The paragraph in question contains, as I understand it, the entire appropriation for the International Joint Commission for the coming fiscal year. The amount appropriated here is but $32,000, and it will be observed that this amount is to cover one-half of the expenses of the work that will be performed by the commission upon the northern boundaries.

At the time the hearings were held the attention of the committee was directed to a very important work that is to be done by the International Joint Commission this coming year. An application has been made by certain power and lumber interests in Minnesota to raise the level of Rainy Lake and its tributary lakes and channels by constructing dams on these international boundary waters. These waters cover a rather vast extent of territory, something over 100 miles or so on the northern boundary.

There is great opposition upon the part of a large number of people to the granting of the request. The proposed dams will materially raise the levels of these waters. It is claimed by opponents that in some instances levels will be raised about 40 feet. The applicants will have every engineering facility at their command. The question is so important that the International Joint Commission ought to have at their command a sufficient fund so they can go into the question just as thoroughly as the proponents of the scheme. It seems to me the amount allowed here is wholly insufficient for the commission to carry on its regular work and at the same time do this most important work.

I mention this for the purpose of expressing this idea. The International Joint Commission in doing this work will do it thoroughly; and if it can not be completed with the fund here made available, I hope they will come to Congress for additional funds which will permit them to make a thorough and complete survey.

It is rather strange, but here is a situation I would like to present to the House. Here is an application to construct dams upon these international boundary waters. So far as I have been able to ascertain, if the dams are constructed, the parties primarily benefited will be private power and timber interests. The public generally, if they are benefited, will be only incidentally benefited. It would seem to me when these parties make application to the State Department or to the International Joint Commission for work of this kind, where they are the parties to be primarily benefited, it ought to be required of them that they should pay the expense the Government goes to in order to ascertain if the project is really in the public interest. Otherwise the Government will be put to a great bill of expense if it is found not to be in the public interest.

The most important thing is that this may be against the interest of the people of the State of Minnesota and all that part of the country interested in it. It is therefore important that the commission be not curtailed in the work if they are to pass on it thoroughly and intelligently. So I hope that the commission will do the work, and if they have not the funds sufficient that they will come back to Congress for further funds and the committee will see that they are granted.

Mr. SHREVE. Mr. Chairman, I fully agree with the gentleman from Minnesota regarding the importance of this work, but at the same time I want to assure him that there is plenty of money available. While the appropriation is not large the funds that have been appropriated heretofore have not been used for the last several years. Last year the witness said:

So far as expending the money that has been given us, we have up to December expended 56 per cent.

In the year 1925, at the end of the year, they had $8,049.22 remaining. We feel that there are sufficient funds to carry on this work. If they have not, they might submit a deficiency in the fall; but we feel that there is money enough already.

Mr. NEWTON of Minnesota. I am glad to hear the gentleman say that. Here is one of the great playgrounds of the Nation, within 48 hours by train for one-third of the people of the United States, and there is a great fear that this playground is going to be despoiled. I do not know whether those fears are well grounded or not, but I apprehend that they are. A commission ought not to be curtailed in their endeavor to get at the facts. I appreciate what the gentleman has said in that connection.

Mr. WILLIAMSON. I am wondering whether the Army engineers are not available to make these surveys.

Mr. NEWTON of Minnesota. They are being detailed for that purpose.

The pro forma amendment was withdrawn.

The Clerk read as follows:

PAYMENT TO THE GOVERNMENT OF COLOMBIA

To enable the Secretary of State to pay to the Government of Colombia the fifth payment from the Government of the United States to the Republic of Colombia under article 2 of the treaty of April 6, 1914, $5,000,000.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word in order to ask if this is the last payment due to the Government of Colombia.

Mr. SHREVE. I am glad to say that this is the last payment, $5,000,000. It is the fifth payment.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For rent of buildings and parts of buildings in the District of Columbia, $100,000, if space can not be assigned by the Public Buildings Commission in buildings under the control of that commission.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. May I inquire if this $100,000 is substantially the rent of the buildings?

Mr. SHREVE. It was formerly $75,000 a year, but it has been increased $25,000.

Mr. DOWELL. Is that a pretty fair rental?

Mr. SHREVE. We consider it a very high rental.

Mr. DOWELL. Will the building which is to be built out of the $10,000,000 appropriation relieve the Government of some of these high rentals?

Mr. SHREVE. It is expected that it will; that was the real reason for the passage of the bill, that it will accommodate different governmental offices in Washington and at the same time bring down the expense.

Mr. DOWELL. Did the committee ascertain whether it was possible to get this building at a better rate?

Mr. SHREVE. The committee went into that matter very carefully, and we found that $100,000 was the very best price we could get. It was claimed by the owners that they might be able to get more money. A hundred thousand dollars was the best terms we could get, and really the owners apparently would be glad if the Government moved out rather than to pay the $100,000.

The Clerk read as follows:

EXAMINATION OF JUDICIAL OFFICES

For the investigation of the official acts, records, and accounts of marshals, attorneys, and clerks of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; and also, when requested by the presiding judge, the official acts, records, and accounts of referees and trustees of such courts, including not to exceed $49,500 for personal services in the District of Columbia, $149,500; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act, approved August 1, 1914; to be expended under the direction of the Attorney General: *Provided*, That this appropriation shall be available for advances to be made by the disbursing clerk of the Department of Justice when authorized and approved by the Attorney General, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding: *Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation the Attorney General is authorized to appoint officials, who shall be vested with the authority necessary for the execution of such duties.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the subcommittee. I would like to ask if in the hearings any estimate was obtained as to what portion of the total appropriation for the Department of Justice is used for the enforcement of the national prohibition act?

Mr. SHREVE. In reply to the gentleman, I will say that, in round numbers, it has been estimated by some to be about one-third of the whole appropriation. That is not accurate; it may be more or less; but the calculation has been made about one-third.

Mr. HILL of Maryland. That would be about how much?

Mr. SHREVE. One-third would be around $6,000,000.

The Clerk read as follows:

Investigation and prosecution of war frauds: The unexpended balance on June 30, 1926, of the appropriation "Investigation and prosecution of war frauds, 1926," is continued and made available for the same purposes, and for the employment of regular assistants to United States district attorneys (not exceeding $100,000) if that amount is not needed for the investigation and prosecution of war frauds during the fiscal year 1927: *Provided*, That not more than one person shall be employed hereunder at a rate of compensation exceeding $7,500 per annum.

Mr. BYRNS. Mr. Chairman, I move to strike out the last word. What will be the unexpended balance under this appropriation?

Mr. SHREVE. If the department employs the same number of attorneys through to the end of the year, there will be $300,000 of unexpended balance on the 1st of July. But the committee had a talk with the Attorney General, and we are inclined to think the reduction will begin now, and that there will be more than $300,000 left on the 1st of July.

Mr. BYRNS. I notice that in this appropriation it is stated that $100,000 may be used for the employment of assistants to the district attorney if not needed for the investigation and prosecution of war frauds. Is it expected that all of the unexpended appropriation will not be necessary?

Mr. SHREVE. That is the opinion of the committee.

Mr. BYRNS. I know the gentleman went into the matter that I am about to inquire about more or less fully in his explanation of this bill under general debate; but as I understand it, about two million and odd dollars have been appropriated under this head since the investigation started?

Mr. SHREVE. Yes.

Mr. BYRNS. And that sum was appropriated exclusively for the Department of Justice?

Mr. SHREVE. Yes.

Mr. BYRNS. And the audit section of the War Department, of course, made the investigations?

Mr. SHREVE. Yes.

Mr. BYRNS. Does the gentleman know how much money was expended for the War Department for the same purpose?

Mr. SHREVE. The audit section of the War Department collected something over $4,000,000.

Mr. BYRNS. Does the gentleman know how much money they expended in its collection?

Mr. SHREVE. I think about $1,000,000. I will ask the gentleman from Alabama to answer that.

Mr. OLIVER of Alabama. One million three hundred and eighty thousand dollars.

Mr. BYRNS. That would make a total of $4,000,000 that has been appropriated for this purpose for the War Department and the Department of Justice?

Mr. OLIVER of Alabama. Yes.

Mr. BYRNS. And the collections have been how much?

Mr. SHREVE. Ten million four hundred and forty-four thousand two hundred and eighty-one dollars.

Mr. BYRNS. Does that include the $4,000,000 of the War Department?

Mr. SHREVE. No; we must add the $4,000,000 from the War Department, which would make $14,445,281.39.

Mr. OLIVER of Alabama. Then the comptroller collected $500,000 in cases referred to him by the audit section. The audit section, however, collected very nearly $5,000,000 instead of $4,000,000.

Mr. BYRNS. Did the department have any information as to how much possibly might be collected in the future?

Mr. SHREVE. They could hardly express an opinion, because there were so many cases that depended on certain things. The department will take certain cases where the fundamentals are the same and will try one or two of those cases, making them test cases. If they win those cases and there are other cases of the same class, they may prosecute. There is probably a hundred million dollars yet due. On page 12 of the report the gentleman finds the statement that of the 463 cases now open on the docket of the section, 108 cases, involving $77,041,578.19, are in suit, some of the actions having been instituted fairly recently.

Mr. BYRNS. There are 108 cases on the dockets now?

Mr. SHREVE. Yes.

Mr. OLIVER of Alabama. And on page 207 of the hearings I asked this question of Mr. Michael, and he made the answer there recorded:

Mr. OLIVER. I want to ask this question. Mr. SHREVE and I have very carefully read the statement which you submitted to the committee some days ago, and we would like for you to go carefully over that statement and after consulting with Mr. Andrews give us your opinion as to the probability of recoveries in suits now pending and in cases that you have made a careful legal survey of and whether in your judgment any preliminary decisions in test cases have been handed down which seriously jeopardize the chance of the Government's recovery in the remaining cases.

Mr. MICHAEL. Well, that is going to be difficult to do. I will do the best I can.

In substance he said that it is difficult to estimate the probable recoveries in these cases, but that they believe substantial recoveries can be had during the next fiscal year.

Mr. BYRNS. Was any opinion expressed by the department as to when they would be able to clean up these cases and make the collection?

Mr. OLIVER of Alabama. Mr. Michael expressed the opinion that they would be able to do it during the next fiscal year, 1927, and that such cases as then remained undisposed of would simply drift into the usual routine of the department and be disposed of in that way.

Mr. SHREVE. It was also the opinion of the Attorney General that the cases would be cleared up next year.

Mr. BYRNS. As I understand it, no criminal cases are now pending.

Mr. OLIVER of Alabama. Perhaps two, I think.

Mr. BYRNS. The others have been dismissed.

Mr. OLIVER of Alabama. Twenty-three have been dismissed and some acquitted.

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

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the first word. I do this to ask the chairman of the subcommittee whether any part of this appropriation in this paragraph, whether from unexpended balances or otherwise, is to be used by this audit section of the War Department?

Mr. SHREVE. Absolutely not one dollar.

Mr. NEWTON of Minnesota. Does the gentleman know whether this section has been given moneys from any other source?

Mr. SHREVE. The only moneys that this section has received are those that we have appropriated.

Mr. NEWTON of Minnesota. I am glad to see that the gentleman and his associates have taken this action. I think that Congress in making this appropriation in the first place had in mind the prosecution of war frauds.

Now, in some instances this audit section of the War Department, instead of going after fraudulent transactions, has gone out of its way in order to extract money from people who were paid money by the Government in accordance with its contract and which in equity and good conscience it can not seek to recover. I call the attention of the committee to this particular set of circumstances. During the early period of the war the Government sent out requests to various wholesale harness and saddlery concerns to enter into a contract with the Government for making a large quantity of that equipment. A hundred and more odd concerns entered into contracts with the Government. They started to work. The wages were a matter of agreement between the individual concerns and their workmen.

After the manufacture had been undertaken every one of these concerns were invited by the Secretary of War under his personal signature to enter into a supplemental agreement whereby the factories would agree to pay whatever wage was determined upon by a special wage commission to be appointed by the Secretary of War, and there was to be on that commission a man representing the factory owners, one representing the workmen, and one representing the Government, and as a consideration for entering into the supplemental agreement on wages with the Government under the personal signature of the Secretary of War the Government was to absorb that increase. Now the country was at war and upon this plain invitation from the Secretary every one of those contractors agreed to enter into this supplemental agreement. They did so because he requested it. Some months thereafter an advance in wages was ordered by this commission. In settling, the Government paid the original amount and the wage increase. Seven years after all of this work had been done some one with a microscopic mind in this audit section of the War Department found these, and then in a legalistic sort of fashion said that Newton D. Baker, Secretary of War, had no business to waive the legal right that the Government had to have these contracts performed in the first place at the stipulated contract price, and he had no right to waive any part or portion of it, and so they made demands upon each and every one of those concerns to send to the Treasury the amount that was paid to them under the order of the Secretary of War and upon the agreement they entered into at the request of the Secretary. Now, if you can imagine of anything more inequitable, more unjust, anything tending to cast discredit upon the administrative branch of the Government than that I would like to know what it was.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. I ask for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. When this matter was brought to my attention I went down and talked it over with the comptroller, and he said the matter had been certified to him by the audit section and that there was only one thing for him to do, and that was to act. In other words, when this letter was received he claimed that those contractors should have stood upon their legal rights, regardless of the fact that the country was at war, and said, "Why, we have contractual relations with the Government, and if the Secretary wants us to change our contract in any way, he has got to show us that he has gone to Congress and had express authority from Congress to change the contract." Of course, it is obvious that any man who would have resorted to legal technicalities in the construction of the contract when the country was at war would have been drummed out of the community and should have been; but because they did the patriotic thing, the obvious thing to do, some six or seven years afterwards he is now asked to pay back whatever he received. In making this demand the Government is doing an inequitable and unconscionable act. It is going back on its own written word. We appropriated this money to prosecute men who had defrauded the Government. To use it in this fashion is to misuse it. I am glad those kind of fellows are to be cut off the pay roll.

Mr. SHREVE. Mr. Chairman, the gentleman from Minnesota will be glad to get the information that it is no new thing on the part of the committee. This committee was fully informed in relation to the facts. We had this information last year. We made up our minds last year that this section ought to terminate its activities with the appropriation we gave last year. The gentleman will also be interested in remembering that they asked us last year for $1,750,000 for the prosecution of war-fraud cases, and that we gave them a million to clean up, and we felt then that we were giving them the last dollar that they should have for that purpose. We are seven or eight years past the war, and it is time now to settle these matters and let them adjust themselves.

Mr. NEWTON of Minnesota. May I say this in the gentleman's time, that I dissent, of course, from the statement of the comptroller that in time of war that the Secretary of War did not have implied power permitting him to do this, but it means years of litigation and of expense, and the Government ought not to subject its citizens who have entered into contractual relations to anything of that kind?

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. HILL of Maryland. On this question of the investigation and prosecution of war frauds, I would like to ask the chairman of the subcommittee how much more is estimated as the total appropriation to finally clean up all this work?

Mr. SHREVE. We made no appropriation this year for cleaning up the work, but there is an unexpended balance of from $300,000 to $400,000, which we have appropriated, providing that $100,000 of it may be taken over by the Attorney General's office, where it is much needed. That means that that sum of money must finish up this work for all time.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. HILL of Maryland. The report of the Attorney General for the fiscal year ended June 30, 1925, says as follows, in reference to the general work of the Federal judiciary system:

> It is quite apparent that the Federal judicial machinery has reached its peak in the disposition of cases. If the dockets are to be cleared and the number of pending cases kept at a reasonable figure, it is necessary that additional assistance, both judicial and prosecuting, be given at the points where clogged dockets and a continuous inrush of cases make the speedy administration of justice practically impossible. United States attorneys throughout the country are handicapped by insufficient legal and clerical assistance, and in many districts are prevented from promptly disposing of criminal prosecutions by the inability of the courts to give sufficient time to the holding of criminal sessions.

Then in another portion of his report, on page 38, as to the cause of this practical breakdown in the Federal judiciary machinery, the Attorney General says, as follows:

> At the instance of this division, and the full cooperation of the courts, United States attorneys' offices have made every effort to expedite the disposition of prohibition cases and keep down the number pending on the dockets. Despite their utmost endeavors, the number of pending prohibition cases increased from 22,380, at the end of the previous fiscal year, to 25,334, at the close of business June 30, 1925. The number of cases terminated was 48,734, showing a considerable increase over the previous year, but the number of cases filed increased from 46,431 to 51,688. Of the cases disposed of, 39,072 resulted in convictions, with 1,838 acquittals, the remainder being discontinued or dismissed.

Now I would like to ask the chairman of the subcommittee whether a request was made of the Committee on Appropriations from the Budget for any very material increase in the machinery of the Federal judiciary, which the Attorney General says, on page 39 of his report, has reached its peak in the disposition of cases? It is perfectly scandalous the way cases are being piled up in the Federal courts and not disposed of. I want to ask the chairman of the subcommittee, in view of this breakdown in the Federal judicial system, what increase is made for that object, not detailed in the report of the Attorney General?

Mr. SHREVE. We have given them nine additional positions. We have allowed 13 positions, all told.

Mr. HILL of Maryland. Will the gentleman state what those positions are?

Mr. SHREVE. The prohibition division has nine. I can not say how they are allocated in the division. There are three in the Court of Claims and one in the office of the Solicitor General.

Mr. HILL of Maryland. I will say to the gentleman that under the present system of prohibition enforcement under the Treasury Department the Treasury Department has a number of lawyers. Some of them are paid as much as $6,000, which

is more than some of the United States attorneys are paid The United States attorney for Maryland formerly received $4,000 a year for taking care of all Government matters, whereas the prohibition lawyer for the prohibition district with headquarters in Baltimore and his assistant receive something over $6,000. Was any suggestion made on the part of the Attorney General in the hearings to the effect that in the interest of economy and efficiency and in the ordinary organization of the Government the legal functions of the Prohibition Unit in the Treasury Department should be transferred to the Department of Justice?

Mr. SHREVE. The legal functions in the Treasury Department were absolutely done away with. That unit in the Treasury Department was done away with—the Prohibition Unit.

Mr. HILL of Maryland. In the Treasury Department there are still what are called "solicitors of prohibition" throughout the country?

Mr. SHREVE. No. Colonel Andrews has cut them out.

Mr. HILL of Maryland. In the district of Maryland there are at present two lawyers who——

Mr. SHREVE. That is in the district attorney's office?

Mr. HILL of Maryland. No; two lawyers.

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

Mr. HILL of Maryland. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. NEWTON of Minnesota. I think the gentleman has in mind lawyers who are assigned to the office of the Federal prohibition administrator.

Mr. HILL of Maryland. That is what I mean.

Mr. NEWTON of Minnesota. As I understand it, they are taken care of out of the appropriation for the Prohibition Unit in the Treasury Department bill.

Mr. HILL of Maryland. That is my understanding. What I wanted to ask was this: In other words, you have a legal system built up in the Treasury Department with reference to the enforcement of prohibition with its own lawyers, and in some cases the lawyers get more than the United States attorneys in the district in which they work.

Mr. NEWTON of Minnesota. The man having charge of the prosecution in Maryland would earn more, would he not?

Mr. HILL of Maryland. Not under the statistics given in the report of the Attorney General. He might earn more in other States, but not in the State of Maryland.

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

Mr. HILL of Maryland. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HILL of Maryland. The question I wanted to ask of the chairman of the subcommittee was whether any consideration had been given to the question of having all the purely prosecuting functions under the prohibition act performed by the Department of Justice? Is that recommendation made?

Mr. SHREVE. There has been no such recommendation. Mrs. Willebrandt came before the committee, and the chairman of the subcommittee asked her this question:

> We would like to have a statement from you in respect to that condition of affairs, and would like to have you state also if it involves any increase in the work of the Department of Justice.
>
> Mr. ANDREWS. Would not a succinct statement of my organization from that point of view answer your question best?
>
> Mr. SHREVE. Yes, sir.
>
> Mr. ANDREWS. I have decentralized it and have dismissed from the service most of the legal force that I had in Washington. I never knew that force was called upon to furnish prosecuting attorneys, but I do not see how that will affect this situation. To-day each of my administrators in the field has a legal counsel, and each deputy who has an important district justifying it has a legal counsel for the purpose of assisting the prohibition enforcement officers in the preparation of cases for presentation to the district attorney in the district where the cases originate.
>
> My object in so organizing them was to facilitate the work of the district attorneys, in that there would be presented to them only cases that were well made, so they could present them with a fair degree of success to the court. If, by such organization, I have made it more difficult for the Department of Justice, this is the first intimation I have had of it. My object was just the reverse, and I fail to see why it should not work out successfully. My instructions are that my administrators must team up with the district attorneys in the preparation of cases.

Of course, some may be still retained, but it is the intention of Mr. Andrews to entirely close out that unit in the Treasury Department.

Mr. HILL of Maryland. Then the work heretofore done in Washington as to prohibition is being very properly done now by the Department of Justice?

Mr. SHREVE. Yes.

Mr. HILL of Maryland. It ought all to be done by the Department of Justice. In the Sixty-seventh Congress, in the Sixty-eighth Congress, and in this Congress I introduced the following bill:

> A bill (H. R. 65) to amend the national prohibition act by transferring prosecution of Volstead crimes to the Department of Justice
>
> *Be it enacted, etc.*, That section 2, title 2, of the act entitled "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries," which became a law October 28, 1919, otherwise designated by its short title as the national prohibition act, be, and the same is hereby, amended to read as follows:
>
> "SEC. 2. The Attorney General of the United States, his assistants, agents, and inspectors, shall investigate and prosecute violations of this act and shall have entire execution of all portions thereof which do not directly relate to the raising of revenue for the United States. All provisions of the national prohibition act relating to its enforcement inconsistent herewith are hereby repealed."

I am glad that gradually the Treasury Department is coming to the views I expressed in this bill, H. R. 65.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words. I am not surprised that our genial friend from Baltimore [Mr. HILL] should protest against that portion of the report made by the Attorney General.

Mr. HILL of Maryland. If the gentleman will yield, I have not protested. I called attention to it, and I expressed no opinion about it.

Mr. BLANTON. I am not surprised that the magnificent horseback rider from Maryland should call attention to this particular part of the Attorney General's report. The part to which he called attention was the following:

> Despite their utmost endeavors the number of pending prohibition cases increased from 22,380 at the end of the previous fiscal year to 25,334 at the close of business June 30, 1925.

In spite of their endeavors, the Attorney General says. What does that mean? Does that mean that the Attorney General was trying to keep them from increasing? It could have that meaning. He says that "despite their utmost endeavors" prohibition cases increased about 3,000. The gentleman from Maryland does not like to see them increase. He wants them to go scot free, I take it; and here is something else he objects to.

Mr. HILL of Maryland. "The gentleman from Maryland" was not advocating that anybody go scot free. He was calling attention to the fact that the Attorney General reported that the whole Federal judiciary system had broken down.

Mr. BLANTON. I do not want the gentleman to take up all of my time. In the same paragraph we find that the fines imposed aggregated $7,797,481. Our genial friend from Baltimore is so good hearted that he does not want to see prohibition violators fined, I take it. He objects to this $7,797,481 going into the Federal exchequer out of their pockets. He was not fined himself, and he does not want anybody else fined.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BLANTON. Oh, yes.

Mr. HILL of Maryland. The gentleman has been a judge too long not to know the difference between fines and collecting the fines.

Mr. BLANTON. The gentleman from Maryland evidently goes on this principle, "That we fellows must stand together."

Mr. HILL of Maryland. No; because the gentleman personally was entirely acquitted and did not have to pay a fine.

Mr. BLANTON. Oh, yes; but that trial was in Baltimore.

Mr. HILL of Maryland. But afterwards the principle of the case of United States against Hill was confirmed by the Circuit Court of Appeals of the Fourth Circuit.

Mr. BLANTON. Oh, yes; but the confirmation of a judgment in an appellate court is dependent absolutely upon the record in the trial court, and the distinguished colonel in Baltimore is able to make such a record before a Baltimore

trial court that it could not be otherwise than confirmed somewhere else.

Mr. HILL of Maryland. I will say to the gentleman that fortunately, from that point of view, the confirmation came in the case of the United States against Isner and not in the case of United States against Hill. So that does not follow. I shall ask permission to put in the decision in United States against Hill and Isner against United States later.

Mr. BLANTON. But I want to tell my friend this: He had just as well take it for granted and become reconciled to the fact that the prohibition cases are going to increase until the bootleggers stop bootlegging. Whenever the bootleggers stop bootlegging, then there will be a cessation of the increase in prohibition cases, but as long as the bootleggers bootleg there are going to be more fines placed in the Treasury and we shall not have to tax the people so much along other lines.

Mr. HILL of Maryland. Will the gentleman yield?

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

Mr. BLANTON. Mr. Chairman, may I have two minutes more in order to answer questions asked me by the gentleman from Maryland?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. HILL of Maryland. I want to call the gentleman's attention to this fact: I was not calling attention to the question of prohibition, but another very serious question——

Mr. BLANTON. It is a very serious question. I agree with the gentleman.

Mr. HILL of Maryland. The Attorney General in his last report says that the Federal machinery has broken down.

Mr. BLANTON. Who is responsible for it? If the Attorney General's underlings in Baltimore will not help the Department of Justice to uphold the law, what else can you expect than for the Federal law machinery to break down? It is because of the want of cooperation and help from Baltimore, from Philadelphia, and from New York that the Federal machinery has broken down. If our friend from Baltimore, Colonel HILL, would give to prohibition enforcement the same help that he gave to our flag during the war, there would not be any breaking down of the Federal machinery in the Department of Justice. [Applause.]

Mr. CROWTHER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CROWTHER. Would it not be a great help, as the gentleman suggests, and would not bootlegging stop much more quickly, if men who pretend to be reputable citizens would stop patronizing bootleggers?

Mr. BLANTON. Yes. If Army officers and naval officers would stop, and if all officials of the Government would stop, and if they all would uphold the law of their land, there would not be so much bootlegging.

Mr. BOYLAN. Will the gentleman yield?

Mr. BLANTON. Yes.

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

Mr. BLANTON. Mr. Chairman, I ask for an additional minute in order to answer the gentleman from New York, because I mentioned his State.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. BOYLAN. May I ask the distinguished gentleman from Texas how many bootleggers there are in the State of Texas, and how much of the $7,000,000 in fines was collected from them during this past year?

Mr. BLANTON. I want to say to the distinguished gentleman from New York that there are not nearly so many as there are in New York, and I will tell the gentleman why.

Mr. BOYLAN. Does the gentleman mean in proportion?

Mr. BLANTON. Proportionately; yes. And I will tell the gentleman why. The Federal district attorneys in Texas and the State district attorneys there are helping the Federal Government to uphold the law. The State officials and the State judges are enforcing the law in Texas, and if the State attorneys and the State judges in the State of New York would help the Federal Government to uphold the law of the land and the Constitution, you would not have one-hundredth part of the bootlegging that you have in New York to-day.

Mr. BOYLAN. I would like to say that our judges are doing that very thing.

The CHAIRMAN. The time of the gentleman from Texas has again expired. Without objection, the pro forma amendment will be withdrawn.

Mr. HILL of Maryland. The gentleman from Texas and other gentlemen have shown great interest in those two cases, United States against Hill and United States against Isner. In the first case the law on the Volstead Act was established as I had interpreted it, and my course of action was affirmed. In the Isner case the principles enunciated in my case were confirmed by the circuit court of appeals and became binding on all United States circuit courts. The Attorney General declined to appeal to the Supreme Court, and so the law as declared in United States against Hill by Judge Soper, an advocate of prohibition, is now the supreme law of the land.

The decision in the case of United States against Hill appears in volume 1, second series, Federal Reports, at page 954, and is as follows:

UNITED STATES v. HILL

[District Court, D. Maryland, November 11, 1924]

1. Intoxicating liquors, key 134.—Manufacture of cider or fruit juices containing more than one-half of 1 per cent of alcohol by volume for exclusive use in home not prohibited unless in fact intoxicating.

Under national prohibition act, title 2, section 3 (Comp. St. Ann. Supp. 1923, sec. 10138½aa), prohibiting the manufacture of intoxicating liquor except as authorized in the act, and section 29 (Comp. St. Ann. Supp. 1923, sec. 10138½p), specifying penalties for violation, which are inapplicable to person who manufactures "nonintoxicating cider and fruit juices exclusively for use in his home," the manufacture of cider and fruit juices containing more than one-half of 1 per cent of alcohol by volume, does not violate the statute where not in fact intoxicating, notwithstanding section 1 (Comp. St. Ann. Supp. 1923, sec. 10138½), defining intoxicating liquor as any fermented liquor containing one-half of 1 per cent or more of alcohol by volume, fit for use for beverage purposes.

[Editor's note.—For other definitions, see Words and Phrases, First and Second Series, Intoxicating Liquor.]

2. Intoxicating liquors, key 2½, new, volume 8A key No. series.—Congress had power to establish standard for determining whether liquor was intoxicating.

Congress had power to establish standard for determining whether liquor is intoxicating for purpose of carrying out the provisions of the eighteenth amendment.

3. Intoxicating liquors, key 143.—Manufacture exclusively for use in home on occasions a year apart not a nuisance.

One who manufactures intoxicating liquors exclusively for use in his own home, and not for commercial purposes, on two isolated occasions a year apart, does not maintain a common nuisance in violation of title 2, section 1, of the national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138½).

4. Intoxicating liquors, key 134.—"Intoxicating liquors" defined.

"Intoxicating liquor," within national prohibition act, title 2, section 29 (Comp. St. Ann. Supp. 1923, sec. 10138½p), permitting manufacture of cider and fruit juices containing more than one-half of 1 per cent of alcohol by volume for exclusive use in home, if not in fact intoxicating, is liquor which contains such a proportion of alcohol that it will produce intoxication when imbibed in such quantities as it is practically possible for a man to drink.

5. Intoxicating liquors, key 224.—Government had burden of proving intoxicating quality of cider and fruit juices manufactured exclusively for home use.

In prosecution under national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138¼ et seq.) for manufacture of cider and fruit juices containing more than one-half of 1 per cent of alcohol by volume, under title 2, section 29 (Comp. St. Ann. Supp. 1923, sec. 10138½p), for exclusive home use, Government had burden of proving cider and fruit juices were in fact intoxicating, notwithstanding sections 32, 33 (Comp. St. Ann. Supp. 1923, secs. 10138½s, 10138½t).

JOHN PHILIP HILL was indicted under the national prohibition act. Case submitted to jury.

Amos W. Woodcock, United States district attorney, and James T. Carter, assistant United States district attorney, both of Baltimore, Md.

Arthur W. Machen, jr., and Shirley Carter, both of Baltimore, Md., for defendant.

Soper, district judge. The defendant was indicted under the national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138¼ et seq.) in six counts.

The first count charged that the defendant on September 27, 1923, at Baltimore, did unlawfully manufacture certain intoxicating liquor, to wit, 25 gallons of wine. The second count charged the unlawful possession of said wine. The third count charged that the defendant

on September 18, 1924, at Baltimore, did unlawfully manufacture certain intoxicating liquor, to wit, 30 gallons of cider. The fourth count charged the unlawful possession of said cider. The fifth count charged that on September 27, 1923, the defendant did maintain a common nuisance at No. 3 West Franklin Street, Baltimore, by the manufacture of intoxicating liquor, to wit, 25 gallons of wine; and the sixth count charged that on September 18, 1924, the defendant did maintain a common nuisance at said place in that he manufactured 30 gallons of cider.

The Government offered evidence tending to show the manufacture and possession of the wine and cider, as charged, containing alcohol in various amounts in excess of one-half of 1 per cent thereof by volume. The Government conceded that the wine and cider were manufactured by the defendant exclusively for use in his own home at No. 3 West Franklin Street, Baltimore.

The defendant on his part offered evidence tending to show that the liquors manufactured, while containing more than one-half of 1 per cent of alcohol by volume, were not in fact intoxicating, whereupon the Government objected to the admissibility of the evidence, and the ruling hereinafter set out was made by the court. At the conclusion of the defendant's case the Government offered evidence tending to show that the liquors were intoxicating.

RULING OF THE COURT ON THE ADMISSIBILITY OF EVIDENCE

The question for decision is whether the defendant, admitting that he manufactured cider containing more than one-half of 1 per cent of alcohol by volume, but contending that it was made exclusively for use in his own home, may offer evidence to show that the cider was in fact not intoxicating.

[1, 2] While the question is not free from doubt, in my opinion such evidence may be offered. The determination of the question depends upon the construction of certain provisions in title 2 of the national prohibition act. The doubt arises from the fact that Congress seems to have used the word "intoxicating" in a different sense in one section from that employed in another. Section 1 defines "intoxicating liquor" to include, among other things, any fermented liquor containing one-half of 1 per cent or more of alcohol by volume which is fit for use for beverage purposes. It is well settled that for the purpose of carrying out the provisions of the eighteenth amendment Congress had the power to establish this standard. (National Prohibition Cases, 253 U. S. 350, 40 S. Ct. 486, 588, 64 L. Ed. 946.) Section 3 makes it an offense for any person to manufacture intoxicating liquor except as authorized in the act. Section 29 specifies the penalties for violation of the act and concludes with the following sentence: "The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

The Government contends, and its contention is not without some force, that the words "nonintoxicating cider," which a person may manufacture for use in his own home, must be construed with reference to the definition of the term "intoxicating liquor" given in the first section, to wit, that it shall not contain one-half of 1 per cent or more of alcohol by volume. But it is obvious that by the concluding sentence of section 29 of the act, Congress intended that persons manufacturing nonintoxicating cider for use in their homes, and not for sale, should be in a class by themselves, at least in some particulars, otherwise the sentence has no meaning or use whatsoever. If it was intended to punish persons for manufacturing cider for use in their own homes which contains more than one-half of 1 per cent of alcohol by volume, there was no necessity for the provision, for the act without the sentence already provided such punishment. If, on the other hand, it was intended by Congress that persons who made cider containing less than one-half of 1 per cent by volume should not be subject to punishment, there was no need for the provision, for the reason that the other provisions of the act did not provide punishment for such person. The only reasonable explanation for singling out home manufacturers of cider and fruit juices for special mention in this section, to my mind, is that Congress did not intend to subject them to the strict provisions as to the alcoholic content of the product specified in section 1, but intended to prohibit the manufacture of cider and fruit juices for home use, which should be, in fact, intoxicating. If the section is so interpreted, then there is a reason for its insertion in the act.

This interpretation of the law is borne out at least to some extent by the discussion in the United States Senate on September 4, 1919, reported in the CONGRESSIONAL RECORD, volume 58, part 5, pages 4847 and 4848, when the sentence above quoted, or part of it, was first inserted in the act by amendment. The opinion was then expressed on the floor of the Senate by the chairman of the committee in charge of the bill that the cider and fruit juices prohibited as to manufacture for home use were those intoxicating in fact.

In order that the decision on this point may not lead to misapprehension, perhaps I should also state that it is perfectly clear that if cider or fruit juices, manufactured in the home, although exclusively for use in the home, are in fact intoxicating, it is a violation of the law to manufacture them; also, that the law specifically provides that the cider and fruit juices so manufactured shall not be sold or delivered except to persons having permits for the manufacture of vinegar.

At the conclusion of the evidence on both sides, the charge to the jury, hereinafter set out, was delivered by the court:

Mr. Foreman and gentlemen of the jury, the time now approaches when it is necessary for you to perform the important and grave duty of deciding the issues of fact that have been raised in this case. As you are aware, the offense with which the grand jury has charged the defendant in this case is in its nature a criminal offense, a misdemeanor in the legal term, and therefore the defendant is entitled to the application of all those rules which under our system of jurisprudence the law furnishes for the protection of one so accused. The defendant is presumed to be innocent of the charge, notwithstanding the allegations in the indictment, until the jury is satisfied of his guilt. The burden of proof is on the United States to satisfy the jury of his guilt. And the jury must be satisfied beyond a reasonable doubt before they are authorized to find a verdict of guilty. To be convinced beyond a reasonable doubt is to have an abiding conviction to a moral certainty of the guilt of the accused. Such a doubt as would justify the acquittal of the defendant must be a doubt for which you can give a reason. You are chosen from the body of the people to try this case, and sworn to try it according to the law and the evidence, and one of the reasons why the law furnishes to defendants in such cases the privilege of a jury trial is that a man is entitled to have the judgment of everyday people of ordinary experiences rather than to have merely the judgment, or what might be called the professional judgment, of a trained lawyer. The law therefore means that you shall use your common sense and give to the decision of the questions of fact the same consideration that you would give in making up your minds on any question that would be presented to you.

There are six counts in this indictment. You may consider first the fifth and sixth counts, because they are the more easily disposed of. The fifth count charges that in September, 1923, the defendant maintained a common nuisance at No. 3 West Franklin Street, Baltimore, where intoxicating liquor was being manufactured in violation of the prohibition act, to wit, 25 gallons of wine. The sixth count charges that in September, 1924, the same sort of nuisance was maintained by the defendant at the same place, in that he manufactured 30 gallons of cider. These counts are based on section 21 of title 2 of the national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138½jj), which declares that any place or building where intoxicating liquor is manufactured, sold, kept, or bartered, in violation of this title, and all intoxicating liquor and property kept and used in maintaining the same, to be a common nuisance, and that any person who maintains it shall be guilty of a misdemeanor.

[3] Now, it is conceded in this case that the defendant had no commercial purpose in his activities in this respect. The liquor was not made for sale, but merely for use in the defendant's own residence. Moreover, there were but two isolated transactions, a year apart. There is involved in the expression "common nuisance" the idea of continuity of action for a substantial period of time. This element is lacking in this case. It is entirely proper for the prosecuting officer to frame an indictment under several sections of the law so as to meet what may turn up in the actual trial of the case. The district attorney in this case has done so by preparing counts under this section and under other sections, but as the case turns out, it is my opinion that there is not sufficient evidence to justify a verdict of guilty by this jury on the fifth and sixth counts, and I therefore charge you to find a verdict of not guilty on those counts. (Strut *v.* Lincoln Safe Deposit Co., 254 U. S. 88, 41 S. Ct. 31, 65 L. Ed. 151, 10 A. L. R. 1548.)

The matters for your decision are involved in the first four counts of the indictment. Counts 1 and 2 relate, respectively, to transactions on the 27th of September, 1923, the first count charging the unlawful manufacture of certain intoxicating liquor, to wit, 25 gallons of wine; the second count charging the unlawful possession of such intoxicating liquor. The third and fourth counts relate in the same way to the transactions in September, 1924, charging, respectively, the manufacture of intoxicating liquor, to wit, 30 gallons of cider, and the possession of 30 gallons of cider. It may be desirable to state that so far as exact dates are concerned, you need not be bothered by them, and the same thing is true as to exact quantities. If you find that the offenses were committed on any date of the years mentioned, and that any quantities were manufactured and possessed, the charges are made out.

The issues of fact to which your attention is directed are rather narrow and few, for the reason that there is no dispute in this case, but that the defendant both manufactured and possessed the liquors in question. He has testified to that effect on the stand. So that that part of the charge is made out. The question for you to decide is whether the articles which the defendant admits that he manufactured and possessed answer to the description of the articles in the counts of the indictment. Now, the description in the first and second

counts is: "Intoxicating liquor, to wit, 25 gallons of wine." The question for you to decide on these two counts are two in number:

(1) Was the article wine?

(2) Was it intoxicating?

The position of the defendant on the first question is that the article which he manufactured and possessed in September, 1923, was not wine, for the reason that the grape juice manufactured was still in process of fermentation. His contention is that so long as it was fermenting, whatever else it might be, it was not wine. Now, it is plain from the evidence, if we are to accept the definition contended for by the defendant, that what the defendant intended to make was wine according to his definition, and the only reason why it is possible to make the contention in this case that it was not wine is that on October 11, 1923, by order of this court, he was forbidden to manufacture wine, and was further directed to maintain what he had then manufactured in its condition without further disturbance. I think it is entirely fair to say to you, as claimed by the defendant, that he is not responsible for what happened to the wine after he was ordered to lock it up and did so. But did he prior to that date manufacture and possess wine? The defendant has produced two witnesses, Mr. Carroll and Mr. Boone, who were experienced men in the handling of whiskies and wines and liquors as wholesale dealers for a considerable period of time in Baltimore City. Their testimony is that from their standpoint as dealers in liquor and dealers in wines, an article which was still fermenting was not wine. Their testimony seems to be to amount substantially to an expression of opinion on their part that grape juice still in process of fermentation is not commercially known as wine, or was not so known during the period when they handled it.

The defendant is not charged with making wine for sale; he is not charged with making wine of a commercial quality. It is not important whether this was commercial wine or not. It is not important whether it was good or bad wine. The question for your decision on this point is whether it was wine. You will therefore give consideration to the testimony produced on behalf of the defendant on that point.

There is testimony also adduced which you should consider on the part of the Government given in rebuttal after the defendant's witnesses had testified: The testimony of the chemist who analyzed the article, the testimony of Dr. Harvey W. Wiley and Mr. Alwood. Doctor Wiley, a man who, according to his testimony, has had very wide, I may say international, experience on the subject, having served as a juror at various international exhibitions, and having, so far as one could judge from his testimony, familiarity with the subject, testified that whether it was fermenting or not, the grape juice was wine, and that such an article was known to manufacturers as wine. Mr. Alwood, a man of considerable technical experience and knowledge in dealing with the subject for a considerable number of years, gave similar testimony.

The Government's testimony also is to this effect, testimony given both by Mr. Alwood and by the other Government chemists, that under the circumstances of this manufacture the process of fermentation, having begun on or about the 7th of September, was substantially finished on the 27th of September. The amounts of alcohol which were produced by fermentation are given in the evidence in regard to the keg said to have been purchased from New York, 11.64 per cent of alcohol, and as to two other samples to which sugar had been added, 11.68 and 8.28 per cent, respectively, and as to a fourth sample, to which no sugar had been added, 3.34 per cent.

Mr. Alwood testified that he had himself many times made wine by the use of grapes and the addition of sugar, and that, considering the period of 20 days and the alcoholic content that was found in this wine, it was his opinion that the process of fermentation was substantially finished.

The date of September 27, however, is not the date upon which the defendant's responsibility for the condition of the wine was at an end. The wine was kept by him for 14 or 15 days after that time, just as it was when the chemist examined it, and it was not until October 11 or 12 that the wine, or the article, whatever you may decide it to be, was locked up.

You will then consider the testimony of these gentlemen, and if you give it credit, even if you believe that grape juice is not wine until the fermentation has completely finished, you will then determine whether or not, in view of this testimony, the fermentation was or was not finished, or likely to have been finished after an interval beginning on September 7 and ending on October 11. So far as I recall there was no testimony on the part of the defendant, and I shall be glad if counsel will correct me if I am wrong in this respect—as to whether or not fermentation had ceased on the date on which it was locked up.

Now, then, the second question for you to determine on the first two counts, if you decide that the article was wine, is whether or not it was intoxicating. Section 1 of title 2 of the act defines intoxicating liquor to be any liquor containing one-half of 1 per cent or more of alcohol by volume which is fit for use for beverage purposes. That definition of "intoxicating," however, does not apply to this case. Under a subsequent section of the act, section 29, it was provided that the penalties in the act should not apply to a person manufacturing nonintoxicating cider and fruit juices exclusively for use in his home. It has been conceded in this case that what the defendant did was to manufacture grape juice in his home by adding sugar, exclusively for use in his home. I therefore charge you that it is necessary for you to find, before you can find a verdict of guilty on the first two counts, that the wine—and I may call it that for purposes of further charge, leaving the matter to your determination, however—was intoxicating in fact.

[4] What do we mean by intoxication? Two extremes have developed in the testimony in this case, neither of which seem to me to be a fair interpretation of what that word means in the law, no matter what it may mean elsewhere. There is testimony on the part of Dr. Howard A. Kelly and Doctor Wiley that any amount of alcohol taken into the human system has an effect which they describe as intoxicating. That is not the meaning of the term as used in the law. The other extreme is illustrated by at least one of the witnesses for the defendant, whose name I do not recall, but who said that he would scarcely be affected by whisky before he had taken a dozen or two drinks. That determination of whether or not liquor is intoxicating is not what is meant in the law. Intoxicating liquor is liquor which contains such a proportion of alcohol that it will produce intoxication when imbibed in such quantities as it is practically possible for a man to drink. And that is the test that you are to apply to the decision of this issue of fact.

You will consider in that connection the alcoholic content of the liquors. You have heard them given in evidence, and I have already repeated them to you. So far as the wine is concerned, it runs from 3.34 to 11.68 per cent. If in your judgment any of that wine was intoxicating, whether or not in your judgment all of it was, the charge on the first two counts is made out.

Now, the defendant has offered certain evidence in the case of persons who, with himself, drank some of the wine, I believe, on the date when the chemist took the samples. Mr. Dimarco and several of the young men from the newspapers took some of it. You have heard their testimony as to what effect it had upon them. You are, of course, entitled and in duty bound to take that into consideration. You should consider, however, whether or not there was a fair test of the intoxicating qualities of the liquor. It is not a question in any case whether the drink which a particular individual took at a particular time made him drunk, but whether or not the article is capable of producing drunkenness. Perhaps I might interpolate here that intoxication in this section of the law means what you and I ordinarily understand as average human beings by the word "drunkenness." If this wine was capable of producing drunkenness when taken in sufficient quantities; that is to say, taken in such quantities as it was practically possible for a man to drink, then it was intoxicating.

The Government has offered some testimony here by Doctor Kelly and by Doctor Wiley and others to the effect that it was intoxicating. I have already cautioned you, I think, that the definition of intoxication given by these two doctors, to the effect that any amount of alcohol produces an effect, therefore a toxic or intoxicating effect, does not satisfy the term "intoxicating" as used in the law. But their testimony nevertheless should be considered. You were shown by ocular demonstration the amount of brandy which would contain a like amount of alcohol as a quart of the cider which was manufactured by the defendant. Now, the wine which we are now discussing contained, some of it, approximately four times as much alcohol as the cider. If you can visualize the amount of brandy pictorially represented by Doctor Kelly as containing as much alcohol as was in a quart of the cider, and multiply that by four times, you get an idea of the brandy equivalent of a quart of the wine which contained the highest alcoholic content. Now, then, if you believe it was practically possible for a man to drink two, three, or four quarts of that liquid, you would be able to figure out how much would be represented by an equivalent of brandy. Matters of that sort may assist you in determining this question.

The illustration given by Doctor Wiley of his experience abroad at the students' drinking bout throws some light on the legal definition which I have given you of intoxication. According to his testimony the students were drinking 3 per cent beer, and after a long night and after the consumption of many quarts a considerable number of them were drunk. The beer which produced the results described by Doctor Wiley was intoxicating in the sense in which I have described it.

Now, gentlemen, when you come to the third and fourth counts of the indictment, the only question for you to decide is whether the cider was intoxicating. Everything charged in those counts is admitted except the intoxicating quality of the product. What I have said as to the definition of intoxication and the comments I have made thereon, qualified, however, by the fact that the highest alcoholic content of the cider was 2.7 per cent, are pertinent to these counts, and you will make up your verdict accordingly.

Gentlemen, this case is of some considerable public importance, and your duties, of course, are correspondingly great. The matter has had wide publicity. It is a fact, I think, borne out by the evidence, and even if it is not borne out by the evidence I am sure it is a matter which all of us know, that the defendant has been quite active in

opposition to this law. That is a matter, gentlemen of the jury, which should be left out of your consideration. The question of prohibition and the use or misuse of intoxicating liquor has been the subject of public discussion for many years, and continues to be the subject of discussion. It naturally gives rise to great differences of opinion, and, on occasion, to bitterness of feeling. It is your duty to try this case without reference to that discussion and that feeling. You should not allow yourselves to be prejudiced in any measure whatsoever against the defendant in case any of you should happen to disapprove of his agitation and his actions in this case. You should not allow yourselves to be swayed in his favor because he has held and still holds a high position in this community, or because you are in favor of what he has been endeavoring to do, or because you personally like his actions in this case. I need not remind you that you are here as sworn public officers to try this case according to the law and according to the evidence, and there are but these narrow issues of fact for you to determine: As to the first two counts, was the substance wine and was it intoxicating; and as to the third and fourth counts, was the cider intoxicating? When you have decided those questions you have done your full duty.

Your verdict, as I have already said, on the last two counts will be not guilty.

The responsibility in this case for the decision of these questions of fact is yours. It is my duty to charge you upon the law. I am responsible for that, and if I am wrong, I may be corrected elsewhere. The decision of the facts, however, is yours, and you are at perfect liberty to disregard any suggestions or comments which I have made upon the evidence which do not meet with your approval. The Constitution and law of the land compels a jury trial in criminal cases in this court, and a jury trial means a decision of the jury, and not of the judge.

Are there any exceptions or any suggestions in regard to the charge?

Mr. MACHEN. I understood from your honor's charge that the principle of reasonable doubt, if the jury has any reasonable doubt as to any of the essential elements of the crime, applies to this question of intoxication as well as to all other elements of the case?

The COURT. Yes. There are no elements in the case for them to decide except those that I have commented on, and the doctrine of reasonable doubt applies to them.

District Attorney WOODCOCK. I desire on behalf of the Government to suggest that in our view of the law the burden of proof in this case is upon the defendant to show that the wine and cider was not intoxicating, basing that on section 33 of the law, which is a general section shifting the burden of proof when possession is shown; and, secondly, on the fact that the whole defense is an exception to the general prohibitions in the law.

The COURT. This matter has now been called to my attention for the first time. You refer to section 33?

Mr. WOODCOCK. Yes; and also that the defense is a negative averment which is referred to also in section 32.

[5] The COURT. I think it is well that the point may be raised. It may serve as a basis for some authoritative decision later on. But, in my opinion, while the burden may be upon the defendant to show that he was manufacturing the fruit juices exclusively for use in his home, that element of the defense having been conceded, the burden of proof on the subject of the intoxicating quality of the liquors does not shift.

The jury thereupon acquitted me on all counts. I had more trouble getting this one case brought to trial than I had with all the law business of the United States for the five years that I was United States attorney for Maryland.

The decision in United States against Isner appears in the Federal Reporter, second series, volume 8, page 487:

ISNER v. UNITED STATES

(Circiuit Court of Appeals, Fourth Circuit. October 20, 1925. No. 2349)

1. Intoxicating liquors 134: Conviction for manufacturing nonintoxicating cider and fruit juices can not be had, except beverage manufactured be in fact intoxicating.

Under national prohibition act, title 2, section 29 (Comp. St. Ann. Supp., 1923, sec. 10138½p), exempting from operation of act person "manufacturing nonintoxicating cider and fruit juices exclusively for use in his home," conviction can not be had for manufacturing cider or fruit juices containing more than one-half of 1 per cent alcohol except on showing such beverage is in fact intoxicating.

2. Intoxicating liquors 236(13): Evidence held insufficient to sustain conviction for manufacturing intoxicating liquor.

Evidence showing manufacture of fruit juice beverage having more than one-half of 1 per cent alcohol held insufficient to sustain conviction for manufacturing intoxicating liquor.

In error to the District Court of the United States for the Northern District of West Virginia at Elkins; William E. Baker, judge.

Creed Isner was convicted of manufacturing intoxicating liquor, and he brings error. Reversed.

A. M. Cunningham, of Elkins, W. Va., for plaintiff in error.

T. A. Brown, United States attorney, of Parkersburg, W. Va.—Russell L. Furbee, assistant United States attorney, of Parkersburg, W. Va., on the brief—for the United States.

Before Waddill and Rose, circuit judges, and Webb, district judge

Webb, district judge:

1, 2. The defendant, Creed Isner, was indicted and convicted for unlawfully possessing "intoxicating liquor, to wit, 70 gallons of grape wine."

The main facts on the trial below showed that the defendant had a quantity of wild cherries and elderberries and made an effort to get from the State authorities a permit to make wine of them. The berries were grown on his own farm. He put them into a barrel and strained out the berries, having added about two gallons of water to one gallon of juice. Having failed to secure a permit, he placed the barrel containing the juice and the water in an outside cellar where State police officers found it. The contents of the barrels were not destroyed by the officers, but pint samples were taken from said barrels. There is much disputed testimony as to whether or not this concoction was fit for beverage purposes; a number of witnesses saying it was so bitter that it could not be drunk, and others saying that it tasted like wine. The pint samples were analyzed, but the record does not show the alcoholic content.

The defendant offered to show that the liquid was not intoxicating, but objection to this evidence was sustained by the trial court. There is no evidence that this concoction was made for the purpose of being sold, but for home consumption, if it was ever fit to be used for such.

In his brief, T. A. Brown, Esq., United States attorney, says:

"In order that the question may be settled squarely on the construction of the last clause of section 29—of the Volstead Act—the Government concedes here and now that the said wine was not, as a matter of fact, intoxicating."

The Government insists that the defendant is guilty, because the jury found from the opinion of the police officers that the concoction contained as much as one-half of 1 per cent alcohol, and contended that this concoction or beverage, although not intoxicating, comes under the general prohibition in the act defining liquor, and that the defendant is subject to the pains and penalties prescribed generally in the act. This brings us squarely to the interpretation of the last clause of section 29 of title 2 of the national prohibition act (Comp. St. Ann. Supp., 1923, sec. 10138½p), which is as follows:

"The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

We were interested in the argument of the Government brief in this case, but are forced to the conclusion that whatever Congress may have meant by inserting the above clause in the prohibition act we are bound to consider and accept the plain language of it. We are forced to the conclusion that Congress intended to take out of the general class of intoxicating liquors nonintoxcating ciders and fruit juices made by one to be used exclusively in his home, and therefore put nonintoxicating vinegar and such fruit juices in a different class, and required that before a person can be convicted under the act for manufacturing such vinegar and fruit juices same must be proved by the Government to be in fact intoxicating.

We therefore hold that in all such cases it is necessary to prove that such vinegar and fruit juices are in fact intoxicating before a conviction can be had.

This view of this section is unanimously held by the court, and, as the writer of this opinion was a Member of the Lower House of Congress when this act was passed, he can say without doubt that the foregoing construction of this section was the intent and meaning of Congress. This provision now under consideration was not a part of the bill as it passed the House of Representatives, but was inserted in the Senate after a number of speeches had been made by persons complaining that the "grandmother and housewife" were going to be "penalized and made criminals" if they made blackberry cordials or blackberry wines for use in their own home. In order to meet such objection on the part of such critics of the bill, this provision was agreed upon and inserted in the Senate after a conference of Members and Senators deeply interested in the passage of the act and the success of prohibition. A different interpretation than this one placed upon the act would be to totally disregard the plain language of the Congress, which inserted this provision in the Volstead Act for the purpose of making a different rule for conviction of persons who make nonintoxicating vinegar and fruit juices exclusively for their home uses.

The judgment of the court below is therefore reversed.

Reversed.

The decision in these cases settles the law on section 29 of the Volstead Act.

Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman has been recognized once during the reading of this paragraph to strike out words.

Mr. HILL of Maryland. Then, Mr. Chairman, I move to insert the following words on page 31. I move to insert on page 31, in line 11, after the words "investigation and prosecution of war frauds," the words "and for other purposes."

The CHAIRMAN. The Clerk has concluded the reading of that paragraph and is now reading on page 32.

Mr. HILL of Maryland. I beg the Chair's pardon. This is on page 32.

The CHAIRMAN. The gentleman said page 31.

Mr. HILL of Maryland. Yes; through an inadvertence. I meant page 32. I move, on page 32, line 11, after the words "investigation and prosecution of war frauds," to insert the words "and for other purposes."

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HILL of Maryland: Page 32, line 11, after the word "frauds," insert the words "and for other purposes."

Mr. ACKERMAN. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ACKERMAN. I make the point of order, Mr. Chairman, that this is a specific appropriation for investigation and prosecution of war frauds and the proposed amendment is not germane.

The CHAIRMAN. The point of order is clearly well taken.

Mr. HILL of Maryland. Will the Chair hear me on the point of order?

The CHAIRMAN. The Chair does not care to hear anyone on the point of order. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

SALARIES OF JUDGES

For salaries of 34 circuit judges, at $8,500 each; 127 district judges (including 2 in the Territory of Hawaii and 1 in the Territory of Porto Rico), at $7,500 each; and judges retired under section 260 of the Judicial Code, as amended by the act of February 25, 1919; in all, $1,350,000: *Provided*, That this appropriation shall be available for the salaries of all United States justices and circuit and district judges lawfully entitled thereto, whether active or retired.

Mr. HILL of Maryland. Mr. Chairman, I offer the following amendment: On page 34, line 5, strike out "127 district judges" and insert "147 district judges."

Mr. BLANTON. Mr. Chairman, I make the point of order that is legislation on an appropriation bill, unauthorized. Each Federal judgeship is the creation of legislation, and you can not create any Federal district judgeship on an appropriation bill unless there is legislation authorizing it. The amendment is clearly subject to a point of order.

Mr. HILL of Maryland. Does the Chair care to hear me on the point of order?

The CHAIRMAN. The Chair is inclined to sustain the point of order, but will hear the gentleman.

Mr. HILL of Maryland. Mr. Chairman, in view of the statement of the Attorney General that the Federal judiciary system was at its peak and has broken down because it could not dispose of the cases, I suggest this would be in order.

Mr. DOWELL. Mr. Chairman, I make the point of order the gentleman is not discussing his point of order.

The CHAIRMAN. The gentleman from Maryland is not discussing the point of order. The gentleman from Texas made the point of order that the amendment was not in order because it was legislation creating additional judgeships.

Mr. HILL of Maryland. I hope in the interest of efficiency the gentleman will withhold his point of order.

Mr. BLANTON. I do not want any more of the same kind of Federal judges sent to Baltimore.

Mr. HILL of Maryland. This would provide 20 additional judges, and probably they need some more in Texas.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MORTON D. HULL. Mr. Chairman, I move to strike out the last two words for the purpose of asking a question. This bill provides for the salary of judges. We are all aware of the fact there is a bill before the Committee on the Judiciary providing an increase of salary for the judges of the United States courts. I, of course, can not judge in advance whether that measure will pass or not; but if it should pass, I take it it would be only an authorization and the appropriations for the increased salaries would have to go over until the following year, as I understand it.

Mr. SHREVE. Oh, no; it could be handled in a deficiency bill at the end of the session. If that bill should become a law during this session, it would be a very easy matter to provide for it in the deficiency bill.

Mr. BLANTON. Would the gentleman mind stating whether or not he is in favor of increasing the salary of the trial judges $5,000?

Mr. MORTON D. HULL. I am inclined to favor increasing all those salaries.

Mr. BLANTON. Is the gentleman in favor of increasing the salary of the trial judges $5,000?

Mr. MORTON D. HULL. I think those salaries are too low.

Mr. BLANTON. They have always drawn the same salary as a United States Senator; and if the gentleman would vote for that bill, he would be voting to give them $2,500 more than the salary of a United States Senator.

Mr. MORTON D. HULL. That would not bother me at all.

Mr. BLANTON. Well, it would bother me.

The pro forma amendment was withdrawn.

The Clerk read as follows:

NATIONAL PARK COMMISSIONERS

For the salaries of the commissioners in the Crater Lake, Glacier, Mount Rainier, Yellowstone, Yosemite, Sequoia, and General Grant National Parks, $11,160, which shall be in lieu of all fees and compensation heretofore authorized.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the subcommittee what judicial duties are performed by these commissioners to bring them under the judicial department?

Mr. SHREVE. About the same duties as a magistrate.

Mr. McKEOWN. Are they United States commissioners?

Mr. SHREVE. Yes.

Mr. McKEOWN. I notice in other parts of this appropriation bill you speak of the United States commissioners as United States commissioners, but you speak of these men simply as commissioners in these parks.

Mr. SHREVE. The power is simply given these commissioners in the parks to maintain order and handle such small cases as might come before them.

Mr. McKEOWN. They are subject to the Department of Justice?

Mr. SHREVE. Oh, yes.

The pro forma amendment was withdrawn.

The Clerk read as follows:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS

For salaries, fees, and expenses of United States marshals and their deputies, including services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, alteration, repair, and operation of motor-driven passenger-carrying vehicles used in connection with the transaction of the official business of the United States marshal for the District of Columbia, $3,400,000, including not to exceed $3,500 for the purchase of a motor-driven passenger-carrying van for the official use of the office of the United States marshal for the southern district of New York in the transportation of prisoners: *Provided*, That there shall be paid hereunder any necessary cost of keeping vessels or other property attached or libeled in admiralty in such amount as the court, on petition setting forth the facts under oath, may allow: *Provided further*, That marshals and office deputy marshals (except in the district of Alaska) may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of, but under the conditions prescribed for, the present allowance for actual expenses of subsistence.

Mr. HUDSPETH. Mr. Chairman, I move to strike out, in line 12, page 36, the figures "$3,400,000" and insert "$3,500,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HUDSPETH: Page 36, line 12, strike out the figures "$3,400,000" and insert "$3,500,000."

Mr. HUDSPETH. Mr. Chairman, we have heard considerable discussion about the enforcement of the prohibition law. I am in favor of the enforcement of the prohibition law and of all other laws. These deputy marshals for whom I am seeking to increase the salary—and if I fail in that, to replace it where it was before—are men who enforce the prohibition laws, the custom laws, and every other Federal law. I am not criticizing the splendid committee for what they have done in the general preparation of this bill, but because they reduced the appropriation for the pay of marshals $100,000 below what it is at the present time. Instead of decreasing this appropriation it should have been increased at least $400,000, so these underpaid officials could have been paid a living salary.

Mr. OLIVER of Alabama. The gentleman means that we have increased it over what it was in the Budget.

Mr. HUDSPETH. Yes; but you decreased the amount $100,000 below the amount it is at the present time. Now, I read from the hearings, when my friend from New York [Mr. GRIFFIN] was interrogating Attorney General Sargent:

Mr. GRIFFIN. General, before you leave I would like to call your attention to the matter of the reduction of salaries of deputy marshals, which is contained on page 127 of the Budget. The bulk of the deputy marshals seem to have had their salaries reduced. There were 152 whose salaries were reduced from $1,693 to $1,667. There were 516 whose salaries were reduced from $1,504 to $1,476. There we have reductions of $26 and $28, respectively, and the total saving seems to be only about $21,430.

Mr. SARGENT. Is that a reduction in salaries entirely? I do not have it distinctly in mind, but I know what is done and I know what we have been doing. Is that a reduction in salaries or is that a reduction in compensation of marshals; that is, salaries and fees?

Mr. GRIFFIN. It is classified under the head of "Salary."

Mr. HARRIS. It is really salaries and fees, but very few fees are paid.

Mr. GRIFFIN. The striking feature of the matter is that while the salaries of these low-paid men are reduced the salaries of the higher paid men are not touched. It has an element suggestive of—well, if not injustice, lack of consideration of the needs of these men.

Mr. SARGENT. No; it is not that. I know this: That there were some instances which were passed on since I have been here in which there was a fee system for services and a salary was provided in place of it at the request of the marshals themselves. Of course, from our point of view, it was the proper thing to do, because it was pointed out that they were able to do the work at a salary at less expense than in any other way.

Mr. GRIFFIN. I do not think this has anything to do with the fee system. This seems to relate to a specific, fixed salary, because in the parallel column for 1926 we find the salaries that they received last year. In the next column we have the salaries which they are to receive.

Then further on Mr. GRIFFIN makes this observation:

Mr. GRIFFIN. That is, there is no reduction of the entire line until you come down to the poor devils who are in the $1,693 class, and they have $26 taken off their salary. There are 152 of them. Then there is a reduction in the next class, the $1,504 men, who are reduced to $1,476. There are 516 of them.

Mr. HASTINGS. Will the gentleman advise us whether these salaries are fixed under the law by the Attorney General—that is, the Department of Justice?

Mr. HUDSPETH. I take it that the Attorney General fixes it; there is no law fixing the salaries of deputy marshals. They are fixed by the Attorney General.

Mr. HASTINGS. But that only applies to the deputies.

Mr. HUDSPETH. Only to the deputies. Now, gentlemen, can we justify ourselves in voting to increase our own salaries from $7,500 to $10,000 and not give these poor fellows down there who my marshal, Hon. Scott White, says—and I never voted for him and he never voted for me, because he belongs to the opposite political party, but he is a good man, and he says:

In the marshal's department our deputies receive the lowest pay of any Government employee; they are required to start with a salary of $110 a month; it is impossible for a man with a family to support them on this amount. Now, it does not seem right to ask a man to start with such a small salary, considering the responsibility required by a deputy United States marshal, and the fact that they are required to furnish bond in the sum of $5,000 at their own expense. I think they should be started at the salary of at least $150 per month and increase their salary to $200 per month, which would be nothing more than right.

This marshal and his deputies enforce the prohibition law; they guard the wineries and the distilleries seized, and stand out in the cold and rain enforcing all laws, and that ought to appeal to my colleague from Texas [Mr. BLANTON].

Mr. BLANTON. I will tell the gentleman what appeals to me as much if not more; they guard the border against aliens that are being smuggled into this country across the Rio Grande.

Mr. HUDSPETH. Yes; they do all that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDSPETH. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection?

Mr. HUDSPETH. Now, gentlemen, I want to ask you: Do you believe that a man can support a family on $110 a month? He is out all day long, and sometimes far into the night, not permitted to take any other employment. He is engaged in enforcing these laws. I do not believe that the House will stand for any such injustice.

Mr. McKEOWN. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. McKEOWN. The gentleman knows that the most of these men are engaged in the most dangerous and hazardous occupation that there is.

Mr. HUDSPETH. Absolutely; and here in the hearings my good friend from Pennsylvania [Mr. SHREVE] says:

I think this committee would be very much adverse to reducing the salaries of those low-salaried marshals, because they can hardly make a living now.

And yet, gentlemen, it seems to me that by cutting this appropriation this committee has materially reduced the salaries of these already very much underpaid officials. I would like to see the salaries of all immigration, labor, health, customs, and other officials raised to a decent living wage. I am going to insert here as a part of my remarks a clipping from the El Paso Post to show you how one of the many of these zealous officers of the Government, although underpaid, save our Government money:

TOO MUCH ECONOMY

Ottomar Hevelke, an immigration inspector at the Santa Fe Street bridge, speaks six languages, some of them with sufficient fluency to be a college professor, yet for his daily grind Uncle Sam pays him only $2,000 a year.

Hevelke's talents as a linguist save the Government $1,440 a year for interpreter's salary. Counting that out of his pay as inspector, the job for which he is employed, to which he devotes most of his time, he gets only $560 a year for border duty.

At best, the $2,000 is none too high. That's only $166 a month. But when it is remembered that Hevelke has to do double duty to earn it, his pay check carries a strong color of too much economy.

His case, however, is only a high spot in a long line of underpayments in Uncle Sam's border service. Hevelke has been in the service five years. Few members of the border patrol start at $1,800 a year, $150 a month. The highest they can hope for, after climbing to chief inspector, is $3,000 a year, and few can reach that.

Immigration Service men are asking increases in pay. They want a sliding scale of from $2,000 to $3,600 and assurance of traveling expenses whenever they are transferred.

Considering the duties an inspector performs, their plea is by no means unreasonable.

They guard the border against illegal entry of aliens. They protect our health by checking against contagious disease. They help stem the ever-threatening tide of smuggling and rum running. In the first contact with foreigners on the international boundary they represent Uncle Sam himself. Such services can not be trusted to inefficient, underpaid help.

No matter how much I might gain of this world's goods, I shall never cease to think about the fellow down below. Those are the people that I am trying to protect in this amendment. Those faithful employees, as has been stated here, enforce all laws, and as well stated by the gentleman from Oklahoma [Mr. McKEOWN]; they take their lives in their hands in so doing. This is a hazardous business, and they take the chance of losing their lives, and they commence at the salary of $110 a month.

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

Mr. HUDSPETH. Yes.

Mr. McKEOWN. And it is a fact that these employees of the Government have no hours, that their hours are unlimited.

Mr. HUDSPETH. They are out all day, and sometimes all night, enforcing all laws. I am not what you might call an economist in the strictest sense, but I do not believe in voting large sums to foreign people and leave our own to suffer, but I try to look after the people who are not represented here in the matter of securing adequate salaries. Many of these men are not of my political faith, but they are good men, have families to support, and I say to you, I know by personal experience that they are not getting a square deal.

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

Mr. HUDSPETH. Yes.

Mr. BLANTON. And if this House adds this $100,000 that the gentleman is asking for, we will know absolutely that these men are not going to be treated unjustly.

Mr. HUDSPETH. They will not be treated unjustly if my $100,000 increase is added to the bill.

Mr. SHREVE. Is the gentleman satisfied with the amount of money that is appropriated for the last year?

Mr. HUDSPETH. I would like to have the $100,000, as provided in my amendment, added to the total appropriation.

Mr. SHREVE. It is the idea of the gentleman that he would like to bring the appropriation back so that they would receive the $100,000?

Mr. HUDSPETH. Yes.

Mr. SHREVE. That is what we have accomplished by putting the $100,000 on, and we have the assurance of the department that these low salaries will not be reduced, and we feel that we have accomplished everything with the $100,000 that could be accomplished with $200,000. The men are going to get their pay just the same as they have during the last year, and if there should be a deficiency at the end of the year they will come in that.

Mr. HUDSPETH. But the gentleman is reducing the appropriation for the marshal fees by $100,000.

Mr. SHREVE. We are reducing it, but the marshals will get the same pay that they are getting now, and at the end of the year, if there should be a deficiency, it will be taken care of then.

Mr. HUDSPETH. If we reduce the appropriation, as I view it, from what it is at the present time, last year's appropriation being $3,500,000 and this being $3,400,000——

Mr. SHREVE. But if the gentleman's amendment should be agreed to and $100,000 be added to the appropriation, these men will not get $1 more than they will get as it stands now.

Mr. HUDSPETH. The Attorney General has it in his discretion to raise their pay, and I want to give him the opportunity of raising the pay of these underpaid officials. I think the gentleman from Pennsylvania is mistaken in his deductions. If you adopt my amendment increasing this appropriation for the pay of deputy marshals by $100,000, the Attorney General can and, I believe, will increase their pay; and I appeal to the Members of this House to give these efficient officials adequate compensation. [Applause.]

Mr. MADDEN. Mr. Chairman, I sincerely hope that this amendment will not prevail. We have given them all the money that they want, all of the money that they require, all of the money that will be necessary to conduct the service properly. I do not think we ought to heap money onto these bills without justification.

Mr. OLIVER of Alabama. Mr. Chairman, I am in entire sympathy with the statement made by the gentleman from Texas [Mr. HUDSPETH]; and if his fears were well grounded, the House should grant the increase. The committee went into this fully and were insistent that there should be no reduction in the pay of deputy marshals, and so the committee added $100,000, and after adding the $100,000 the committee had an understanding with the Attorney General that the pay of these deputies would not be reduced. The reason why the amount carried last year is not carried this year is that this is a variable matter. We can not tell in advance how many deputy marshals may be needed. It depends upon whether they have the same number of stills to guard, the same amount of business for 1927 as 1926, and so forth, and so it can not be anticipated. If court business should increase, the Attorney General would be justified in coming in December and asking for a further amount, but we went into the matter fully, as the gentleman from Pennsylvania [Mr. SHREVE] has stated, and the gentleman will find in the report that there will be no decrease in the pay of these officials.

Mr. HUDSPETH. Then why decrease the appropriation for this department by $100,000?

Mr. OLIVER of Alabama. The trouble about it is that the Budget thought it could be decreased $200,000, since this item varies with different years. You can not anticipate whether there will be as many deputies next year as were required this year. Some of them are appointed for three months, some four, some six, and some longer, and we made it clear that if the business of the courts required the appointment of special deputy marshals they would be on the same basis of pay as in 1926.

Mr. HUDSPETH. In response to a question by Mr. TINKHAM, Mrs. Willebrandt said that unquestionably the duties of the office would be greater, and the force would have to be increased.

The CHAIRMAN. The time of the gentleman from Alabama has expired. The question is on the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, $1,334,000: *Provided*, That United States district attorneys and their regular assistants may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of, but under the conditions prescribed for, the present allowance for actual expenses of subsistence.

Mr. SEARS of Florida. Mr. Chairman, I move to strike out the last word. I would offer an amendment to this paragraph, and also to the paragraph which preceded it, making the per diem $6 a day instead of $4 a day, but I recognize the fact that it would be subject to a point of order.

Mr. MADDEN. If the gentleman will permit me to make a statement. I have introduced a bill to make the travel allowance uniform. That bill will be reported, or some bill covering the case, back to the House from the Committee on the Civil Service, and then there will be no difference in travel allowance. In some departments to-day the travel allowance is $4, and in others $5, and in others $6, and in others $7. And the bill I have introduced makes it a uniform allowance, and I hope the gentleman——

Mr. SEARS of Florida. I want to thank the gentleman from Illinois for his statement. I have introduced a similar bill, which the Committee on the Judiciary is now considering. I hope that the bill will be reported out, either the bill of the gentleman from Illinois if not my bill. I have offered this amendment several times; and, as I say, I will not offer it now because of the statement made by the gentleman from Illinois.

Mr. MADDEN. I do not care whose bill, it ought to be uniform.

Mr. SEARS of Florida. I agree with the gentleman.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

PENAL AND CORRECTIONAL INSTITUTIONS

For all services, supplies, materials, and equipment in connection with or incident to the subsistence and care of inmates and maintenance and upkeep of Federal penal and correctional institutions, including farm and other operations not otherwise specifically provided for, in the discretion of the Attorney General; gratuities for inmates at release, provided such gratuities shall be furnished to inmates sentenced for terms of imprisonment of not less than six months, and transportation to the place of conviction or bona fide residence at the time of conviction or to such other place within the United States as may be authorized by the Attorney General; expenses of interment or transporting remains of deceased inmates to their homes in the United States; not exceeding $500 at each institution for the maintenance and repair of passenger-carrying vehicles; traveling expenses of institution officials and employees when traveling on official duty, including expenses incurred in pursuing and identifying escaped inmates; traveling expenses of members of advisory boards authorized by law incurred in the discharge of their official duties; rewards for the capture of escaped inmates; newspapers, for which payment may be made in advance, books, and periodicals; firearms and ammunition; tobacco for inmates; and the purchase and exchange of farm products and livestock, when authorized by the Attorney General: *Provided*, That the United States shall be reimbursed, as heretofore, for the maintenance of District of Columbia inmates, and all sums paid by such District for such maintenance for the service of the fiscal year 1927 and subsequent fiscal years shall be covered into the Treasury as "Miscellaneous receipts."

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 41, line 10, after the words "Attorney General," strike out the semicolon and insert the following: "Such gratuities shall be to indigents and when considered by the warden to be necessary shall consist of suitable clothing costing not to exceed $22 per person and $10 in money."

Mr. SHREVE. Mr. Chairman, I reserve the point of order.

Mr. JOHNSON of Washington. Mr. Chairman, I doubt if the amendment is subject to a point of order, because it purposes a limitation on expenditure and probably a reduction; but it is, of course, legislation proposed to be added to an appropriation bill. However, I will ask the committee to indulge me for a few minutes. The amendment that I have offered to perfect the text on page 41, middle of line 10, is designed to permit indigent persons coming out of Federal penitentiaries to receive, if needed, suits of clothing to the value of $22, whereas now the expenditure is limited by law to $12; the amendment gives them $10 in money where they now receive $5 in money. I call attention to the fact that the money limitation for Federal prisoners is the result of an act of Congress passed on March 3, 1875, or 51 years ago. The clothing limitation of $12 was passed March 13, 1901, which is 25 years ago. There are three of these Federal institutions—

one at Atlanta, Ga., one at Leavenworth, Kans., and one at McNeils Island, Wash. The Representative from the Atlanta district [Mr. UPSHAW] indorses this suggestion.

Mr. MADDEN. Will the gentleman yield?

Mr. JOHNSON of Washington. In a moment. The Representative of the Kansas district [Mr. ANTHONY] indorses it. The prison authorities in the Department of Justice indorse it, and all of us have been endeavoring to secure this through legislation. I have a bill pending on the subject. I will be glad to yield to the gentleman now.

Mr. MADDEN. This is an increase of the amount that can be paid to each prisoner——

Mr. JOHNSON of Washington. Yes; but I think it reduces the total. While it increases the amount of cash by $5 and the payment for clothing from $12 to $22, it requires that these gratuities shall be given only to indigent prisoners if the warden finds it to be necessary. Therefore no man going out of prison who has money of his own or good clothing receives clothing or money from the institution.

Mr. MADDEN. Of course the gentleman from Washington admits that he has been trying to get this thing through legislation. It ought to be done by legislation and ought not to be done upon this bill. Every Member of the House justly complains about the Committee on Appropriations if they bring legislation in on one of these bills. Then when we do not bring it in they try to get it in the bill. We have the same right to object to having them put it in as Members have to prevent us from bringing in legislation, and I hope the gentleman will withdraw his amendment.

Mr. JOHNSON of Washington. It seems that the distinguished gentleman from Illinois, no matter how busy he may be, is always here in his capacity as watchdog whenever I happen to offer a meritorious project.

Mr. MADDEN. That is what I am here for. I hope the gentleman will withdraw his amendment.

Mr. JOHNSON of Washington. If the gentleman will be patient, let us examine this project briefly. The committee has been quite fair about it. The different members of this subcommittee themselves have visited these Federal prisons and admit the merit of this proposal. Heretofore what has been everybody's business has been nobody's business, particularly with regard to the three Federal prisons, which have, as a matter of fact, until within the last few years received little attention from Congress. This committee, in its report, page 18, calls attention to the clothing situation and says:

> At the present time when a prisoner is discharged from one of our Federal institutions he is allowed $5 in cash, his railroad ticket to either his home or city in which he was convicted, and clothing (in the event he has none of his own), the cash value of which must not exceed $10. Perhaps years ago when these limitations were first put into effect they might have met the situation, but at the present time to dress a prisoner within the limit of $10, give him $5 in cash and a railroad ticket to his home, and expect him to rehabilitate himself to the extent of going back into the proper sphere of society away from the associations and contact that brought him to the penitentiary is obviously in a great many instances impossible.

The committee recommends legislation. It calls attention to the bill introduced by me. Why not supply the remedy now?

Mr. MADDEN. I will tell the gentleman about it if he will yield further.

Mr. JOHNSON of Washington. Yes; I shall be glad to yield.

Mr. MADDEN. That is the way the committee feels, but it has always been the policy of the committee since I have been the chairman of it that when we find a situation like this we suggest that it be put in the form of a bill and that it be sent to the committee having jurisdiction, and then we will recommend in every way the enactment of the law that may be recommended by the committee, and we will join the committee. But do not ask us to violate the rules of the House.

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

Mr. JOHNSON of Washington. Mr. Chairman, I request five additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. This is a comparatively small matter. It can be quickly and properly done. This is merely a limitation. The bill referred to by the gentleman from Illinois [Mr. MADDEN] was introduced by me on the first day of this session. If we wait for legislation in form from the Judiciary Committee, which has other work, we shall probably not have time this year to put clothing enough on the backs of these discharged prisoners in order to make them presentable when they walk down the street. As the distinguished former Speaker of the House, Champ Clark, used to say, "Congress can do anything by unanimous consent."

Mrs. Willebrandt, Assistant Attorney General, following the lead of these distinguished gentlemen on this overworked subcommittee, went herself 3,300 miles away to McNeill Island and she found the conditions in that Federal prison bad, in spite of the efficient work of the excellent warden, Mr. Archer. I have not time to read her statement in full. She is distressed. She hopes for relief. She was asked by the press if the condition in that Federal prison is the result of the neglect of the Washington State delegation in Congress. I can assure Mrs. Willebrandt that it is not, because what little has been done to bring that penitentiary out of its neglected status has been done by the present very competent warden and by the Members from the State of Washington in appeals to the Department of Justice and to this committee. I have made over a dozen such appeals.

Mrs. Willebrandt says she is very glad to have seen conditions there with her own eyes and glad that she can come back to Washington and make an appeal to the Budget Bureau, so that then, perhaps, the Budget Bureau will make a recommendation that will cure the situation in that Federal penitentiary. Let us hope that she goes forward with her appeal. She will have plenty of support.

Mr. Chairman, I have full respect for the Budget Bureau, just as I have for the Committee on Appropriations; but does Congress have to sit back and wait until the Budget Bureau hears from Mrs. Willebrandt, or the Department of Justice? Have we no power to act? Has not the Department of Justice known of the situation for years?

I ask that this amendment be favorably considered. I firmly believe that with that restriction requiring the warden to give this money and clothing only to those prisoners that need the same the result will be a saving, because no man who has sufficient funds of his own can have need of a governmental gratuity. [Applause.]

Mr. SHREVE. Mr. Chairman, I make a point of order against the amendment. It is simply carrying out the suggestion that was made. The committee made a careful examination. They feel that there should be some increase at the proper time, and we have recommended to the legislative committee that they take up and consider the matter. But there is no place for it on the appropriation bill, and therefore I insist on the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

> For the purchase and installation of new boilers, and all expenses connected therewith, including repairs and alterations to the power house necessary to the installation, $200,000.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BLACK of Texas: Page 43, line 17, after the figures "$200,000," strike out the period and insert a comma and add the following language: "and to be so expended as to give the maximum amount of employment to the inmates of such penitentiary."

Mr. MADDEN. Mr. Chairman, I reserve a point of order on that.

Mr. BLACK of Texas. Mr. Chairman, on page 42 of the bill an item is carried for construction at the penitentiary at Fort Leavenworth. The first item is for continuing construction and final completion of the administration building and rotunda, $135,000, to remain available until expended, and to be so expended as to give the maximum amount of employment to the inmates of such penitentiary. Then the next item that follows is for construction of dikes and revetments to protect the eastern pier and approach of the bridge across the Missouri River at Fort Leavenworth, Kans., the work to be done by the inmates of Leavenworth Penitentiary. Then, on page 44 of the bill, is an item for construction at the McNeil Island Penitentiary. It says:

> For the construction of additional cell houses, $100,000, to remain available until expended, and to be expended so as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. SHREVE. It is not the intention to take this work away from the inmates. They expect to do it.

Mr. BLACK of Texas. I would be very glad to see my amendment adopted. I think that would be best.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The appropriation of $150,000 for the fiscal year 1925 for a working capital fund is reappropriated and made available for the fiscal year 1927; and the said working capital fund and all receipts credited thereto may be used as a revolving fund during the fiscal year 1927: *Provided*, That not exceeding $6,000 of this fund may be used to construct an addition to the textile mill building.

Mr. BLACK of Texas. Mr. Chairman, I move the same language as an amendment to the paragraph just read. That is an item of construction, and it should be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. SHREVE. It was the understanding of the committee that the inmates would do this work, but if the gentleman thinks this language will improve the paragraph I am willing to accept his amendment.

Mr. BLACK of Texas. It certainly would conform to the other items of construction.

Mr. OLIVER of Alabama. And it accomplishes exactly what the committee had in mind.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: On page 43, line 24, after the word "building," strike out the period, insert a comma, and add the following language: "and to be so expended as to give the maximum amount of employment to the inmates of such penitentiary."

The amendment was agreed to.

The Clerk read as follows:

United States Penitentiary, McNeil Island, Wash.: For the United States Penitentiary at McNeil Island, Wash., including not to exceed $75,220 for salaries and wages of all officers and employees, $319,047.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. The paragraph just read has to do with the actual appropriation for McNeil Island. I should like to discuss further Mrs. Willebrandt's statement concerning her visit to McNeil Island. This newspaper article says that—

The purpose of her trip is to see that McNeil Island receives its just share of appropriations, and Mrs. Willebrandt will testify in behalf of this institution before the congressional Budget Committee in Washington, D. C.

The article further states:

McNeil has never been adequately cared for, because it is so far from Washington that they don't seem to be able to picture the institution or its needs.

She says in this interview in answer to a question that her statement is not a reflection on the State delegation. I hope not. It would seem that with the limited number of Federal penitentiaries, these penitentiaries being under the supervision of a chief here in Washington, with traveling agents and inspectors, that Members of Congress in the districts where the penitentiaries happen to be located should not have to struggle and beg, year in and year out, in the hope that the penitentiaries shall be sufficiently appropriated for. It certainly would seem that with a budget system the penitentiaries would be cared for, of all things.

Mrs. Willebrandt goes on to compliment this McNeil Island institution as one where a great deal of outdoor work can be done. She advocates a program, which I think is under way, for the construction of a cannery there. The prisoners raise a great many vegetables, as this institution is on a good-sized island. She thinks this cannery can supply the canned food needs of the other Federal penitentiaries. She says the conditions are ideal and speaks of the out-door opportunities.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. OLIVER of Alabama. I happen to know that the department is very much interested in a bill by which, without any additional appropriation, we may create some commission whereby all of this matter can be studied with a view of providing employment for these people, so that they can serve the Government's needs at the penitentiaries and otherwise and thereby have a bonus awarded to the people who are working in the penitentiaries.

Mr. JOHNSON of Washington. I am thoroughly familiar with that bill and have been assisting somewhat in connection with it. However, I think it is hardly likely that a commission which proposes work and a bonus for Federal prisoners will get very far because of the fact that in nearly all of the States the legislatures have made prohibitions against the employment of prisoners in the manufacture of articles for sale. That is the sticking ground on that. I have been for years endeavoring to see that McNeil Island was built up a little bit and properly recognized, but it seems almost hopeless.

Mr. SHREVE. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; I yield.

Mr. SHREVE. I want to say to the gentleman that we are making very liberal appropriations for these institutions, as suggested by the gentleman himself.

Mr. JOHNSON of Washington. I appreciate that, and I am glad we are making some progress, but it is slow.

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

Mr. JOHNSON of Washington. Mr. Chairman, I ask to be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I want to compliment this particular subcommittee. It has lots of work to do—too much, in my opinion. This bill really contains five appropriation bills. It contains appropriations for the Department of State, appropriations for the Department of Justice, appropriations for the United States Supreme Court, appropriations for the Department of Commerce, and appropriations for the Department of Labor. That is a lot of work for one committee. These several departments do not hang one upon the other. Their lines are quite different. All have increasing problems. They can not well advertise its hearings to all of the membership, because we are all interested in many of the items. If the hearings were advertised, the House of Representatives would, to all intents and purposes, be holding its sessions before this one subcommittee. So here before us is a gigantic bill containing five bills in one, brought up for consideration in the Committee of the Whole, and being read paragraph by paragraph. To amend it is almost a hopeless task. We all know it. What is the result? Why, you can not arouse enough interest in this great four department appropriation bill to get a bare quorum of Members here. I am sorry to say that is the way we seem to be going under our new form of making appropriations. It is not good for Congress. It is not good for the Government. It will produce economy in the wrong places. It is a chloroforming proposition, and slowly you are all finding it out.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BLANTON. As long as you have a House of 435 Members you will have this situation existing, but if you reduce the membership to 300, then you would have an active membership here to discuss these bills.

Mr. JOHNSON of Washington. I doubt it, if all the life is taken out of an appropriation bill and one committee is given too much power. I will tell you something else that is happening to the detriment of well-balanced work in Congress. Formerly the so-called superior committees of the House of Representatives considered appropriation matters. A member on one of those committees could serve on no other committee. But now those committees have been stripped of a lot of their work; they do not spend weeks in considering appropriations. The one big committee does that. However, the Members who are in those old ranking committees are still tied to membership on one committee. Then you take the next line of committees and there are quite a number of them. There are 17 members on each committee, and all of the members of those committees are members of two or more other committees, so that it is almost impossible to get into continuous effort in any one committee. When a chairman calls a meeting of a committee he finds one of his members is attending a meeting of the Committee on the Public Lands, another in the Merchant Marine, another on election contest, another in the committee, and so on. The work is doubled up in this way and all committee work is congested. We have deprived ourselves of the right to put even badly needed legislation on appropriation bills, such as the kind I have just offered. We have weakened the power of many of the so-called major committees; we have overloaded the others. We know of dozens and dozens of important matters needing favorable action, and we see less and less chance for action. The Budget threatens the departments; the departments blame Congress; and Congress hides behind the rules that are slowly but surely pulling its teeth.

We are slowly giving up both rights and power. There is a reason why there are only a few of us here this afternoon. This is a bill providing appropriations for four departments of this Government and for the Supreme Court. It is supposed to go through rapidly. You can not amend it in any essential detail. If a few of us did not move to strike out the last word and thus delay you somewhat, you could pass the entire bill in an afternoon. Gentlemen, there is something wrong with that method. [Applause.]

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

Mr. JONES. Mr. Chairman, I move to strike out the last word. I asked a while ago about this increase in the appropriation for printing of the Department of Commerce and got trailed off on another line and the chairman did not furnish the information. This seems to be an appropriation $89,790 in excess of the amount previously appropriated.

Mr. SHREVE. It is not an increase. It is simply a transfer from other bureaus or departments.

Mr. JONES. The way I read it it is an increase of $89,920 over the 1925 appropriation, in addition to the transfer of $50,000 from another department.

Mr. SHREVE. It is a transfer from the Bureau of Mines and the Bureau of Patents.

Mr. JONES. Yes; but according to the way I read the hearings on page 12, excluding that $50,000 transferred, there was $556,000 appropriated in 1925 and the appropriation in this bill is $645,000.

Mr. SHREVE. It is simply a transfer from the Bureau of Mines and the Patent office, the two new activities that came into the Department of Commerce last year.

Mr. JONES. As I understand it this increase disregards those transfers. This is the statement of Mr. McKeon on page 12 of the hearings:

> The estimates for 1927, exclusive of the Bureau of Mines and the Patent Office, are $589,920, which is $89,920 in excess of the appropriation for 1926.

This seems to be exclusive of the two transfers. The reason for this increase may be given at another place in the hearings, but I have not found it.

Mr. SHREVE. There was $150,000 added to the appropriation for the Patent Office for binding, which is used in connection with the Official Gazette which they print.

Mr. JONES. According to Mr. McKeon's statement this estimate excludes that.

Mr. SHREVE. Let me say to the gentleman that that money all comes back to the Government. The Official Gazette is sold for so much and that money is returned to the Treasury.

Mr. JONES. I understand that, but according to this statement, excluding the appropriation for the Patent Office and excluding the appropriation for the Bureau of Mines, and not taking them into consideration at all, they still have an increase of $89,920 over last year's appropriation, but only $14,000 over the 1924 appropriation. I wondered what was the necessity for this increase.

Mr. SHREVE. That statement is not quite accurate because last year there was a supplemental estimate, which went through, of $100,000. When you take that into consideration and count the money they get this year and the money they got last year, you will find there is very little difference.

Mr. JONES. It is only $14,920 in excess of the appropriation for 1925.

Mr. SHREVE. Yes.

Mr. JONES. The appropriation at that time included the $100,000 deficiency, but last year's appropriation did not have the $100,000 deficiency.

Mr. SHREVE. It was deemed necessary over there.

Mr. JONES. It seems to me there ought to be some reason given for increasing the appropriation to that extent and I do not see that the hearings disclose the reason, although it may be given somewhere else in the hearing.

Mr. SHREVE. I may say to the gentleman that by reason of the large increase in the work of the Bureau of Foreign and Domestic Commerce and by reason of the publication of documents and pamphlets and various information which goes all over the world, there has been an increase, but that is something that finally comes back to the Treasury. You will find that all set forth on page 12 of the hearings.

Mr. JONES. I have read page 12, and it clearly appears that there is an increase of $89,920, exclusive of the transfers which the gentleman mentioned.

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

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last two words, and I ask unanimous consent to speak out of order for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order for 10 minutes. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, may we inquire of the gentleman whether there will be any prohibition question discussed?

Mr. GRIFFIN. Well, not directly. I will state to the gentleman that my purpose in asking for the time is to take up the criticism of my remarks of yesterday made by the gentleman from South Carolina [Mr. STEVENSON]. It is rather a correction, I think, of my position or a correction of his statement of my position.

Mr. BLANTON. I shall not object, because I think that is fair.

Mr. TREADWAY. Mr. Chairman, I shall object. I think we have heard enough about prohibition in the last few days.

Mr. GRIFFIN. Will the gentleman withhold his objection?

Mr. TREADWAY. I am very sorry I can not withhold it.

Mr. GRIFFIN. The gentleman is assuming I am going to talk on prohibition.

Mr. TREADWAY. The gentleman just said so. I think we have been satiated with talk on prohibition, both wet and dry, and with all its complements.

Mr. GRIFFIN. The gentleman is assuming I am going to speak on prohibition.

Mr. TREADWAY. The gentleman just stated that.

Mr. GRIFFIN. No; I did not. I said I intended to discuss the criticism of a constitutional question——

Mr. TREADWAY. The argument on the constitutional question between the gentleman from New York and the gentleman from South Carolina can be settled. The gentleman is present, and the gentleman from New York can go over there and have it out with him.

Mr. GRIFFIN. It is a question of the proper construction of the Constitution.

Mr. TREADWAY. We are reading a very important appropriation bill, and there is nothing in it with respect to the enforcement of the prohibition law, and I object, Mr. Chairman.

Mr. GRIFFIN. I have had a great deal to do with the preparation of the bill myself. I am a member of the subcommittee.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TREADWAY] objects. The Clerk will read.

The Clerk read as follows:

> Enforcement of China trade act: To carry out the provisions of the act entitled "China trade act, 1922," including personal services in the District of Columbia and elsewhere, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, purchase of books of reference and periodicals, reports, documents, plans, specifications, maps, manuscripts, and all other publications; rent outside the District of Columbia, and all necessary expenses not included in the foregoing, $30,000, of which amount not to exceed $10,820 may be expended for personal services in the District of Columbia: *Provided*, That payment in advance for telephone and other similar services under this appropriation is hereby authorized.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. I renew my request to proceed out of order for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order for 10 minutes. Is there objection?

Mr. TREADWAY. Reserving the right to object, I want to say that it was not a personal objection to what the gentleman from New York is disposed to say in relation to the Constitution or various parts of the Constitution. I do say, however, that we have been having altogether too much talk on this floor about prohibition propaganda, for and against. I am not taking sides either way. I think we ought to be doing business rather than listening to a propaganda on one side or the other indefinitely. Out of courtesy to the gentleman from New York, a member of the Appropriations Committee, I am not going to object, but I do think that we ought to proceed with the consideration of the bill.

Mr. STEVENSON. Reserving the right to object, Mr. Chairman, the gentleman stated that he wanted to make some criticism of remarks that I made. Of course, I shall expect the same courtesy.

Mr. TILSON. Mr. Chairman, reserving the right to object, I am glad that I came in at this time. It is not reasonable that we should stop the consideration of this bill under the five-

minute rule after we have had three days and a half of general debate, a great deal of it on prohibition, which by no stretch of the imagination can have anything to do with this bill; and now a member of the committee, the worst sinner of all, comes in when the bill is under consideration under the five-minute rule and asks to take 10 minutes to discuss something which can not go into the bill. Of course, the gentleman from South Carolina would be within his rights to ask the same courtesy. We ought not to proceed in that way.

Mr. BLANTON. Mr. Chairman, I make the point of order that both the gentleman from Connecticut and the gentleman from Massachusetts are out of order, having consumed already more than 10 minutes.

Mr. TREADWAY. Mr. Chairman, I make the point of order that the gentleman from Texas consumes too many 10 minutes every day, which is just as good a point of order as he has just made.

The CHAIRMAN. The Chair sustains all the points of order. [Laughter.]

Mr. STEVENSON. Mr. Chairman, I serve notice that I shall ask the same privilege. I do not want to be foreclosed. If the gentleman from New York criticizes the speech I made yesterday, I want five minutes to reply.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. VESTAL. Mr. Chairman, I object.

The Clerk read as follows:

Lists of foreign buyers: For all necessary expenses, including personal services in the District of Columbia and elsewhere, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, lists of foreign buyers, books of reference, periodicals, reports, documents, plans, specifications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile lists of foreign buyers, $20,000, of which amount not to exceed $19,520 may be expended for personal services in the District of Columbia.

Mr. SHREVE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 56, line 13, after the words "District of Columbia" strike out the period and insert the following: *"Provided,* That the Secretary of Commerce may make such charges as he deems reasonable for lists of foreign buyers, statistical services and world trade directory reports, and the amount collected therefrom shall be deposited in the Treasury as 'Miscellaneous receipts.'"

Mr. SHREVE. Mr. Chairman, this is legislation. The committee did not care to incorporate it in the bill, but brings it into the House. This will bring in money. A lot of these publications should be paid for by people who want to pay for them, and it will bring in a large sum of money to the Government every year.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

BUREAU OF STANDARDS

Salaries: For the director and other personal services in the District of Columbia in accordance with the classification act of 1923, $567,320.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question in connection with the Bureau of Standards. May I ask whether any definite effort is being made to have the public know of the practical benefits they can secure through the instrumentality of the Bureau of Standards? Every one of the activities of the bureau has directly to do with practical knowledge. I think it is very important that the people should know what opportunities they have and how they can make use of this wonderful bureau. Take the matter of sugar—a great amount of information can be obtained from the bureau which is not being disseminated among the public. I would like to ask the gentleman to what extent are the activities of the Bureau of Standards given publicity so as to reach the people?

Mr. SHREVE. We make a liberal appropriation for carrying out the dissemination of this information. The information is very valuable and we have added $20,000 to that appropriation this year.

Mr. TREADWAY. Where is that item?

Mr. SHREVE. At the bottom of page 47 the gentleman will find a few suggestions.

Mr. TREADWAY. That is in the hearings.

Mr. SHREVE. Yes.

Mr. TREADWAY. I am asking how that can get to the public.

Mr. SHREVE. These things are all printed, so that they are available either at the Public Printing Office or at the Bureau of Standards.

Mr. TREADWAY. Does the gentleman think that as much information is given out about the activities and work of the Bureau of Standards as should be given to reach the public?

Mr. SHREVE. I do not. What they need there more than anything else is a good publicity agent. It is a wonderful institution.

Mr. TREADWAY. I wish that might be provided for in this bill.

The Clerk read as follows:

Investigation of optical glass: For the investigation of the problems involved in the production of optical glass, including personal services in the District of Columbia and in the field, $20,520, of which amount not to exceed $17,000 may be expended for personal services in the District of Columbia.

Radio research: For investigation and standardization of methods and instruments employed in radio communication, including personal services in the District of Columbia and in the field, $49,800, of which amount not to exceed $47,200 may be expended for personal services in the District of Columbia.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee with reference to this paragraph on radio research by the Bureau of Standards. I notice that it carries an appropriation of $49,800 for radio research. Can the gentleman advise the committee what is being accomplished by the bureau with respect to that field of experiment and endeavor, in general terms, as to whether there have been special accomplishments?

Mr. SHREVE. Oh, yes. They are making rapid advance in many ways. The bill that is soon coming into the House will regulate matters to a great extent, at least, and possibly they may need some more money.

Mr. BRIGGS. The reason I am asking the gentleman is that I happen to be a member of the Merchant Marine and Fisheries Committee dealing with the radio legislation, and in the hearings on that legislation many questions of great interest in the development of this art were brought before the committee, such as the question of the utilization of the low-wave length, whereby the field of broadcasting might be very greatly enlarged and a great benefit result to the people not only of the United States but elsewhere, and the utilization also of further advancement in scientific investigation was made apparent, particularly in controlling the constant interference with which the public is affected, and I was wondering whether the bureau has carried on investigations along that line which have been of value and is continuing experiments promising valuable benefits to the public.

Mr. SHREVE. Oh, yes; the bureau is making some very important experiments relating to these technical problems suggested by the gentleman.

Mr. BRIGGS. And the public will get the benefit of it?

Mr. SHREVE. Yes.

The Clerk read as follows:

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, and operation of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment (including rubber boots and oilskins) and apparatus, contingent expenses, temporary labor, and not to exceed $10,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith, $418,000.

Mr. SHREVE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SHREVE: Page 84, line 3, after the figures "$418,000," insert: ", of which amount not to exceed $18,000 shall be available for the establishment of a fish-cultural station at Lake Worth, Tex., as a necessary auxiliary of the fish-cultural station at San Marcos, Tex., including construction of buildings and ponds and equipment."

Mr. SHREVE. Mr. Chairman, this amendment provides for an appropriation that is already in the bill. This clarifies the situation and makes it so that the comptroller can pay the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Investigating mine accidents: For investigations as to the causes of mine explosions, methods of mining, especially in relation to the

safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, including all equipment, supplies, and expenses of travel and subsistence, $396,000, of which amount not to exceed $62,000 may be expended for personal services in the District of Columbia.

Mr. TAYLOR of West Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 89, line 18, after the word "explosions," insert "causes of falls of roof and coal," and in line 26, of the same page, strike out the figures "$396,000" and insert in lieu thereof the figures "$411,000."

Mr. TAYLOR of West Virginia. Mr. Chairman and gentlemen of the committee, after making my remarks yesterday concerning the need of further appropriations for the Bureau of Mines with respect to an investigation of the causes of falls of roof and coal, which have taken a great number of lives throughout the country, costing 1,078 lives in the United States last year, I talked again with the Bureau of Mines, and I am assured by that bureau that this is a question which should be given some scientific study by the bureau, with the hope and belief that the number of mine deaths can be greatly lessened if they are given the small sum of $15,000 with which to start the work of making a scientific investigation. I remember last year, when I thought there was an increase for the Bureau of Mines, I called the attention of the committee at that time to the fact that we seemingly had an increase for that purpose, although it afterwards developed that there was a decrease of $17,000.

Mr. CRAMTON, the gentleman from Michigan, in charge of the appropriation bill at that time, said:

Mr. CRAMTON. Mr. Chairman, I recall the interest of the gentleman from West Virginia in this item last year. I agree with him as to the importance of the work carried on. In my judgment it is one branch of the bill where some further increase in activity should come at an early date. It is a work of great importance, and I think there are further needs to be met. A year from now we should have some further increase. * * *

Mr. SHREVE. Mr. Chairman, this matter has not been considered or recommended by the Bureau of the Budget. It is entirely new, and we will be glad to compromise and allow the gentleman $7,500——

Mr. TAYLOR of West Virginia. Let me ask the chairman this——

Mr. SHREVE. No; we will not make that compromise; I withdraw the proposition.

Mr. TAYLOR of West Virginia. Here is what I want to say in respect to that. I am informed by the Bureau of Mines that if they are allowed the small sum of $15,000 they can put three engineers to work on this question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of West Virginia. May I have five minutes additional?

Mr. SHREVE. We are going to finish this bill to-night. I dislike very much to have interruptions—give the gentleman one minute.

Mr. TAYLOR of West Virginia. Mr. Chairman, this is a very important question——

Mr. SHREVE. Just let us be fair about it——

Mr. OLDFIELD. Mr. Chairman, this gentleman takes as little time as any gentleman in the House.

Mr. SHREVE. But the gentleman is discussing a proposition never discussed by the committee, by the Bureau of the Budget, by the Secretary of Commerce, or by the Chief of the Bureau of Mines or anybody. It is some loose talk coming from the Bureau of Mines.

Mr. OLDFIELD. This is something probably very interesting to the people at his home and I insist that he ought to have five minutes.

Mr. SHREVE. All right.

Mr. TAYLOR of West Virginia. I want to say in all fairness that I know the committee is charged with the responsibility of maintaining its report, but this question comes to this committee for the first time this year and I find in looking over the hearings that most of the testimony there was in reference to mine rescue cars and to investigations which have been carried on by the bureau with reference to mine explosions, and we are entirely overlooking the fact that mine explosions do not cause the greatest number of deaths. Investigations show that the greatest number of deaths are caused by falling roofs and falling coal, and it seems to me if we can save one or two or three or a dozen lives in the next year this will be money well spent. It not only affects the great State of West Virginia, which I have the honor to represent in part, but every State in the Union where coal is produced and where there have been a large number of deaths from falls of roof and coal.

These questions ought to be scientifically studied by the Bureau of Mines, and if we give the small sum of $15,000 with which to put three engineers in the field to visit the States where the deaths are greatest from these causes, I believe they can find a way by which they can save a great number of lives. I hope and plead with the committee to give the Bureau of Mines this small amount in order that they may have funds to study the great and important work of lessening the number of deaths which occur in the mines of our country.

Mr. SHREVE. Twenty-five per cent of all the appropriations are used for the investigation of mine accidents.

Mr. TAYLOR of West Virginia. But not accidents with respect to deaths from falls of roof and coal.

Mr. SHREVE. They can do any sort of investigation they want with the appropriation.

Mr. TAYLOR of West Virginia. If they have the money, but the bureau tells us they need more.

Mr. SHREVE. They always want more funds.

Mr. TAYLOR of West Virginia. Well, human life is at stake, and it seems to me if we give the Bureau of Mines a proper sum with which it could make a scientific study of this great question we could certainly save the lives of a great many miners throughout the United States, and $15,000, in my opinion, is a very small sum to ask for this great and important work, and I sincerely hope the committee will vote for this amendment.

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

Mr. OLIVER of Alabama. Mr. Chairman, this is an important matter, and if it could be effectively used I would favor the amendment. I undertook to ascertain from the Bureau of Mines the study they had made of this and other kindred subjects, and I have here a few pamphlets indicating the study they have made in reference to mines and safety of mines. Here is one, "Accidents from falling of roof and coal." "Organization and conduct of safety work in mines," and special pamphlets for miners in regular little book forms entitled "Caution." Here is the serious trouble, and I want to read to you what Mr. Lyon said about it.

We have had mining accidents in Alabama, just as the gentleman from West Virginia [Mr. TAYLOR] has had in his State, and the trouble is, if the Bureau of Mines is given money, it will not be permitted to go into the mines, investigate, and make a public record of such investigation. They can make reports in some general form. But listen to what Mr. Lyon said in response to my question:

Mr. OLIVER. We have had some accidents in Alabama. I would like to have you make mention of those and state whether you had given study to mine conditions at any of these mines prior to the accidents.

Mr. LYON. In addition to the formal advisory reports previously referred to, our field men are frequently invited to enter mines and advise regarding certain things. This advice is confidential to the management, and we could not make it public without violating confidence, the inevitable result of which would be that owners would not permit our men to enter their mines. I might go as far as to say, however, that in some instances where it has been recommended that additional precautions be taken disasters have afterwards resulted from the lack of such precautions.

They are provided here with sufficient funds to make their investigations, to go into mines, if permitted by the owners to do so; but they are not permitted to publish what they find. They now publish in a general way full information as to the very matters to which the gentleman refers, and I call the gentleman's attention to these bulletins here, which are very full and complete. He will find here a list of bulletins published by the Bureau of Mines, covering something like 30 pages or more. They are not all on this subject, but they show how far the Bureau of Mines has gone into the study of these matters.

Mr. SHREVE. Mr. Chairman, will my colleague yield there?

Mr. OLIVER of Alabama. Yes.

Mr. SHREVE. Over $450,000 of this money was used for this purpose.

Mr. OLIVER of Alabama. Yes. In other words, you would not increase the efficiency of the Bureau of Mines as to this

particular matter by giving an additional appropriation. They have the money. No one has asked for any additional sum who appeared before the committee. No State has asked for an increase. I would feel very much more sympathetic if owners of mines in the gentleman's State, in Pennsylvania, and in Alabama should demand that these matters be studied and public reports made on all individual mines examined.

Mr. OLDFIELD. How about the mine workers?

Mr. OLIVER of Alabama. The trouble is that the officials of the Bureau of Mines can not go in the mines unless the mine owners consent, and Mr. Lyon says if they go in, it must be under a promise that any information obtained shall be treated as confidential. They can not make public reports of their findings.

Mr. OLDFIELD. That ought to be remedied.

Mr. OLIVER of Alabama. The Federal bureau can only go into the States when asked. Here are published bulletins. They are widely distributed and very instructive,

Mr. OLDFIELD. We might cooperate with the miners' union and the people who work in the mines. They might insist and prevail upon the owners to allow this to be done.

Mr. OLIVER of Alabama. I would like to see that accomplished, but Congress has no right nor desire to force it.

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

Mr. TAYLOR of West Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama he permitted to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. TAYLOR of West Virginia. The gentleman has referred to the very interesting bulletins published by the Bureau of Mines. I would like to inquire how the bulletins published for the benefit of the miners of the country compare with the bulletins published for the benefit of the farmers of the country? I would like also to ask the gentleman how many farmers were killed during the year 1925 in the occupation of farming throughout the country?

Mr. OLIVER of Alabama. I would say this: I would be glad to see any bulletins published that would carry information to the miners. Unfortunately I fear that the advice in the bulletins that are published on this very subject, and which doubtless the gentleman from West Virginia has read, is not always followed. I am afraid the owners do not observe what these bulletins say they should observe.

What I would like to see done is something in the States requiring that these mines shall be examined, and that a public record be made on conditions in the mines. The States can require it, but the Federal Government can not require it. The Federal Government must act by the courtesy of the States and the owners; and Mr. Lyon said, when I inquired of him how we can act:

> We can only go in on the promise not to publish what we find. We treat it as confidential, and do not even make a record of the particular matters that might be given out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from West Virginia.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. TAYLOR of West Virginia. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 20, noes 36.

Mr. TAYLOR of West Virginia. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from West Virginia demands tellers. Those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Not a sufficient number. Tellers are refused. The Clerk will read.

The Clerk read as follows:

BUREAU OF IMMIGRATION

Salaries: For the commissioner general and other personal services in the District of Columbia, in accordance with the classification act of 1923, $91,840.

Regulating immigration: For enforcement of the laws regulating immigration of aliens into the United States, including the contract labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including not to exceed $150,000 for personal services in the District of Columbia, together with persons authorized by law to be detailed for duty at Washington, D. C.; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," and acts amendatory thereof and in addition thereto; necessary supplies, including exchange of typewriting machines, alterations and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of aliens into the United States, by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax, maintenance bills, and immigration fines upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $6,084,865: *Provided*, That $1,500,000 of this amount shall be available only for coast and land-border patrol: *Provided further*, That the purchase, exchange, use, maintenance, and operation of motor vehicles and allowances for horses, including motor vehicles and horses owned by immigration officers when used on official business required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia, may be contracted for and the cost thereof paid from the appropriation for the enforcement of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than $175,000 of the sum appropriated herein may be expended in the purchase and maintenance of such motor vehicles, and of such sum of $175,000 not more than $150,000 shall be available for the purchase and maintenance of motor vehicles for coast and land-border patrol.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. HUDSPETH. I would like to ask my friend from Alabama [Mr. OLIVER] a question. I see that an appropriation of $1,500,000 out of the total sum will be available only for coast and land-border patrol. Now, that of course is a splendid sum, and it is a matter in which I am very much interested. I would like to ask my friend from Alabama if he can tell me how much of this sum will be expended for increasing the border patrol?

Mr. OLIVER of Alabama. The gentleman will find that in the statement made by Mr. White, on page 51, he said that about three-fourths of the million would be for deportation and one-fourth for border patrol.

Mr. HUDSPETH. Can my friend give me this information? We have an efficient border patrol on the Mexican border, but the difficulty is that we have not sufficient men to patrol that great stretch of territory.

Mr. OLIVER of Alabama. We had Mr. Harris before us from your district, and our inquiry of Mr. White was based on the information Mr. Harris gave us. We have given more money than Mr. Harris, whom you know and whom I understand you think very capable, said would be necessary in order to permit him to close up the border in your district.

Mr. HUDSPETH. That is Mr. Harris, director of immigration at El Paso?

Mr. OLIVER of Alabama. Yes.

Mr. HUDSPETH. He is a very efficient gentleman.

Mr. OLIVER of Alabama. After Mr. Harris came before the committee we sent for Mr. White, and Mr. White stated that he thought that with this appropriation he could increase the border patrol over the department's estimates when they secured the deficiency appropriation of $600,000. It is my understanding that they are going to increase the border patrol about 120 men.

Mr. HUDSPETH. One hundred and twenty additional men?

Mr. OLIVER of Alabama. Yes.

Mr. HUDSPETH. Along the Mexican border?

Mr. OLIVER of Alabama. Not along the Mexican border alone, but along that and the Canadian border.

Mr. HUDSPETH. I will state to the gentleman that I think that is where the larger number come into this country.

Mr. OLIVER of Alabama. It depends entirely upon what border one lives on as to what he thinks. Those who live on the Canadian border think more come in from over that border, while those living on the Mexican border believe the largest number come from Mexico.

Mr. HUDSPETH. But this sum meets the request of the gentleman who directs Mr. Harris.

Mr. OLIVER of Alabama. I think it does.

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

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may have two additional minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Texas may have two additional minutes. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. If the gentleman from Texas will permit, the committee was most sympathetic about this, because they think that unless we can deport men who are here unlawfully there is no reason for trying to keep them out; if we permit them to come in and stay here, this will encourage them to slip in; so the committee felt that every dollar required for the border patrol should be allowed, and we allowed it. Then we said to them, "If you find that more money may be required to deport those whom you find here unlawfully, you are authorized to come back and ask for more money."

Mr. HUDSPETH. And if they should find they needed an additional sum to increase their border patrol, I presume the committee would look with favor on that.

Mr. OLIVER of Alabama. Yes.

The pro forma amendment was withdrawn.

Mr. SABATH. Mr. Chairman, I move to strike out the last two words for the purpose of asking the gentleman who is in charge of this bill whether the full amount has been granted to the immigration department for deportation? I am mighty glad to know that the amount that was required and asked for border patrol has been granted. Now, has the full amount been granted which the department asked for deportation purposes?

Mr. SHREVE. We increased the appropriation $1,000,000.

Mr. SABATH. I am mighty glad to hear that, because I have been informed that there are a great many men who have been convicted, but they have not been able to deport them because of lack of funds. Will that amount be sufficient, and does the department now believe they will have enough money to deport everyone that should be deported?

Mr. SHREVE. Yes; that is my understanding.

Mr. SABATH. I am mighty glad to hear that.

The pro forma amendment was withdrawn.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the last word. I am going to ask the indulgence of the committee for about three minutes while I speak a little out of order.

Mr. TILSON. Mr. Chairman, reserving the right to object, will the gentleman state the subject? We have had to almost insult some of our best friends to-day by not allowing them to talk out of order.

Mr. BLACK of New York. There is an article appearing in the Washington Star this evening that has me a little worried, and this is really somewhat akin to a matter of personal privilege. It seems the gentleman from Texas [Mr. BLACK]——

Mr. BEGG. Mr. Chairman, we can not take up questions of personal privilege in committee.

Mr. TILSON. Questions of personal privilege can not be taken up under the five-minute rule. Is it anything that is likely to prove controversial?

Mr. BLACK of New York. There will be no controversy about it at all.

Mr. TILSON. Can not the gentleman wait until after the bill is passed and we go into the House?

Mr. BLACK of New York. It is not an important matter.

Mr. TILSON. I would rather the gentleman would not take it up at this time.

The Clerk read as follows:

Promotion of the welfare and hygiene of maternity and infancy: For carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, and of the act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii," approved March 10, 1924, $1,000,000: *Provided*, That the apportionments to the States, to the Territory of Hawaii, and to the Children's Bureau for administration shall be computed on the basis of not to exceed $1,252,079.96, as authorized by such acts of November 23, 1921, and March 10, 1924.

Mr. NEWTON of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Missouri: Page 105, after line 22, insert a new paragraph, as follows:

"Appropriations herein made for the Children's Bureau shall be available for expenses of attendance at meetings, for the promotion of child welfare, and/or the welfare and hygiene of maternity and infancy, when incurred on the written authority of the chief or acting chief of such bureau."

Mr. BLANTON. Mr. Chairman, I make the point of order the amendment is legislation unauthorized.

Mr. NEWTON of Missouri. Does the Chair care to have me discuss the question of the point of order, which I think has been called to the attention of the Chair? The law specifically provides that the appropriation may be made.

The CHAIRMAN. I will hear the gentleman from Texas on the point of order if he cares to be heard.

Mr. BLANTON. Mr. Chairman, the activities of the bureau are clearly defined by the organic act, and the gentleman is seeking to change them and to give the bureau extra authority. If they already have the authority, his amendment is superfluous. He is trying to give them authority to do something which they have not the authority to do under the present law. It is clearly legislation. I hate to have to make a point of order on anything the gentleman from Missouri would offer.

The CHAIRMAN. Let me say to the gentleman from Texas that the Chair has looked into this question somewhat. It is the understanding of the Chair from reading the law by which this bureau is created that the Congress is authorized to appropriate money to carry out this very object; and therefore the Chair overrules the point of order.

Mr. SHREVE. Let me say, Mr. Chairman, the amendment is acceptable to the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. NEWTON].

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. TAYLOR of West Virginia. Mr. Chairman, if the gentleman from Pennsylvania will permit, the gentleman from Alabama has told me he would not object to returning to the item in the bill to which I offered an amendment and, following the suggestion of the gentleman from Pennsylvania, would not object to my now offering an amendment increasing the appropriation $7,500, as suggested by the gentleman from Pennsylvania [Mr. SHREVE].

Mr. SHREVE. Mr. Chairman, I think that is fair. I agreed to do it, and I will, of course, live up to the agreement. I ask unanimous consent that we may return to the paragraph in question.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to page 89, line 25, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. SHREVE. Mr. Chairman, I ask that the amount be increased by $7,500.

The CHAIRMAN. The gentleman from West Virginia offers an amendment increasing the appropriation in line 25 $7,500, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of West Virginia: Page 89, line 18, after the word "explosions," insert "causes of falls of roof and coal"; and in line 25 of the same page, strike out the figures "$396,000" and insert in lieu thereof "$403,500."

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having taken the chair as Speaker pro tempore, Mr. TINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had 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, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. SHREVE. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHREVE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF SURPLUS WAR DEPARTMENT REAL PROPERTY

Mr. JAMES presented a conference report on 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, for printing under the rule.

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. 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.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 5043. An act granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 7019. An act to provide four condemned 12-pounder bronze guns for the Grant Memorial Bridge at Point Pleasant, Ohio.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who announced that the President had approved and signed bills of the following titles:

On February 8, 1926:

H. R. 5379. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct a bridge across the Little Calumet River in Cook County, State of Illinois; and

H. R. 6234. An act to authorize the Department of Public Works, Division of Highways, of the Commonwealth of Massachusetts to construct a bridge across Palmer River.

On February 13, 1926:

H. R. 5240. An act to authorize the construction of a bridge across Fox River, in Dundee Township, Kane County, Ill.;

H. R. 6090. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Fox River in the county of McHenry, State of Illinois, in section 18, township 43 north, range 9 east of the third principal meridian; and

H. R. 7187. An act granting the consent of Congress to the South Park commissioners, and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.

On February 19, 1926:

H. R. 183. An act providing for a per capita payment of $50 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States.

On February 25, 1926:

H. R. 4440. An act granting the consent of Congress to the Board of Supervisors of Clarke County, Miss., to construct a bridge across the Chunky River, in the State of Mississippi;

H. R. 1. An act to reduce and equalize taxation, to provide revenue, and for other purposes;

H. J. Res. 153. Joint resolution providing for the participation of the United States in the sesquicentennial celebration in the city of Philadelphia, Pa., and authorizing an appropriation therefor, and for other purposes;

H. R. 172. An act to extend the time for the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 173. An act to extend the time for the construction of a bridge across the Rainy River between the village of Spooner, Minn., and Rainy River, Ontario.

H. R. 3852. An act to authorize the construction of a bridge over the Columbia River at a point within 2 miles downstream from the town of Brewster, Okanogan County, State of Washington;

H. R. 4032. An act granting the consent of Congress to the Brownsville & Matamoros Rapid Transit Co. for construction of a bridge across the Rio Grande at Brownsville, Tex.;

H. R. 4441. An act granting the consent of Congress to the Board of Supervisors of Neshoba County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

H. R. 5027. An act authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 5565. An act granting the consent of Congress to the Civic Club of Grafton, N. Dak., to construct a bridge across the Red River of the North; and

H. R. 6515. An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico.

On February 27, 1926:

H. R. 6727. An act to authorize the Secretary of the Interior to issue certificates of competency removing the restrictions against alienation on the inherited lands of the Kansas or Kaw Indians in Oklahoma;

H. R. 6376. An act to amend the act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes, approved August 25, 1919, as amended by act of March 6, 1920; and

H. R. 6740. An act to authorize the Norfolk & Western Railway Co. to construct a bridge across the Tug Fork of Big Sandy River at or near a point about 2½ miles east of Williamson, Mingo County, W. Va., and near the mouth of Lick Branch.

On March 1, 1926:

H. R. 97. An act authorizing an appropriation of $50,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the improvement and completion of the road from Taholah to Moclips on said reservation;

H. R. 5850. An act authorizing an appropriation for the payment of certain claims due certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses; and

H. R. 5013. An act extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway.

On March 2, 1926:

H. R. 5959. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1927, and for other purposes.

On March 3, 1926:

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.

On March 6, 1926:

H. R. 4576. An act for the relief of James A. Hughes.

BRIDGE ACROSS BIG SANDY RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent on behalf of the chairman of the Committee on Interstate and Foreign Commerce that the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia, be taken from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 5045, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the present occupant of the chair will appoint the conferees.

There was no objection, and the Chair appointed Mr. DENISON, Mr. BURTNESS, and Mr. PARKS as conferees on the part of the House.

CORN SUGAR

Mr. ADKINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the corn-sugar question.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the corn-sugar question. Is there objection?

There was no objection.

Mr. ADKINS. Mr. Speaker, since the corn farmer finds himself at a very great disadvantage just now by reason of the low price of corn, compared with the price of commodities of industry he must buy, naturally he looks into some of the contributing causes to his unfortunate situation. He finds the label restriction now placed on commodities sweetened with

corn sugar must necessarily restrict the use of corn sugar and thereby restrict the demand for his surplus corn.

The label restriction is not founded on any modern reason or demand. It is just there because somebody years ago without the light of present knowledge and experience, saw fit to put it there. They then knew of sucrose made from cane and beet sugar, and before they were familiar with dextrose in a table form, the manner in which we now have corn sugar. The wholesomeness of corn sugar is not disputed. By many it is placed ahead of cane and beet sugar as more desirable because, briefly, it is in a more finished form or dextrose. With cane and beet sugar the human digestive machinery must convert them into dextrose before they are ready for our system to absorb and use. When we eat corn sugar it is in the form of dextrose, so one body process is spared to our system when we use corn sugar.

Before Congress passed the pure food law in 1906 a large amount of adulterated food was put on the market, and a campaign was put on by various organizations and individuals to create sentiment for such a law. A vast amount of literature went into the homes of the country pointing out the danger of such adulterated foods and referring to such manufacturers as "food poisoners," and the dangers of such adulterated foods to human life, which was very largely true. In these adulterated foods where sugar was used they used glucose, because it was a cheaper sweetening, and it was always mentioned along with aniline, formaldehyde, sulphuric acid, and other things used to adulterate foods, and naturally when the housewife would see glucose she classed it with other unwholesome things with which food was adulterated.

Henry Irving Dodge wrote three articles for the Woman's Home Companion (March, April, and May issues of 1905), under the caption "The truth about food adulteration," which heads the first article in the March number, saying:

> This is the first of a series of three articles prepared with the cooperation of Dr. W. D. Biglow, chief of the division of foods, United States Bureau of Chemistry. The series is therefore a thoroughly authoritative account of this most dangerous and ever-growing practice.

These three articles were only three of many sent out into every home in home magazines as propaganda against adulterated food, making sentiment for the Federal pure food law which Congress passed in 1906. In all these stories glucose was mentioned along with aniline, sulphuric acid, resin, coal-tar preparations, and other unwholesome things that were used in adulterated foods.

After naming a number of foods adulterated with sulphuric acid, borax sodium, and sulphite he puts glucose in the same unwholesome class by saying:

> In jellies, jams, and marmalades the cane sugar supposed to be present often turns out to be glucose, which is much cheaper. The percentage of glucose in such goods runs from 40 to 70 per cent, and even 100 per cent in the cheapest grades.

While he does not say so, the public, of course, inferred he meant glucose was not wholesome food and should not be used. He says:

> The silent conflict between the Bureau of Chemistry and the food poisoners of the Nation is waged with all effectiveness that science and shrewdness on the one side and science and craft on the other can produce.

In his second article, the April number, page 53, he says, in speaking of a guest ordering ice cream—

> gets a composition of milk thickened with gelatin and glucose and flavored with a mixture of alcohol, resin, and tanka bean substitute for vanilla. Miss Clark, however, takes chocolate and vanilla, whereby she introduces some coal-tar dye to the combination.

Putting glucose in bad company as an unwholesome food.

His third article, May number, page 49, he says:

> We would much rather recognize glucose, hayseed, and aniline dressed up as preserved strawberries, even though we knew the garment to be the plainest kind of calico.

Again putting glucose in the class of unwholesome articles used to adulterate foods.

When such articles appear with the name Dr. W. D. Bigelow, chief of the division of foods, United States Department of Agriculture, connected with them, placing glucose in a class with benzoic acid, aniline dyes, sulphate of copper, boracic acid, and formaldehyde, a group of substitutes which are not food, and some of which are looked on as poisons, it will be readily seen the effect such propaganda would have on the consumption of corn sugar.

Congress should remove this discrimination, first, as a matter of national public policy, since glucose is now crystallized into a fine grade of sugar, to encourage the manufacture of more sugar in this country. We import about 80 per cent of our sugar. Why import any, when we grow a surplus of raw material, corn, to make it. We should encourage rather than discourage the production of all our necessities, especially when we have so much raw material to make sugar from as corn.

It is said that during the Napoleonic wars sugar sold in Europe as high as $2 per pound.

There are many reasons for this entirely outside the greed of manufacturer and grocer. For example, commercialism was not so highly developed 100 years ago during the Napoleonic wars as it is to-day, yet these sky-high prices existed then. The abnormally high price of sugar was one of the problems which Napoleon solved in a most satisfactory manner. Happily the same solution is possible to-day. A prize of 1,000,000 francs was offered to anyone who should successfully manufacture a sugar product from plants of home growth. The method was discovered—sugar was made from starch, also from beets—and the royal prize was won.

Let us not let such an emergency arise in this country. Let us start to develop our full supply now and not wait for an emergency such as referred to above.

You know we felt very uneasy over our supply of nitrate during the World War, depending on other countries for most of our supply. Sugar is just as necessary in time of war as nitrate, also necessary in time of peace.

As a result of this discrimination resulting from this agitation, in 1916 one of the large producers of corn sirup (commercial glucose) requested the Illinois Food Standard Commission, a body duly authorized by Illinois State law, to revise their standards for certain foods so there might be a more liberal use of corn sirup (commercial glucose) in them. The commission called a hearing in Chicago on corn sirup (commercial glucose) and its use in foods. Some of the best chemists in the country were called before the commission, a very exhaustive hearing was held as to the wholesomeness and healthfulness of the same. The testimony produced before the commission by some of the best authority of the country that corn sirup (commercial glucose) was one of the most healthful sweets in use, and its manufacture and use have increased even with the discrimination of a special label where it is used.

Corn sugar is equal in purity and food value, equal for canning and culinary purposes, better preserving power, more easily digested. On the other hand, it is not quite as sweet as cane sugar. This being a matter of taste, having nothing to do with the health or purity, one can adjust the amount to suit one's self, especially after attention was called to it and by brief experience. If we pass a law removing this unfair discrimination, we would increase the use of corn sugar and start on its way in the finished form of corn sugar 100,000,000 bushels more corn now lying in the bins depressing the market. If this 100,000,000 bushels is so released, you are going to benefit all the corn growers of this country.

HOUSE JOINT RESOLUTION

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to address the House for one minute to ascertain in relation to taking up a bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, I announced that I would ask to take up House Joint Resolution 148, extending the time in which cattle could be brought back from Mexico. I understand that there would be no amendment offered to the bill and that it would take practically but little time. I am now informed that some one desires to offer an amendment.

Mr. OLDFIELD. I want to offer an amendment, and I want some time to discuss it.

Mr. GREEN of Iowa. Then it is apparent that we can not take the bill up this afternoon.

EXTENDING HIGHWAY THROUGH WALTER REED HOSPITAL GROUNDS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for quarter of a minute to make an announcement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, I want to call the attention of my colleagues to the fact that there will be a move in the House next Monday to again pass the measure that would run a highway through Walter Reed Hospital grounds. I hope every Member against that proposition will be here.

DISCHARGE OF SOLDIERS OF THE WORLD WAR

Mr. REECE. Mr. Speaker, I present a conference report on the bill (S. 1343) for the relief of soldiers that were discharged from the Army during the World War because of misrepresentation of age, to be printed under the rule.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until Monday, March 8, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 8, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate the interstate shipment of firearms (H. R. 6232).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, dam, excavation, dredging, drainage, or other construction project (H. R. 8902).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend and supplement the merchant marine act, 1920, and the shipping act, 1916 (H. R. 8052).

COMMITTEE ON THE TERRITORIES

(10.30 a. m.)

Authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska (H. J. Res. 73).

To authorize the Secretary of War to expend not to exceed $125,000 for the protection of Government property adjacent to Lowell Creek, Alaska (H. J. Res. 100).

To prescribe certain of the qualifications of voters in the Territory of Alaska (H. R. 9211).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To prohibit the sale of peyote to Indians (H. R. 7580).

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BULWINKLE: Committee on Claims. H. R. 531. A bill for the relief of John A. Bingham; without amendment (Rept. No. 474). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on Claims. H. R. 2724. A bill for the relief of A. S. Guffey; with amendment (Rept. No. 475). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 4117. A bill for the relief of J. Walter Payne; without amendment (Rept. No. 476). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on Claims. H. R. 4158. A bill for the relief of Sophie J. Rice; without amendment (Rept. No. 477). Referred to the Committee of the Whole House.

Mr. WALTERS: Committee on Claims. H. R. 6466. A bill for the relief of Edward C. Roser; with amendment (Rept. No. 478). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. H. R. 7617. A bill to authorize payment to the Pennsylvania Railroad Co., a corporation, for damage to its rolling stock at Raritan Arsenal, Metuchen, N. J., on August 16, 1922; without amendment (Rept. No. 479). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 7776. A bill for the reimbursement of Emma Pulliam; with amendment (Rept. No. 480). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ZIHLMAN (by request of the Commissioners of the District of Columbia): A bill (H. R. 10080) to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek; to the Committee on the District of Columbia.

Also, a bill (H. R. 10081) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913; to the Committee on the District of Columbia.

Also, a bill (H. R. 10082) to permit construction, maintenance, and use of certain pipe lines for petroleum and its products; to the Committee on the District of Columbia.

By Mr. HALL of North Dakota: A bill (H. R. 10083) to grant the right of appeal to plaintiffs in suit No. 33731 in the Court of Claims of the United States; to the Committee on the Judiciary.

By Mr. BRAND of Georgia: A bill (H. R. 10084) for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge, in the county of Hart, originally Elbert County, State of Georgia, on the national highway between Georgia and South Carolina, to commemorate the memory of Nancy Hart; to the Committee on the Library.

By Mr. THOMAS: A bill (H. R. 10085) to authorize the establishment of a bureau of bank-deposit insurance in the Treasury Department; to the Committee on Banking and Currency.

By Mr. ARENTZ: A bill (H. R. 10086) for the charge off and suspension of construction costs on Federal reclamation projects recommended by board of survey and adjustments; to the Committee on Irrigation and Reclamation.

By Mr. HAMMER: A bill (H. R. 10087) amending section 301 of the act of June 7, 1924, by extending the time three years for conversion of war-risk insurance; to the Committee on World War Veterans' Legislation.

By Mr. GARDNER of Indiana: A bill (H. R. 10088) to purchase a post-office site in the city of French Lick, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. HILL of Washington: A bill (H. R. 10089) to authorize the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River, in Chelan County, State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: A bill (H. R. 10090) granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers, at Alton, Ill., on the Mississippi, and at or below Halls Ferry, or Musics Ferry, on the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. HARE: A bill (H. R. 10091) to require manufacturers engaged in interstate and foreign commerce to give written notice to the Federal Trade Commission of the closing of their plants; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mrs. NORTON: Memorial of the Senate of the State of New Jersey, asking Congress to effectively regulate stations for the transmission of radio communications or energy in the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. MEAD: Memorial of the Legislature of the State of New York, regarding an all-American canal, Great Lakes to the Hudson River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 10092) auhorizing interstate compacts between the States of Oklahoma, Kansas, Colorado, New Mexico, Texas, Arkansas, Louisiana, Mississippi, or between any of them, or between any of the States of the Union; for the purpose of control of floods and the conservation of flood waters, and the application of such waters to beneficial uses, and for the diminution of injury and damage by floods; for the security of intrastate and interstate commerce, and the transportation of the United States mail, and military; and for the purpose of agreeing upon control of conservation districts created under such compact, and promoting agreement on the apportionment of benefits and cost thereof; and assumption of benefits and cost thereof; for division of revenue, if any therefrom, and for other purposes, and providing for the participation of the United States of America

therein, and making appropriations therefor; to the Committee on Flood Control.

By Mr. JONES: A bill (H. R. 10093) to create a new division of the District Court of the United States for the Northern District of Texas; to the Committee on the Judiciary.

By Mr. ADKINS: A bill (H. R. 10094) granting a pension to Mary Belle Robertson; to the Committee on Invalid Pensions.

By Mr. BLACK of New York: A bill (H. R. 10095) for the relief of Harry Hewston; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 10096) granting an increase of pension to Mary Jane Gimason; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10097) granting an increase of pension to Minnie V. Main; to the Committee on Invalid Pensions.

By Mr. HAYDEN (by request): A bill (H. R. 10098) for the relief of W. I. Johnson; to the Committee on Claims.

By Mr. HUDSPETH: A bill (H. R. 10099) for the relief of William Lowell McBride; to the Committee on Military Affairs.

Also, a bill (H. R. 10100) granting a pension to J. T. Wood; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10101) granting an increase of pension to Cynthia E. Endicott; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 10102) granting an increase of pension to Matilda Long; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 10103) for the relief of Charles Callender; to the Committee on Military Affairs.

Also, a bill (H. R. 10104) granting an increase of pension to James H. Connely; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 10105) granting a pension to Minnie Taylor; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 10106) granting a pension to Susan Hunziker; to the Committee on Invalid Pensions.

By Mrs. NORTON: A bill (H. R. 10107) for the relief of William Winterbottom; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 10108) granting an increase of pension to Sophia C. Cross; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 10109) for the relief of Virginia Strickland; to the Committee on Military Affairs.

By Mr. ROBINSON of Iowa: A bill (H. R. 10110) granting an increase of pension to Celia A. Woodward; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 10111) for the relief of D. Murray Cummings; to the Committee on War Claims.

By Mr. SHREVE: A bill (H. R. 10112) granting an increase of pension to Sarah Habercorn; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 10113) granting a pension to Eva Sanborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10114) granting an increase of pension to Sarah S. Blair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10115) granting an increase of pension to Jane E. Van Etten; to the Committee on Invalid Pensions.

By Mr. TAYLOR of West Virginia: A bill (H. R. 10116) granting a pension to Martha C. Hager; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 10117) authorizing certain officers of the United States Navy to accept, from the Republic of Chile, the order of Al Mérito; to the Committee on Foreign Affairs.

By Mr. TOLLEY: A bill (H. R. 10118) granting a pension to Frank T. Radliff; to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 10119) granting an increase of pension to Helen Kennedy; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 10120) authorizing the Secretary of Labor to permanently admit, under suitable regulations and requirements to be prescribed by him, Mathilde Kafoury, sister of Frank C. Kafoury; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

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

1027. Petition of the Common Council of the City of South Milwaukee, Wis., asking the Federal Government to so amend the national prohibition act so as to permit within its limits of the manufacture, sale, and transportation of light wines and beer; to the Committee on the Judiciary.

1028. By Mr. CONNERY: Petition of the National Indian War Veterans, favoring the passage of House bill 12 and Senate bill 1854; to the Committee on Pensions.

1029. Also, resolution of the Bavarian Reading and Progressive Society and the Singing Organization Liederkranz, of Lawrence, Mass., with reference to their desire for a modification of the Volstead Act; to the Committee on the Judiciary.

1030. Also, resolution of the Carpenters and Joiners' Union, of Lawrence, Mass., in favor of a modification of the Volstead Act; to the Committee on the Judiciary.

1031. By Mr. COOPER of Wisconsin: Petition of Mrs. Elizabeth Wheeler and others, residents of Waukesha County, Wis., against compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1032. Also, petition of Mr. C. E. Perry and others, residents of Racine County, Wis., against compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1033. Also, petition of Mrs. J. T. Waggoner and others, residents of Rock County, Wis., against compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1034. By Mr. CURRY: Petition of the Republican State Central Committee of California, urging reapportionment of Representatives in Congress during the present session of the Congress; to the Committee on the Census.

1035. By Mr. DICKINSON of Missouri: Eight petitions totaling 515 names of citizens of Clinton, Deepwater, and Appleton City, Mo., opposing the passage of House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1036. By Mr. DOUGHTON: Petition of sundry citizens of Stoney and Iredell, N. C., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1037. By Mr. FULLER: Petition of the Service Club of the Rock Island Arsenal, Rock Island, Ill., urging support of House bill 786; to the Committee on the Civil Service.

1038. Also, petition of sundry citizens of Sheridan, Ill., protesting against the enactment of compulsory Sunday observance; to the Committee on the District of Columbia.

1039. By Mr. GARDNER of Indiana: Petition of Henry Nash and sundry others, of Tell City, Ind., Rural Free Delivery No. 1, opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1040. Also, petition of Sarah A. Reed and sundry others, of Tell City, Ind., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1041. Also, petition of Mrs. N. Peterson and sundry others, of New Albany, Ind., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1042. By Mr. GREEN of Iowa: Petitions of Alfred Jacobsen, of Exira, Iowa, and others, and of Dan. E. Larsen, of Exira, Iowa, and others in opposition to House bills 7179 and 7822; to the Committee on the District of Columbia.

1043. By Mr. GRIEST: Petition of sundry citizens of Pennsylvania and New Jersey, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1044. Also, petition of Mr. and Mrs. J. R. Ebersole, Elizabethtown, Pa., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1045. Also, petition of citizens of Lancaster County, Pa., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1046. By Mr. HILL of Maryland: Petition of sundry citizens of the District of Columbia, favoring the sale of 2.75 beer; to the Committee on the Judiciary.

1047. Also, petition of all Polish organizations of Baltimore, Md., opposing the alien registration and alien deportation bills (H. R. 5583, 344, and 4489); to the Committee on Immigration and Naturalization.

1048. By Mr. HUDSON: Petition of citizens of the sixth congressional district of Michigan, protesting against the passage of House bill 7179, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1049. By Mr. HUDSPETH: Petition from citizens of El Paso, Tex., protesting against bills for compulsory Sunday observance; to the Committee on the District of Columbia.

1050. By Mrs. KAHN: Petition of the Republican State Committee of the State of California, urging the passage of House bill 111; to the Committee on the Census.

1051. By Mr. KETCHAM: Petition of 992 residents of Allegan, Barry, Berrien, and Van Buren Counties, Mich., protesting against House bills 7179 and 7822, providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1052. By Mr. KIESS: Petition of citizens of Potter County, Pa., protesting against House bills 7179 and 7822; to the Committee on the District of Columbia.

1053. By Mr. KNUTSON: Petition of C. H. Jepson, of Sebeka, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1054. Also, petition of J. B. Ishman, of Remer, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1055. Also, petition of Austin Houck, of Williams, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1056. Also, petition of Horatio S. Brown, of Williams, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1057. Also, petition of Mrs. Julia Bushnell, of Hill City, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1058. Also, petition of Frank Clark, of LaMoille, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1059. Also, petition of Chas. R. Merrell, of Swanville, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1060. By Mr. LEAVITT: Resolution of the Gallatin County Federation of Women's Clubs, favoring extension of the provisions of the Sheppard-Towner maternity act; to the Committee on Interstate and Foreign Commerce.

1061. Also, petition of Mayor John W. Fryer, of Livingston, Mont.; Sheriff C. E. Gilbert and County Attorney Dan Yancey of Park County, Mont., protesting increase of the alcoholic content of permitted beverages as provided by bills now before Congress; to the Committee on the Judiciary.

1062. By Mr. McDUFFIE: Petition of citizens of Mobile against bills proposed for Sunday observance; to the Committee on the District of Columbia.

1063. By Mr. McREYNOLDS: Petition of citizens of Hamilton County, Tenn., against House bills 7179 and 7822; to the Committee on the District of Columbia.

1064. By Mr. MAJOR: Petition of citizens of Howard County, Mo., protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

1065. By Mr. MANLOVE: Petition of 80 residents of Vernon County, Mo., against compulsory Sunday observance; to the Committee on the District of Columbia.

1066. By Mr. MEAD: Petition from American Legion, New York State Department, re House bills 7089 and 6537; to the Committee on Immigration and Naturalization.

1067. By Mr. MICHENER: Petitions signed by many residents of Belleville, Wayne County, Mich., protesting against compulsory Sunday observance bills (H. R. 7179 and 7822), etc.; also petitions in reference to same matter from residents of Ann Arbor, Mich.; to the Committee on the District of Columbia.

1068. By Mr. O'CONNELL of New York: Petition of the International Longshoremen's Association, of Buffalo, N. Y., favoring the passage of House bill 9498, for compensation for longshoremen and harbor workers injured while working aboard ship; to the Committee on the Judiciary.

1069. Also, petition of the National Guard Association of the State of New York, to adequately provide funds for purchase, forage, attendants, and maintenance of animals for the National Guard; to the Committee on Military Affairs.

1070. Also, petition of the United States Maimed Soldiers' League, favoring the passage of Senate bill 1609 and House bill 3770, to increase the pensions of those who lost limbs or have been totally disabled in the same, or have become totally blind in the military or naval service of the United States; to the Committee on Invalid Pensions.

1071. Also, petition of citizens of Brooklyn, N. Y., opposing the passage of House bills 7179 and 7822, or any other national religious legislation; to the Committee on the District of Columbia.

1072. Also, petition of the National Editorial Association, favoring the passage of the Kendall bill (H. R. 4478); to the Committee on the Post Office and Post Roads.

1073. Also, petition of National Retail Dry Goods Association, of New York, favoring the passage of the Merritt bill (H. R. 3904) with certain amendments; to the Committee on Interstate and Foreign Commerce.

1074. By Mrs. ROGERS: Petition of residents of Lowell, Mass., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1075. Also, petition of residents of Ayer, Mass., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1076. By Mr. SHREVE: Petitions protesting against the enactment of the Sunday observance bills (H. R. 7179 and H. R. 7822) from S. V. Anderson and others, North East, Pa.; Lewis Wilkinson and others, North East, Pa.; Orlo G. Butler and others, North East, Pa.; J. M. Howard and others, North East, Pa.; J. A. DeCastro and others, North East, Pa.; Mrs. L. G. Halloran and others, North East, Pa.; Grant Hills and others, Titusville, Pa.; to the Committee on the District of Columbia.

1077. Also, petitions protesting against the enactment of the Sunday observance bills (H. R. 7179 and H. R. 7822) from Mrs. R. E. Christoph and others, rural delivery, and Mrs. J. Reed Morse and others, Erie, Pa.; H. C. Prebble and others, Willis Walker and others, Ellis C. Brown and others, J. H. Humphrey and others, Corry, Pa.; to the Committee on the District of Columbia.

1078. Also, petitions protesting against the enactment of the Sunday observance bills (H. R. 7179 and H. R. 7822) from Erie, Pa.: Olive B. Tucker and others, Mrs. C. E. Badger and others, Anna Sonntag and others, M. L. Boucher and others, C. J. Menz and others, Mrs. Ethel L. Scott and others, Mrs. John Shorlock and others, Dr. Eva Sheriff and others, M. E. Thomas and others, Mrs. E. L. Mook and others, C. R. Ewing and others, H. A. Chichester and others, F. H. Leland and others, Jessie A. Patton and others, James Leach, jr., and others, J. J. Mechaney and others, Mrs. H. R. Droseski and others, Mrs. J. H. Colwell and others, Mrs. Elizabeth Herdman and others; to the Committee on the District of Columbia.

1079. By Mr. SWING: Petition of certain residents of Loma Linda, Calif., against House bills 7179 and 7822, for compulsory observance of Sunday; to the Committee on the District of Columbia.

1080. By Mr. TILSON: Petition of the Fish and Game Commission and sportsmen of the State of Connecticut, in opposition to the Stanfield bill (S. 2584) and approving of the Federal migratory bird act; to the Committee on Agriculture.

1081. Also, petition of Mrs. Louise Weichner and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1082. By Mr. WELLER: Petition from the National Guard Association of the State of New York, asking Congress to adequately provide funds for the purchase, forage, attendants, and maintenance of animals for the National Guard; to the Committee on Military Affairs.

1083. Also, petition of citizens of New York State, in opposition to the compulsory Sunday observance bills; to the Committee on the District of Columbia.

SENATE

MONDAY, *March 8, 1926*

(Legislative day of Saturday, March 6, 1926)

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a 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, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DENISON, Mr. BURTNESS, and Mr. PARKS were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R.