

The courts of earth will miss  
 His guerdon of good will,  
 His purpose strong and still  
 Unstained by prejudice;  
 For just he was and kind.  
 Clean of life, and calm of mind,  
 To his vision never blind.  
  
 He was a friend to trees  
 And the fountained north hills,  
 To farms and schools and mills,  
 To roads and streams and seas—  
 His girth of love unbound.  
 Where men vexed problems found  
 His unbought service wound.  
  
 Blossoms we lay at his feet,  
 On his heart bright with hope  
 And big with good. We grope  
 In dusk; the dawn is sweet  
 He has won. How glad is he  
 Who has fought valiantly  
 For Christ's humanity.  
  
 O you who follow him,  
 Bear high his torch of right  
 Flaming to the peaks of light,  
 O you who follow him.

Mr. LEA of California took the chair as Speaker pro tempore.

Mr. CURRY. Mr. Speaker, again the angel of death has entered the ranks of the California delegation and this time has taken from our midst our friend and colleague, JOHN E. RAKER, who passed the border that separates time from eternity, at his apartments in the city of Washington on January 22 of this year. A congressional delegation accompanied his funeral cortège and he was buried January 31, 1926, at Susanville, Lassen County, Calif., in the midst of the magnificent mountains and forests and valleys of the Sierras, among the constituency he loved and had so ably represented for many years in the Halls of Congress.

From his early manhood JOHN E. RAKER was a leader of men. Among his many honors were being selected as grand master of the Odd Fellows, past master of his Masonic lodge, many times a delegate to the grand lodge, chairman of the Democratic State central committee, an influential delegate to many State conventions, and to a national convention of his party.

He was elected to serve the people as district attorney and as judge of the superior court of Modoc County and as a Representative in Congress from the second California district, which latter office he held from 1911 to the date of his untimely death. As a prosecutor he was fair to the public, but lenient to those who had taken the first erring step; as an advocate he was tireless and almost belligerent in defense of his client; as a councilor his advice was sound and dependable; as a judge he tempered justice with mercy; as a legislator he was a patriotic American, diligent in behalf of the interest of his constituents, his State, and his Nation. He knew the rules of the House, was ready in debate, and his arguments were based on accurate information and were eloquently presented.

San Francisco owes her right to use the water and power of her Hetch Hetchy Valley to his persistent and able efforts. He initiated the legislation that established the Mount Lassen National Park in his beloved Sierras and he had a very potent influence in shaping legislation on Immigration and Naturalization and on the Public Lands. He was an able, eloquent, militant, Christian statesman.

He and his beloved wife were married in their young manhood and womanhood and remained sweethearts to the end. As year succeeded year they became more and more in love with each other. He treated her with an undying affection and old-fashioned courtesy. She was a helpful companion and loving wife. Her high ideals and intelligent advice encouraged and assisted him in the battle of life. Together they achieved success and honor and made a host of true and loyal friends. He has bequeathed to her an unsullied name, an untarnished record, and sweet memories.

JOHN E. RAKER was a truly religious man. Religion is man's recognition of his dependence on and responsibility to God and of God's loving kindness. False religion depends on superstition, ignorance, intolerance, and fear. True religion is supported by reason, science, philosophy, and faith. Faith and love is the corner stone of all human and divine relationships. The family is maintained by faith and love; faith of the members of a family in each other; faith of the husband in the wife, the wife in the husband, and the children in their

parents, and all bound together by love. Business depends on faith in the integrity of obligations. The perpetuity of our Government depends on the faith of the people in its institutions and their militant love of liberty. And spiritual progress now and hereafter depends on faith in the Omnipotent Creator and Preserver of the Universe whom we call God, in a love that believes in and comprehends the fatherhood of God and the brotherhood of man, in a faith and love that is manifested by works.

JOHN E. RAKER had as unquestioning faith as that of the Patriarch Job, who said:

For I know that my Redeemer liveth and that He shall stand at the latter day upon the earth. And after my skin, even this body is destroyed, then without my flesh shall I see God, Whom I shall see for myself and mine eyes shall behold and not another, though my reins be consumed within me.

He has "fought the good fight of faith" and has entered into eternal life. We join with his beloved wife and bereaved relatives in their sorrow and mingle our tears with theirs in mourning, but we are comforted somewhat by the knowledge that he lived a good, conscientious, successful Christian life and "that a man's last day on earth is his birthday in eternity."

Out of the dusk a shadow, then a spark;  
 Out of the cloud a silence, then a lark;  
 Out of the heart a rapture, then a pain;  
 Out of the dead cold ashes, life again.

Mr. CURRY resumed the chair as Speaker pro tempore.

#### LEAVE TO EXTEND REMARKS

Mr. CARTER of California. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in the RECORD on the life and character of Mr. RAKER.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that all Members may be permitted to extend their remarks in the RECORD on the life and character of Mr. RAKER. Is there objection?

There was no objection.

#### ADJOURNMENT

The SPEAKER pro tempore. In accordance with the resolution heretofore adopted, the House will stand adjourned until to-morrow.

Accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Monday, April 19, 1926, at 12 o'clock noon.

### SENATE

MONDAY, April 19, 1926

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

Our gracious heavenly Father, we come into Thy presence this morning recognizing that goodness and mercy have been our portion. We ask that we may the better understand our obligations. Thou art sparing our lives and Thou art giving unto us responsibilities of great importance; and we therefore beseech Thee that this day shall make a record in the councils of the country that shall be for the glory of Thy name and the uplifting of the Nation in righteousness. We humbly ask in Jesus Christ's name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 5, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### ANNUAL MESSAGE OF PRESIDENT GENERAL MRS. ANTHONY WAYNE COOK, DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. GOFF. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, as a part of my remarks, the annual message of the president general, Mrs. Anthony Wayne Cook, of the Daughters of the American Revolution. This address was delivered this morning at the opening session of the Thirty-fifth Continental Congress held in Washington to-day.

Mrs. Cook stands for America at her best. She is the peer of any of the gentlewomen who have foregathered here with their fellow members and delegates from every State and Territory of this Union, including those chapters in foreign and distant lands. Her sympathies and her vision are as infinite as her graces and virtues are intellectual and cultivated. She and her compatriot members in this great society have achieved fame at an unusual and sacred place—the Anglo-Saxon fire-

side. Like all true-hearted American women, they possess tact without diplomacy, courtesy without servility, and frankness without abruptness.

This Nation to-day rests not on the material achievements of man but on the homes of our country, where Christianity and morality are made the maxims of youth, and where the family life is but a miniature of what the broader life of the world should be.

The women composing this historical society, Mr. President, are intensely American, and ever devotedly loyal to the great truths—the whole truth always—upon which our fathers and mothers have builded. They will guard the gates, and in these restless days down in the lower regions of turmoil, it is they, and they only, who can and will keep burning those ideals without which civilization yields and passes, and anarchy, red-handed anarchy, comes into its own.

I ask that the address of the president general be printed in the Record at this point.

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

The address is as follows:

ANNUAL MESSAGE OF THE PRESIDENT GENERAL, DAUGHTERS OF THE AMERICAN REVOLUTION, MRS. ANTHONY WAYNE COOK, DELIVERED AT THE OPENING SESSION OF THE THIRTY-FIFTH CONTINENTAL CONGRESS, HELD IN WASHINGTON, D. C., APRIL 19, 1926, AT THE NEW WASHINGTON AUDITORIUM

For the last time it is my duty, privilege, and pleasure to address the opening session of a continental congress as your president general. Mine has indeed been a happy time of service, overflowing with the joy of interested planning and successful fruition in all that has, during this period, pertained to the progress and development of our society. It has been a triennium of accomplishment, made possible because of unselfish and helpful counsel on the part of official associates and of members functioning through their individual chapters and States for the well-being of the society and through it in no small degree for the welfare of the Nation, the well-being of our fellow Americans, and in simple truth, I may add, of the world.

Such assemblies as this bring understanding and camaraderie and confirm the mutual faith and confidence which bind us together in ties not to be broken—ties of fealty to a common cause and devotion to a consummate ideal of service. Through those privileged to be present and to be of the congress, its spirit will be translated to the many thousands represented but not of our present fellowship. I, who so well know the fine mettle of our membership, am sure that those of us here present will with understanding, unfailing courtesy, and true *esprit de corps* graciously overlook the minor inconveniences which by chance or unavoidable oversight may temporarily be ours incident to the largest Continental Congress ever assembled in the history of our organization. Officially in attendance upon the floor of this auditorium this morning are delegates representing every State and Territory of the Union and those of chapters in distant and foreign lands. Some of you have journeyed literally thousands of miles by sea and land to participate in this congress. Not as one whom you have so signally honored, but as a coworker and associate in the cause, may I greet you and may I felicitate the Nation upon the spirit in which you have assembled for the sessions of this, the Thirty-fifth Continental Congress of the Daughters of the American Revolution.

The day is sacred to our purpose.

On such an April morning 151 years ago a New England countryside awoke to the alarm of a night-riding courier. Fearsome were the tidings. The soldiers of the King were coming. Dire and ominous events portended. Grim, purposeful men obeyed the summons and assembled in arms on Lexington Common under command of a great, tall, man, their captain—one who had seen service in the French wars. They were but seventy. The odds against them were great, but their inflexible purpose was greater. Needless was the leader's warning, "I will order the first man shot who runs away." No cravens, no Iscariots had answered Paul Revere's call that April morning!

The world knows the story. While human hearts are attuned to sentiments of patriotism, while human aspiration seeks loftier heights, that story can not fade. "In the sacred cause of God and their country" those doughty Colonials stood fast and "fired the shot heard around the world." A stone memorial, "Sacred to liberty and the rights of mankind," records their names and valor, and a mighty nation, dedicated to liberty and justice, is the living memorial of their devotion. Truly, "no man can suffer too much, and no man can fall too soon, if he suffer and if he fall in the defense of his country's liberty."

To-day we are assembled in the Capital of the Republic made possible by that sacrifice. We are—many of us—descendants of those "embattled farmers" whose blood crimsoned Lexington green that April morning long ago. The martyr patriots of 1775 fought valiantly and died sublimely that they might prove their undying convictions. Because of their courage and devotion the principles of Anglo-Saxon

liberty and justice were not overborne, and liberty was proclaimed "throughout the land and unto all the inhabitants thereof."

We who are privileged to enjoy in security the manifold blessings of life in a land where law is administered with equality and with the consent of the governed should appraise it a sacred duty and our highest privilege to revere this day, April 19, and to admonish those who are to come after to enshrine it in sacred memory.

This year, the one hundred and fifty-first anniversary of Lexington and Concord, and the one hundred and forty-fifth commemoration of the surrender of Lord Cornwallis at Yorktown, is the thirty-fifth anniversary of the founding of the Daughters of the American Revolution as a national organization. Thirty-five years by way of contrast is but a brief span, yet what an astounding era of growth and accomplishment it is our proud privilege to chronicle.

The Daughters of the American Revolution are the Nation's greatest organized feminine group—an acknowledged asset in maintaining patriotic ideals and those helpful, law-abiding endeavors which contribute to the well-being of the individual and to the stability and stamina of the Nation. In this April, 1926, while we so justly rejoice in our well-earned place in the sun of American civic, patriotic, and educational achievement, let us remember in grateful reverence the organizers and charter members of our great society. Their untiring enthusiasm, their great vision, their brilliant, zealous effort, and the fortitude and disinterested purposes of those upon whom devolved the executive direction of the society during its formative years, laid broad and sure foundations upon which those who have come after have been privileged to build. Their faith, their hope, their courage, their vision, their judgment, their sublime confidence, and the righteousness of the causes they advocated were and are a never-failing source of inspiration to those of us who are now and those who may hereafter be intrusted with the duty, responsibility, and high privilege of leadership.

I am sure we all share a poignant regret that our beloved and patriotic shrine, Memorial Continental Hall, is no longer adequate to house our annual meetings. Yet, with this entirely appropriate feeling there is the compensatory congratulation that the growth which has overtaxed the facilities of our stately hall is in itself a thing in which we may all take joyful and thankful pride. Our good work is prospering and going on far in excess of even the most sanguine hopes of the founders.

No society can attain its highest development nor approximate its ideal of service unless it plans deliberately and definitely to include within its ranks the ultimate member. As individual members and as an organized group, then, it is incumbent that we omit no effort to enroll that ultimate member. To be a member of the Daughters of the American Revolution is to be allied with definitely constructive forces—forces striving to develop the highest and most responsive citizenship and to preserve under proper conditions those immemorial principles of personal and political liberty proclaimed in the Declaration of Independence and vouchsafed to every law-abiding citizen by the Constitution of the United States.

I can conceive of no greater privilege, nor can I envision greater opportunity for service.

In appraising the present and in forecasting the future of our own lives and the career of our society, let us consider the thought expressed in this ancient Sanscrit salutation to the Dawn:

For yesterday is but a dream  
And to-morrow is only a vision,  
But to-day well lived  
Makes every yesterday a dream of happiness  
And every to-morrow a vision of hope.

As to new problems and responsibilities that may present themselves, I believe it is sometimes not unprofitable to face a future for which we have not carefully planned in advance—to be brought, if I may so phrase it, to the very borderland of a "promised land" to enter upon and to possess which we must travel an uncharted course. Such efforts develop initiative and leadership. From them not infrequently come our happiest visions. Such experiences, too, almost invariably prove to be unfailing wellsprings of prudence and wisdom.

As an organization we have been a potent force in our land in the formation of public opinion, largely because we have been steadfast in our advocacy of sterling principles and have never swerved from the path of common sense or been influenced by the lure of false beacons which might have misdirected our energies. Let us continue our endorsement of that which is worth while in our national life, but let us refrain from giving this advocacy too lightly, too unadvisedly, or too frequently, lest, with its emphasis dulled, it loses its power and fail of its purpose. Particularly would I urge that the delegates and alternates be mindful of this suggestion during this congress when the pressure for indorsement will be insistent.

A most significant, and in its effect most far-reaching, activity in consonance with the ideals and purposes of our society are the annual oratorical contests held each June and open to friendly competition of high-school youth with the Federal Constitution as subject matter.

Originated and managed by Mr. Randolph Leigh, generously assisted by the cooperation of the newspapers of the country, these contests are making a profound impression for good upon teachers, pupils, and the public at large. This activity, I am sure, typifies one of the most helpful realizations of the dignity and essential worthiness of our institutions of democratic government that has enlisted our interest since the World War. It was a proud distinction conferred upon our society that the first of the "finals" for the award of national honors in this notable competition was staged in our historic Memorial Continental Hall three years ago next June.

Most appropriately the new auditorium to be erected by our society because of such a pressing need is, with the sanction and approval of this congress, to be named Constitution Hall.

This edifice is to stand as an enduring testimonial of the faith of the Daughters of the American Revolution in the soundness, virtue, and essential completeness of the Federal Constitution. I am confident that I voice the sentiment of our society and this congress in hoping that, upon its completion, Constitution Hall may serve as the forum for many future contests with the Federal Constitution as the theme.

Constitution Hall is to complement Memorial Continental Hall, our first national headquarters in the National Capital. Contributions, bequests, and the sale of bonds have assembled a fund of such proportions that it is now prudent that immediate steps be taken to realize our vision. I am most happy to announce that immediately following this morning's session the congress is to march to the site, in the rear of Memorial Continental Hall and the administration building, where it will dedicate the ground upon which our new auditorium is to be erected.

It is fitting and eminently appropriate that in so doing we consider the name chosen for this structure and its peculiar aptness in relation to the purposes and ideals of our society.

Constitution Hall is intended to serve as the eternal protest of the patriotic women of America against destructive attacks on the Federal Constitution. The Constitution is the direct result of the War for Independence. It is the Declaration of Independence written into organic law—the charter of American liberties. It came into existence after bitter experience had proved the futility and potential tragedy of loose confederation. Based upon careful adaptations from the State constitutions then in fairly successful function, the conferees of the Constitutional Convention evolved a system of balances and checks that mark the American Constitution as without a peer among the state papers of all time. Against the Constitution tempests of political strife, emotion, and passion have beaten in vain. It has withstood every test of time and circumstance. Its principles should be held inviolate. Such modifications and expansions of it as the growth of the Nation and the natural evolution of our system of government make necessary should be framed in harmony with the spirit of the original. It should be jealously guarded against radical attacks and attempts at subversion of its fundamentals, the inherent constituents of this great instrument of democratic government.

It is our desire, too, that Constitution Hall symbolize the belief of the Daughters of the American Revolution that we have not outgrown the Constitution. That it is neither archaic nor outworn. May that stately edifice impress upon all who look upon it the conviction that the Federal Constitution, notwithstanding all the good it has accomplished as an exemplar of free institutions, has not served its full purpose in the world; that it has yet before it a far and a fair goal, to be attained not by frequent change and amendment but through steadfast adherence to the principles laid down by its framers.

Let us recall the memorable words of Benjamin Franklin, spoken on the floor of the Constitutional Convention just before the vote adopting the finished work. Said he:

"Much of the strength and efficiency of any government in procuring and securing happiness to the people depends upon opinion, on the general opinion of the goodness of that government, as well as of the wisdom and integrity of its governors. I hope, therefore, for our own sakes, as a part of the people and for the sake of our posterity, that we shall act heartily and unanimously in recommending this Constitution wherever our influence may extend and turn our future thoughts and endeavors to the means of having it well administered."

With equal truth and to a like worthy purpose might our leaders to-day admonish us.

There should not be a high school, college, or university in this country that neglects to offer an inspiring, ably presented, prescribed course of study in citizenship and government. The enemies of our institutions have always recruited their ranks from among those ignorant of the true meaning of the principles of justice, liberty, and equality under law—the cardinal tenets of our national confession of political faith. As Daughters of the American Revolution it is our high privilege to serve as sentries, guarding the Nation against such peril from within; to foster and to protect and to pass on unimpaired the sacred heritage bequeathed us in the Declaration of Independence and the Federal Constitution.

Moreover, the time is at hand to inquire searchingly if business and industry, education, and government can withstand indefinitely the studied and unremitting assaults that result from loose thinking and

thinly disguised socialistic teaching in the schools and colleges of the country. If we fail to shield our young people from these false lights; if we fail to warn them against these will-o'-the-wisps, are we not neglecting our duties as parents and elders responsible for the education, character building, and citizenship of our children? This is something, fellow members, we can not and must not overlook.

The responsibility is ours to insist—to see to it—that the colleges and schools faithfully present facts of history and government in the United States and inculcate both a reverence for truth and a proper understanding and appreciation of the high destiny for which the Republic was founded.

I hope, too, as I have previously declared, that the time will not be long postponed when the coming into the full estate of citizenship—its rights, duties, and privileges—on the part both of the native-born and the naturalized, may be fittingly observed as an event of high significance in the life of the individual and one of equal importance to the welfare of the Nation.

Proponents of radical doctrines are alert and adroit in their attempts to make our schools and the textbooks of history read by the school children of the country vehicles for propaganda in support of their pestilential theories.

We, of America, are justly proud that we live under a government which gives us greater freedom than that of any other nation in the world. A government which is giving men and women political equality and advantages such as can be obtained nowhere else in Christendom. A government where the youth of our land are heirs to life, liberty, and happiness. A government whose enduring pride it is that the children of the most obscure parentage, through their own merit and the medium of that great instrument of democracy, the public-school system of America, are enabled to rise to positions of power and trust, responsibility and attainment.

We would be poor citizens indeed if we should stand in the way to-day of any honest efforts which are being made by governments or by individuals to reach a common understanding of world problems or of those reconstructive measures which are likely to bring about world peace and prosperity. But, in my opinion, it behooves us to beware of the disloyal pacifist dreamer who desires a hearing before our church circles, our home and school organizations, or our club organizations with the plea, "I am sure you will be open-minded enough to hear both sides of the story—to have a forum, as it were, expressive of current opinion." Almost invariably you will find that you have let yourself in for an eloquent, skillful propagandist who will presently try to sweep you off your feet into passing a resolution stressing some specific plan which your good common sense warns you against, but which you do not oppose, either because you dislike to be conspicuous in your opposition or that it does not seem quite courteous to be at an absolute variance with the stranger guest within your midst.

To what purpose are such deliberate misrepresentations presented to our school children in the guise of historical facts, do I hear you ask? To intentionally distort the traditions of American heroism and patriotism; to make mockery and derision of the high motives and purposes of the patriots, thereby to destroy the natural instinct of veneration in every youthful American heart for the ideals and principles of the Republic and its institutions.

At this juncture in our national life we would do well to heed the admonition of General Washington to his officers upon the eve of one of the great pivotal crises of the Revolutionary War:

"Put none but Americans on guard!"

Let that be the watchword. Let that be the test of fitness for those who are to choose textbooks for the instruction of our school children. Only by this precaution shall we disarm the enemy within the citadel!

With most commendable purpose the American Legion, in splendid cooperation with 32 other patriotic societies, has prepared a two-volume textbook of American history for public-school children throughout the country. This work is called *The Story of Our American People*. No effort has been omitted to make its presentation entirely truthful and nationally acceptable. Perfection, to be sure, is not claimed for it, but none the less it is a practical approach to the attainable. It is designed to prevent sectional distrusts and misconceptions, to present an accurate survey and a just appraisal of our institutions, to foster faith in the purposes and ideals of our Government, to inculcate belief in its sincerity, to instill patriotism and unswerving loyalty to our United States.

The American Historical Association is likewise doing noteworthy work in fostering historical research and in assisting in the collection of source papers and historical documents—landmarks of American history. These are being properly safeguarded and placed in designated libraries, statehouses, courthouses, and museums. Thus historical truth is at once safeguarded against loss and decay and made easily attainable to the student. A praiseworthy purpose this—for truth shall keep us free!

The statement has been made recently that because of the flood of cheap literature which has inundated the land our young people's literary appetites have been so stultified that they are incapable of reading through to its conclusion a really worth-while book. Perhaps the

remedy lies not alone in the judicious suppression of harmful reading matter or in a censorship over the press, but rather in the erection and maintenance of more public libraries which shall make accessible and attractive to our young people that type of helpful, beneficial adventure in fiction, history, and biography which they demand from books just as they crave it from life. A library often is a place where the spirit finds rest and refuge from the weariness of the workaday world, but it is more than that if it is properly used. It may become a place of mental recreation, a healthful playground for the fancy, a sanctuary where the living may commune with the choicest thoughts of those whose memories will never die—a school, and one of the best ever devised by the ingenuity of mankind. Let us have more of the right kind of books in a greater number of libraries all over this United States. Books in libraries where the librarians are imbued with the desire and the necessary feeling of responsibility to help make loyal, patriotic citizens out of the youth of to-day.

If America is to hold leadership in the world; if America is to meet and solve her domestic and internal problems, more thought must be given to public education. And a more generous policy must be pursued in appropriating funds for the building and equipping of schools and for the payment of salaries commensurate to the invaluable service rendered by teachers in the public schools—those to whom is entrusted the most vitally responsible function in government—the training of the future citizen of the Republic. It is indeed a far cry to the covered wagon of the pioneer, yet in all too many rural sections school facilities and equipment and teachers' salaries are but little in advance of what they were in the primitive days.

America will endure just so long as its public schools worthily endure. Democracy requires high intelligence and improved educational standards if it is to achieve its highest promise. The last, best hope, then, of America is the public school. School taxes, therefore, let us pay gladly and without stint. Let the paring knife of economy be applied here but sparingly.

From our earliest times the school and the church have been landmarks of American progress and prosperity. Our generation must not prove derelict in its responsibility to train the mind, health, and character of our young people through educational and religious training. Only thus may they be equipped to cope with the rapidly changing demands of modern life and thought. Let us not forget that for the highest type of citizen we are quite as dependent upon character as upon education.

Daughters of the American Revolution are continuing with more vigor and effectiveness than ever before their organized effort to bring new vision and the advantages of education and a recreated environment to that splendid strain of pure American stock resident in our southern mountains, until but recently debarred by isolation and natural barriers from contact with the rest of the country. Success has as well crowned our educational efforts in other sections. Loan scholarships have been made available to students in the colleges and universities of an increasing number of States, and the funds necessary have been raised for two girls' dormitories—one by the Massachusetts Daughters, at the American International College at Springfield, Mass., and the other by the National Society and Ohio Daughters, at Oxford College, Ohio, as a memorial to Caroline Scott Harrison, the first president general of our society.

The Bible was the book of books in the lives of the early settlers of America and of the founders of the Republic. "It was in a very real sense the great charter of all their liberties in the intellectual and political world, no less than in their moral and social." A Continental Congress representing in its assembly the people of all the Colonies went upon record as to their faith in it by indorsing a resolution to "import 20,000 Bibles from Holland, Scotland, or elsewhere into the different parts of the Union," upon the recommendation of its Committee of Commerce that "the use of the Bible is so universal and its importance so great."

If, as President Coolidge says, "We desire to be supremely American we must search out and think the thoughts of those who established our institutions. The education which made them must not be divorced from the education which is to make us." If, as we all profoundly hope, the Bible is to continue to be "the textbook of all spiritual education," I am persuaded it must be read daily, without sectarian comment, in all our schools. The Bible is not read enough. But for it in all likelihood there would have been but little reading among Christian people—no books, no magazines, no schools—for the translation of the Bible into the living languages was first responsible for a more universal desire to learn the art of reading. Reading the Bible daily, without sectarian comment, in my earnest opinion should never have been banished from certain of our public schools by law. A reverent reading of it—such as once prevailed—should be returned to the curriculum of the public schools. The eternal verities of the Bible should be instilled into the consciousness of every school child. With all our wealth; with all our marvelous achievements in applied science; with all our accumulated wisdom we must not forget—we of America—that that which the hands may handle is of the earth, earthy, but that which is of the spirit is everlasting.

Variety of racial strain has developed in America a truly remarkable people—strong, vigorous, and virtuous—and notwithstanding the pessimistic viewpoint of certain of their elders with respect to our young folk, there are finer possibilities than ever before in the youth of to-day. Each generation, to be sure, looks askance upon its young folk, convinced that they are doomed to dire misfortunes and downright ruin, and yet the world continues all the while to grow better and to become a finer and a kindlier place in which to live.

Our greatest potential asset as a nation is not alone in our wealth and natural resources, priceless as they are, but in the youth of our country.

Rather than continually searching out what's wrong with our young people, might it not richly repay our investigation to inquire what's right with the young folk and what's wrong with the elders? I think so. The youth of to-day is the leader of to-morrow. Why not face the facts? They are venturing forth gallantly, as youth has done since the world began, in quest of a promised land of ideals and dreams. What help and guidance are we giving them? Vain caviling and querulous nagging—or inspirational leadership? Too much, quite, of the former and not nearly enough of the latter, I suspect. Perhaps we but reflect our own inferiorities, limitations, shortcomings, and failures. I wonder sometimes, too, if we have kept faith with our homes.

Home making and home-keeping constitute the greatest business in the wide world. They are primarily woman's business. Love is its first requisite—then infinite patience and time—time spent in the home; time to bring back to it the essentials of religion and of character building that should never have been permitted to escape from its sacred precincts; time for the children, their lessons, their associates, their reading, their amusements; time to set the right sort of example; time intelligently to widen the home horizon so that its inmates may not be unduly hampered by restrictions, but may look upon the home as an attractive haven, a bit of beauty and light and pleasure; time to make the home the place of refuge, comfort, and inspiration which God intended it to be, the sort of place—please God—it shall continue to be through a renewed zeal and consecration of the fathers and mothers of America. Let us have less rush and hurly-burly and distraction and more time for real living, and, I am convinced, we shall have better homes and young folk more content with them and happier in them.

Preeminent among the needs of the day is a renewed pledge of fealty to the ideals for which our hero dead have given their lives—if the principles of humanity, justice, freedom, and law observance are to prevail in the world. We of America are on trial. It is for us to show the world that freedom comes only through obedience.

In America we are at the crossroads as to law enforcement. There can be no negative conduct in relation to this great issue; for all conduct is positive. We are either for or we are against law observance and law enforcement. Let us search our hearts and ask ourselves: Do our lives exemplify the professions of our lips? We must face this fact squarely. We must understand that the actions of each day answer for us this question and have a very definite effect upon the national life of our day and time. Let it be understood that we can not pick and choose from among the laws those we will obey and those we will nullify in personal conduct.

Based upon a nation-wide survey conducted during my three-year term of service now coming to a close, it is my deliberate opinion that the people of America will never repeal the eighteenth amendment. Nor do I think we should. I am rather steadfast in the opinion that as Daughters of the American Revolution—members of the largest women's patriotic organization in the country—we should pledge ourselves not only to do whatsoever we can to prevent the repeal of the amendment, but to do our utmost by precept and example to aid and assist in its observance and enforcement. Let me remind you that our Union, that our present security and progress are predicated upon loyalty to the law and obedience of the law—not only lip service but daily action.

A welter of words and controversial claims are advanced by opponents and proponents of the amendment, but a statement compiled by insurance statisticians, neither advocates nor opponents but impartial fact finders, is significant. In 1917 the death rate among policyholders from alcoholism was 4.9 per cent for each 100,000. Five years later it was but 0.9 per cent, with the death rate due to such ailments as Bright's and heart disease—both indicated in alcoholics—showing a corresponding decline.

Moreover, all candid folk, whether friends or opponents of the amendment, must agree that the increased purchasing power of the public, so general since the war, has in no small degree been due to the amendment. Tremendous sums of money once spent for liquor have gone into other expenditures contributing to the greater happiness, comfort, and well-being of the national community. It is equally a matter of common knowledge that law enforcement without a militant public sentiment in support of it is impossible. The community, after all, is the basis of the Government, and law can never be administered by government alone. The individual—you and I—must insure honest and loyal respect for law by assuming the full responsibility of good

citizens in putting the law into effect. I am convinced that as a nation we are about to do this completely, enthusiastically, and successfully. I am persuaded, moreover, that the American people have not lost their distinguishing virtue, love of fair play, and the square deal; and that they will neither surrender nor retreat!

Thrift has long been esteemed an American virtue. The World War gave the old idea a new significance and a new urge, and restressed a fact we seemed in danger of forgetting—that reckless and heedless spending is unintelligent. Daughters of the American Revolution are thoroughly committed to the opinion that as a nation and people we must earn, use, and conserve with judgment, economy, and thrift if we are to realize the utmost that is desirable in comfort, happiness, and financial independence. Such a practice will tend not only toward present prosperity and future protection but will provide against the tragedy of dependence and want.

By happy circumstance the week of our congress is coincident with "Tree conservation week," a campaign which continues to enlist the earnest support of our membership. Ably assisted by the generosity and valuable professional services of Mr. MARTIN L. DAVEY and his corps of expert tree-life savers Daughters of the American Revolution are saving to posterity at least one historic tree each year. This is a work in every way worthy of our continued interest, one which we hope may be extended and broadened in its scope.

Since the first America has been a staunch advocate of world peace. Daughters of the American Revolution are steadfast in the belief that while it is the manifest duty of every citizen to foster the cause of peace, both at home and abroad, it is nothing short of supremest folly and criminal negligence to fail or to neglect to see to it that our national defense is at all times entirely adequate to cope with any untoward emergency. This, we believe, is an all-inclusive insurance, entirely prudent and commendable. Our Army and Navy and air defense should at all times be so sufficient as to equipment and so efficient as to training as to form a protective nucleus capable of rapid expansion in time of need. In the memorable words of Daniel Webster let me remind you that "God grants liberty only to those who love it and who are always ready to guard and defend it." Through adequate preparedness shall we best contribute to the peace of the world, keep faith with those who sleep in Flanders and its kindred battle fields and righteously maintain the strength and glory of this Republic.

Daughters of the American Revolution have given a strong impetus to the preservation of the Nation's vital records—historical documents and papers. As a result of our patient, careful research, authentic visualization is given the interesting and inspiring life histories and heroic deeds of the past.

Due to the foresight and effort of our organization, those who travel over the historic trails and highways of the country may read with interest and pride the annals of our early days. Monuments and markers preserve for the traveler the storied tradition. Historic sites and famous old houses have been determined and permanently marked by various States and chapters. In the vast open areas of the West as well as in the more densely populated East the old pioneer trails and landmarks are being preserved and their stories of daring and hardship and heroism made part and parcel of the great American tradition. This activity will assist in keeping alive a splendid concept of the self-denial, love of liberty, and righteousness which inspired those who had a part in the winning, the making, and the preservation of the American Union.

As Daughters of the American Revolution, ours is a proud heritage from our patriot ancestors of Revolutionary days.

How best may we prove ourselves worthy descendants?

Shall it not be in contributing our utmost toward a better citizenship and a greater America—an America fearlessly maintained, valiantly defended and protected from the clutching, blood-lustful hand of the anarchist, an America cherishing by active law observance and the maintenance of Christian ideals, the great principles of democracy and constitutional government—principles upon which our Republic was founded and upon which it had so magnificently endured?

On this day, reminiscent of Lexington and Concord, if our faith in the high purpose of our national ideals has weakened or wavered let the recollection of the courage and devotion of the men of 1775 teach us anew that "an ideal vowed is never lost." May we draw an inspiration from that recollection to reconsecrate ourselves to the observance of the law, both in spirit and in deed. May we not only resolve to be but in very truth become worthy citizens, united in efforts to make our communities the dynamic units of self-government they were intended to be, and can become with a definite purpose and will to perform on your part and mine.

In speculating upon the ultimate growth, progress, and destiny of our national society, let us remember that most of our undertakings are purposely and quite invariably continuing purposes. From their very nature they take on more and more concrete form as they develop and broaden in scope and usefulness. I trust that our civic and patriotic program will never become entirely fixed. Rather let it always be larger than city, State, or section, yet flexible enough to be adaptable to time, circumstance, locality, State or National need.

As individuals and as an organization we believe in the fundamental soundness of the social, economic, religious, and educational life of America. We have trust and confidence in the men and women called to leadership in its national and communal activities. We have an abiding faith in the great heart of the American people. We believe in the permanence of the American Government because of its justice and fairness in assuring to its "citizens both the right and the opportunity to improve their personal condition." And we believe in the institutions of America so admirably calculated to conserve the life, the liberty, the happiness, and the property of the American citizen.

When we behold the emblem of our country, the flag of the greatest Nation in the world to-day, let us resolve, as did our Revolutionary forefathers, that it shall ever wave over a free and liberty-loving people; that it shall ever represent the highest ideals of manhood, the loftiest standards of womanhood, the purest principles of social democracy. May its folds, blessed by Almighty God and glorified by the blood of patriots ever hold aloft the torch of freedom as a beacon light guiding mankind in its struggles for human freedom and human advancement.

Now and always it is my hope and my prayer for our beloved society that God will give each of us some share in working out His eternal purpose; that He will fill our weakness with His strength; that He will touch our hearts with His divine love; that He will direct our footsteps—keep us in ways that are wise and happy and teach us to hold fast the time-tested ideals cherished by our forefathers. May we ever be mindful that it is our duty righteously to defend the rights they maintained and bequeathed to us at so great a cost and so tremendous a sacrifice. Moreover, I pray that He will help us constantly to develop new resources of mind and spirit, so that we may be broadly visioned and generous to our neighbor's point of view. Bless us, that we may grow in Thy knowledge and power, and enable us as members and as an organization to render now and in the years that are to come a finer, a better service than it has been ours in the past to perform. Grant this, Dear Lord, I reverently ask, for Thy Name's sake. Amen.

#### THE TRANSPORTATION PROBLEM

Mr. HARRISON. Mr. President, I ask unanimous consent to have inserted in the RECORD an address delivered by the senior Senator from Arkansas [Mr. ROBINSON] on the 15th instant, in New York City, before the National Council of Traveling Salesmen's Associations.

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

ADDRESS OF HON. JOSEPH T. ROBINSON, OF ARKANSAS, AT THE BIGGER AND BETTER BUSINESS DINNER OF THE ASSOCIATE DIVISION OF THE NATIONAL COUNCIL OF TRAVELING SALESMEN'S ASSOCIATIONS, HOTEL PENNSYLVANIA, NEW YORK, APRIL 15, 1926

#### SOME PHASES OF THE TRANSPORTATION PROBLEM

Senator ROBINSON spoke as follows:

"Notable as have been the changes during recent years in the commercial and industrial institutions of the United States, they have in no degree impaired the effectiveness or diminished the value of skillful salesmanship. The most intelligent survey of prospective conditions yields no indication that the business of the commercial traveler will soon become obsolete or decline substantially in importance. The constantly increasing complexity of living conditions, particularly in the centers of population, seem to assure that his services will be augmented both in value and influence.

#### THE TRANSPORTATION PROBLEM

"The relation of transportation to public comfort and prosperity is readily discerned. The public health and safety are inseparable from the prompt distribution of agricultural and manufactured products. Despite the employment of new agencies for the carriage of goods and passengers, such as the automobile, the motor truck, and the airplane, railroads are destined to continue to be the principal instrumentalities through which the surplus products of various communities may be filtered into the places where they are demanded. If railway operations should suddenly cease, millions would immediately suffer discomfort, and within less than 30 days be reduced to poverty and hunger.

"It follows that sound public policy not only justifies, but requires that the railways be safeguarded against undue impairment of earnings, and that whatever adjustments in the form of reductions in charges for the carriage of freight and passengers are effected, should be made with proper consideration for the general public interest, which requires prompt and adequate railroad service. Nevertheless, excessive and unjust rates are destructive of enterprise and prevent development. Any policy intended to strengthen the credit of railway securities without due regard to the relation between the charges imposed and the effectual distribution of commodities in response to the law of supply and demand, will in the end defeat its own purpose and result in reducing, rather than in increasing earnings.

## "RAILROAD EARNINGS

"While railway earnings, in an address appropriate to this occasion, can not be discussed in detail, some facts of outstanding prominence may be mentioned. The total mileage in the United States of class 1 roads increased in 1925 over 1924 by only 656 miles, which implies almost complete suspension of construction. This slowing-up process may be attributed to a combination of causes, but is chiefly ascribed to changes in public policy—stricter governmental regulation designed to eliminate new railroad enterprises of doubtful necessity or questionable earning power.

"With respect to class 1 roads, freight revenues for 1925 aggregated \$4,553,065,290, as compared with \$4,349,036,142 for 1924, an increase of \$204,029,148. There appears to have been a slight decline in passenger earnings for 1925 over 1924, the figures for the first year being \$1,055,913,165, as against \$1,076,688,006, a reduction of \$20,774,841.

"The railway operating revenues, which include freight, passenger, mail, express, all other transportation, incidental and joint facility, total \$6,186,608,567 for 1925, whereas for 1924 they were \$5,987,662,226. Thus it appears that the railway operating revenues increased \$198,946,341.

"The 'Net railway operating income' for 1924 and 1925, respectively, was \$986,017,759 and \$1,136,984,243, representing an increase of \$150,966,484.

"It is important here to note that the revenues for 1925 from the sleeping and parlor car surcharge amounted to \$39,841,433, contrasted with \$37,025,417 for 1924, an increase of \$2,816,016.

"It may be admitted that the proper conclusions to be drawn from these figures, as to the elimination of the surcharge, from the standpoint of railway earnings, are affected with numerous considerations and arguments which for brevity's sake may not be here completely discussed. On the whole case it is clear that even if the discontinuance of the Pullman surcharge should result in material loss of revenues to class 1 roads, such discontinuance may be warranted as a measure of justice and as a means of stimulating travel on railways.

## "INTERCHANGEABLE MILEAGE OR SCRIP COUPON BOOKS

"Traveling salesmen and others who frequently contribute to railway passenger revenues sought in 1922 to compel by act of Congress the issuance by class 1 roads of interchangeable mileage or scrip coupon tickets at reduced rates. The history of this legislation is probably familiar to my hearers.

"The statute originated in the agitation for a form of reduced fares and the bill, as first presented, vested no discretion in the Interstate Commerce Commission.

"It was amended, however, so as to direct the commission to require the railroads subject to the act to issue such mileage or scrip-coupon tickets at just and reasonable rates and in such denominations as the commission might prescribe. This amendment was justified by its proponents on the ground that the Supreme Court of the United States had decided, in the case of *Lake Shore & Michigan Southern Railway Co. v. Smith* (April 17, 1899, 173 U. S. p. 684), that such legislation is discriminatory and constitutes a violation of the provisions in the Federal Constitution forbidding the taking of property without due process of law and denying the equal protection of the laws. The Lake Shore case did not involve an act of Congress. It held void, however, a statute of Michigan which required the railroad company to issue 1,000-mile tickets at a price below the maximum passenger fare authorized by law. The court said:

"Whether an act of this nature shall be passed or not is not a matter of policy to be decided by the legislature. It is a matter of right of the company to carry on and manage its concerns subject to the general law applicable to all, which the legislature may enact in the legal exercise of its power to legislate in regard to persons and things within its jurisdiction."

"In the case involving the Michigan statute the court discussed the voluntary issuance by railroads of interchangeable mileage tickets at reduced rates, and said:

"It is no answer to the objection to this legislation to say that the company has voluntarily sold 1,000-mile tickets good for a year from the time of their sale. What the company may choose voluntarily to do furnishes no criterion for the measurement of the power of the legislature. Persons may voluntarily contract to do what no legislature would have the right to compel them to do. Nor does it furnish a standard by which to measure the reasonableness of the matter enacted by the legislature." \*

"The amendment vesting discretion in the Interstate Commerce Commission was adopted in an effort to avoid the question of constitutionality which arose under the bill in its original form.

"The Interstate Commerce Commission, proceeding under the act directing that the railroads be required to issue mileage or scrip coupon tickets at just and reasonable rates, had hearings which lasted for several weeks and made findings of fact which proved fatal to their own decision that the rates resulting from a reduction of 20 per cent would be 'just and reasonable for this class of travel.'

"The railroad companies filed a bill in equity March 6, 1923, alleging that the order of the commission violated the fifth amendment and was inconsistent with section 2 of the interstate commerce act, requiring like charges for like service in similar circumstances. It was also claimed that the order was inconsistent with section 3 of the interstate commerce act, forbidding unreasonable preferences; and with section 15a of the transportation act, authorizing the commission to establish rates for rate groups that will earn a fair return upon the aggregate value of the property used in transportation.

"The Supreme Court said in part:

"The commission in its report pointed out that the net railway operating income for the seven months ended July 31, 1922, was below the return fixed as reasonable, discarded the supposed analogy between the carload rate and the interchangeable scrip of mileage ticket, intimated that the supposed benefit that the carrier might get from the advance use of the money would be more than offset by the increased expenses, and said that the question whether the scrip ticket would stimulate travel sufficiently to meet any loss that might result must remain a matter of speculation until an experiment was made."

"The court held that as a matter of law, considering the facts announced by the commission, the order constituted an abuse of discretion, and said:

"After thus excluding the grounds upon which the order could be justified, the commission held that the obvious spirit and apparent purpose of the law required that the experiment should be tried, and on these premises declared that the rates resulting from the reduction of 20 per cent would be 'just and reasonable for this class of travel.' It seems to us plain that the commission was not prepared to make its order on independent grounds apart from the deference naturally paid to the supposed wishes of Congress. But we think that it erred in reading the wishes that originated the statute as an effective term of the statute that was passed, and therefore that the present order can not stand." (U. S. v. New York Central R. R. Co., 263 U. S. pp. 603-611.)

"Thus the Lake Shore case, decided in 1899, rendered doubtful the power of Congress to compel the issuance of mileage or scrip coupon tickets at less than the regular passenger rates; and the New York Central case, decided June 21, 1924, held that the order of the commission directing the issuance of scrip coupon tickets at a reduction of 20 per cent was not enforceable, because of the absence of facts which would justify such an order.

"It is apparent that before you can secure benefits from the act of 1922, requiring mileage or scrip coupon tickets, the Interstate Commerce Commission must be convinced that the conditions which existed March 6, 1923, when its order was made, have materially changed. That, under the facts at a new hearing, no substantial loss in revenues would result from the issuance of mileage or scrip coupon tickets, because offset by increased travel, or that the earnings, present and prospective, justify the reduced rate recommended, even though material loss may result. It is to me doubtful, even under the decision in the late case referred to, whether it is necessary to show that no loss in revenue would result, provided the commission should find other facts upon which to base the conclusion that the issuance of mileage or scrip coupon tickets at reduced rates would constitute just and reasonable rates, inasmuch as the mileage book statute was passed after the transportation act and may, therefore, be considered as having modified the provisions of the latter as to what constitutes a fair return.

## SOME REASONS FOR ELIMINATING THE SURCHARGE

"If business is to receive the encouragement and stimulus which we believe will result from reduced fares to traveling salesmen, the end may be more speedily accomplished through forbidding the collection of the surcharge rather than by new proceedings, either legislative or judicial, with respect to mileage or scrip. Prompted by your representatives, and convinced that the legislation is both fair and necessary, I have introduced and the Senate has passed on two separate occasions a bill to eliminate the Pullman surcharge. The measure was first passed through the Senate without discussion and by general consent. On the second occasion the whole subject was gone into. The vote by which the bill carried was overwhelming.

"In the House no action was seriously attempted with respect to the measure the first time the Senate passed it. The bill was pigeonholed in committee. The House Committee on Interstate Commerce was so constituted that it was impossible to secure favorable action. The members of the committee were so decisive in their opposition that the greatest difficulty was encountered in forcing any consideration. At last, however, arrangements were effected by which a vote in the House was taken. The most powerful lobby I have seen during 25 years congressional experience appeared to fight the measure. Railroad lawyers, special agents, and trained lobbyists mobilized in the Capitol from every part of the United States and urged reasons—many of them fallacious and absurd—for the defeat of the bill.

"It was said that the first need is for the reduction of freight rates. The champions of farm organizations were prompted to join their resistance with that of the lobby, on the theory that farmers would

soon be able to secure the advantages of reduced rates on their products if the Pullman surcharge were retained. Experience has shown the insincerity of this ground of opposition, because no notable reduction of freight rates has occurred or is in prospect.

"Again, it is claimed that the surcharge is based on a 'luxurious service' for which the plutocratic beneficiaries can well afford to pay an extra charge.

"Sleeping cars are just as necessary to the comfort of travelers as are hotels and restaurants. One is indeed hard driven for an argument who finds it necessary to contend that a passenger who spends a night in a Pullman berth enjoys an extraordinary benefit for which he should be required to pay as for a luxury.

"Labor leaders were induced to join the opposition on the ground that the surcharge repeal might prove the first step in a policy of reducing revenues to such an extent that increased wages would become impossible and reductions in pay would be threatened.

"These are illustrative of the grounds on which the lobby encompassed the defeat of the bill and perpetuated a charge for which no substantial service is rendered; a charge which a majority of the Interstate Commerce Commission found is excessive and unjust in whole or in part; a charge which has crippled business and prompted thousands of travelers to resort to busses and automobiles rather than be imposed upon.

"Members of the House who had themselves introduced bills identical with my own, and some of whom had printed in the CONGRESSIONAL RECORD and circulated throughout their districts speeches denouncing the Pullman surcharge as extortionate, changed their attitudes and voted against the bill. They could not resist the powerful and organized pressure which the lobby exerted. But for this pressure, the bill would have passed the House by a tremendous majority. It is a sufficient commentary to state the simple historical fact that the surcharge repeal failed in the House by a vote of 2 to 1.

"At the beginning of this session I reintroduced the surcharge elimination bill and had it referred to the Senate Committee on Interstate and Foreign Commerce, where it is now pending. It seems probable that a favorable report may be secured and the bill again passed through the Senate, although it would encounter more opposition now than formerly.

"It is short-sighted policy for the railway executives to insist upon the retention of this unjust charge. Railroads generally are enjoying a period of great prosperity. Their earnings are speedily increasing. Net railway operating revenues are growing larger every year, notwithstanding alleged extravagance in expenditures. My conviction is unalterable that the surcharge has no foundation in either sound economic policy or justice."

SENATOR BURTON K. WHEELER (S. DOC. NO. 100)

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to the first paragraph of Senate Resolution 171 (submitted by Mr. WALSH and agreed to March 25, 1926), certain information relative to expenses incurred in connection with the investigation of alleged offenses by Senator BURTON K. WHEELER, which, with the accompanying papers, was referred to the Committee on the Judiciary and ordered to be printed.

#### MESSAGE FROM THE WHITE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 124. An act for the relief of the Davis Construction Co.; and

S. 3031. An act for the relief of George Barrett.

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

S. 549. An act for the relief of John H. Walker;

S. 1039. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1808, and acts amendatory thereof and supplementary thereto; and

S. 2368. An act for the relief of Ocean Steamship Co. (Ltd.), a British corporation.

The message further announced that the House had passed the bill (S. 2111) for the relief of Levin P. Kelly with amendments, in which it requested the concurrence of the Senate.

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

H. R. 658. An act for the relief of Harry Coventry;

H. R. 821. An act for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho;

H. R. 1243. An act for the relief of J. H. Toulouse;

H. R. 1464. An act for the relief of Charles C. Hughes;

H. R. 1540. An act for the relief of Luther H. Phipps;

H. R. 1669. An act for the relief of Neff's Bank, of McBride, Mich.;

H. R. 1731. An act for the relief of John W. King; H. R. 1897. An act for the relief of the heirs of the late Louis F. Meissner;

H. R. 1952. An act for the relief of T. Arthur Moore;

H. R. 2009. An act for the relief of C. M. Rodefer;

H. R. 2011. An act for the relief of William D. McKeefrey;

H. R. 2042. An act for the relief of Joseph L. Keresey;

H. R. 2254. An act for the relief of Howard A. Mount;

H. R. 2324. An act for the relief of Joe F. Jenkins;

H. R. 2329. An act for the relief of John A. Olson;

H. R. 2465. An act for the relief of Ella E. Horner;

H. R. 2744. An act to correct the military record of Charles E. Lowe;

H. R. 2933. An act for the relief of H. R. Butcher;

H. R. 3025. An act granting a patent to certain lands to Benjamin A. J. Funnemark;

H. R. 3376. An act for the relief of Thomas J. Gardner;

H. R. 3659. An act for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.;

H. R. 8138. An act for the relief of Joy Bright Hancock;

H. R. 8502. An act authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army; and

H. R. 8894. An act for the relief of the Royal Holland Lloyd, a Netherlands corporation, of Amsterdam, the Netherlands.

#### PETITIONS

Mr. JONES of Washington presented petitions of sundry citizens of Seattle and Spokane, in the State of Washington, praying for the passage without amendment of the so-called railway labor bill, which were referred to the Committee on Interstate Commerce.

Mr. WILLIS presented a resolution adopted by Division No. 1, Ancient Order of Hibernians in America, at Dayton, Ohio, favoring the passage of the so-called Phipps bill (S. 3533) to provide for the better definition and extension of the purpose and duties of the Bureau of Education, and for other purposes, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the directors of the Painesville (Ohio) Kiwanis Club, indorsing the proposal for the extension of the east breakwater at Fairport Harbor, Ohio, which were referred to the Committee on Commerce.

#### REPORTS OF COMMITTEES

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (H. R. 9829) to amend section 87 of the Judicial Code, reported it without amendment and submitted a report (No. 615) thereon.

He also, from the same committee, to which was referred the bill (S. 3028) to divide the eastern district of South Carolina into four divisions and the western district into five divisions, reported it with amendments and submitted a report (No. 616) thereon.

He also, from the same committee, to which was referred the second paragraph of the resolution (S. Res. 171) requesting information from the Attorney General relative to expenditures in investigations touching supposed offenses of Senator BURTON K. WHEELER, submitted an adverse report (No. 617) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 9039) to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," reported it without amendment and submitted a report (No. 618) thereon.

He also, from the same committee, to which was referred the bill (S. 2516) for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States, reported it with an amendment and submitted a report (No. 619) thereon.

Mr. GOODING, from the Committee on Interstate Commerce, to which was referred the bill (S. 1344) to amend paragraph (11), section 20, of the interstate commerce act, reported it with an amendment and submitted a report (No. 620) thereon.

Mr. PINE, from the Committee on Military Affairs, to which was referred the bill (S. 2855) for the relief of Cyrus S. Andrews, reported it without amendment and submitted a report (No. 621) thereon.

Mr. TYSON, from the Committee on Claims, to which was referred the bill (S. 2741) for the relief of the State of Ohio, reported it without amendment and submitted a report (No. 622) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 598) for the relief of Alexander McLaren (Rept. No. 623); and

A bill (S. 355) for the relief of the Rochester Merchandise Co. (Rept. No. 624).

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 546) for the relief of J. H. Toulouse, reported it without amendment and submitted a report (No. 625) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 949) to reduce the rate of postage on farm products, and for other purposes, reported it with amendments.

#### BILLS INTRODUCED

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

By Mr. McNARY:

A bill (S. 4013) granting an increase of pension to Thomas S. Millikin; to the Committee on Pensions.

By Mr. GOODING:

A bill (S. 4014) granting a pension to Ezra E. Howard; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4015) granting an increase of pension to Alice Elwood (with accompanying papers); to the Committee on Pensions.

By Mr. CAMERON:

A bill (S. 4016) authorizing the Secretary of the Interior to purchase certain lands from Babbitt Bros. Trading Co.; to the Committee on Public Lands and Surveys.

#### RELIEF OF FARMERS

Mr. NYE. Mr. President, during the period of the war this Government of ours found itself confronted with the problem of producing more of the foodstuffs which were essential in carrying on the war, and with that end in view the Government appealed in one way and another to the farmers of the country to produce more foodstuffs. To make it possible for them to enter into this increased production various channels of credit were opened by the Government to the farmers of the United States.

We have before us at this time a proposal to grant a settlement on the basis of about 25 cents on the dollar with a foreign nation which borrowed money from the United States for ostensibly the same purpose the farmers of America borrowed money during the same period. I wonder, I seriously wonder at this time, if the Senate is going to be consistent and if this Government of ours is going to be consistent. To ascertain that fact, I have prepared and send to the desk a joint resolution which I ask may be read, printed, and referred to the Committee on Finance.

The joint resolution (S. J. Res. 95) providing that the United States make settlement of all debts arising from the World War, was read the first time by its title, the second time at length, and referred to the Committee on Finance, as follows:

Whereas it is being made the policy of the United States of America to settle debts owing it by European nations for as little as 23 cents on the dollar and less as in the case of the debt of approximately \$2,000,000,000 owing this Government by the Kingdom of Italy; and

Whereas such settlements are said to be justified; first, on the ground that no better settlement can be made and that such settlement is in accord with the ability of the debtor nations to pay; and second, that the loans involved were made to these debtor nations for the purpose of prosecuting a war in which the United States of America was mutually interested; and that therefore we owe liberal consideration in the collection of these debts: Now, therefore, be it

*Resolved*, etc., That the United States of America make settlement of all debts created as a result of the war and owing it by individuals and corporations at home as well as abroad, as in the case of the farmers of America, who borrowed extensively upon the encouragement of this Government through the channels of credit established by this Government, such as the War Finance Corporations, National Farm Loan Associations, Federal reserve system, and Federal land banks, etc.; and be it further

*Resolved*, That these settlements be made retroactive and upon the basis of property equities held by the farmer or other borrowers as of January 1, 1920, whether the farmer shall still hold these equities or shall have lost them through foreclosure or forfeiture on or since January 1, 1920; and be it further

*Resolved*, That a commission, the personnel of which shall be the same as the Debt Funding Commission, which has brought about the proposed foreign debt settlements with the United States, is hereby authorized to establish the machinery which it may deem necessary

to work out the balances of corporations and individuals upon which to base settlements and that the basis of settlements offered these corporations and individuals be on the same terms as those offered the Kingdom of Italy in point of number of years offered for settlement and in point of interest charges and otherwise, so that the United States of America may be dealing with its own people at least as liberally as it deals with foreign debtor nations.

#### AMENDMENTS TO PUBLIC BUILDINGS BILL

Mr. JONES of New Mexico submitted two amendments intended to be proposed by him to the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes, which were ordered to lie on the table and to be printed.

#### HOUSE BILLS REFERRED

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

H. R. 8138. An act for the relief of Joy Bright Hancock; to the Committee on Naval Affairs.

H. R. 1243. An act for the relief of J. H. Toulouse; and

H. R. 8894. An act for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands; to the calendar.

H. R. 1952. An act for the relief of T. Arthur Moore; and

H. R. 3025. An act granting a patent to certain land to Benjamin A. J. Funnemark; to the Committee on Public Lands and Surveys.

H. R. 658. An act for the relief of Harry Coventry;

H. R. 2324. An act for the relief of Joe F. Jenkins;

H. R. 2744. An act to correct the military record of Charles E. Lowe;

H. R. 3376. An act for the relief of Thomas J. Gardner; and

H. R. 8502. An act authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army; to the Committee on Military Affairs.

H. R. 821. An act for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho;

H. R. 1464. An act for the relief of Charles C. Hughes;

H. R. 1540. An act for the relief of Luther H. Phipps;

H. R. 1669. An act for the relief of Neffs' Bank, of McBride, Mich.;

H. R. 1731. An act for the relief of John W. King;

H. R. 1897. An act for the relief of the heirs of the late Louis F. Meissner;

H. R. 2009. An act for the relief of C. M. Rodefer;

H. R. 2011. An act for the relief of William D. McKeeffrey;

H. R. 2042. An act for the relief of Joseph L. Keresey;

H. R. 2254. An act for the relief of Howard A. Mount;

H. R. 2329. An act for the relief of John A. Olson;

H. R. 2465. An act for the relief of Ella E. Horner;

H. R. 2933. An act for the relief of H. R. Butcher; and

H. R. 3659. An act for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.; to the Committee on Claims.

#### FINANCIAL ARRANGEMENTS OF AMERICAN CITIZENS WITH FOREIGN GOVERNMENTS

Mr. SHIPSTEAD submitted the following concurrent resolution (S. Con. Res. 15), which was referred to the Committee on Foreign Relations:

*Resolved by the Senate (the House of Representatives concurring)*, That the President be, and he is hereby, requested to direct the Departments of State, Treasury, and Commerce, the Federal Reserve Board, and all other agencies of the Government which are or may be concerned thereunder, to refrain henceforth, without specific prior authorization of the Congress, from—

(1) Directly or indirectly engaging the responsibility of the Government of the United States, or otherwise on its behalf, to supervise the fulfillment of financial arrangements between citizens of the United States and sovereign foreign governments, or political subdivisions thereof, whether or not recognized de jure or de facto by the United States Government; or

(2) In any manner whatsoever giving official recognition to any arrangement which may commit the Government of the United States to any form of military intervention in order to compel the observance of alleged obligations of sovereign or subordinate authority, or of any corporations or individuals, or to deal with any such arrangement except to secure the settlement of claims of the United States or of United States citizens through the ordinary channels of law provided therefor in the respective foreign jurisdictions, or through duly authorized and accepted arbitration agencies.

#### RESIDENT ASSISTANT CLERK OF DISTRICT COMMITTEE

Mr. CAPPER submitted the following resolution (S. Res. 205), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That Senate Resolution No. 26, agreed to March 10, 1925, authorizing the Committee on the District of Columbia to employ a resident assistant clerk until the end of the first session of the Sixty-ninth Congress, to be paid out of the contingent fund of the Senate, hereby is continued in full force and effect until the end of the Sixty-ninth Congress.

CERTAIN FILES OF THE THIRTY-SEVENTH CONGRESS

Mr. SHIPSTEAD submitted the following resolution (S. Res. 206), which was ordered to lie on the table:

*Resolved*, That the following papers from the files of the Thirty-seventh Congress, third session, be transferred to the Minnesota Historical Society, St. Paul, Minn.:

Executive Document No. 7. Message from the President of the United States in answer to a resolution of the Senate of the 5th instant in relation to Indian barbarities in Minnesota (dated December 11, 1862);

Testimony received by and reports of the military commission which investigated the Sioux outrages in Minnesota in 1862;

Rough draft of S. 416, "For the relief of persons for damages sustained by reason of depredations and injuries by certain bands of the Sioux Indians";

Copy of S. 565, "For removal of certain bands of Sioux or Dakota Indians and the disposition of their lands in Minnesota and Dakota."

CORPORATE COMBINATIONS

Mr. WALSH. Mr. President, I submit a resolution for reference to the Committee on Interstate Commerce. I ask that it may be read from the desk.

The Chief Clerk read the resolution (S. Res. 203), as follows:

Whereas there have been formed in recent years numerous industrial and other combinations on the basis of the acquisition either of shares of stock or of plants or other assets, and in particular the following: The Kelvinator, Nizer, and Grand Rapids Electric Refrigerator Corporations, the du Pont de Nemours and Viscoloid Cos., the Remington and Noiseless Typewriter Cos., the Corona and L. C. Smith Typewriter Cos., the Icy Hot and American Thermos Bottle Cos., the Congoleum and Nairn Cos., the Ginter, J. T. Connor, and O'Keefe chain grocery stores; and

Whereas the consolidation of Earl & Wilson and Cluett-Peabody Co. brought together two of the largest shirt and collar manufacturers in the United States; and

Whereas the National Dairy Products Co. has been steadily engaged in acquiring ice-cream plants in various portions of the United States; and

Whereas a series of mergers, combinations, and consolidations have been going forward in the baking industry; and

Whereas the Kardex Co., formed by a combination of three companies, has acquired control of the Library Bureau and the Globe-Wernicke Cos.; and

Whereas the American Rayon Products Co. claimed to have combined mills representing 50 per cent of rayon output with the avowed purpose of aiding in stabilization through lessened competition; and

Whereas in January of this year Mr. A. F. Myers, special assistant to the Attorney General, stated to the House Committee on Appropriations: "Notwithstanding all the years of legislation on the trust problem and all the years of endeavor in enforcing antitrust laws, I think it must be recognized that we are just on the threshold of the trust problem. You can not pick up a paper without reading of some merger in business, and, as you know, unless it appear that the merger would result in restraint of trade within the decisions in the Steel case, or unless it is brought about by stock acquisition which results in elimination of competition between two companies within the meaning of section 7 of the Clayton Act, there is not now any legislation covering the situation. Congress did legislate on the subject of mergers in section 7 of the Clayton Act when it provided that no corporation engaged in commerce should acquire all or any part of the capital of another corporation where the purpose or effect might be to eliminate competition, but we find in practically all these recorded instances at the present day that the companies buy not the stock of each other but the physical assets, and that, of course, takes the transaction out of section 7 of the Clayton Act"; and

Whereas the aforesaid precedent of the decision in the Steel Corporation case seems to be misconstrued in view of the more recent decision in the Lehigh Valley Railroad case, in which a much smaller control of the industry affected was held to be in violation of the antitrust laws; and

Whereas the intention of Congress in passing the antitrust laws was to prohibit all combinations of competitors that would substantially lessen competition or tend to create a monopoly and increase of prices, whether by the acquisition of shares of stock or of plants or other assets; and

Whereas the profits from the issue of so-called watered stock by such monopolistic corporations is alleged to be one of the chief motives for their formation and an inducement to the charging of excessive prices for the commodities sold by them; and

Whereas it has been alleged that such combinations are in violation of the antitrust laws: Therefore

*Resolved*, That the Federal Trade Commission is directed to make an inquiry into the aforesaid corporations alleged to be organized and operated in violation of the antitrust laws and into all other important combinations of like character found during the last four years and to report to the Senate as follows:

(1) A description of the form and extent of each of the aforesaid combinations and such others of a similar character as may have been found.

(2) With respect to each of the combinations so described, (a) whether the effect or tendency of the combination has been substantially to lessen competition or to create a monopoly in any line of commerce in any section or community; (b) whether, and to what extent the effect of such combination has been to stabilize production and employment, as shown by (1) the proportion and growth of the production and sales of the combination in comparison with those of its competitors; (2) the prices and margins of profit on commodities sold; (3) the rates of profit on capital employed in the business; (4) the issue of securities in amounts in excess of the fair value of the property or earning power represented thereby, and the facts regarding the disposition of the same; (5) the total production in the Nation, and relative number of persons fully employed.

(3) What new form of Federal action whether legislative or administrative is recommended as most effective to regulate and control such corporate combinations, including legislation to prevent the issue of securities which are not justified by the fair value of the property or earning power of the issuing corporation, or respecting which adequate disclosure is not made regarding such value or earning power, to prevent speculative banking control, and to prevent excessive profits.

The VICE PRESIDENT. The resolution will be referred to the Committee on Interstate Commerce.

Mr. WALSH. Mr. President, I submit for the RECORD, and also ask that there may be referred to the committee with the resolution, certain newspaper reports concerning the organization of each of the corporations listed in the resolution.

The VICE PRESIDENT. Without objection, it is so ordered. The newspaper reports are as follows:

KELVINATOR CORPORATION OF MICHIGAN

History: Corporation has been organized to take over the business and properties of the Kelvinator Corporation of Delaware and the Detroit Carrier & Manufacturing Corporation of Michigan. The combined companies will maintain their respective plants in Detroit. Over the period of the last several years the Kelvinator Corporation has purchased a large portion of its stamping and materials from the Detroit Carrier Co. The result and benefits of this consolidation will be numerous. Although Detroit Carrier & Manufacturing Co. will continue its present business, the surplus capacity of its large plant will be utilized to take care of the increasing volume of business and expansion of the Kelvinator Corporation. (Cumulative Daily Digest, citing official statement, February 6, 1925.)

Merger agreement: A merger of corporation and Nizer Corporation (Maryland) has been agreed upon by the dominant interests of both companies. As a condition of the merger, it is expected that Nizer will declare a small stock dividend to equalize its shares with those of Kelvinator, when they will stand at 253,750, after the conversion of the "A" stock. (Cumulative Digest, citing Wall Street Journal, November 11, 1925, p. 1.)

DU PONT VISCOLOID CO.

Plans have been completed for the formation of company to manufacture and deal in pyroxylin, plastic products, and articles. Company, it is expected, will be chartered at Dover, Del., this week. Company will take over and carry on the business heretofore conducted by Viscoloid Co. (Inc.), with a plant at Leominster, Mass., and also the pyralin business heretofore conducted by E. I. du Pont de Nemours & Co., with plants at Arlington, N. J. (Cumulative Daily Digest, citing New York Times, April 7, 1925, p. 36.)

REMINGTON TYPEWRITER CO.

The company's assumption of control of the manufacturing and merchandising of noiseless typewriters through its 51 per cent ownership in the newly formed Remington-Noiseless Corporation should prove of great benefit to the Remington Co. and highly advantageous to the Noiseless. As a result of the affiliation, it is not overoptimistic to expect Remington earnings in two years to be among the largest in the company's history. (Cumulative Daily Digest, citing Wall Street Journal, February 27, 1924, p. 6.)

AMERICAN THERMOS BOTTLE CO. (M)

Reorganization plans: Plans for the reorganization of company and Icy-Hot Bottle Co. into a new Ohio company which will take over the assets of both companies provide for the continuance of the control of the new company by the present management for a period of

four years, or until January 1, 1929. (Cumulative Daily Digest, citing Cincinnati Inquirer, February 27, 1925, p. 18.)

A circular sent to stockholders of company and the Icy-Hot Bottle Co., dated February 20, 1925, informing them of the plan to organize a new company under the laws of Ohio, said in part: "The physical properties of the American Thermos Bottle Co. are in good condition and have a capacity ample to care for the increased burden to which they will be put. As a result of the concentration of manufacturing effort, and by elimination of other operating charges and the increased volume of business which will be gained, it is to be anticipated that a real betterment may promptly be developed in the company's earning power. (Cumulative Daily Digest, citing official statement, March 18, 1925.)

#### AMERICAN RAYON PRODUCTS CORPORATION

New corporation plans completed: Plans have been completed for the consolidation of seven of the largest rayon manufacturing companies in New York into a new concern to be known as the American Rayon Products Corporation, organized under the laws of Delaware. The capitalization is \$3,000,000. Among the companies which will enter the combination are the Knitted Textile Corporation, the Banner Silk Co., the Varyknit Co., Filtex Mills, Art Silk Mills, and the Crystal Mills. The merger will be sponsored by a large financial group, it became known April 21, which is expected to make public an offering in the near future of a block of the consolidated securities. \* \* \* The capacity of the combined plants, according to the bankers, will be from 65 to 70 per cent of the Rayon knit goods used annually in New York. (Cumulative Daily Digest, citing New York Times, April 22, 1925, p. 34.)

#### CLUETT-PEABODY & CO. (INC.)

Acquisition: Purchase of Earl & Wilson (Inc.) by Cluett-Peabody & Co. (Inc.) was announced at Troy, N. Y., January 26, bringing about the merger of the two largest shirt and collar manufacturing concerns in Troy. It was said Cluett, Peabody & Co. (Inc.) had taken over the fiscal assets and the trade-mark of Earl & Wilson, and that Edgar H. Betts, president, would become a vice president of Cluett, Peabody & Co. The financial consideration involved was not made public. (Cumulative Daily Digest, citing New York Times, January 27, 1925, p. 5.)

#### NATIONAL DAIRY PRODUCTS CORPORATION (M)

President's statement in regard to acquisitions: President Rieck in the annual report to stockholders gives the following résumé of acquisitions: "During the past year the entire common stock of J. T. Castles Ice Cream Co., of Newark, N. J., and the Castles Ice Cream Co., of Perth Amboy, N. J., was acquired by your company, against which there were issued 40,000 shares of capital stock. In addition there was acquired the entire common stock of the W. E. Hoffman Co., which operates plants in Altoona, Philipsburg, Tyrone, and Waynesboro, Pa., and the assets and business of the Durkin Ice Cream Co., of Waukegan, Ill. Since January 1, 1925, the entire assets of Moore Bros. Co., of Oil City and Meadville, Pa., and the assets and business of William Ohlhauser Co., of Aurora, Ill., were acquired. These acquisitions involved no further issue of National Dairy Products Corporation capital stock, the purchases having been financed out of earnings. In accordance with its established policy, your board of directors expects to add further properties during the year as advantageous opportunities arise." (Cumulative Daily Digest, citing official statement March 3, 1925.)

Acquisition: Corporation has acquired business of Chapelle Thompson Ice Cream Co., of Chicago, an old-established firm operating four plants, with a production last year of approximately 1,500,000 gallons. Acquisitions will effect substantial operating and marketing economies in connection with business of Hydrox Corporation, a National Dairy Chicago subsidiary. As acquisition was made by exchange of stock, no public offering of securities will be made. (Cumulative Daily Digest, citing Wall Street Journal, April 4, 1925, p. 6.)

#### NATIONAL DAIRY PRODUCTS CORPORATION

Contract for acquisition: Corporation has entered into a stock purchase contract to acquire later in November Sheffield Farms Co. and its affiliated companies, Sheffield By-Products Co. and Sheffield Condensed Milk Co. Suppelle-Wills-Jones Milk Co. was acquired recently. (Cumulative Daily Digest, citing Wall Street Journal, November 16, 1925, p. 15.)

Corporation has acquired, through a merger, the assets of the Beyer Ice Cream Co. The Beyer Ice Cream Co. has extensive plants in Philadelphia and New York and has developed the largest ice-cream business in the country. (Cumulative Daily Digest, citing Wall Street Journal, January 5, 1926, p. 17.)

Control of Franklin Ice Cream Corporation has been obtained through the exchange of 22,000 shares of National Dairy Products Corporation stock for 22,000 shares of Franklin Ice Cream on a share for share basis. (Cumulative Daily Digest, citing New York Herald-Tribune, January 8, 1926, p. 12.)

#### KENNECOTT COPPER CORPORATION

Shareholders at special meeting April 9 authorized increase in capital stock from 8,000,000 shares to 5,000,000 of no par value and of capitalization from \$15,000,000 to \$25,000,000. Stockholders also authorized offer of exchange of stock of corporation for Utah Copper Co. stock on the basis of 1 1/4 shares of Kennecott for 1 share of Utah. Should all the Utah shares be exchanged it would require 1,763,975 1/4 shares of Kennecott. (Cumulative Digest, citing Wall St. Jour., April 10, p. 9.)

Corporation has acquired by recent exchanges about 95 per cent of the outstanding capital stock of Utah Copper Co. (Cumulative Digest, citing Wall Street Journal, July 15, 1925, p. 1.)

#### FIRST NATIONAL STORES, INC.

Company was organized August 25, 1917, in Massachusetts as the Ginter Co.; name changed to present title December 28, 1925. It is both an operating and a holding company and represents a consolidation of the business formerly conducted by the Ginter Co., the John T. Connor Co., and O'Keefe (M), Inc. (Cumulative Daily Digest citing official statement, January 20, 1926.)

\* \* \* \* \* Since the consolidation was effected the new company has closed about 25 old stores and opened 50 additional, making a net gain of 25 and giving the system just under 1,675 stores.

In 1925 company did a gross business of just under \$49,000,000. With the additions of the Dorr chain, expansion of both the general and meat stores, and natural growth of the business company expects to do over \$60,000,000 in 1926. (Cumulative Daily Digest, citing Boston News Bureau, February 11, 1926, p. 1.)

#### CORONA TYPEWRITER CO. (INC.)

Merger arranged. Arrangements were completed at Syracuse, N. Y., on December 16, 1925, for a \$12,000,000 merger of the above company with the L. C. Smith & Bros. Typewriter (Inc.). Frank R. Ford, president of Ford, Bacon & Davis (Inc.), of New York, announced that his company, which a little more than a year ago acquired control of L. C. Smith & Bros. Typewriter (Inc.), has contracted to purchase a controlling interest in the stock of the Corona Typewriter Co. (Inc.). The new company will organize before the first of the year, Mr. Ford said, under a new firm name, although the trade names of the Corona portable typewriter and the L. C. Smith standard office typewriter will be retained. Headquarters will be in Syracuse. (Cumulative Daily Digest, citing Boston Herald, December 17, 1925, p. 2.)

#### RAY CONSOLIDATED COPPER CO. (M)

Stockholders of both company and Chino Copper Co. have voted in favor of absorption of Chino by Ray through exchange of one and two-thirds shares of Ray for one of Chino. Ray shareholders also ratified issuance of 1,500,000 shares of additional capital stock for this purpose, making authorized capitalization 3,100,000 shares, par \$10. (Cumulative Daily Digest, citing Wall Street Journal, February 16, 1924, p. 3.)

#### CONGOLEUM-NAIRN (INC.)

President Foster states: "The merger of the Nairn Linoleum Co. and the Congoleum Co. (Inc.) has been completed and the vast production of the Nairn Linoleum Co. will henceforth be distributed through our selling organization." The merger gives Congoleum-Nairn (Inc.) a complete line of hard-surface floor coverings, combined inlaid and plain linoleums with congoleum rugs and floor coverings and should increase the volume of sales at a minimum of additional expense. (Cumulative Daily Digest, citing Wall Street Journal, December 4, 1924, p. 3.)

#### RAND-KARDEX CO.

Consolidation: New company. American Kardex Co. (Inc.) and the Rand Co. (Inc.) has been consolidated into the Rand-Kardex Co., manufacturers of metal office equipment, with capitalization of \$10,000,000. James H. Rand, sr., will be chairman of the board of directors of the consolidation and James H. Rand, jr., will be president and general manager. (Cumulative Daily Digest, citing Iron Age, May 7, 1925, p. 1400.)

#### RAND CO. (INC.) (M)

Proposed merger: New company. Ten years of keen business rivalry between a father and a son will end on April 1, 1925, with the combination of the Rand Co. (Inc.) and the Kardex Co., both of Tonawanda, N. Y., under the name of the Rand-Kardex Co. (Inc.). The Rand-Kardex Co. will have an authorized capital stock of \$10,050,000. Mr. Rand, sr., will be chairman of the board and Mr. Rand, jr., will be president and general manager. Mr. Rand, jr., said March 27 that a formal statement will be made to stockholders covering details of the merger and plan for exchange of stock on a pro rata basis. The merger gives the Rand-Kardex Co. factories in Canada and Germany, in addition to plants in the United States. (Cumulative Daily Digest, citing New York Herald-Tribune, March 28, 1925, p. 1.)

## KARDEX-RAND CO.

Consolidation: President Rand, Jr., announced June 30 that the Index Visible Co., of New Haven, Conn., had been consolidated with his company. (Cumulative Daily Digest, citing New York Times, July 1, 1925, p. 39.)

## LIBRARY BUREAU

Acquired: The Library Bureau has passed into the control of James H. Rand, Jr., president of the Rand-Kardex Co. Mr. Rand will consolidate the Library Bureau with the Rand-Kardex Co. He has already incorporated the new company, to be known as the Rand-Kardex Bureau, with a capitalization of \$25,000,000. (Cumulative Daily Digest, citing Wall Street Journal, October 31, 1925, p. 13.)

Offer for stock: President Rand, Jr., of the Rand-Kardex Co., under an agreement with N. B. H. Parker, F. Kingsbury Curtis, George Hewitt Myers, and Thomas Roberts, Jr., has acquired 16,720 shares of common stock of Library Bureau and upward of 25,689 shares of L. B. Securities Co., a Maine corporation, and now offers \$40 a share for such other common stock of the two companies as may be deposited in the National City Bank, New York, on or before December 26, 1925. (Cumulative Daily Digest, citing Boston News Bureau, November 2, 1925, p. 4.)

## RAND-KARDEX BUREAU (INC.)

Company has now taken over the Globe-Wernleke Co., according to President Rand, Jr. As a result, Mr. Rand, Jr., said, the Rand-Kardex Bureau (Inc.) will be the largest distributor of business equipment in the world, both in sales volume and the number of employed. (Cumulative Daily Digest, citing New York Times, January 11, 1926, p. 44.)

## AUNT JEMIMA MILLS CO.

Sale completed: The sale of company to Quaker Oats Co. was completed November 24 at a meeting of stockholders of company with representatives of the Quaker Oats Co. Price paid was \$4,000,000. The milling plant will be continued in operation at St. Joseph. (Cumulative Daily Digest, citing New York Times, November 25, 1925, p. 32.)

## STANDARD OIL CO. OF INDIANA (M)

Oil situation confidence indicated: Company's acquisition of control of Pan American Petroleum & Transport Co. at this time is regarded by bankers as indicating great confidence in the oil situation by Standard. (Cumulative Daily Digest, citing Wall Street Journal, April 3, 1925, p. 3.)

To increase output: Through the acquisition of Pan American's Mexican properties, tankers, and transportation facilities, company will become one of the largest producers and marketers of fuel oil in the world. (Cumulative Daily Digest, citing New York Financial News, April 3, 1925, p. 1.)

## STANDARD OIL CO. OF CALIFORNIA

Consolidation: Consolidation of the Pacific Oil Co. and the Standard Oil Co. of California was announced December 24 by Henry W. De Forest, chairman of the Pacific Oil Co. President Kingsbury, of the Standard Oil Co. of California and President Shoup, of the Pacific Oil Co. and the Associated Oil Co., issued supplementary announcements on the merger. The merger is subject to ratification by shareholders. (Cumulative Daily Digest, citing New York Times, December 25, 1925, p. 31.)

The proposed consolidation of Pacific Oil Co. with the Standard Oil Co. of California under one organization, to be dominated by the latter, is one of the most important consolidations ever planned in the history of the oil industry, according to opinions expressed December 25 by executives affiliated with some of the largest companies in the industry. In one-quarter the consolidation, which is subject to the approval of the stockholders of each company, was considered more important than the recent consolidation of the Magnolia Petroleum Co. of Texas and the Standard Oil Co. of New York, because of the fact that the latter previous to the consolidation controlled 70 per cent of the capital stock of the Texas organization. (Cumulative Daily Digest, citing New York Times, December 26, 1925, p. 18.) \* \* \* According to this executive the combination would place the Standard Oil Co. of California as second in rank to that of the Standard Oil Co. of New Jersey, the leader in the world's petroleum industry. (Cumulative Daily Digest, citing New York Times, December 26, 1925, p. 18.)

Mr. WALSH. I also ask that there may be printed in the RECORD and referred to the Committee on Interstate Commerce a brief article appearing in the January number of the Journal of the Academy of Political Science, by Prof. W. Z. Ripley, of Harvard University, whose standing in America as an economist has been recognized by his being called before a number of the committees of the Senate on a number of occasions, and who sounds a clarion note of warning in this brief article

against the tendency exhibited by the organization of the combinations to which the resolution refers.

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

The article is as follows:

[From the proceedings of the Academy of Political Science in the city of New York, Vol. XI, No. 4, January, 1926; Trade Associations and Business Combinations; a series of addresses and papers presented at the annual meeting of the Academy of Political Science in the city of New York, October 28, 1925; pp. 143-146]

## TWO CHANGES IN THE NATURE AND CONDUCT OF CORPORATIONS

(W. Z. Ripley, professor of political economy, Harvard University)

Two changes in the nature and conduct of corporations, characteristic of the postwar period, have a direct bearing upon the future of private business in its relation to the supervisory or regulating agencies of the State. They are both bound to increase the likelihood of an extension rather than a lessening of the powers and activities of such bodies as the Federal Trade Commission. Fundamental these changes are, inasmuch as they strike at the very taproot of our capitalistic system. For this system is founded upon the theory that the private as distinct from the common ownership of property best conduces to the public welfare, because such possession involves the giving of a gauge or guaranty by the owner to his fellow citizens for thrifty, efficient, far-sighted and public-spirited management thereof. His is the reward if he be successful. And he bears the loss in case of misdirection. Otherwise stated, it is the fundamental principle, interwoven throughout all human relationships that power and responsibility must ever be yoked together. It is because these two developments directly assail this principle that I hold them to be sinister and of grave public import.

The first of these changes is the divorce of the ownership of property, represented by securities emitted by corporations or trustees, from any direct accountability whatsoever for its prudent and efficient management. The second change is the wide and ever-accelerating diffusion of a considerable portion of this ownership, represented by stock holdings of employees and of the direct consumers, both of public utility corporations and of private business companies as well. The net result of both changes is the assumption of an absolute control by intermediaries—most commonly bankers, so called—in place of the former responsibility for direction which, theoretically at least, rested upon the shoulders of the actual owners.

Both these tendencies menace alike the welfare of the private owners themselves and of the working classes; and they put the public interest in the sound and straightforward management of these businesses in jeopardy—not because bankers, as such, are more frail than other people in general, but simply because the possession of uncontrolled power is always certain to entail abuse, whereby both innocent and guilty are alike dragged down. The result, therefore, unless present tendencies are taken in hand, will necessarily be the extension of the activity of such bodies as the Federal Trade Commission, acting for the protection of those who have unwittingly made themselves wards of the State in respect of their possessions.

The practical disappearance of the individual and partnership forms of business organization in favor of the corporation took place before the war. Almost a thousand companies are now listed on the New York stock exchange alone—163 railroads and 763 other corporations. The present transformation is merely in respect of the seat of power over their direction. All kinds of private businesses are being bought up by banking houses, and new corporations are being substituted for the old, in order that the purchase price (and more) may be recovered by sale of shares to the general public. But the significant change is that the new stock, thus sold, is entirely bereft of any voting power, except in case of actual or impending bankruptcy. General stockholders, to be sure, have always been inert, delegating most of their powers of election. But at worst they might always be stimulated to assert themselves, and, in any event, they all fared alike as respects profits or losses. Under the new style of corporation such general stockholders are boldly deprived of all rights in this direction and new preferred stocks are sold up to the hilt of the value of the assets, if not beyond. The issues are called preferred stocks. They are really bonds. And instead, as formerly, of being limited to a half or two-thirds of the tangible assets, no limit is now set, except the powers of absorption of the investing public.

Every kind of business is being swept into this maelstrom. Several public utilities, except railroads, chain and department stores, food-stuffs, washing machines, refrigerators, confectionery, make-believe silk stockings, toilet and beauty preparations, our daily bread, our cake, and our ice cream—even our home-made pies! Every conceivable article, of direct or indirect consumption, is covered by the change. The recent Dodge Bros. (Inc.) is typical. A banking house buys up a private business for, let us say, \$146,000,000. This sum and more it recovers by the sale to the public for \$160,000,000 of bonds, preferred stock, and 1,500,000 nonvoting shares of class A common stock. But

not a single one of the 500,000 class B voting common shares is thus sold. The promoters have virtually paid themselves a handsome profit for the assumption of the entire directorial power, having mortgaged the property to the full amount of its original cost, including both assets and capitalized earning power.

Perhaps the baslest case of this sort is that of an artificial silk concern, which thus sold (let us hope?) 598,000 shares of nonvoting class A stock, reserving 2,000 of the total 600,000 shares as class B stock carrying exclusive voting rights. There is no concealment about it. But who, may we ask, has given a hostage to fortune for honest and economic management of the business? The promoters stand to lose only the amount of their stake—a minus quantity in dollars, leaving aside, of course, the moral obligation. It is the public stockholders who stand to lose their all in case of misdirection. And most of them have parted with any hope of participation in future profits over and above their fixed return by agreement in the subscription to forfeit all "preemptive" rights in the issue of new stock. How can there be other than a whirlwind of abuse of power under such conditions?

As for the second financial fashion—the wide distribution of stock to employees and to consumers of the corporation's product, whether electric service, steel, or what not—the effect is bound to be cumulative with that of insinuation of banking power between ownership and operation. Corporations have always been susceptible to control by concentration of voting power. Far less than half of the capital stock may be as effective for such control as possession of an actual majority. But it is elemental, requiring no proof, that the larger the number of shareholders the more easily may a small concentrated block of minority holders exercise sway over all the rest. With a dozen owners, probably 51 per cent will be necessary for dominance. With 300,000 scattered holdings, a possible 15 or 20 per cent of the votes can never be overmatched at an election. In 1923 there were 250,000 new stockholders registered in the electric light and power companies alone. The total number of stockholders in all sorts of concerns has almost doubled since 1900, rising to an aggregate of 14,423,000 in 1923. These shareholders now possess over \$70,000,000,000 worth of stock at par on the showing of the Federal income-tax returns. Such possession used to be confined to the wealthy and the well-to-do class. Now it comprehends the small householder and larger number of wage earners. The former concentration of wealth is now yielding place to so wide a diffusion as to call for public recognition by way of legislation or oversight. But the important point to note is that the wider the diffusion of ownership the more readily does effective control run to the intermediaries, in this case promoters, bankers, or management companies. Until corrected by appropriate revision of our corporation law or practice this apparently healthful manifestation may contain the seeds of grave abuse.

The foregoing dangerous tendencies are much aggravated also by reason of the operation of a number of highly artificial legal devices which serve to isolate still further the property owner from control over his investment. The holding company, voting trusts, trusts set up for the living, the moribund, or the dead, the investment trust, and finally the intervention of the life-insurance companies as investing agents for their policyholders, each and every one of these has latterly insinuated itself to still further set off ownership from responsibility in management. It is all cumulative, and in the aggregate fraught with the gravest possibilities.

Many remedies for undue concentration of power of direction of corporations have been suggested. There is one which stands forth pre-eminently. Publicity of accounts and their standardization are likely to be most serviceable as a check upon otherwise unrestrained control. These millions of investors and the public, even if they have so confidently given their possessions over into the care of others, have a right to full and complete unmitigated information. There lies an appropriate function for a rejuvenated and enlarged Federal commission to discharge an obligation of the Federal Government to a great and in many respects a helpless body of our citizens. This may come about soon. It may be long delayed. But it will occur some day as one of the several necessary correctives for these existing practices.

#### COMMITTEE SERVICE

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent that the Senator from Maryland [Mr. BRUCE] be relieved from further service upon the Committee on Military Affairs.

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

Mr. ROBINSON of Arkansas. I take this action at the request of the Senator from Maryland. I now ask that the junior Senator from Iowa [Mr. STECKI] be assigned to the Committee on Military Affairs in the place just made vacant by the retirement of the Senator from Maryland and that he also be named to fill a vacancy in the minority of the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Without objection, it is agreed to.

#### AMERICAN-ORIENTAL MAIL LINE

Mr. McNARY. Mr. President, I submit a resolution and ask that it be read, and I ask unanimous consent for its immediate consideration.

There being no objection, the resolution (S. Res. 204) was read, considered by unanimous consent, and agreed to as follows:

Whereas the American-Oriental Mail Line, consisting of five President type Shipping Board vessels operated between Puget Sound and the Orient, representing an original cost in excess of \$31,000,000 and constituting the only American passenger-cargo line in the Pacific Ocean north of San Francisco, is proposed to be sold by the United States Shipping Board to R. Stanley Dollar for \$4,500,000; and

Whereas confirmation of the proposed sale to Mr. Dollar would place in the hands of one concern the trans-Pacific shipping of San Francisco and the Pacific Northwest, the same interest having already purchased the service from San Francisco, thus establishing by Government action a monopoly in the Pacific; and

Whereas the president of the United States Shipping Board Emergency Fleet Corporation after examination of proposals submitted to the board recommended that the board reject all bids because (a) the price offered is inadequate in comparison with former sales and in view of large actual profits in recent operations, (b) the terms upon which the ships are proposed to be sold do not protect the public interest, and (c) the interests of the Dollar Steamship Co. rests in California and the bid is generally disadvantageous to the Pacific Northwest and particularly to the port of Seattle; and

Whereas it is understood that the United States Shipping Board at the time it voted to sell the ships to the Dollar Steamship Co. had a supplemental bid of another bidder offering a higher price, which bid remained unopened; and

Whereas the assets of the United States Shipping Board are threatened with dissipation and it is reported that a substantially higher price could be obtained if new bids were invited: Now therefore be it

Resolved, That it is the sense of the Senate that the bid of R. Stanley Dollar and all other bids for the purchase of the vessels of the American-Oriental Mail Line be rejected; and that the United States Shipping Board should, in order to carry out the provision of section 7 of the merchant marine act of 1920 that "preference in the sale or assignment of vessels for operation on such steamship lines shall be given to persons who are citizens of the United States who have the support, financial and otherwise, of the domestic communities primarily interested in such lines," should either call for new bids in respect of the sale of such vessels or should reassign such vessels for operation to persons who are representative of and have the support, financial and otherwise, of the shipping and other interests of the Pacific Northwest.

#### WILLIAMSBURG (VA.) CELEBRATION OF BILL OF RIGHTS

The VICE PRESIDENT laid before the Senate a concurrent resolution from the House of Representatives (H. Con. Res. 22), which was read, as follows:

Whereas the one hundred and fiftieth anniversary of the adoption of the Declaration of Rights, written by George Mason, and commonly called the Virginia Bill of Rights, is to be celebrated in the city of Williamsburg, Va., the place of its adoption, on the 12th day of June, 1926; and

Whereas the said Declaration of Rights is recognized as one of the great liberty documents of all time, has served as a model for similar statements of fundamental principles contained in the constitution of many of the States of the American Union and in the early amendments to the Constitution of the United States, and has been an inspiration to liberty-loving people throughout the world; and

Whereas it is fitting that the Congress should be represented in the observance of such anniversary: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That there be, and is hereby, created a joint committee consisting of 10 members, 5 of whom shall be appointed by the Presiding Officer of the Senate and 5 by the Speaker of the House, to attend said celebration, for the purpose of representing the Congress of the United States.

Mr. SWANSON. Mr. President, the resolution simply provides for the appointment of a joint committee of the House and Senate, without the expenditure of any money. They are to pay their own expenses and are to go to Williamsburg to commemorate on the 12th of June the adoption of the noted and famous Bill of Rights of Virginia, written by George Mason, which has been adopted in most of the State constitutions. Mr. Mason was also the father of the first 10 amendments to the Federal Constitution. I ask unanimous consent for the immediate consideration of the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

## ITALIAN DEBT SETTLEMENT

Mr. WALSH. Mr. President, I am prepared to address the Senate on the subject of the Italian debt settlement, but I should be glad to conform to any arrangement for the disposition of business this morning.

Mr. CURTIS. We took an adjournment Saturday afternoon and we would like to have the morning business disposed of first.

Mr. WALSH. Very well.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FUNK, Mr. SIMMONS, Mr. TINKHAM, Mr. GRIFFIN, and Mr. COLLINS were appointed managers on the part of the House at the conference.

## DISTRICT OF COLUMBIA APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PHIPPS. I move that the Senate insist upon its amendments, that it agree to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. PHIPPS, Mr. JONES of Washington, Mr. CAPPER, Mr. GLASS, and Mr. KENDRICK conferees on the part of the Senate.

## PERMANENT ASSOCIATION OF INTERNATIONAL ROAD CONGRESSES

Mr. PHIPPS. Mr. President, from the Committee on Post Offices and Post Roads, on behalf of the chairman of the committee, the Senator from New Hampshire [Mr. MOSES], I report an original joint resolution authorizing membership in the Permanent Association of International Road Congresses. I desire to have the joint resolution read at length.

The joint resolution (S. J. Res. 94) to authorize appropriations for the expenses of membership in the Permanent Association of International Road Congresses, and for other purposes, was read, the first time by its title and the second time at length, as follows:

*Resolved*, etc., That there is hereby authorized to be appropriated, out of any sums in the Treasury not otherwise appropriated, not exceeding \$3,000 per annum to enable the United States to accept membership in the Permanent Association of International Road Congresses, and such further amounts as may be necessary for the expenses of participation in the meetings of the congresses and of the executive committee thereof.

Mr. PHIPPS. I ask unanimous consent for the immediate consideration of the joint resolution.

THE VICE PRESIDENT. Is there objection?

Mr. ROBINSON of Arkansas. What is the nature of the joint resolution?

Mr. PHIPPS. It is a joint resolution authorizing membership on the part of the United States in the International Road Congress. The joint resolution has been approved by the department, and the Budget Bureau has also passed upon it. This is merely an authorization for an appropriation. The joint resolution will have to go to the House of Representatives; and if it meets with its approval, then an appropriation will be in order. It involves the sum of merely \$3,000.

Mr. ROBINSON of Arkansas. Mr. President, I am trying to hear the statement of the Senator from Colorado, but other Senators about me have more voluminous voices than has the Senator from Colorado.

Mr. PHIPPS. I was endeavoring to say to the Senator from Arkansas that the proposition is that the United States may have representation in the international road conferences along with the representatives of other nations.

Mr. ROBINSON of Arkansas. Where are the conferences to be held?

Mr. PHIPPS. I am sorry I can not inform the Senator as to that, and I do not wish to guess at it.

Mr. ROBINSON of Arkansas. I think the joint resolution had better go over, so that we may examine it.

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

## PENSIONABLE STATUS OF SPANISH AND WORLD WAR VETERANS

Mr. REED of Pennsylvania. I send to the desk a concurrent resolution, which I ask to have read.

The concurrent resolution (S. Con. Res. 14) was read, as follows:

*Resolved* by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the bill (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, to incorporate therein the following amendments, viz:

On page 2, line 6, of the Senate engrossed amendment, after the word "Provided" and the comma, insert the following: "That any such person whose name was upon the pension roll on the 5th day of April, 1917, and who served 90 days or more in the military or naval service of the United States during the World War and was honorably discharged therefrom, shall upon making proof of such fact be replaced upon the pension roll and be entitled to receive all the benefits of this act: *Provided further*,"

On page 5, line 9 of said amendment, after the word "roll," insert the following: "or whose names was upon the pension roll on the 5th day of April, 1917."

On page 6, line 1 of said amendment, after the word "law" and the comma, insert the following: "or whose names were on the pension roll on the 5th day of April, 1917."

On page 6, line 5 of said amendment, after the word "roll" and the comma, insert the following: "or whose names are not entitled to be replaced on the pension roll under the provisions of this act."

Mr. REED of Pennsylvania. Mr. President, I am about to ask unanimous consent for the immediate consideration of the concurrent resolution just read, but before doing so I wish very briefly to explain its object.

Under the early pension laws for Spanish War veterans' pensions were given only in case of disability. A small number of such pensioners reenlisted when the World War broke out. Of course, they received no pension while they were in service during the World War.

Mr. FESS. A parliamentary inquiry, Mr. President. Is this a concurrent resolution?

Mr. REED of Pennsylvania. It is a concurrent resolution.

Mr. FESS. The bill to which it refers has passed both Houses of Congress, has it not?

Mr. REED of Pennsylvania. That is correct. This resolution proposes to direct the enrolling clerk to add the words indicated in the concurrent resolution in the engrossment of the bill, which has not yet occurred.

Mr. FESS. The bill is still before Congress?

Mr. REED of Pennsylvania. Yes; the bill is still within the power of Congress.

Mr. SMOOT. This being a concurrent resolution, I think, under the rules, it should go to a committee. If it were a Senate resolution, it could be acted on immediately.

Mr. REED of Pennsylvania. I made inquiry of a parliamentarian, and he informed me that it was not necessary to have the concurrent resolution referred to a committee. At all events, I am going to ask unanimous consent that the rule, if it applies to this case, may be waived. I think the Senator from Utah will agree with me that the concurrent resolution is a proper one, if he will let me make my explanation.

Mr. SMOOT. The Senator from Pennsylvania may make his explanation.

Mr. REED of Pennsylvania. A very few Spanish War veterans who had been disabled and were given pensions reenlisted in the World War. Of course they received no pensions while they were in the service. When they were discharged from the service, at the conclusion of the World War, they were told by the Comptroller General, as I understand, or the accounting authority of the Pension Office at that time, that the fact that they were well enough to enlist in the Army during the World War proved that they were not disabled by their wounds in the Spanish-American War, and therefore automatically terminated their pensionable status.

The matter was brought to my attention Saturday after the bill had passed by a veteran who had a Spanish bullet through his right thigh and another one through his left arm, who walks with a considerable limp and has suffered from neuritis constantly since the Spanish War and yet enlisted as a private immediately when the World War broke out. How he passed the examination I do not know; but he did; he served with

high credit and was discharged as a lieutenant at the end of the World War. He became connected with the aviation branch of the service, qualified as an aviator, and was on flying status practically throughout the whole of the World War. The wounds in his thigh and his arm which he received in the Spanish War and the neuritis which followed still persist.

There are very few of those cases; and all that the concurrent resolution will do by way of amendment to the bill is to provide that those veterans who had a pensionable status on April 5, 1917, and who served more than three months in the World War shall not thereby be deprived of the pensionable status which they had at the time of their second enlistment.

Of course they can not receive double compensation, because the World War veterans' act specifically provides that no person in receipt of a pension shall get any compensation under the World War act. So this will not in any way double up their pensions.

Mr. SMOOT. There is a general law now which provides that no veteran shall draw two pensions.

Mr. REED of Pennsylvania. Yes; that is provided in the World War veterans' act.

Mr. WALSH. Mr. President, let me make an inquiry of the Senator. Why should the restoration of the pensionable status depend upon three months' service? Why should that qualification be put in?

Mr. REED of Pennsylvania. Simply because I believe it covers every case and shows that there was a bona fide service in the World War. I know of no case where these men did not serve more than three months.

Mr. WALSH. There is no bonus or anything of that kind; but suppose the case of a man who did pass the examination, who was in the service for 30 days, and then it was discovered that he was unfit for service by reason of his former wounds; he would be excluded under the limitation to which I refer.

Mr. REED of Pennsylvania. I see the Senator's point; but these words occur in all the pension acts, and I left them in in this case simply because the precedent had been established in other pension legislation.

Mr. WALSH. But the Senator is endeavoring to take care of an exceptional class of cases.

Mr. REED of Pennsylvania. That is true; and I would be willing to strike out those words.

Mr. SMOOT. Mr. President, a soldier, in the first place, had to have 90 days' service before he was entitled to receive a pension.

Mr. REED of Pennsylvania. Yes; he had to have 90 days' service in the Spanish War; but what the Senator from Montana calls attention to is that the soldier should not really be required to have served 90 days in the second war; that the equities of the case are just as strong whether or not he served that length of time; and I think the Senator is right in that respect.

Mr. FESS and Mr. WILLIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I yield first to the junior Senator from Ohio.

Mr. FESS. Mr. President, what effect does the Senator think the concurrent resolution will have in a case where a Spanish War veteran enlisted and served in the World War and was wounded and is now on the compensation roll? Does the law cover the case so that he would not get compensation for service in the World War and a pension also as a soldier of the Spanish-American War?

Mr. REED of Pennsylvania. If he was wounded in each war, he could take his choice as to which compensation he might receive.

Mr. FESS. But he would not be entitled to receive compensation for both?

Mr. REED of Pennsylvania. Not for both.

Mr. WILLIS. Mr. President—

Mr. REED of Pennsylvania. I yield to the senior Senator from Ohio.

Mr. WILLIS. Mr. President, I fully agree with what the Senator said, and therefore his answer to the question I am about to ask is not material from my viewpoint. However, I am interested in learning if the Senator knows how many cases of this kind there are in this peculiar situation?

Mr. REED of Pennsylvania. I have tried to find out. I think there are less than 20, but there may be as many as 20.

Mr. WILLIS. I do not think the information material; merely interesting.

Mr. TYSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED of Pennsylvania. I yield.

Mr. TYSON. I should like to ask the Senator what effect will the adoption of the concurrent resolution have upon the pension bill which has been passed by both Houses? Will it have the effect of delaying it so as to jeopardize its ultimate passage?

Mr. REED of Pennsylvania. It will not delay it in the least. The engrossing of that bill is now being started in the House, and I am advised that in all likelihood the concurrent resolution I have offered, if adopted by the Senate, can be acted on in the House to-day, and the engrossing can not be finished before to-morrow in any event.

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

There being no objection, the resolution was considered and agreed to.

JOHN H. WALKER

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 549) for the relief of John H. Walker, which was, on page 1, line 5, after the word "appropriated," to insert "and in full settlement against the Government."

Mr. JONES of New Mexico. I move that the Senate concur in the House amendment.

The motion was agreed to.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT

Mr. McNARY. Mr. President, I ask unanimous consent for the immediate consideration of the conference report on House bill S264, the annual agricultural appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the report, which was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 28, 37, 41, and 44.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 13, 14, 17, 20, 21, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 42, 43, 46, 48, 50, 58, 59, 60, 61, 62, and 63, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,653,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,678,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$750,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,940,653"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,477,763"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$12,300"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$495,094"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$368,280"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,833,055"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,908,055"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$500,220"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$588,480"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$507,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,016,230"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: On page 50 of the bill, in line 10, strike out the words "this insect" and insert in lieu thereof the words "these insects"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,625,168"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$775,150"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,421,607"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "\$4,746,397"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 54, 55, 56, 57, and 64.

CHAS. L. McNARY,  
W. L. JONES,  
LEE S. OVERMAN,  
WM. J. HARRIS,

*Managers on the part of the Senate.*

WALTER W. MAGEE,  
EDWARD H. WASON,  
J. P. BUCHANAN,

*Managers on the part of the House.*

Mr. WILLIS. Mr. President, I desire to submit an inquiry to the Senator from Oregon.

The Senator will remember that a number of us appeared before the committee and urged an enlarged appropriation for the continuation of the tuberculin testing work. My recollection is that the committee recommended and the Senate adopted a provision for an increased appropriation of \$2,000,000. Personally, I think the continuation of that work is of the very greatest importance. I think it is wise economy to make large enough appropriations to exterminate this disease, if it may be, rather than to try to handle it piecemeal.

I therefore inquire of the Senator what agreement was reached by the conferees touching this matter.

Mr. McNARY. Mr. President, in answer to the inquiry of the Senator from Ohio and referring for a moment to the historical phases of this item, I will state that the House allowed \$4,103,000 for the eradication of tuberculosis in cattle. The Senate increased that amount to \$6,000,000. When the con-

ferees met the matter was debated at length and the Senate conferees made a very determined and stout effort to retain the full amount appropriated—namely, \$6,000,000, but the time came when an agreement had to be reached, and the Senate conferees agreed to a House proposal that the amount might be increased by the sum of \$550,000.

At this time the bill carries the sum of \$4,653,000 for the purpose of making the tuberculin test in cattle. This is an increase of \$550,000 over the House bill. It is true that it is a decrease of practically a million and a quarter dollars from the bill as passed by the Senate, but let me again state to the Senator from Ohio that while the Senate conferees felt most sympathetic with this splendid work that is being done by the Department of Agriculture in cooperation with the States, we found determined resistance from the House conferees. Hence we have brought this item to the Senate for its consideration and approval or rejection.

Personally, as chairman of the conferees, I shall have no hesitation in going back into conference over the bill, if that is the expression and wish of the Senate, and trying again to increase the amount allotted; but under the circumstances and conditions as we found them I think the Senate conferees did all that could have been done and they did succeed in bringing about a substantial and material increase in this item.

Mr. JONES of Washington. Mr. President, let me inquire of the chairman of the committee whether we did not also increase by a very considerable sum the amount of money that should be immediately available?

Mr. McNARY. Yes. I was speaking of the total sum appropriated. It is true that the amount made immediately available by the House bill was \$200,000, and the Senate increased it to \$750,000.

Mr. WILLIS. Mr. President, I do not desire at all to seem to criticize the conferees on the part of the Senate, but I do express very deep regret that they felt compelled to yield to the House conferees on this matter.

Here is the situation: We are trying to solve this problem piecemeal. We make a relatively small appropriation, which is expended in the tuberculin testing work in a particular locality; and in an adjoining State or an adjoining county, where nothing has been done, there is an infected area which, through importations of diseased stock, promptly will overthrow the good which already has been accomplished.

If this matter is to be handled at all, it ought to be handled by an appropriation large enough to enable the department to grapple with this question and to solve it once and for all. My own opinion is that these piecemeal appropriations are exceedingly poor economy; and while, as I say, I do not feel disposed to criticize the conferees on the part of the Senate—I know that they were interested in this appropriation, and I have no doubt that they did all that they felt they could do—yet I do feel that the Senate ought to express its approval of the original appropriation by sending this matter back to conference. I hope that action will be had.

Mr. COPELAND. Mr. President, I am in hearty accord with what the Senator from Ohio [Mr. WILLIS] has just said. There is not anything I can think of that is more important than the conservation of child life; and every time we find a case of bone or joint tuberculosis we know that that child has been infected by bad milk, by tuberculous milk.

I can think of no appropriation that the Government can make which more directly affects the health and prospects of the children and of the future citizens of this country; and I fully agree with what the Senator from Ohio has said. When we are making these large appropriations for material things we can well afford to do something to protect the lives of the little ones of this country. I believe, too, with the Senator, that the conferees should be asked to return to the House, and, if possible, to secure the adoption and approval of the larger appropriation for this particular work.

Mr. LENROOT. Mr. President, as one of the conferees, I declined to sign the report which is now before the Senate because of the item now under consideration; and yet I do want to say for the conferees that every possible effort was made by them to secure from the House conferees a larger increase than was finally agreed upon, namely, an increase of \$550,000 over the amount carried in the House bill. The fact is that the House conferees delivered an ultimatum to the Senate conferees. We very much desired that they take this matter back to the House and let the House express itself upon the item as carried in the Senate amendment. This was refused, and finally the offer was made to increase this amount by \$550,000.

Mr. President, if the bill is sent back to conference I do not know whether or not any different situation will result, but I should like to see one more trial made. The situation

is especially acute in the Northwest. The city of Chicago has recently passed an ordinance providing that no milk shall be sold in the city of Chicago except that from tuberculin-tested herds. The result is that in southern Wisconsin, which is very heavily infected, and where tests are being made very rapidly, there are now whole trainloads of condemned dairy cows, blooded cows, the very highest grade of stock, being sent to the Chicago stockyards for slaughter. The State of Wisconsin last year appropriated \$750,000 as its share for indemnities and the testing and necessary expenses. That has already been exhausted. A session of the legislature was held last week to make a further appropriation, and \$450,000 was appropriated by the State to take care of this very acute situation.

It does seem to me, as the Senator from New York [Mr. COPELAND] has said, that when we are spending so many millions of dollars in other ways there ought not to be any objection upon the part of anyone to this comparatively modest increase that the Senate has provided for the conservation of human life; and at the same time, when we are talking about relief for the farmer, here is something that is substantial and practical, and will be of very great help to the dairy farmers of this country.

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

Mr. LENROOT. I yield.

Mr. WILLIS. The Senator then has some hope, as a member of the conference committee, that if this matter is sent back to conference a different and more favorable result may be obtained?

Mr. LENROOT. I am frank to say that one reason which impelled me not to sign the report was that I hoped some parliamentary way might be found by which this matter could be sent to the House and the House could have an opportunity to vote upon it. Of course, if we send it back to conference, we will confront the House conferees exactly as we did before. But I do think this may result, if we send it back to conference, that the attention of the Members of the House will be called to the matter, and there is a way in the other House whereby they can reach this question. If we send it back to conference, it may aid in enabling them to do so. No great delay will result. We can meet with the conferees, and, of course, if they take the position they took before, there will be nothing our conferees can do except again to report the action to the Senate.

Mr. LA FOLLETTE. Mr. President, I sincerely trust that this conference report will be recommitted to the conference committee. The situation in Wisconsin as described is very acute. As a matter of fact, before the Chicago ordinance went into effect estimates were made as to what would be the result of testing in the southern counties of the State, which are dependent largely upon the city of Chicago as a market for their products, and the program of testing was put into force. The results of the tests to date have shown that a very much higher percentage of reactors have been found in these herds than was anticipated. I merely suggest that for the consideration of the Senate, to indicate that the demand for funds for indemnity purposes may be much larger than is now anticipated.

In some instances the very finest herds in that section of the State have been found to react as high as 60 per cent, and the burden thus thrown not only upon the State but also on the farmers is at once apparent. I sincerely trust that the report will be recommitted.

In order that the Senate may have exact information concerning this matter, I ask that there be read from the desk the statement made by the Governor of Wisconsin with relation to the calling of the special session of the legislature, which convened last Thursday and which, as has been stated, increased the appropriation \$450,000.

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

The legislative clerk read as follows:

STATEMENT OF BLAINE IN CALLING SPECIAL SESSION

The statement of Gov. John J. Blaine relating to the special session follows in full:

"The city of Chicago on or about December 22, 1925, passed an ordinance requiring that on and after April 1, 1926, milk and cream sold for consumption within the city of Chicago must be produced by herds that have passed a satisfactory bovine tuberculosis test. The number of cattle in herds in Wisconsin furnishing such dairy products for the city of Chicago is estimated to be 135,000.

"In order to save to the dairy farmers of this State their Chicago liquid milk market, it was determined by the commissioner of agriculture and the livestock sanitary board that every effort should be made to have such herds tested. Up to April 1 about 95 per cent thereof had been tested. Past experience in the testing work had led the Livestock sanitary board to believe that the percentage of reactors in

the counties furnishing the bulk of the Chicago milk would run from 4 to 18 per cent. Actual experience has demonstrated, however, that in some of the counties in the Chicago market area the percentage of reactors runs from 12 to 60 per cent.

"Due to the Chicago milk ordinance and the unlooked-for increase in number of reactors, an unusual demand has been made upon the indemnity funds. The State funds available for bovine tuberculosis eradication for the year ending June 30 next were \$832,000. The intensive work required in testing to save the Chicago market for the Wisconsin dairymen made such inroads upon the indemnity fund that it will become necessary to discontinue the area test work unless an emergency appropriation is made. If the city of Chicago had not enacted its rigid ordinance, the funds available for indemnities were sufficient to carry on the ordinary regular work of the department. It is found, however, that to carry on the ordinary regular work of the department, especially the area testing, the department needs \$450,000 to replace the funds taken from the regular appropriation in carrying on the work for the Chicago market area. The balance in the fund for tuberculosis eradication on April 1 was \$462,728.01, the larger part of which, if not all, is required to meet past demands, and the Livestock sanitary board, after careful analysis, recommends that \$450,000 be appropriated as an emergency appropriation, so that the ordinary regular work for the eradication of bovine tuberculosis may go on for the balance of the fiscal year.

"Suggestions have been made, if a special session were called, to include many subjects. The subjects suggested, however, were all considered by the same legislature less than 10 months ago or are being considered by the interim committee. I do not feel justified in submitting such subjects, which would prolong the session, involving unnecessary expenditures by the State and personal inconvenience and expenses of the members of the legislature.

"The subject submitted involves a pressing emergency, and, in my judgment, the legislature will be able to dispose of it in a day."

Mr. COPELAND. Mr. President, I hope the Senate will not permit this matter to be passed over without making every effort to get the House managers to agree to the committee's suggestion. We have here to deal with something more than a public building or a good road. We have to do with human life—with the lives of these children—and I beg Senators when they vote on this matter to take into consideration the poor little crippled children who are struggling around the streets of the communities from which Senators come. I believe when Senators think of that they will not hesitate to vote to recommit.

I now move that this matter be recommitted to the conference committee for further conference with the House.

Mr. HARRISON. Mr. President, if all discussion of that item is completed, there is another matter in the conference report to which I want to call the attention of the Senate.

The Senate Committee on Appropriations recommended an appropriation of \$25,000 for a survey of the Gulf coast and South Atlantic region to study the mosquito whose existence is due to the marshes of Louisiana, which form about one-half the salt marshes of the whole country. I think the committee was unanimous in that recommendation, and the Senate was likewise unanimous; but the House conferees were divided as to whether the survey should be made by the Public Health Service or by the Agricultural Department, through the Bureau of Entomology.

I hope that when the conference report goes back the House conferees will agree to the Senate amendment, which was agreed to by all the agencies of the Federal Government, including the Secretary of Agriculture; Doctor Howard, of the Bureau of Entomology; Doctor Cumming, of the Public Health Service; as well as General Lord, of the Bureau of the Budget. The amendment was stricken down, I think, one-third of what was requested. I hope that when the report goes back to conference that item will be restored to the bill.

Mr. FLETCHER. Mr. President, I think the report of the conference makes that item \$10,000 instead of \$25,000.

Mr. McNARY. No.

Mr. FLETCHER. May I ask the Senator what the amount is?

Mr. McNARY. The able Senator from Mississippi asked the Senate for an appropriation of \$40,000 for the eradication of the salt-marsh mosquito. The Senator made a very favorable impression on the Senate committee, and they recommended \$25,000. But we were not able favorably to impress the House conferees, and the result is that no appropriation is made for this matter.

Mr. FLETCHER. None at all?

Mr. McNARY. None at all.

Mr. FLETCHER. I think this is a very important matter. We talk about diseases in this country, but there is not an

insect that is more poisonous and which spreads and distributes disease to a greater extent than the mosquito.

Mr. McNARY. May I at this point state to the Senator from Florida that the insect referred to here is not the mosquito that carries infestation. It does not carry malaria or any of the diseases. It is not that type of a bug. It is an annoying creature. It buzzes around and bites, but the bite while distressing is harmless.

Mr. FLETCHER. I would not want to trust any mosquito, as far as that goes. I do not care whether it is a salt mosquito or a stegomyia or any other kind. I think they are all dangerous, and they ought to be exterminated. It has been thoroughly demonstrated that they can be exterminated, and it can be done without very much expense. There ought to be a survey made and steps should be taken in that direction. I think this is a proper appropriation for us to make.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. FESS. The vote is on recommitting the conference report, is it not?

The VICE PRESIDENT. The question is on the motion made by the Senator from New York [Mr. COPELAND] to recommit the conference report.

Mr. CURTIS. Is a motion to recommit in order? I thought we had to vote on the question of agreeing or not agreeing to the report.

The VICE PRESIDENT. The motion to recommit is in order. If the motion to recommit is agreed to, the same conferees will be appointed.

Mr. CURTIS. Has the Senate the papers?

The VICE PRESIDENT. The House has not acted on the report. The same conferees can take it up if the motion shall be agreed to.

Mr. FESS. Mr. President, a further parliamentary inquiry. Was this a complete agreement?

Mr. McNARY. No, Mr. President; there were three items which were referred to the House for action.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New York that the conference report be recommitted.

The motion was agreed to.

#### RELIEF OF STATE OF NORTH CAROLINA

Mr. SIMMONS. Mr. President, I ask unanimous consent for the present consideration of Senate bill 2733, for the relief of the State of North Carolina. This is a bill of much importance to certain Federal and State officials in North Carolina.

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

Mr. SMOOT. Let the bill be read so that I may look at the report.

Mr. SIMMONS. The bill provides—

That the State of North Carolina and the United States property and disbursing officer of the National Guard of the State of North Carolina are hereby relieved from accountability for 175 folding canvas cots, property of the United States, valued at \$430.50, which were loaned by such State to the mayor of New Bern, N. C., for the use of persons rendered homeless and destitute as a result of a conflagration in that city in December, 1922, and which were lost or rendered unfit for service.

Mr. SMOOT. I have read the report, and I have no objection to the bill.

Mr. SIMMONS. I wish to state that the fire occurred in my town. I was present on the day it occurred. It destroyed between 300 and 400 homes, mostly in the colored settlement, and rendered between 1,000 and 1,500 families destitute. Nothing was saved in the conflagration. The city, through its mayor, applied to the adjutant general of the State for the loan of some cots at Camp Glenn, a few miles from the city. It was several months before we could build enough houses to accommodate the people who had lost their homes, and during that time 175 of the cots were practically rendered valueless, or destroyed, or lost.

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

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

#### FRAUDULENT ADVERTISING BY STATE CORPORATIONS

Mr. McLEAN. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 515, the bill (S. 2606) to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan

act, to limit the use of the words "Federal," "United States," or "Reserve," or a combination of such words, to prohibit false advertising, and for other purposes.

I will state that both the Federal Farm Loan Board and the Federal Reserve Board are very anxious to have action upon the bill. It is a simple measure. Its title explains its purpose, which is to prevent the fraudulent advertising of Federal farm-loan bonds by private State corporations. It also prevents the State corporations from using the words "Federal" or "United States" or "Reserve" in their organization. The Federal Reserve Board has had brought to its attention many instances of State corporations that have organized and used the word "Federal" or "United States" for the express purpose of misleading the public.

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

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

*Be it enacted, etc.*, That no bank, banking association, trust company, corporation, association, firm, partnership, or person not organized under the provisions of the act of July 17, 1916, known as the Federal farm loan act, as amended, shall advertise or represent that it makes Federal farm loans or advertise or offer for sale as Federal farm-loan bonds any bond not issued under the provisions of the Federal farm loan act, or make use of the word "Federal" or the words "United States" or any other word or words implying Government ownership, obligation, or supervision in advertising or offering for sale any bond, note, mortgage, or other security not issued by the Government of the United States or under the provisions of the said Federal farm loan act or some other act of Congress.

SEC. 2. That no bank, banking association, trust company, corporation, association, firm, partnership, or person engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, or trust business shall use the word "Federal," the words "United States," or the word "reserve," or any combination of such words, as a portion of its corporate, firm, or trade name or title or of the name under which it does business: *Provided, however*, That the provisions of this section shall not apply to the Federal Reserve Board, the Federal Farm Loan Board, the Federal Trade Commission, or any other department, bureau, or independent establishment of the Government of the United States, nor to any Federal reserve bank, Federal land bank, or Federal reserve agent, nor to the Federal Advisory Council, nor to any corporation organized under the laws of the United States, nor to any bank, banking association, trust company, corporation, association, firm, partnership, or person actually engaged in business under such name or title prior to the passage of this act.

SEC. 3. That no bank, banking association, or trust company which is not a member of the Federal reserve system shall advertise or represent in any way that it is a member of such system or publish or display any sign, symbol, or advertisement reasonably calculated to convey the impression that it is a member of such system.

SEC. 4. That any bank, banking association, trust company, corporation, association, firm, or partnership violating any of the provisions of this act shall be guilty of a misdemeanor and shall be subject to a fine of not exceeding \$1,000. Any person violating any of the provisions of this act, or any officer of any bank, banking association, trust company, corporation, or association, or member of any firm or partnership violating any of the provisions of this act who participates in, or knowingly acquiesces in, such violations shall be guilty of a misdemeanor and shall be subject to a fine of not exceeding \$1,000 or imprisonment not exceeding one year, or both. Any such illegal use of such word or words, or any combination of such words, or any other violation of any of the provisions of this act may be enjoined by the United States district court having jurisdiction at the instance of any United States district attorney, any Federal land bank, joint-stock land bank, Federal reserve bank, or the Federal Farm Loan Board or the Federal Reserve Board.

SEC. 5. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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

#### POSTAL SERVICE IN ALASKA

Mr. PHIPPS. Mr. President, from the Committee on Post Offices and Post Roads I report back favorably without amendment the bill (H. R. 8192) authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers for performance of authorized service on power boat and

star routes in Alaska. It is a bill to which there should be no objection, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

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

*Be it enacted, etc.*, That postmasters may be designated by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers for performance of authorized service on power boat and star routes in Alaska.

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

#### THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. SMOOT. Mr. President, I ask that Orders of Business Nos. 3, 4, 5, 6, 7, and 8 may go over.

The VICE PRESIDENT. They will be passed over. The clerk will state the next bill on the calendar.

The bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, was announced as next in order.

Mr. FERNALD. Mr. President, a few moments ago the able Senator from Montana [Mr. WALSH] stated that he desires to address the Senate on the Italian debt settlement. I do not wish to deprive him of that privilege or other Senators of the pleasure of listening to him. In order that the bill which has just been announced may remain the unfinished business, I desire to yield to the Senator from Montana for that purpose.

Mr. SMOOT. If that course is going to be pursued, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Italian debt settlement bill be temporarily laid before the Senate for the purpose of enabling the Senator from Montana to address the Senate upon that subject.

Mr. WILLIS. Mr. President, I do not desire to object, but it was my understanding that we were going to work on the calendar until 2 o'clock. Why can we not do that?

Mr. SMOOT. I only made my request on the basis of the statement that the Senator from Montana desires to speak at this time.

Mr. WILLIS. I do not object, but I understood it was agreeable to the Senator from Montana to proceed with the calendar until 2 o'clock.

Mr. WALSH. I should be very glad to have the Senate work on the calendar until 2 o'clock.

Mr. FERNALD. Then I withdraw my request.

Mr. SMOOT. And I withdraw my request, too.

#### BILLS PASSED OVER

The VICE PRESIDENT. The clerk will state the next bill on the calendar.

The bill (S. 1824) for the relief of R. B. Swartz, W. J. Collier, and others was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. SMOOT. Mr. President, I would like to ask the Senator who introduced the bill, the Senator from Missouri [Mr. WILLIAMS], to make some explanation of the bill. I will say to the Senator that the reason why I make the request is "that a similar bill was referred to the Finance Committee and I think that is where this bill ought to have gone. If the Senator has not the matter in mind right now, I ask that it may go over temporarily until he looks it up."

Mr. WILLIAMS. Very well.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The bill will be passed over temporarily.

The bill (S. 2338) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. WILLIAMS. I move that the bill be indefinitely postponed.

Mr. JONES of Washington. The present occupant of the chair is interested in the bill and would like to have it go over.

Mr. WILLIAMS. Very well; I withdraw my motion.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1929) to provide home care for dependent children in the District of Columbia was announced as next in order.

Mr. SMOOT. Mr. President, will some Senator give an explanation of the bill? The senior Senator from New York [Mr. WADSWORTH] is not here, and he is interested in the bill.

Mr. CURTIS. The junior Senator from Utah [Mr. KING], my recollection is, asked on a previous occasion that the bill go over. As he is absent and the Senator from New York [Mr. WADSWORTH] is likewise absent, I ask that it may go over, if my colleague [Mr. CAPPER] is willing.

Mr. CAPPER. Certainly.

Mr. COPELAND. I join in the request because my colleague is anxious to be here when the bill is considered.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. BAYARD. The junior Senator from Utah [Mr. KING] is unavoidably absent to-day. He has offered several amendments to the bill. In his absence to-day I ask that the bill go over.

Mr. SMOOT. I want to say also that the senior Senator from Missouri [Mr. REED] is very much opposed to the bill and desires to be present when it is considered.

The PRESIDING OFFICER. The bill will be passed over.

#### WALLER V. GIBSON

The bill (S. 1459) for the relief of Waller V. Gibson was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws and of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, and dependent relatives, Waller V. Gibson, who was a member of Troop C, Second Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 15th day of December, 1898: *Provided*, That no pension shall accrue prior to the passage of this act.

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

Mr. LA FOLLETTE. Mr. President, I ask that the formal reading of any unobjectionable bill may be dispensed with.

Mr. SMOOT. There may be some of them that should be read.

Mr. LA FOLLETTE. I mean in cases where there is no objection, that the formal reading be dispensed with.

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

#### COMPLETION OF TOMB OF UNKNOWN SOLDIER

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order.

Mr. JONES of Washington. Let the joint resolution go over.

Mr. FESS. Mr. President, I have allowed the joint resolution to remain on the calendar because an opportunity has not presented itself for its consideration. I want now to announce that I shall try to get early consideration of the matter and to have it determined one way or the other just as soon as possible.

The PRESIDING OFFICER. The joint resolution will be passed over.

#### PENSIONS FOR SURVIVORS OF INDIAN WARS

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with an amendment, on page 2, line 18, to strike out the words "Provided, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act," so as to make the bill read:

*Be it enacted, etc.*, That section 2 of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859,

to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, is amended to read as follows:

"SEC. 2. The period of service performed by beneficiaries under this act shall be determined: First, by reports from the records of the War Department, where there are such records; second, by reports from the records of the General Accounting Office showing payment by the United States, where there is no record of regular enlistment, or muster into the United States military service; and third, when there is no record of service or payment for same in the War Department or the General Accounting Office by satisfactory evidence from muster rolls on file in the several State or Territorial archives; fourth, where no record of service has been made in the War Department or General Accounting Office and there is no muster roll or pay roll on file in the several State or Territorial archives showing service of the applicant, or where the same has been destroyed by fire or otherwise lost or where there are muster rolls or pay rolls on file in the several State or Territorial archives but the applicant's name does not appear thereon, the applicant may make proof of service by furnishing evidence satisfactory to the Commissioner of Pensions.

Mr. SMOOT. Mr. President, I notice that the bill was reported by the Senator from North Dakota [Mr. FRAZIER]. Can the Senator tell me why the amendment was agreed to by the Committee on Pensions as it appears on page 2, in lines 18 and 19? That language has been in all acts heretofore referring to Indian war pensions. I certainly shall ask that the amendment be disagreed to and that the bill be passed as it came from the House.

Mr. FRAZIER. The bill was reported according to the recommendation which was made to the committee.

Mr. SMOOT. I will say to the Senator that without the words in the bill as it came from the House we might as well not pass the bill. The Indian war veterans have no specific discharge certificates, and every bill that has ever been passed before contained the exact words put in by the House in this bill and proposed to be stricken out by the committee. The men were called out hastily, did their fighting and came back, and never thought of getting a specific discharge.

Mr. FESS. Is not that what the amendment provides?

Mr. SMOOT. No; it says "that the want of a certificate of discharge shall not deprive any applicant of the benefits of this act." The committee proposes to strike out that language, and I do not want to have it stricken out. I want it exactly the same as similar bills which have been passed.

Mr. FESS. Certainly.

Mr. JONES of Washington. I had a different impression, but I find what the Senator from Utah is maintaining is just what apparently was recommended by the former report, and that is what I would be in favor of, too.

Mr. SMOOT. I have no objection to the consideration of the bill at this time, but I wish it distinctly understood that the committee amendment to the bill is to be disagreed to. Otherwise I do not desire that the bill shall pass. Let us vote down the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

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

Mr. NEELY subsequently said: Mr. President, in behalf of the junior Senator from Utah [Mr. KING], who is unavoidably absent, I ask unanimous consent that the vote by which H. R. 306 was passed earlier in the day be reconsidered.

The object of this request is to give the Senator from Utah an opportunity, when he returns, to speak to an amendment which he has offered to this bill, and which is pending. The object of his amendment is to liberalize the bill and to extend its provisions to veterans other than those who are mentioned in the bill.

The PRESIDING OFFICER. Without objection, the request of the Senator from West Virginia on behalf of the Senator from Utah is granted and the vote by which the bill was passed is reconsidered.

#### SILVER PURCHASES

The bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, was announced as next in order.

Mr. WILLIS. Let that bill go over, Mr. President.

The PRESIDING OFFICER. Being objected to, the bill will be passed over.

Mr. PHIPPS. Mr. President, the bill having been passed over, I merely desire to say that, while I should not ask for its consideration under the five-minute rule, I wish to serve notice that at the first convenient opportunity I shall ask to have the bill taken up for consideration.

#### AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. WILLIS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

M. BARDE & SONS (INC.), PORTLAND, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2098) for the relief of M. Barde & Sons (Inc.), Portland, Oreg., which had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "\$34,291.58, balance due" and to insert in lieu thereof "\$32,600 to," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$32,600 to M. Barde & Sons (Inc.), of Portland, Oreg., on a contract with the United States to remove from the channel of the Columbia River the wreck of the steamship *Welsh Prince*.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 1897) to reinstate John P. Gray as a lieutenant commander in the United States Coast Guard was announced as next in order.

Mr. JONES of Washington. Mr. President, I should like to see that bill passed, and I think it ought to pass, but the junior Senator from Utah [Mr. KING], I know, has opposed it heretofore and has asked that it lie over. Under the circumstances I will have to ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over. The bill (S. 3321) to increase the efficiency of the Air Service of the United States Army was announced as next in order.

The PRESIDING OFFICER. The Chair asks that that bill be passed over.

The bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. TRAMMELL. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### OPENING OF STREET FROM GEORGIA AVENUE TO NINTH STREET NW.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2043) to authorize the opening of a street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

Mr. SACKETT. Mr. President, I should like to offer certain committee amendments to the bill.

Mr. SMOOT. I ask that the bill may be read.

The PRESIDING OFFICER. The bill will be read.

The legislative clerk read the bill.

The amendment of the Committee on the District of Columbia was, in section 1, on page 2, line 8, after the word "cost," to strike out the article "an" and to insert the word "and," so as to make the section read:

*Be it enacted, etc.*, That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to open a street, approximately 80 feet in width, from Georgia Avenue to Ninth Street NW., to include all of lots 895, 898, 896, 899, 927, 925, 923, 928, 882, 883, and 884 in square 2875, and the south 80.84 feet front by full depth of lot 931 in square 2877: *Provided*, That of the amount found to be due and awarded by the jury in said proceeding as damages for, and in respect of, the land to be condemned for said street opening, plus the cost and expenses of the proceeding hereunder, such amount shall be assessed as benefits by the jury against the Washington Railway & Electric Co. and the Capital Traction Co., respectively, in such proportion as the jury may find said companies to be benefited by the opening of said street and the im-

provement in the railway trackage conditions incident thereto as hereinafter provided, which said assessment shall be valid and subsisting liens against the franchises and properties of said railway companies, and shall be a legal indebtedness of said companies in favor of the District of Columbia, and the said lien or liens may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of said District or by any lawful proceeding; and such amount shall be assessed by the jury as benefits, and to the extent of such benefits, against the lots, pieces, or parcels of land on each side of said street and against any and all other lots, pieces, or parcels of land which the jury may find will be benefited by the opening of said street under the provisions of said subchapter 1 of Chapter XV of the Code of Law for the District of Columbia.

Mr. SACKETT. I ask that the amendments offered by me on behalf of the committee may now be stated.

The PRESIDING OFFICER. The amendments proposed by the Senator from Kentucky will be stated.

The first amendment proposed by Mr. SACKETT was, on page 2, in lines 13, 14, and 15; it is proposed to strike out the words "and the improvement in the railway trackage conditions incident thereto as hereinafter provided."

The amendment was agreed to.

The next amendment proposed by Mr. SACKETT was, in section 3, page 3, line 13, after the word "That," to insert "whenever, in the judgment of the Public Utilities Commission of the District of Columbia, it is deemed in the public interest"; in line 14, after the word "Company," to insert the word "shall"; and, in the same line, after the word "be," to strike out the words "and it hereby is."

The amendment was agreed to.

The next amendment proposed by Mr. SACKETT was, in section 4, page 3, lines 23, 24, and 25, after the word "date," it is proposed to strike out the words "that all the land authorized to be condemned as provided for herein shall have been acquired by the District of Columbia," and in lieu thereof to insert "the said Washington Railway & Electric Co. is ordered by said Public Utilities Commission to construct tracks and make connections as provided in section 3 of this act."

The amendment was agreed to.

Mr. CARAWAY. Mr. President, I desire to ask the Senator from Kentucky a question. It is not intended by the bill to open up a street through what we know as Walter Reed Hospital, is it?

Mr. SACKETT. Mr. President, I should like to say in regard to the bill that it provides for the opening of a street off of one of the entrances to the ball park. There is a long block of 2,800 feet which needs to be bisected so that automobiles and pedestrians may pass through. The amendment which I have proposed has been offered at the request of the committee which examined the place. Under the amendments the street railway company will not be required immediately to lay their tracks in the street, but that matter will be left in the hands of the Public Utilities Commission, which may order them to do so whenever the commission shall deem it to be necessary.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CLAIMS FOR EXTRA LABOR AT NAVY YARDS

The bill (S. 491) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims was announced as next in order.

Mr. COPELAND. Mr. President, I am sorry, of course, to have to ask that this bill go over, but I promised the junior Senator from Utah [Mr. KING] that if he were not present I would ask that the bill go over. Therefore I make that request.

The PRESIDING OFFICER. The bill will be passed over.

#### ESTATE OF JOHN STEWART

The bill (S. 1450) for the relief of the estate of John Stewart, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$2,000 to William L. Browning, administrator of the estate of John Stewart, deceased, late civil engineer, for extra compensation for services rendered by him to the Government in connection with the Potomac Flats case.

Mr. SMOOT. Mr. President, I notice that the bill was introduced by the Senator from Kansas [Mr. CAPPER]. I will inquire of him what extra services were rendered by John Stewart to the Government to entitle his estate to \$2,000.

Mr. CAPPER. Mr. President, the services were rendered by this man a good many years ago in connection with an impor-

tant case known as the Potomac Flats case. Similar bills have been passed six times by the Senate and three or four times by the House of Representatives. It was sent here originally by Secretary Elihu Root and had the recommendation of the Secretary of the Treasury as well. Every Committee on Claims of the Senate during the last 12 years has made a favorable report on it. There ought not to be any objection to it.

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

#### ELLA H. SMITH

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2192) for the relief of Ella H. Smith, which had been reported from the Committee on Claims with an amendment on line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

*Be it enacted, etc.* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella H. Smith, postmistress at Wynne, Ark., an office of the second class, the sum of \$3,700, which amount was lost by burglary without fault of hers, and which she repaid to the Government.

Mr. SMOOT. Mr. President, I will ask the Senator from Arkansas [Mr. CARAWAY] to explain the bill.

Mr. CARAWAY. Mr. President, I shall be glad to do so. A similar bill passed the Senate on a previous occasion without objection, but did not happen to be reached on the calendar in the House in time to be enacted into law.

The facts of the case are these: Mrs. Smith, a widow, was postmaster at Wynne, Ark. The office at that place was made a central accounting office, but the help furnished was not sufficient to take care of the work. During the sale of the war savings stamps she was compelled to keep them in a bank because there was no safe equipment in the office. Several people had access to them, and the office itself was also subject to a robbery. When the accounts were checked up it was found that \$3,700 were missing, and it was never possible to discover how or when the theft had occurred. No suspicion ever attached to Mrs. Smith. She mortgaged a little home which she had and paid the amount, and this is an attempt to give her back the money.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ESTATE OF BENJAMIN BRAZNELL

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 769) for the relief of the estate of Benjamin Braznell. It directs the Commissioner of Internal Revenue to reopen and allow the claim of the Braddock Trust Co., executor of the estate of Benjamin Braznell, late of Pittsburgh, Pa., and refund \$2,323.47, the balance of taxes illegally collected under existing laws and decisions.

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

#### HUNTER-BROWN CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1304) for the relief of Hunter-Brown Co.

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

Mr. JONES of Washington subsequently said: Mr. President, reverting to Order of Business No. 271, being the bill (S. 1304) for the relief of Hunter-Brown Co., I notice that, apparently, according to the terms of the bill itself, these people are to be reimbursed for moneys they expended in prosecuting their claims. I ask unanimous consent to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed, and that the bill may go over.

The PRESIDING OFFICER. Without objection, the request of the Senator from Washington to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed will be reconsidered, and the bill will be passed over.

#### ROYAL HOLLAND LLOYD, AMSTERDAM, THE NETHERLANDS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2992) for the relief of the Royal Holland

Lloyd, a Netherlands corporation of Amsterdam, the Netherlands. It provides that the claim of the Royal Holland Lloyd, owners of the Netherlands steamship *Zeelandia*, against the United States for damages alleged to have been sustained as a result of the refusal of the Federal authorities to grant clearance to the vessel during the period from October 17, 1917, to March 21, 1918, may be sued for by the Royal Holland Lloyd in the United States Court of Claims, and that court shall have jurisdiction to hear and determine such suit to judgment, but such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the court, and it shall be the duty of the Attorney General to appear and defend for the United States, and suit shall be brought and commenced within four months of the date of the passage of this act.

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

GERSHON BROS. CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 945) for the relief of Gershon Bros. Co., which had been reported from the Committee on Claims with an amendment, on line 5, after the words "sum of," to strike out "\$58,379.96" and insert "\$5,078.11," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,078.11 to Gershon Bros. Co., of Atlanta, Ga., as just compensation and in full settlement and satisfaction of its damages and loss incurred and suffered by it when the building which it occupied was, on December 3, 1918, under authority of the national defense act, commandeered and taken possession of by the United States Government.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT CODE

The bill (S. 2981) to amend section 553 of the Code of Law for the District of Columbia was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 3300) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Mr. President, that bill, I think, should be indefinitely postponed. The Senate has passed the House bill on the same subject.

Mr. WILLIAMS. The Senate passed the House bill on the 14th of April.

Mr. SHORTRIDGE. I suggest that the Senate bill remain on the calendar, for the reason which was stated the other day by the Senator from New York [Mr. WADSWORTH]. I will inquire if the bill has finally gone to the President and been approved? Does the Senator from Utah know as to that?

Mr. SMOOT. I do not know whether the President has approved it or not.

Mr. WILLIAMS. Mr. President, a few moments ago reference was made to this matter. The bill has not gone to the President and been approved, but the Senate this morning adopted a concurrent resolution, offered by the Senator from Pennsylvania [Mr. REED], proposing in enrolling the bill to change certain of its provisions.

Mr. SMOOT. The bill is still in the House, then, I presume?

Mr. WILLIAMS. Yes.

Mr. SHORTRIDGE. I suggest that the bill be passed over.

The PRESIDING OFFICER. Without objection, the bill will be passed over.

TRUTH IN FABRICS

The bill (S. 1018) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. CAPPER. Mr. President, I should like very much to have this bill taken up, not to-day, but at an early date. The bill has been before the Committee on Interstate Commerce for several years; and finally, after extended hearings and full consideration, the committee has reported the bill in a form which I think eliminates most of the objections that heretofore have been urged against this proposed legislation.

The measure is supported by all the farm organizations of the country; it is urged also by many of the consumer organizations; and I think it is only fair that, after having been before Congress so many years, it should have consideration.

Mr. SMOOT. Mr. President, I want to say to the Senator that there is nobody who would rather support the wool industry than I, as my State is so deeply interested in it; but I do not want to approve of legislation that I know is absolutely impossible of enforcement.

As a manufacturer, I want to say to the Senator from Kansas that as the bill now reads it is absolutely impossible of enforcement; and I think that when the bill comes up, if it ever does—and I never want it to come up unless I am here—I can demonstrate to every Senator who will listen to what I have to say that it is impossible of enforcement or being put into successful operation.

No one approves more than I do the object of the bill, and I will support any legislation looking to that end; but this bill can not prove practical. It will cost more to enforce it than twice the cost of the goods.

Mr. SHORTRIDGE. Mr. President, can the Senator in a sentence or two point out wherein it can not be operative or put into execution?

Mr. SMOOT. I should have to begin at the beginning with the fleece of wool and carry it through every step of manufacture, and tell you what will happen in the carding room and what will happen in the spinning room and what will happen in the weaving room and what will happen in the finishing room, and why it can not possibly be carried out successfully.

Mr. WILLIS. Mr. President, I venture to express the hope that the Senator from Kansas [Mr. CAPPER] will persist in his effort to get this matter before the Senate. I have heard such conflicting opinions expressed that, while I have great confidence in the judgment and wisdom of the Senator from Utah, if he is right it is a most amazing thing that practically all the farm organizations in the country, and particularly the grange, the people in our section of the country who are interested in woolgrowing, who have been studying this question for years, are absolutely unanimous in the view that this would be helpful legislation and that the law would be enforceable. I hope we can get the question up here, and if the Senator can demonstrate what he says he can demonstrate I hope he will be given an opportunity to do it. Personally I do not believe he can do it. I believe this legislation can be enforced.

Mr. SMOOT. Mr. President, I have worked in every department of a woollen mill, beginning with the assorting of wool and going on to the finished cloth, and then I have sold the cloth; and I say now that the bill in its present form can not be enforced unless you have some individual empowered to enforce it in every mill where the goods are made; and even then it could not be technically complied with. The only way it could possibly be accomplished would be to make the cloth out of virgin wool and never use a single, solitary particle of that wool a second time, from the time it is washed in the washer until it is finished; and what would the goods cost if that were done? The cost would be prohibitive.

Mr. WALSH. Mr. President, let me inquire of the Senator from Kansas whether this question of the practicability of the legislation was considered by the committee.

Mr. CAPPER. It certainly was. The bill was referred to a subcommittee of the Committee on Interstate Commerce, headed by the junior Senator from Ohio [Mr. FESS]. The hearings covered a period of several weeks. Experts who were supposed to be familiar with the very questions that the Senator from Utah has raised were before the committee. It is my own opinion now that a reading of the report made by the committee and of the hearings and a discussion of the bill will demonstrate that the Senator from Utah is not correct in his belief that it can not be enforced.

Mr. WALSH. Can the Senator tell us some of the experts who urged that the measure is a practicable one?

Mr. CAPPER. The Senator from Ohio [Mr. FESS], who had charge of the hearings, can probably furnish more definite information as to just what came out at the hearings.

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

Mr. WALSH. I yield to the Senator from Ohio.

Mr. FESS. I do not know how to classify the experts. We had a great array of testimony from every phase of the industry, from the manufacturer and the grower, as well as from

people not at all identified with textile work. One line of evidence that was pressed considerably was from the Bureau of Standards. We asked a representative of that bureau to determine whether it would be possible to take the fabric after it was woven and determine what was in it. His testimony was somewhat adverse, in that he said that it would be rather difficult. He did not want to be understood as stating that it could not be done, but that it would be quite difficult to do it. There were others—I do not know whether they would be classified as experts or not—who claimed that it could be done.

Mr. WALSH. Were they familiar with the process of manufacturing?

Mr. FESS. I could not say as to that. I might state further that there was at the hearings a representative speaking for a large group of industries in the way of cleaners; and he stated that one of the most commanding reasons for the passage of the bill is that in the cleaning process the defective element in the garment would not stand the process, and that the cleaner therefore would subject himself to damage for having ruined a garment when the real source of the damage was shoddy or something that was less substantial than the fabric of which the garment was supposed to be made.

It was along that line that some of the manufacturers were in favor of the legislation. Usually the textile people were against the bill as it was originally introduced. The Senator from Utah says the bill as now written is not susceptible of enforcement. I want him to understand that the bill as now written is not nearly so difficult of enforcement as the original draft, because the original draft required everything to be labeled, while this draft requires only the mixed goods to be labeled.

I hope the Senator from Kansas [Mr. CAPPER] will use his privileges under Rule VIII, the next time the matter comes up, to bring it before the Senate and have it definitely decided. It has been before the Congress for 15 years.

Mr. SMITH. Mr. President, I should like to ask what is the status of this measure now; because if it is up for consideration, I certainly desire to address the Senate in respect to the bill.

Mr. CAPPER. I have asked that the bill be taken up; but in view of the fact that only a few minutes remain of the morning hour, which, of course, would not give sufficient time for discussion, I am going to suggest that the bill go over temporarily. The next time we are considering the calendar I hope the bill will be taken up, and I shall make a motion for its consideration at the first opportunity that that motion can be presented.

Mr. SMITH. While I am on my feet I want to make just one statement.

I was a member of a subcommittee appointed to consider this bill at two sessions of the Congress; and I think we gave more consideration to this bill than perhaps any other that was ever submitted to our committee. After we had had exhaustive hearings, and had listened both to those who manufactured wool and to those who produced wool, it was the opinion of the subcommittee, regardless of where its members came from or of any unavoidable bias they might have, that such legislation was totally impracticable in our commercial life.

When the bill is up, at the proper time, I am going to give the Senate the benefit of the study I have made of the bill, without any prejudice one way or the other, and call attention to the difficulties that were presented to us.

Mr. CAPPER. Mr. President, the pending bill is quite different from the measure that was considered by the committee of which the Senator from South Carolina was a member. This is, in fact, a compromise measure; and, as I said at the beginning, it eliminates many of the objections that were raised to the original bill.

Mr. SMOOT. But the fundamental principles of the original bill are in this bill, Mr. President.

Mr. SMITH. Identically. They have eliminated some of the difficulties, but they certainly have left the fundamental difficulty right there.

Mr. GOODING. Mr. President, the fundamental principle of this bill is absolutely correct and sound, because every man who buys any piece of merchandise has a right to know what he is buying; and that is all that this bill proposes. I hope that some arrangements can be made to give this important piece of legislation proper consideration. It can not be disposed of or be given proper consideration here in the morning hour; and as a member of the steering committee I am going to urge that a date be fixed for taking up the bill, so that it can be properly considered.

I listened to much of the argument presented before the committee, and I want to say that the best evidence that was given there to the effect that it could be enforced and was

practicable came from manufacturers themselves. As far as the farmers are concerned, it is a piece of legislation that they have been demanding for years. The same opposition that appeared against this legislation appeared against the pure food bill. It is along the same lines and the same principles, and it ought to be given a trial. If it can not be enforced, possibly the Senator from Utah, with all his knowledge of the industry, can offer some amendments that will make it practicable and enforceable. I think it can be enforced; and I want to say to the cotton growers of the South that I am satisfied that this legislation is entirely in the interest of the cotton growers. Above everything, the man who buys cloth that is represented to be all wool and a yard wide ought to know whether it is wool or whether it is shoddy.

The PRESIDING OFFICER. The bill will be passed over.

MILTON F. NICHOLSON

The bill (S. 2033) to provide for the advancement on the retired list of the Navy of Milton F. Nicholson was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. JONES of Washington. Mr. President, the chairman of the Naval Committee is here. I have examined this report, and this appeals to me as a very meritorious case.

Mr. HALE. I think it is a very meritorious case.

Mr. JONES of Washington. I think the Senator from Utah will withdraw his objection after the bill has been explained.

Mr. SMOOT. There will have to be some good reason given.

Mr. JONES of Washington. There is a good reason.

Mr. HALE. Mr. President, this bill simply rectifies a mistake which the Navy Department made at one time. This is a case of an officer of the regular Navy who was retired in July, 1925, on account of injury received in the line of duty. Prior to the time he was retired he had made the grade for promotion and had the right to take a physical examination for that promotion. The department, however, did not have him examined and he went before the retiring board. Had he taken the physical examination for promotion and failed to pass the examination, under existing law he would have been retired in the advanced grade of junior lieutenant. He did not do so, and therefore he was retired as an ensign instead of as a junior lieutenant.

Mr. SMOOT. I see from the report that he did not take an examination because of physical disability.

Mr. HALE. Incurred in the line of duty.

Mr. SMOOT. I have no objection.

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

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

*Be it enacted, etc.*, That Ensign Milton F. Nicholson, United States Navy, retired, shall have the rank and receive the pay and allowances of a lieutenant, junior grade, on the retired list of the United States Navy. Such rank shall take effect on August 7, 1925, and such pay and allowances shall be paid from and after such date.

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

NATIONAL ARBORETUM

The bill (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NORWEGIAN BARK "JANNA"

The bill (S. 1729) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood* was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That there is hereby authorized to be paid to the Government of Norway, out of any money in the Treasury not otherwise appropriated, as a matter of grace, and without reference to the question of liability therefor, as full indemnity for losses sustained by the owners of the Norwegian bark *Janna*, or any other parties peculiarly interested, as a result of a collision between it and the United States ship *Westwood* on October 31, 1918, the sum of \$45,978.36, as recommended by the President in his message of May 31, 1924.

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

## NORWEGIAN STEAMSHIP "JOHN BLUMER"

The bill (S. 1732) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the United States Army tug *Britannia* was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That there is hereby authorized to be paid to the Government of Norway, out of any money in the Treasury not otherwise appropriated, as a matter of grace, and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners of the Norwegian steamship *John Blumer*, or any other parties pecuniarily interested, as a result of a collision between it and a barge in tow of the United States Army tug *Britannia* on January 9, 1921, the sum of \$4,040.39, as recommended by the President in his message of May 31, 1924.

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

## NAVAL RESERVATION AT HINGHAM, MASS.

The bill (S. 3227) to authorize the Secretary of the Navy to dispose of sand and gravel from the naval ammunition depot reservation at Hingham, Mass., was announced as next in order.

Mr. BUTLER. I move that the bill be recommitted to the Committee on Naval Affairs.

The motion was agreed to.

## NATIONAL BANKING ASSOCIATIONS

The bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

## MARTHA E. BRACE

The bill (S. 3259) authorizing the enrollment of Martha E. Brace as a Kiowa Indian and directing issuance of patent in fee to certain lands was announced as next in order.

Mr. JONES of Washington. There seems to be an amendment to this bill which is entirely different from the bill as originally introduced. The chairman of the committee is not here, and I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

## BILLS PASSED OVER

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2858) to fix the salaries of certain judges of the United States was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

## FEES OF JURORS AND WITNESSES IN UNITED STATES COURTS

The bill (H. R. 120) fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia, was considered as in Committee of the Whole.

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

## DISCRIMINATION AGAINST FARMERS' COOPERATIVE ASSOCIATIONS

The bill (S. 2965) to prevent discrimination against farmers' cooperative associations by boards of trade and similar organizations, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments, on page 3, line 22, after the word "association," to strike the words "of producers or landowners, corporate or otherwise" and to insert the words "corporate or otherwise, composed substantially of producers

of agricultural products"; on page 4, to strike out lines 10 to 20, both inclusive, as follows:

SEC. 3. Any such cooperative association or any such organization whose duly authorized representative is excluded from such membership and privileges by any board of trade referred to in section 2 of this act may sue in the appropriate United States district court for a mandatory injunction compelling such board of trade to admit such duly authorized representative to such membership and privileges. The United States district court in whose jurisdiction such board of trade is operated or maintained shall have jurisdiction to issue such mandatory injunction and to award such incidental damages as it may deem appropriate.

And to insert in lieu thereof the following:

SEC. 3. Any such cooperative association or any such organization whose duly authorized representative is excluded from such membership and privileges by any board of trade referred to in section 2 of this act may sue in the United States district court in whose jurisdiction such board of trade is operated or maintained for a mandatory injunction compelling such board of trade to admit such duly authorized representative to such membership and privileges and for any damages sustained, and such court shall have jurisdiction to issue such an injunction and to award such incidental damages as it may deem appropriate.

So as to make the bill read:

*Be it enacted, etc.*, That when used in this act (a) the term "agricultural products" means agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce.

(b) The words "board of trade" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling agricultural products or receiving the same for sale on consignment.

(c) The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(d) For the purposes of this act (but not in any wise limiting the foregoing definition of interstate commerce) a transaction in respect to any article shall be considered to be in interstate commerce if such article is part of that current of commerce usual in dealing in agricultural products whereby they are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Articles normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation.

(e) The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts.

(f) The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust, within the scope of his employment or office, shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person.

SEC. 2. No board of trade whose members are engaged in the business of buying or selling agricultural products or receiving the same for sale on consignment in interstate commerce shall exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association, corporate or otherwise, composed substantially of producers of agricultural products, or any such representative of any organization acting for a group of such associations, if such association or organization has adequate financial responsibility and complies or agrees to comply with such terms and conditions as are or may be imposed lawfully on other members of such board: *Provided*, That no rule of a board of trade shall forbid or be construed to forbid the return on a patronage basis by such cooperative association or organization to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

SEC. 3. Any such cooperative association or any such organization whose duly authorized representative is excluded from such membership and privileges by any board of trade referred to in section 2 of

this act may sue in the United States district court in whose jurisdiction such board of trade is operated or maintained for a mandatory injunction compelling such board of trade to admit such duly authorized representative to such membership and privileges and for any damages sustained, and such court shall have jurisdiction to issue such an injunction and to award such incidental damages as it may deem appropriate.

The amendments were agreed to.

Mr. ROBINSON of Arkansas. I should like to have a word of explanation of this bill. Is the Senator from Kansas prepared to make a statement regarding it?

Mr. CAPPER. The bill was prepared by the Department of Agriculture in response to a demand from cooperative grain companies throughout the West doing business with the smaller board of trade. Under the futures trading act the cooperatives already have the privileges of contract markets. There are now 11 of these contract markets, but there are about 55 other markets in the United States—smaller grain exchanges—which do not come under the futures trading act. Cooperatives distributing patronage dividends are being arbitrarily excluded from these boards of trade. This bill simply gives to cooperatives the same rights in the smaller boards of trade already enjoyed by cooperatives doing business in the contract markets. The bill was prepared, as I said, by the Department of Agriculture. The officials of that department came before the Committee on Agriculture and urged its passage. I know of no reason why it should not be favorably acted on by the Senate.

Mr. BAYARD. May I ask the Senator from Kansas if these boards of trade are bodies organized under the Federal statutes?

Mr. CAPPER. They do not come under the futures trading act, as do the contract markets.

Mr. BAYARD. They are not created under the Federal incorporating laws?

Mr. CAPPER. They are not. In my own State, for instance, the State of Kansas, there are six small boards of trade which would come under the jurisdiction of the bill now before us. They can exclude cooperatives at will, because the Department of Agriculture has no control whatever over them. Cooperatives in the eastern part of my State enjoy the privileges of the Kansas City Board of Trade; but the cooperatives in the western part of the State have no rights in these smaller grain exchanges.

Mr. BAYARD. The thought in my mind, and what I was suggesting to the Senator, was this: Suppose one or two or more of these boards of trade within the Senator's State were conducting a business entirely intrastate, and one of your cooperative associations came along and desired to become a member for the purpose of transacting its business in one or more of those associations. What right has the Federal Government to pass a law insisting upon this purely local organization, doing a purely intrastate business, being received in the membership? What power have we in regard to it?

Mr. CAPPER. We certainly have power, because all of these grain exchanges are at times engaged in interstate business.

Mr. BAYARD. The thought in my mind is whether or not this proposed statute would be constitutional to that extent.

Mr. CAPPER. The Solicitor of the Department of Agriculture prepared the bill with great care, and at the committee hearing no question was raised as to its constitutionality.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES RITZEL

The bill (H. R. 5858) for the relief of Charles Ritzel was considered as in Committee of the Whole.

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

STORAGE OF THE WATERS OF THE PECOS RIVER

The bill (H. R. 3862) to provide for the storage of the waters of the Pecos River was announced as next in order.

Mr. JONES of Washington. Let that go over.

Mr. COPELAND. The senior Senator from New Mexico [Mr. JONES] wishes that this bill may go over.

Mr. SHEPPARD. I hope the Senator will withhold his objection to the bill.

Mr. JONES of Washington. It is too important a measure, involving an appropriation of millions of dollars, to be taken up and considered in five minutes.

Mr. SHEPPARD. It has been approved by the Irrigation and Reclamation Committees of the Senate and the House and has passed the House unanimously.

Mr. JONES of Washington. I do not care to withdraw the objection.

Mr. SHEPPARD. In order that the Senator may consider the merits of the matter, let me say the bill does not create a new irrigation project. It merely provides for storing a normal water supply for districts already in existence, already fully settled, which were seriously damaged by the action of the Federal Government in establishing a Federal irrigation project about 65 miles north of these districts on the same river.

Mr. JONES of Washington. I may have no objection to the bill, but it seems to me it is too important to take up and consider in five minutes.

Mr. COPELAND. May I say to the Senator from Texas that the senior Senator from New Mexico asked that the bill go over, because he wishes to be present when it is considered.

The PRESIDING OFFICER. The bill will be passed over.

ELBERT KELLY AND OTHERS

The Senate resumed the consideration of the bill (S. 2168) for the relief of Elbert Kelly, a second lieutenant of Infantry in the Regular Army of the United States.

The PRESIDING OFFICER. This bill was considered on April 3 and amended, on page 1, line 8, by inserting the words "Orestes Cleveland, a second lieutenant of Infantry, and James Harrison Dickie, a second lieutenant of Field Artillery." The question is on agreeing to the committee amendment on page 2, line 1, to strike out the word "him" and insert in lieu thereof the word "them," so as to make the bill read:

*Be it enacted, etc., That in the contemplation of an act of Congress approved June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," Elbert Kelly, a second lieutenant of Infantry, Orestes Cleveland, a second lieutenant of Infantry, and James Harrison Dickie, a second lieutenant of Field Artillery, in the Regular Army of the United States, shall be entitled to such credit for service performed by them as therein provided for officers in the service on June 30, 1922.*

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Elbert Kelly, Orestes Cleveland, and James Harrison Dickie, second lieutenants in the Army of the United States."

BILLS PASSED OVER

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes was announced as next in order.

Mr. JONES of Washington. The bill can not be disposed of in three or four minutes, so it will have to go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9037) validating certain applications for and entries of public lands, and for other purposes was announced as next in order.

Mr. JONES of Washington. I would like to have the bill explained. In the absence of an explanation, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 201) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Buildings was announced as next in order.

Mr. FERNALD. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2839) for the relief of Capt. James A. Merritt, United States Army, retired, was announced as next in order.

Mr. JONES of Washington. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

JAMES MADISON BROWN

The bill (H. R. 6874) for the relief of James Madison Brown was considered as in Committee of the Whole.

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

R. H. KING

The bill (S. 1356) for the relief of R. H. King was announced as next in order.

Mr. WILLIAMS. I ask that the bill may go over.

Mr. SHEPPARD. Will the Senator withhold his objection?

Mr. WILLIAMS. Certainly.

Mr. SHEPPARD. A bill similar to this has already passed the Senate to-day, for the relief of another postmaster under similar circumstances. Congress has granted relief in a number of similar instances. The postmaster in this case has made

good the loss, and it practically bankrupted him to do so. There was no dishonesty on his part in connection with the defalcation.

Mr. WILLIAMS. The Postmaster General reports that the postmaster was negligent in the manner of handling post-office accounts and cash.

Mr. SHEPPARD. He may not have been as vigilant as he should have been, but Congress has pursued the custom of voting relief in cases of this kind.

Mr. WILLIAMS. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1860) for the relief of F. G. Proudfoot was announced as next in order.

Mr. JONES of Washington. I ask that that may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1650) for the relief of M. W. Hutchinson was announced as next in order.

Mr. JONES of Washington. There is an adverse report on this bill, and I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 115) for the relief of the owner of the steamship *Neptune* was announced as next in order.

Mr. JONES of Washington. I ask that that may go over.

The PRESIDING OFFICER. The bill will be passed over.

CARIB STEAMSHIP CO. (INC.)

The bill (S. 1727) for the relief of the Carib Steamship Co. (Inc.) was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$9,982.60 to the Carib Steamship Co. (Inc.), owner of the American steamship *Carib*, as compensation for and full satisfaction of all claims of said company for damages sustained by the steamship *Carib* and by said company, as its owner, as a result of a collision between the said steamship and the U. S. S. *Wachusett* on February 8, 1919, in the roads at the port of St. Nazaire, France, a naval board of investigation having placed the responsibility for said collision upon the *Wachusett* and the Naval Board of Review having fixed the damages sustained by the *Carib* at the said sum of \$9,982.60.

Mr. JONES of Washington. Will not the Senator from Delaware [Mr. BAYARD] explain the bill?

Mr. BAYARD. The bill is for the relief of the Carib Steamship Co. by reason of the fact that during the war a Government-owned and operated boat fell afoul of the steamship *Carib*, I think somewhere off the coast of France. A naval board of inquiry found that the accident was entirely the fault of those operating the Government vessel. This merely restores them to their rights.

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

PUBLIC BUILDINGS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Ferris	McKellar	Shipstead
Bingham	Fess	McLean	Shortridge
Blease	Fletcher	McMaster	Simmons
Borah	Frazier	McNary	Smith
Bratton	Gillett	Mayfield	Smoot
Broussard	Gooding	Neely	Stephens
Bruce	Hale	Norbeck	Swanson
Butler	Harris	Nye	Trammell
Cameron	Harrison	Oddie	Tyson
Capper	Heftin	Overman	Walsh
Caraway	Howell	Philips	Warren
Copeland	Johnson	Pine	Watson
Couzens	Jones, N. Mex.	Ransdell	Weller
Curtis	Jones, Wash.	Reed, Pa.	Williams
Deneen	Kendrick	Robinson, Ark.	Willis
Edge	Keyes	Robinson, Ind.	
Edwards	La Follette	Sackett	
Fernald	Lenroot	Sheppard	

Mr. PHIPPS. I desire to announce that my colleague, the junior Senator from Colorado [Mr. MEANS], is absent because of illness.

The PRESIDING OFFICER (Mr. BLEASE in the chair). Sixty-nine Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President—

Mr. SMOOT. Will the Senator yield to me?

Mr. WALSH. Certainly.

Mr. SMOOT. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Italian debt settlement bill be laid before the Senate.

Mr. HARRISON. Mr. President, I object.

Mr. WALSH. I hope the Senator from Mississippi will not object.

Mr. HARRISON. I want the Senator from Utah to move to take up the debt settlement bill.

Mr. SMOOT. Oh, no.

Mr. HARRISON. I move that the Italian debt settlement bill (H. R. 6778) be taken up for consideration.

Mr. SMOOT. The Senator from Mississippi objected to my request to take it up.

The PRESIDING OFFICER. The Senator from Mississippi moves that the Senate proceed to the consideration of the Italian debt settlement bill.

Mr. HOWELL. Mr. President, it was the understanding that if we took up anything else in place of the Italian debt settlement bill, at any time we wanted to take up the Italian debt settlement for discussion we could do so.

Mr. SMOOT. That is what I ask at the present time. The Senator from Montana [Mr. WALSH] stated to me that he very much preferred to speak upon the bill when it was before the Senate rather than to speak upon the public buildings bill. I said then that I would ask unanimous consent that the Italian debt settlement measure be temporarily laid before the Senate.

Mr. HARRISON. I want the Italian debt settlement bill laid before the Senate. That is what I am asking to have done, and the Senator is objecting.

Mr. SMOOT. I am objecting to making it the unfinished business and displacing the present unfinished business now before the Senate. There is no necessity for it. The Senator from Montana, of course, could address the Senate upon the subject of the Italian debt settlement without asking that that measure be laid before the Senate, but he asked me to have the Italian debt settlement bill laid before the Senate in order that he might speak directly upon it.

Mr. CURTIS. Mr. President, in view of the conversation which took place when the public buildings bill was laid before the Senate and made the unfinished business, I hope the Senator from Mississippi will withdraw his motion.

Mr. HARRISON. Both the Senator from Kansas and the Senator from Utah know that there are certain Senators here who are very much opposed to the public buildings bill.

Mr. CURTIS. Certainly.

Mr. HARRISON. I have moved that the Italian debt settlement bill be laid before the Senate. There was an understanding that when anyone wanted to talk on the Italian debt settlement question that bill would be laid before the Senate. That was the understanding, and I have simply asked that it be carried out, and the Senator from Utah objects to it.

Mr. SMOOT. No; I asked that it be laid before the Senate, and the Senator from Mississippi objected.

Mr. HARRISON. I objected because I want the public buildings bill laid aside for the present.

Mr. SMOOT. That is for the Senate to determine. If the Senate wants to lay aside the public buildings bill, then Senators will vote favorably on the motion of the Senator from Mississippi. I do not deny that the Senator from Mississippi has a right to make the motion. He is perfectly within his rights in making the motion he has made. I asked that the unfinished business now before the Senate be not displaced, but that we temporarily lay it aside for the purpose of allowing the Senator from Montana to address the Senate on the Italian debt settlement. If the Senator from Mississippi still objects and wants a vote on his motion, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FERNALD. Mr. President, for information, what is the motion?

The PRESIDING OFFICER. The question is, Shall the Senate proceed to the consideration of the Italian debt settlement bill?

The Chief Clerk proceeded to call the roll.

Mr. PHIPPS (when Mr. MEANS's name was called). My colleague, the junior Senator from Colorado [Mr. MEANS], is absent on account of illness.

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). The senior Senator from Pennsylvania [Mr. PEPPER]

is paired with the junior Senator from Iowa [Mr. STECK]. If the senior Senator from Pennsylvania were here, he would vote "nay."

Mr. PHIPPS (when his name was called). I have a pair with the Senator from Georgia [Mr. GEORGE]. Not knowing how he would vote, I transfer my pair to my colleague [Mr. MEANS] and vote "nay."

Mr. REED of Pennsylvania (when his name was called). I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Vermont [Mr. GREENE] and vote "nay."

Mr. McNARY (when Mr. STANFIELD's name was called). My colleague, the junior Senator from Oregon [Mr. STANFIELD], is absent from the city. If present, he would vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I wish to announce that the Senator from New York [Mr. WADSWORTH] has a general pair with the Senator from Utah [Mr. KING].

Mr. GILLETT. I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the junior Senator from Minnesota [Mr. SCHALL] and vote "nay."

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the senior Senator from Oklahoma [Mr. HARRELD], who is absent. I do not know how that Senator would vote, if he were present, so I withdraw my vote.

Mr. JONES of Washington. I was requested to announce that the Senator from Kentucky [Mr. ERNST] is detained on official business.

The result was announced—yeas 19, nays 44, as follows:

YEAS—19

Borah	Harrison	Nye	Stephens
Bratton	Howell	Overman	Trammell
Ferris	McKellar	Ransdell	Tyson
Frazier	Mayfield	Robinson, Ark.	Walsh
Harris	Neely	Smith	

NAYS—44

Bingham	Fernald	La Follette	Sackett
Blease	Fess	Lenroot	Sheppard
Broussard	Fletcher	McLean	Shipstead
Bruce	Gillett	McMaster	Shortridge
Butler	Gooding	McNary	Smoot
Cameron	Hale	Metcalf	Swanson
Capper	Johnson	Odell	Warren
Curtis	Jones, N. Mex.	Phipps	Watson
Deneen	Jones, Wash.	Pine	Weller
Edge	Kendrick	Reed, Pa.	Williams
Edwards	Keyes	Robinson, Ind.	Willis

NOT VOTING—33

Ashurst	Ernst	McKinley	Simmons
Bayard	George	Means	Stanfield
Caraway	Gerry	Moses	Steck
Copeland	Glass	Norbeck	Underwood
Couzens	Goff	Norris	Wadsworth
Cummins	Greene	Pepper	Wheeler
Dale	Harrel	Pittman	
Dill	Heflin	Reed, Mo.	
du Pont	King	Schall	

So Mr. HARRISON's motion was rejected.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

Mr. SMOOT. Now, Mr. President, I again ask unanimous consent that the unfinished business may be temporarily laid aside and that the bill providing for the settlement of the Italian debt may be laid before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. HARRISON. Out of courtesy to the Senator from Montana [Mr. WALSH], I will not object.

Mr. SMOOT. I thank the Senator.

The PRESIDING OFFICER. The Chair lays before the Senate House bill 6773.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. WALSH. Mr. President, I have no sympathy and little patience with the oft-repeated plea that the United States should forgive to its late allies the whole or some part of the debt due from them because they were fighting our war. Late dispatches from London tell us that one Philip Snowden advanced on the floor of the House of Commons the idea that the loans should be regarded as contributions by the United States in view of its tardiness in entering the war. If my memory is not at fault, this same Philip Snowden was himself somewhat tardy in getting into the war. I should not notice these animadversions on either the justice or the magnanimity of America emanating from foreign sources were it not that they are echoed by some sections of the press in this country and reflected in arguments made on this floor. I deny that any of the nations with which we became associated against the Central Powers were fighting *our* war. It was a European

quarrel, pure and simple, into which we were reluctantly drawn by reason of the invasion of our rights in the prosecution of it by one set of the belligerents. It is idle to attempt to apportion the responsibility for the sanguinary and devastating conflict.

My conviction that Germany was the chief offender has never been shaken, but the view once industriously inculcated and widely accepted that her enemies were blameless long since passed into the class of fiction. The war sprang out of the jealousies, the rivalries, the hatreds, the ambitions of the governing classes of the various nations of Europe, arising out of racial, linguistic, and religious differences past and present, shared to a greater or less extent by their people as a whole, respectively, and intensified by bloody and barbarous conflicts extending as far back at least as the dawn of history. In the passions thus excited neither the Government nor the people of the United States participated to any degree. We were in perfect amity with all the nations eventually becoming parties to the titanic struggle, not only nominally but in very truth. We had no quarrel with any of them; there existed between us and none of them either enmity or rivalry calling for military preparedness. There existed no controversies of any character not readily resolvable, as in the past all like differences had been resolved, by diplomatic negotiation or some form of arbitral procedure. On the other hand, Great Britain and Germany had regarded each other for years as potential enemies, so that it had become the settled policy of the former to build two battleships for every one laid down by her continental rival. The Berlin-to-Bagdad railway scheme had aroused apprehensions in England as to the future of her Indian possessions, and the rivalry in commerce of those two powers had become acute. It is needless to descant upon the sad heritage of hatred and vengefulness resulting from the reciprocal invasions through the centuries of France and Germany that history records. Russia's dream of dominating the waters connecting the Black Sea with the Aegean and exercising a hegemony over all the Slavic states continued to animate the counsels of the last of the Czars. The oppression of her Latin subjects by Austria fed the consuming ambition for the redemption of "Italia Irredenta" and made more easy the purchase of the repudiation by Italy of her alliance with the Central Powers through the secret treaty which came so near wrecking the peace negotiations at Paris.

I protest that the war was a European war; it was not ours, and its character is not changed by the fact that had the result been otherwise Germany might have been in a position with every disposition to march booted and spurred through the world. We should still have been protected against any warlike purposes she might have entertained against us by 3,000 miles of ocean, with no certainty that the conquests she madly hoped for would not be a handicap rather than an aid to her. We did, indeed, enter to make the world safe for democracy, that the people of the nations might in the future, through their representatives, pass upon the supreme issue of peace or war, rather than some ambitious autocrat or prince, but it would have been quixotic on our part to interfere upon any such ground, no offense upon the part of any of the belligerents having been directed against us. If the expectations indulged by our people in that regard were but feebly realized, if at all, the fault was not ours. Notwithstanding the generous impulses that stirred the hearts of the American people in taking up arms, and the high hopes with which they were animated touching the future peace of the world, through the enterprise in which they enlisted, what man is bold enough to assert that we ever would have got into the fray, or should have got into it, were our rights as neutrals strictly observed by the belligerents? Whether it was our war or one strictly European into which we were unfortunately drawn by the way in which it was prosecuted, having no share in the controversies giving rise to it, if it is to be regarded in any sense as an open question, is made plain by considering who became its beneficiaries. France recovered Alsace and Lorraine and divided with Great Britain a vast territory in Asia formerly a part of the dominion of the Turk, pursuant to a secret treaty between those two powers, which, with Belgium, took over the German colonies in Africa.

Italy extended her boundaries northward to the summit of the Tyrolean Alps, and the Adriatic, at her instance, became all but an Italian lake. It is unnecessary to mention the matter of reparations in money or movables, nor to dwell upon the very reasonable inference that the hope of the territorial acquisitions eventually effected tempered the horror and dismay with which Germany's precipitation of the conflict was regarded by those nations to which she threw down the gauge of battle. Anyway, the general partitioning which took

place and the contentions attending its accomplishment makes ridiculous the assertion that anyone was at any time fighting our war.

I refer to this subject reluctantly. I have no disposition to dwell upon it, but I can not sit idly by while my country is traduced as a Shylock for insisting upon liquidation of sums loaned by it to its allies for the prosecution of the war, in which we eventually became jointly engaged with them, and to repair its ravages, the imputation resting upon the perfectly baseless proposition that they were fighting *our* war.

There is another line of argument pursued in support of the extraordinarily generous settlement for which our approval is asked by the pending bill somewhat allied to that which has been considered. Copious quotations are made from speeches of Members of both Houses of Congress delivered while the bill authorizing the loans was in course of passage, the purpose of which addresses was to commend the measure and to dissipate any opposition that might arise founded upon the fear or belief that the nations to which the loans were to be made might not be able, in view of their magnitude, the vicissitudes of the war, and the impoverishment likely to follow from it to repay the advances to be made. Generally the speaker to whose remarks so much importance is now attached indicated that in view of the dire necessity of the nations allied with us in the war, the purposes to which the funds were to be devoted, and the interest we had in common with those thus associated with us in bringing the war to a successful termination, however risky any loan authorized by the act might be, however, it might be attended with peril of total loss, he was nevertheless in favor of the measure.

The senior Senator from Utah referred in opening the debate on the pending bill to comments along the lines indicated by the senior Senator from North Carolina, the chairman of the Committee on Finance, on reporting the bill for the act pursuant to which the loans were made, obviously to predispose Senators to assent to the proposal to abate to Italy three-fourths of the debt confessedly due from her to the people of the United States. It will be borne in mind, however, that Senator SIMMONS was arguing not that our Government make gifts, but that it make loans to our allies. He may have been willing to make gifts or to regard some undefined portion of the sums to be advanced as gifts, but no such course was proposed by him or by anyone else. The intent and purpose of the Congress is to be gathered from the legislation it enacts, and not by what one or more of the 96 Senators or 435 Representatives may have said in debate. Even in the event of ambiguity in the language of the statute the debates on its passage are regarded as a doubtful source of enlightenment. Congress was not asked to advance any money by way of gift, and it may be said with safety that it would not have done so had it been asked. Every consideration now invoked to induce the view that the advances ought to be looked upon, in part at least, as gifts, or as contributions by the Government of the United States to the common cause, was equally forceful at the time the legislation was before Congress and at the time the loans were made. The world peril the Entente Allies had arrested, the sacrifices they had made, the losses they had sustained, as now recounted, were then fresh in the memory of every Member of Congress. The trials they were still to endure were in the main easily to be imagined. And yet it was not conceived that Congress could be induced upon any such ground to pour billions gratuitously into their treasuries to be expended at their will. Still it is apparent that the view is entertained abroad, and to some extent on this side of the water, that our Government should now act as though it had or ought to have adopted such a spendthrift policy. The considerations adverted to as a reason for the abatement to the creditors of our Government of a part of the debts due from them were not advanced at the time the loans were effected. The funds were asked for by the borrowing nations, the obligation to repay was entered into, and the honor of the nations involved stands pledged for its redemption.

There is no basis offered on behalf of Italy upon which the Congress of the United States can justify to the people for whom it acts, and who themselves were obliged to borrow the money loaned, any abatement of the sums due except, if it be the fact, that the debtor is unable to meet its obligations. In the main it is upon that ground appeal is made for the approval of the settlement which has been negotiated with Italy, in effect that her obligation be regarded as discharged by payments extending over a period of 62 years, the present worth of which is a sum equivalent to approximately 26.2 per cent of the debt. It is said that in view of the paucity of the natural resources of that country, the capital of which was for centuries the capital of the world, she is unable to pay more. That question has been elaborately discussed and I am not disposed to dilate

upon it. Conceding the fact to have been established, it is argued that the adjustment of the transaction on the terms proposed would contribute to the stabilization of the finances of Italy and more or less of Europe in general, and so promote the rehabilitation of industry still suffering from the disorganization incident to the war, affording a much-needed outlet for our surplus products. This aspect of the case, I confess, makes a strong appeal to me. I may have been misguided in my views concerning the proper policy which the United States should pursue with reference to the nations of Europe since the armistice; but it has been my steady conviction that our country is vitally concerned, not alone on humanitarian but on economic grounds in the complete pacification of that theater of war, and my attitude concerning international problems that have been before us has been uniformly colored, if not controlled, by that conviction.

The four leading products of my State—wheat, copper, silver, and meats—all go abroad, the major portion of the surplus to the countries of Europe. If the substance of their people is consumed in devastating wars or eaten up in maintaining huge standing armies instead of being devoted to the development of productive enterprises, if by reason of political disturbances or financial derangements industry is at a standstill or is seriously handicapped, the people of my State suffer. Italy, it is true, is without a domestic supply of coal, the source of the marvelous development industrially of the manufacturing nations of Europe and America. But she is rich in undeveloped water power, the utilization of which would make enormous demands for the copper of Montana. Our durum wheat, a drought-resisting variety of that grain, is highly prized by the people of Italy by reason of its adaptability to the preparation of macaroni and other like dishes in favor among them. If there were any reasonable grounds for believing that the political, economic, and industrial conditions in Italy would be materially improved by approving the settlement negotiated by the Debt Commission with the government of that country, I should be powerfully persuaded upon national grounds, as well as some peculiar to my State, to indorse it without any critical analysis of its terms to ascertain whether it measured up fully to the tests said to have been applied of Italy's capacity to pay. But I am convinced we have no such assurance. On the contrary there is abundant ground for believing that what we are asked to do is simply to assist Mussolini, now master of Italy, supreme dictator as must be admitted, to arrange his finances that he may precipitate another war or bluster about until the fear, if not the belief, of such purpose on his part is general, strengthening his position at home through concessions wrung from feeble, war-worn neighbors that yield to the dread of a renewal of the carnage of which they have such ghastly memories.

Ambassador Houghton, called home to acquaint the President more intimately than the usual means of communication would permit with the conditions in Europe having a more or less direct bearing upon the disarmament conference, in which the United States is invited to participate, reported, as he was quoted by representatives of the press whom he met by appointment, that "the whole of Europe regards Premier Mussolini with the utmost distrust. His utterances," he continued, "are taken very seriously in European capitals with the result that there are tumult and thoughts of war all over Europe." Undoubtedly the ambassador had in mind, among others, the swashbuckling speech he made early in February last, in which he threatened that an Italian Army might go through the Brenner Pass on the boundary between his country and Austria to avenge some offense given in speech by an irresponsible official of Bavaria, adding in that connection something about "two eyes for the loss of one" and "a whole set of teeth for the loss of one tooth" and characterizing the Locarno pacts, to which his Government was signatory, while still Europe was hailing them as its salvation, as something "soft, evanescent, and even hypocritical."

It was charged in the debate in the House of Commons on the failure to carry out the Locarno pacts by the admission of Germany to the league with membership in the Council, that responsibility for the debacle did not rest alone on Brazil, which insisted on being accorded contemporaneously with Germany a permanent seat in the Council, it "being well known on the Continent," the speaker declared, "that the real voice behind it all was the voice of Mussolini." American papers note as particularly significant that this statement so publicly made by Ashmead-Bartlett, startling as it was, drew no comment from either the Prime Minister or the Foreign Minister.

Although a denial has come from Brazil of continental inspiration of her obduracy, it is noteworthy that no disclaimer

has been issued by Mussolini. Ex-Attorney General Wickerham on his recent return from Europe, where he attended a meeting of the commission which, under the auspices of the league, is inaugurating the work of the codification of international law, in a public address declared Mussolini to be "the greatest menace to the peace of the world to-day," adding that "it is evident that when the Italian leader sees his control slipping he plans to enter upon a program of territorial expansion that will force his subjects to continue to lend their support." This view is no idle dream. The purpose is boldly proclaimed by the Fascist press. Thus, *La Tribuna*, a Roman paper, of January 6 last, says:

In what direction, then, can Italy look for her industrial development and the means of supporting her too many children? \* \* \* The industry of a country without raw materials has natural limits which are not very wide and which can be easily reached but not passed over. This is the national deficiency that is becoming burdensome. At the present moment France refuses to give us raw iron. To-morrow, if she can establish with Germany a metallurgical trust on the Rhine, she will impose on us a monopolistic price for her iron. Profiting by the peace treaties, England had already imposed on us her monopolistic prices for coal. Moreover, the same England, together with the British Empire, the United States, and even conquered Germany, has practically closed its markets to our exportation with its new protectionist tariffs. From all this we have the fatal result of a serious disequilibrium in our commercial balance. \* \* \* We are face to face with a true and proper economic servitude which can not do otherwise than translate itself into a political servitude also. Now, in such conditions it would be dangerous to delude ourselves into thinking that Italian industry can go on developing in proportion to the increase in the population or to close our eyes to the threatening import of the consequences that will affect the political liberty of Italy. \* \* \*

That is the great Italian problem which will not brook postponement. To it we must add that of our strategic freedom in the Mediterranean, which is a problem not less grave, and that of Italian nationality, which in more than one point of the Mediterranean is in serious peril. But let us confine ourselves to the first and greatest problem. If she does not wish blindly to continue on the road to ruin and servitude, it is clear that Italy must lay hands on raw material which will be her own, and lands of her own for purposes of colonization, it being understood that this is to take place outside of Europe. It is not less clear that nobody is going to cede us these things gratuitously. Therefore, if we are not ready one day to perish, we shall be forced to seize them. And to seize them necessarily and in the first place means a modification of the present map of the Mediterranean and in general the extra-European imperial map. And this change must necessarily come through an act of force.

The naval plans of Italy contemplate something more than freedom in the Mediterranean mentioned in the article to which reference has been made. A copyright dispatch from Rome to the Chicago Tribune, bearing date March 7, reports an interview with the Italian secretary of state of the navy from which the correspondent draws the conclusion that, in view of the polemics of the Fascist press for the construction of a fleet to dominate the Mediterranean, plans for the modernization of the navy of Italy have that end in view. I send to the desk a copy of the article referred to and ask that it be printed as an appendix to my remarks.

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

(See Exhibit A.)

Mr. WALSH. There is enough substance in the program of Italian naval expansion to excite the alarm of Great Britain, as shown by an article appearing in the Washington Herald of April 5, from the pen of Maj. Gen. Sir R. Maurice, chief of operations of the British general staff during the war, who, arguing for disarmament, points out that Britain's expenditures on her army and navy approximate what they were costing her when the great war was imminent—necessarily so, he insists, because of the disturbed state of affairs on the Continent. Having called attention to the higher range of prices, he adds:

But the most important reason of all is that despite the League of Nations, despite the Locarno pact, despite the welcome appearance of Germany at Geneva, the world in general and Europe in particular is in a very disturbed state. Emperor William's shining armor is no longer in evidence, but Mussolini's clenched fist is flourished in turn in the faces of Greece, Serbia, and Germany.

France has 1,300 airplanes in the service of her army; Italy has embarked upon a great program of air expansion and has voted money for 80 squadrons of approximately 1,300 machines, the same number as France.

Italy is not within bombing range of our shores, but she is casting covetous eyes on Malta, and some of Mussolini's hot-heads talk openly of an Italian Mediterranean.

Sensibly he remarks, continuing his argument:

But the best reason of all for limiting armaments is that the accumulation of armaments and competition in armaments were the direct causes of the World War. With Europe in the state in which it was in 1914, if the archduke had not been murdered, something else would have caused the armies to march.

Obviously the domination of the Mediterranean by Italy contemplates wresting from her such control as Great Britain now exerts from Gibraltar and Malta to keep the route to India open and from France such as she exercises to insure passage to and from her African colonies.

According to the soldier just quoted, Italy's air establishment even now, desperately poor as she is, according to the supporters of the pending measure, rivals that of France, or the money has been voted to make it so, this particular activity being a feature of the reorganization of her army. That arm is by no means being neglected, while the navy is being reconstructed and strengthened. Two days after the appearance of the article mentioned, on March 10, the press carried another dispatch from Rome telling of a further ambitious project of what our militarists call "preparedness." It is so ominous in character that I venture to present it in full as follows as it appears in the *New York Times*:

ITALY TO EXPAND ARMY AS FINANCES PERMIT—MUSSOLINI TELLS THE SENATE THAT TIMES ARE UNCERTAIN—WE MUST BE PREPARED

ROME, March 9.—After speeches by Marshals Cadorna and Diaz, Italy's commanders in chief in the World War, by Generals Caviglia and Giardino, who were army leaders in the conflict, and by Premier Mussolini in his capacity as Minister of War, the senate, by an almost unanimous vote, approved to-day the group of seven laws constituting the army reform proposed by Signor Mussolini.

In his speech the Premier said that when Italy's financial condition improved the number of divisions would be increased, bringing the standing army to 250,000 men, and added that "these are uncertain times and we must be prepared."

About a year ago the senate showed such hostility toward an army reform measure proposed by General Digiorgio, then Minister of War, whose plan was somewhat similar to that which was approved to-day, that Premier Mussolini hastily withdrew the bill before a vote was taken.

The main points of Signor Mussolini's army reform are a standing army of 220,000 men, while General Digiorgio proposed an army of only 140,000; compulsory military service for six months, while General Digiorgio proposed only three months; the adoption of a so-called tertiary division composed of three regiments instead of four; and written and oral examinations for all officers before promotion.

All of the speakers showed themselves favorable to the reform except General Caviglia, who criticized the adoption of the tertiary division, but expressed himself satisfied on all other points.

There being no criticism to answer, Signor Mussolini limited himself to explaining some points of the reform. Any army reform, he said, must necessarily knock against the rock of Italy's financial resources. It was not a question of devising a perfect army reform, he added, but of the best way of spending a fixed sum of money.

Justification for a standing army of 250,000 men, nearly twice the number of the Army of our great Nation of approximately 120,000,000 people, to be supported by the bankrupt, poverty-stricken Italians, consists in the fact that, to use the language of Mussolini, "these are uncertain times and we must be prepared." The contributions made by him to remove the uncertainty which unhappily prevails have been neither signal nor noteworthy, if indeed, as is asserted by the responsible observers whose comments have been quoted, he has not been one of the prime factors in continuing and fomenting it. His Tripoli speech bristles with bellicose bluster. The Kaiser never rattled his saber more ominously. He usually brandished his sword against imaginary enemies about to or yearning to invade the Fatherland. Mussolini's bugle blast is a call to conquest, to attack, not defense.

My voyage—

He said—

must not be interpreted as a mere administrative act, but as it is, an affirmation of power of the Italian people, a manifestation of the force which originates in Rome, and which extends from Rome to a glorious and triumphant littoral.

Again he said:

Fascist Italian Tripoli! You represent here Italy, which is daily more prosperous and powerful. Rome carries the beacon lamp of

strength to the shores of the African sea. No one can stop our inexorable will.

And then he continued:

You understand me more for what I have not said than for what I have said. Only this language is possible in Fascist style.

The Associated Press report adds:

What the premier left unsaid was proclaimed by the militantly imposing welcome accorded him far more loudly than it could have been in words.

And then, telling in detail of the military display and of exercises all having a military note reviewed by the distinguished visitor, the dispatch concludes:

With this over, he seemed to tighten his jaw, and glanced at the correspondents as if to indicate that Italy's first determination is to follow ancient Rome's road toward empire.

It is asserted that it is no affair of ours what kind of a Government Italy may have, nor may we complain if the fact be that it is autocratic rather than democratic, despotic rather than popular. And that is quite true so far as its internal administration is concerned, though the rule has not been adhered to with marked rigidity in the case of Russia.

It is, of course, none of our business whether, as generally proclaimed, the last vestige of liberty has disappeared under the Mussolini régime, whether freedom of speech and of the press remains but a memory, or whether the ruling order is maintained by protected murder and practices akin thereto, as indicated in a dispatch from Paris under date of April 5 telling of the death there of an Italian patriot, a scholarly man of mild though stirring eloquence, from the effects of a beating inflicted by adherents of Mussolini, from whose views and rule he chose to dissent. The story is so fraught with lessons that I ask a copy of it may be printed in the RECORD as a further appendix to my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See Exhibit B.)

Mr. WALSH. Mr. President, of course it is none of our business as to the kind of internal administration the Government of Italy gives its people, but when the Government of the United States is asked to forego three-fourths of a debt due to it from Italy, amounting to \$2,042,000,000, we may well inquire—indeed, the Members of this body would be derelict if they did not diligently inquire—whether the course proposed is likely to contribute to the peace of the world or to still further disturb it. The Corfu incident is not forgotten. The provocation in that case was great. The mouthings of the Bavarian Pan German may have been exasperating, but the reprisal in the one case and the retort in the other have filled Europe with alarm. Mussolini may not intend war; his swashbuckling speeches may be mere bluster; but no nation neighbor to Italy can afford to or will take chances. It is not going to disarm unless he retires or mends his ways.

The nature of the transaction for which our approval is asked by the pending bill is not fully appreciated from the assertion that the present worth of the payments to be made by Italy amounts to 26 per cent, approximately, of the debt. Our Government is paying 4 1/4 per cent interest on the money loaned to Italy, amounting to \$2,042,000,000, on which it pays interest at 1.1 per cent, an annual loss to us of something more than \$64,000,000. If we shall succeed in refunding our debt at 3 1/2 per cent, as some sanguine financiers say we shall, the American taxpayer will put up annually \$49,000,000 more for the money loaned to Italy than she returns for the use of it, a loss in the aggregate running into billions. If this loss is borne by all the people of the United States, each his ratable share, it lays upon Montana on the basis of its present population the staggering burden of over \$250,000 a year. Were the payment to be made directly out of the State treasury no one would defend it, but the load is carried by the people just the same, the money being collected by the Government at the customhouses and through the income-tax machinery, the immediate taxpayer then collecting it of the ultimate consumer, directly or indirectly in the added price demanded for the wares the former sells. It must not be forgotten either that over one-third of the great sum loaned to Italy, some \$800,000,000, was advanced after the armistice.

I can not be stampeded by the argument advanced in various ways to conceal its character as a threat that we can take what has been offered or take nothing. No nation can carry on in our times under the cloud of repudiation. If the Italian debt is not settled on the terms now proposed, it will be suing in less than five years for a satisfactory adjustment. Without any prompting from this side France, according to press reports,

is about to make another attempt to agree on terms for the settlement of her obligations. Neither am I perturbed by the assertion that the good will of the nations of Europe is worth the sacrifice we are called upon to make. No particularly commendable spirit has been exhibited in view of the prospect of a settlement upon the liberal terms proposed, no gratitude is displayed for our coming to the rescue of their cause when it was desperate or for the consideration shown them in connection with the loans they so eagerly sought from us, and precious little for the aid we extended to relieve the destitution which followed in the wake of the war.

Our experience has not been such as to justify the belief that had we at the outset done what they want us to do and have always wanted us to do, cancel the debt entirely, a more friendly regard would be felt toward us. The most that can be said is that the hostility which has been displayed might not have been so marked, since their attitude has always been that such a course should be pursued by us as a duty, as a matter of right on their part, not as a matter of grace on ours. But that time has passed, and the idea of cancellation has been repudiated by us from the beginning. We could not purchase their good will now by total cancellation, and we certainly can not by partial cancellation.

It will be prudent in considering arguments in favor of the Italian settlement to remember that upon the approval of it by the commission a loan of \$100,000,000 was secured through the Morgan firm by Italy on which she pays better than 7 per cent interest. Obviously the value of the bonds issued in evidence of that loan will be materially enhanced if the pending bill becomes a law. Without any direct evidence one may shrewdly suspect that not a little of the propaganda in favor of it is referable to that transaction and some of the public sentiment to the present holders of those securities calling for 7 per cent interest while those to our Government to be issued pursuant to the settlement, if it shall be approved, bear but 1.1 per cent, said to be all Italy can possibly pay.

Regardless, however, of the want of any generous response to the unparalleled philanthropy of America toward the stricken people of Europe, their appalling losses make a powerful appeal in support of the debt settlements that have been arranged, which might turn the scale were it not for the doubt troubling some of us as to whether in the case of Italy their plight will not be aggravated by any material improvement in the finances of the Italian Government and the world be brought again face to face with the cataclysm of war. If the Congress of the United States desires to do something for the people of Italy as distinguished from the Government of Italy, let it pull down the wall erected by the tariff act of 1922 to the level of the rates of the Underwood-Simmons Act, as to the commodities of greatest value and amount imported from that country. I have caused a computation to be made from which it appears that duties exacted by our Government on the leading imports from Italy above what would have been paid had the law it displaced been continued amounted in the year ended June 30, 1925, to upward of \$4,300,000, almost as much as Italy will pay annually, should the bill before us become a law, for the next five years.

It must be recognized by all that whatever Italy pays on the debt due the United States must be paid in goods produced by her people. Increasing the duty on imports from that country is equivalent in every essential respect to increasing the rate of interest on the debt. If, the obligation having been incurred and the rate of interest fixed, it were possible for the United States to increase the rate it would be inconceivable that it would do so. The morals of our people would revolt at such a proposal, and the world would be shocked if it were entertained by our Government. Yet without a qualm we burden the transfer of the products with which they must discharge the debt to the extent of upward of four millions annually above what it bore under the law when the debt was contracted, to say nothing of the near destruction of the trade they then enjoyed with us in respect to imports of a number of their leading products. We demand payment of the debt and then impose prohibitory tariffs, which make it impossible for them to pay. The duty on lemons, for instance, having been raised from the equivalent of one-half cent per pound, as fixed by the act of 1913, to 2 cents per pound, as prescribed by the act of 1922, in excess of 50 per cent ad valorem, the importations dropped from \$5,918,724 worth in 1914 to \$943,890 worth in 1924. Importations of macaroni that underwent an increase from 1 cent to 2 cents per pound, approximately 50 per cent ad valorem, fell from 121,924,372 pounds in 1914 to 3,625,372 pounds in 1924.

Relief to the people of Italy along the lines indicated would be alike honorable to us and just to them. Give them an op-

portunity to trade with us on reasonable terms and there would be no occasion for the largess contemplated by the bill before us.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH. Certainly.

Mr. JONES of New Mexico. I call attention to the fact that under the last tariff act there was a tariff of 60 per cent on straw hats. Under the flexible provisions of that tariff act the President of the United States has recently increased the tariff on straw hats selling at a price of \$9.50 per thousand or less from 60 per cent to 88 per cent.

Mr. SIMMONS. And they come from Italy.

Mr. JONES of New Mexico. Of course the northern part of Italy was the section of the country chiefly concerned.

Mr. WALSH. I thank the Senator for the additional information.

It was frankly confessed by the proponents of the act of 1922 that the conditions under which world trade was then being carried on were so abnormal and unstable that it was impossible to fix rates of duty conforming with reasonable accuracy to principles upon which they contended tariff legislation should be enacted. The depression of the German mark and other European currency was offered as a reason for rates which could not otherwise be defended or excused. The dramatic language of the Senator in charge of the bill which became that law in opening the discussion of it before this body will be recalled. On that occasion he said:

We have been often advised, and the advice is well founded, that of all times in our history this is the very worst time to formulate and put into effect a new tariff measure; but, Mr. President, it is equally true that of all times in the history of the country this is the time in which a protective tariff is most needed to sustain our American industries and our millions of people dependent upon them.

It was largely because of the fluctuations in the rates of exchange from which the world was then suffering that made it "the very worst time to formulate and put into effect a new tariff measure." The framers of the law took a bond of fate, however, by boosting the rates to unheard-of heights with an implied promise that they would come down if experience justified reduction under the operations of its so-called flexible provisions. In the same speech it was said:

With the rapid changes going on in the world in the cost of production, in the fluctuation of exchange, in the increase of labor's cost in some cases and decrease in others, any rate which we may now establish as being the proper rate may be found to work an injustice either as against the American manufacturer or the American importer.

Take note that, as viewed by Senator McCumber, the controversy was one between the American manufacturer and the American importer, not one between the American manufacturer and the American consumer. His rights and interests seem to have been forgotten, but the importer was to have justice done him, for the speaker continued:

We have attempted to meet this by a provision permitting the Executive, on a finding of fact that the rates are so high that they amount to an embargo or are unjust or too obstructive to fair competition and fair commerce or so low that our industries are being destroyed, to lower or advance the rates within fixed limits to meet those situations.

In the light of the history of the provision thus promised, as disclosed by the investigation now in progress, was there ever a more flagrant case of holding the word of promise to the ear and breaking it to the hope? Vast changes have ensued since but no evidences of any disposition to depart from a stand-pat policy are yet discernible.

The chairman of the Senate Finance Committee, who so resolutely urges the legislation upon which we are called upon to act, stated repeatedly upon this floor before he was appointed to membership on the Debt Commission that he could and perhaps would demonstrate that it would be to the financial interest of the United States to cancel all war debts due us. Whether that conviction influenced him in any degree in his acts as such member is a matter of speculation. That he discharged his duty as such obedient to the command of the law as he saw it no one questions, but he is known as an uncompromising, high protectionist, and must recognize that if the debts are ever to be paid they must be paid in the product of the debtor nations, and that every obstacle to the admission of such reasonably removable without peril to American industry must be removed. To demand at one and the same time a prohibitive tariff and liquidation of the war debt is contradictory and useless.

#### EXHIBIT A

[From the Washington Post of Monday, March 8, 1926]

MODERNIZED NAVY GOAL OF FASCISTI, SIRIANNI ASSERTS—NO INCREASE FORESEEN, BUT OBSOLETE UNITS ARE TO BE REPLACED—DOMINANCE IS SOUGHT IN THE MEDITERRANEAN—NATION MUST BE ABLE TO GUARD ITS 5,589 MILES OF COAST, ADMIRAL HOLDS

ROME, March 7.—Italy's naval program foresees no increase in the fleet, but modernization through the replacement of its many obsolete units with the more modern types of smaller craft.

The present economic state does not allow Italy to construct the superdreadnaughts permitted it under the terms of the Washington naval agreement. Therefore, it must concentrate on lighter vessels. But when conditions permit Italy intends to regain its naval power in the Mediterranean.

The ministry of marine is inclined toward the theory that the suppression of submarines would give large fleets more domination of the seas and relegate the weaker navies to still weaker positions.

Those are the more important points emphasized in an interview with Admiral Sirianni, undersecretary of state of the navy, upon whom the writer called to clear up the conflicting statements regarding Italy's building program which have been appearing in the Italian press.

Admiral Sirianni's declarations are most important in view of the polemics of the fascist press demanding the construction of a fleet to dominate the Mediterranean. The protection of vital interests of defense and domination is back of the Italian naval plans, the interview indicates.

"I am much pleased to grant an interview to a representative of a foreign paper," began Admiral Sirianni. "Italy can only benefit by the wider publication of the intensive effort it is putting forth toward the reconstruction and rehabilitation of all that the war and the long period of slack discipline among the people have destroyed.

#### GEOGRAPHY BASE OF NEEDS

"Italy's naval needs arise directly from its geographical situation and its special requirements, whose importance are evident, even from superficial consideration," he said. "You need only to glance at the map. Our country is inclosed within its limits by the national barrier of the Alps, which the nation, inspired by the value of what are its rights, has been able to conquer—the frontier assigned to it by nature. On every other side it is surrounded by the Mediterranean, and only by that sea, whose gates have been held by other powers.

"If you will consider that Italy has 9,000 kilometers (5,589 miles) of coast, on which are situated important cities open to attack; that it is not rich in cereals; that it lacks raw materials; that both of these things come to it over the sea; that it has scattered all over the world millions of its sons who carried their tenacious industry into foreign lands; if you will consider that its population has a yearly increase of approximately 400,000; that this makes it a vital necessity for it to further industries and foreign export, without which, bereft of colonies as it is, Italy would have, perchance, to break from its limits, you will form your own judgment as to whether each of these facts taken separately would not of itself call for a strong navy.

#### TO STOP DEPRECIATION

"If this is so, is it not a logical sequence that when they are viewed collectively it should be firmly asserted that there is no nation holding interests on the Mediterranean whose interests are equal to and certainly not greater than ours?"

"Why is Italy considering an increase in its navy, and what is its goal?" I asked.

"The statement that Italy is considering a definite program of immediate development in the navy is not based on facts," the admiral answered. "The only truth in this regard is that the country is rather anxious regarding the rapid depreciation that will be suffered by the fleet during the next few years, owing to the increasing deterioration of units in service and the decreasing value of the battleships, which are models long out of date, as regards tonnage, and the caliber of the discarded ships built during the war, and finally on account of the restricted program of new construction allowed by a scanty naval budget, which is not sufficient for the replacement of the units which must be laid aside.

"Our budget for the navy, exclusive of the sundry services outside the field of military activities, does not reach the sum of \$39,000,000. This amount must cover all coastal services. Without seeking a further comparison, you should only look at the budget of the German Navy, which, notwithstanding the restrictions imposed on its armaments, amounts to more than \$49,000,000.

"You can see for yourself that it is impossible for us, with the budget assigned to the navy, to dispose of a fleet important enough to correspond adequately with those bare needs recognized at the Washington conference, as those of a power with the degree of importance of France, for instance.

"It is evident that this state of things can only be intermediary; that is, one of waiting. When a need of a real nature asserts itself

it never fails to impose a call. Italy will recover its rank as a potent naval power in the Mediterranean." (Copyright, 1925, by the Chicago Tribune.)

## EXHIBIT B

[From the New York World, April 6, 1926]

**AMENDOLA, BEATEN BY FASCISTS, DYING—MUSSOLINI ACCUSED BY FOES OF INSPIRING ATTACK ON DEPUTY IN JULY, 1925—WAS FLEEING FROM A MOB—MOTORISTS AMBUSHED HIM AFTER TROOPS DEPARTED**

[From the World's Bureau. Special cable to the World]

PARIS, April 5.—Deputy Giovanni Amendola, leader of the Italian Constitutional Party, who was attacked by Fascisti at the watering place of Montecatini last summer, is reported from Rome to be dying as a result of his injuries.

Anti-Fascisti repeatedly have accused Premier Mussolini of marking Amendola for suppression.

## AMENDOLA LED AVENTINE OPPOSITION AGAINST MUSSOLINI'S FASCISTS

The attack on Deputy Amendola, inflicting injuries from which he has never recovered, occurred the night of July 20, 1925. It was the second time he had been beaten, the first having been shortly before the murder of the socialist deputy Matteotti. It was charged the men who killed Matteotti had organized the attack on Amendola.

Amendola was the leader of the Aventine opposition which was boycotting the Chamber of Deputies with its Fascist majority. He had been Minister of War in the Facta cabinet, which held office just before the Fascist revolution.

Last July he went to Montecatini for the cure. According to the official account of the incident, a large crowd, learning of his presence, stormed his hotel and was held off by carabiniers until Amendola could escape to his room. The mob could not be dispersed, but Fascisti leaders persuaded them to allow Amendola to leave town in peace.

Accompanied by a truck load of troops, he started by automobile for Pistola. After escorting him through the Montecatini crowd, the troops left and the deputy drove on alone with his chauffeur and secretary.

At a lonely point on the road their car was forced to stop by two other machines blocking the way. As they slowed down a dozen or more men leaped from behind the hedge, clubbed Amendola severely, and escaped. He was brought back to Rome and was in the hospital for several weeks.

Mr. SMOOT. Mr. President, I intend to take no more than a moment of the time of the Senate to reply briefly to the remarks that have been made by the Senator from Montana touching the effect of the existing tariff rates and suggesting that lower rates ought to be established. Let me call the attention of the Senate to some of the facts as they exist. For instance, let me take our exports to Italy first, and then I shall call attention to our imports from Italy.

During the period of 1910 to 1914 we exported sixty-six million per year. In 1924 under the existing law we exported one hundred and eighty-seven million. For 1925 the value was \$205,000,000. Those were our exports. From 1910 to 1914 the average of our imports from Italy were \$51,000,000. Then followed the war. Coming down to 1924, under the existing tariff act we find that we imported \$75,000,000, and for the year 1925 \$102,000,000. In other words, we exported in 1925 in value twice as much as we imported. The imports in value in 1924 as compared with the 1910 and 1914 average were \$102,000,000 as against \$66,000,000.

The Senator may say what he will as to the result of our tariff act upon Italy, but the only falling off of any of the 10 principal commodities that we import occurs in the quantity of lemons. I think the RECORD will show that we had some Democratic votes for the duty on lemons. I remember that the Senator from Florida [Mr. FLETCHER] pleaded here on the floor of the Senate that it was necessary to increase the duty, and the Senators from California also insisted that if we were going to maintain that great industry in the United States, an industry of California and the South, the one-half cent on bulk lemons never would do it. The rate was increased. The result, of course, has been that Florida and California have largely furnished the lemons to the United States instead of Italy furnishing them. Italy, however, is still shipping them in bulk.

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

Mr. SMOOT. Certainly.

Mr. HARRISON. Of course the Senator helped the Senator from California and the Senator from Florida in that matter?

Mr. SMOOT. I did, and very gladly did so.

Mr. HARRISON. What was the increase on lemons in that act?

Mr. SMOOT. I will tell the Senator exactly what it was. Under the Underwood-Simmons law the duty on lemons in packages of not over 1 1/4 cubic feet is 18 cents per package; 1 1/4 to 2 1/2 cubic feet, 35 cents per package; 2 1/2 to 5 cubic feet, 70 cents per package; over 5 cubic feet or in bulk, one-

half cent per pound. Those were the rates under the act of October 3, 1913.

Under the act of 1922 the classifications as to the cubic feet were eliminated and a duty of 2 cents a pound imposed on lemons.

Mr. HARRISON. It was an increase in percentages of about what, may I ask the Senator?

Mr. SMOOT. I should judge, taking it all in all, that it would be about 99 per cent.

Mr. HARRISON. That is the least fraction under a 100 per cent increase?

Mr. SMOOT. That is true. Not only that, I will say to the Senator, but it was shown by the Senator from California and the Senator from Florida that without that increase the industry could not exist in the United States.

Mr. HARRISON. May I ask what quantity of silk has heretofore been imported from Italy?

Mr. SMOOT. The quantity imported from Italy in 1912 was 2,058,000 pounds.

Mr. HARRISON. What was the value of that silk?

Mr. SMOOT. And in 1925 the importation was 1,929,000 pounds.

Mr. HARRISON. What character of silk does that include?

Mr. SMOOT. That is raw silk.

Mr. HARRISON. Has the Senator the figures as to silk apparel or goods made out of silk?

Mr. SMOOT. That is not one of the principal commodities imported from Italy.

Mr. HARRISON. That is one of the commodities imported.

Mr. SMOOT. I shall have to add up the figures, and will do so in just a moment.

The raw silk imported from Italy for 1925 was valued at \$12,120,815 and in 1924 it was valued at \$7,329,670.

Mr. HARRISON. So that there was an increase of about \$5,000,000 in 1925 over 1924. The situation is improving in Italy.

Mr. SMOOT. No; the situation is improving in the United States.

Mr. HARRISON. The Senator says the situation is improving in the United States. The figures quoted by the Senator from Utah show that we imported \$5,000,000 worth more of silk in 1925 than in 1924, as I understand.

Mr. SMOOT. That is correct; that is what I said.

In spun silk we imported from Italy in 1924 \$205,810 worth and in 1925 we imported \$620,599 worth. Of silk fabrics we imported from Italy in 1924 \$342,515 worth and in 1925 we imported \$345,017 worth.

Mr. HARRISON. What were the figures as to the importations for 1912 and 1913?

Mr. SMOOT. I have those figures only as to raw silk; I have not the figures as to the other varieties. I will assure the Senator from Mississippi, however, that they were very much less during the years he has mentioned, because at that particular time conditions were not very prosperous in the United States. We had in 1913 and 1914 a Democratic tariff, as the Senator from Mississippi knows.

Mr. HARRISON. Yes; and the people were afraid of a Republican administration coming in. May I ask the Senator what was the increase in the tariff on raw silk and on silk fabrics in the act of 1922?

Mr. SMOOT. Raw silk was free in that act, and it always has been free.

Mr. HARRISON. What was the tariff on silk products?

Mr. SMOOT. On silk products I think it was 45 per cent.

Mr. HARRISON. That is an increase.

Mr. SMOOT. Silk products were never imported free of duty.

Mr. HARRISON. What was the increase?

Mr. SMOOT. I think that the tariff on silk products was 45 per cent under the Democratic administration and 45 per cent under the Republican tariff; that is, on silk-woven goods.

Mr. HARRISON. The Senator states there was no increase in the tariff in the McCumber bill on silk or silk goods.

Mr. SMOOT. I think the tariff was the same under both bills, though I have not the act here.

Mr. HARRISON. Is the Senator from Utah sure about that?

Mr. SMOOT. I rather think that is true; there might have been a small increase.

Mr. HARRISON. I think just the contrary. That is why I am asking the Senator from Utah the question.

Mr. SMOOT. The Senator from Mississippi remembers when the Democratic tariff bill was under consideration that we had a Democratic Senator from New Jersey, and the Senator from Mississippi remembers, does he not, that that Senator from

New Jersey always took a great deal of interest in the duties on silk.

Mr. HARRISON. Just before we enacted the McCumber tariff bill we had a Republican Senator from New Jersey and we have a Democratic Senator now.

Mr. SMOOT. That sometimes happens.

Mr. HARRISON. Yes.

Mr. SMOOT. And vice versa. It happens oftener, of course, that a Democratic Senator gives way to a Republican Senator.

Mr. HARRISON. Well, there will be a striking exception as the result of the coming elections in November.

Mr. SMOOT. I prefer to take somebody else's opinion as to that, because I have heard the Senator from Mississippi express himself to that effect so often that he actually believes that what he states before each election will happen.

Mr. HARRISON. I know it ought to happen.

Mr. SMOOT. The Senator from Mississippi actually believes it will happen, and he prophesies it, but it seldom comes true.

Mr. HARRISON. The Senator from Utah also believes it, does he not?

Mr. SMOOT. Only once in a while some local situation brings that about; that is all, Mr. President. It is not because there is really a change of sentiment amongst the people.

Mr. BORAH. If they shall fall in any other way, the Republicans will seat a Democrat when he gets here.

Mr. SMOOT. The Republicans will seat him if he is entitled to have the seat, and if he is not so entitled we will not seat him.

Mr. HARRISON. We will never have the assistance of the Senator from Utah in seating a Democrat when he ought to be seated.

Mr. SMOOT. The Senator voted the other day to seat a Democrat.

Mr. HARRISON. The Senator from Utah did?

Mr. SMOOT. No; I misspoke myself.

Mr. HARRISON. I understood the Senator from Utah was going to vote that way, but when he voted he did not vote that way.

Mr. SMOOT. The Senator from Mississippi is always "understanding." He is the most prolific Senator in this body for always "understanding" things, but they never happen.

Mr. HARRISON. I had hoped that the Senator from Utah would vote right but he did not.

Mr. SMOOT. The trouble is that the Senator from Mississippi always "understands" it to be the way he wants it to be; not the way the facts are, but the way he thinks he would like to have them; and it is really a pleasure to follow the Senator.

Mr. HARRISON. The Senator from Utah is trying to get away from the question I asked him.

Mr. SMOOT. Not at all.

Mr. HARRISON. But I am not going to permit him to do it. I asked the Senator what increase there was in the tariff on silk goods under the McCumber tariff bill.

Mr. SMOOT. To tell the truth, I have not the figures here. I could obtain them; but I really do not believe there was any increase, but slight, if any.

Mr. HARRISON. Mr. President, if the Senator can not answer the question, very well.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. ROBINSON of Arkansas. Unless the Senator from Utah is a very great expert he can not answer the question after he reads the paragraph in the act of 1922. I have it here before me, and, with the permission of the Senator from Utah, I should like to read it.

Mr. SMOOT. I have sent for a copy of the act.

Mr. ROBINSON of Arkansas. I have it right before me and have it marked. Will the Senator yield to me so that I may read it?

Mr. SMOOT. Certainly.

Mr. ROBINSON of Arkansas. Paragraph 1201 reads as follows:

PAR. 1201. Silk partially manufactured, including total or partial degumming other than in the reeling process, from raw silk, waste silk, or cocoons, or silk and artificial silk, and silk nolts exceeding 2 inches in length; all the foregoing not twisted or spun, 35 per cent ad valorem.

PAR. 1202. Spun silk or schappe silk yarn, or yarn of silk and artificial silk, and roving, in skeins, cops, or warps, if not bleached, dyed, colored, or advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number 205, 45 cents per pound, and in addition thereto ten one-hundredths of 1 cent per number per pound; exceeding number 205, 45 cents per pound, and in addition thereto fifteen

one-hundredths of 1 cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, the specific rate on the single yarn, and in addition thereto 5 cents per pound cumulative; if bleached, dyed, or colored, the specific rate on unbleached yarn, and in addition thereto 10 cents per pound cumulative: *Provided*, That any of the foregoing on bobbins, spools, or beams shall pay the foregoing specific rates, according to the character of the yarn or roving, and in addition thereto 10 cents per pound: *Provided further*, That none of the foregoing single yarn or roving shall pay a less rate of duty than 40 per cent ad valorem: *And provided further*, That none of the foregoing two or more ply yarns shall pay a less rate of duty than 45 per cent ad valorem. In assessing duty on all spun silk or schappe silk yarn, or yarn of silk and artificial silk and roving, the number indicating the size of the yarn or roving shall be determined by the number of kilometers that weigh 1 kilogram, and shall in all cases refer to the size of the singles: *And provided further*, That in no case shall the duty be assessed on a less number of yards than is marked on the skeins, bobbins, cops, spools, or beams.

Now I trust that the Senator from Mississippi has the information which he desires, and I give the Senator from Utah the rest of the afternoon to tell us what it means. [Laughter.]

Mr. SMOOT. Mr. President, there is not a word in paragraph 1202 but has a meaning.

Mr. ROBINSON of Arkansas. Yes; "a meaning all its own."

Mr. SMOOT. Every word in it is absolutely necessary in order to cover the importation of different sizes and kinds of silk. The wording of that paragraph is just as necessary as the wording of any paragraph there is in the whole act.

Mr. ROBINSON of Arkansas. Will the Senator tell us now just what is the duty on silk?

Mr. SMOOT. Yes; I can tell the Senator what the duty on any one size of silk is; but the duty varies, depending on whether it is fine-drawn silk or a coarser silk, just as the duties upon woolen yarns change with the size.

I will say to the Senator from Mississippi, however, that that has nothing to do with silk-woven fabrics. The duties on those commodities are in entirely different paragraphs.

The next paragraph in the tariff act covers thrown silk, and the one following that covers sewing silk, twist, floss, and silk threads or yarns, and the succeeding one covers woven fabrics.

Mr. HARRISON. Does not the Senator find that the increases in the McCumber law range from 60 to 90 per cent over the prior law?

Mr. SMOOT. Not on silk goods.

Mr. HARRISON. On silk fabrics and wearing apparel?

Mr. SMOOT. No; paragraph 1203 reads:

Woven fabrics in the piece, composed wholly or in chief value of silk, not specially provided for, 55 per cent ad valorem.

In the Underwood-Simmons bill the duty was 45 per cent ad valorem.

Mr. ROBINSON of Arkansas. Mr. President, it would be interesting, though incomprehensible, to read paragraph 1213, which also relates to the tariff on silk. May I read it?

Mr. SMOOT. That is about the same as the other paragraph, but covers artificial silk instead of the regular raw silk. One is made from cellulose, while the other is produced by a worm. That made from the cellulose, I will say to the Senator, is artificial silk, while that made by the worm is the real silk.

Mr. ROBINSON of Arkansas. Paragraph 1213 is comparatively simple.

Mr. SMOOT. It is about the same as the other paragraph.

Mr. ROBINSON of Arkansas. It is nothing like so difficult as the paragraph of which the Senator from Utah has just given such a lucid explanation. Paragraph 1213 reads as follows:

Artificial silk waste, 10 per cent ad valorem; artificial silk waste, not further advanced than sliver or roving, 20 cents per pound, but not less than 25 per cent ad valorem; yarns made from artificial silk waste, if singles, 25 cents per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, 50 cents per pound; products of cellulose, not compounded, whether known as viscose, cellophane, or by any other name, such as are ordinarily used in braiding or weaving and in imitation of silk, straw, or similar substances, 55 cents per pound; but none of the foregoing yarns, threads, or filaments, or products of cellulose, shall pay a less rate of duty than 45 per cent ad valorem. Knit goods, ribbons, and other fabrics and articles composed wholly or in chief value of any of the foregoing, 45 cents per pound and 60 per cent ad valorem.

Now, I should like to know what rate of duty that paragraph and paragraph 1202 carry, as compared with the rate of duty under the Simmons-Underwood tariff bill, if the Senator can tell us—what the increase in per cent ad valorem is.

Mr. SMOOT. I should judge about 12½ per cent increase.

Mr. ROBINSON of Arkansas. On both paragraphs?

Mr. SMOOT. On both paragraphs.

Mr. ROBINSON of Arkansas. The increase is the same. Well, Mr. President, the Senator from Utah may be correct. I am absolutely powerless to question the accuracy of his statement.

Mr. SMOOT. On the woven fabrics—that is, a completed piece silk shipped into this country, generally from Japan, sometimes from Italy, but great quantities of it from Japan, carloads of it—the duty is 55 per cent ad valorem, while in the Underwood tariff bill it was 45 per cent ad valorem.

Mr. HARRISON. Mr. President, may I say to the Senator that I have the figures of a tariff expert, and he says that the increase on silk fabrics and wearing apparel in the McCumber bill over prior law was between 60 and 90 per cent.

Mr. SMOOT. The expert, whoever he was, informed the Senator wrongly.

Mr. HARRISON. The Senator says he does not know exactly. The expert says the increase is between 60 and 90 per cent.

Mr. SMOOT. If I had made a statement here without being positive of it—if I had made it before I looked at the rate, and had made an error—I would have been reminded of it by the Senator not once but perhaps a hundred times during the discussion of a tariff bill; so I am very careful not to make mistakes.

Mr. HARRISON. If the Senator finds that he has made a mistake, I hope he will change the RECORD.

Mr. SMOOT. I have not made any mistake.

Mr. HARRISON. I say, if he finds that he has made a mistake, I hope he will change the RECORD.

Mr. SMOOT. It is here, Mr. President.

Mr. BORAH. Mr. President, I do not desire to take up the time of the Senate for more than a few minutes, but I want to put in the RECORD an article on the present financial and industrial condition of Italy, as found in what is known as "Trade Winds." This is the February number, 1926. The article is written by a gentleman by the name of O. D. Foster.

The publication is issued by the Union Trust Co., of Cleveland. Mr. Foster says that he secured his information from the International Chamber of Commerce, the United States Department of Foreign and Domestic Commerce, the Credito Italiano, the American Chamber of Commerce for Italy at Milan, the Italy-American Society, the Italian Power Co., Senator E. Conti, and others. The article is replete with facts and figures, and I think any Senator who is at all interested in this subject will be deeply interested in reading this article.

I read a paragraph or two.

Mr. Foster begins his article by saying:

In many ways the war was a benefit to Italy rather than a detriment.

I assumed, Mr. President, when the writer began his article in this style, that he was going to discuss particularly the acquisition of territory, but I find that that item in the development of Italy and in the growth of Italy is omitted entirely, and he confines his remarks to the industrial and economic condition of Italy proper.

Mr. Foster goes on to say:

It is a conservative estimate to say that Italy has at least quadrupled the productive equipment she had before the war.

Speaking of the electric-power capacity of Italy, he says:

The amount of capital invested in Italian plants for the production of electric power before the war was 700,000,000 lire. At the present time approximately 4,500,000,000 lire is invested in this industry.

On page 21 the article says:

Italy has always been a leader in the automobile industry. As far back as 1920 she exported 11,320 motor lorries and automobiles valued at about 500,000,000 lire.

He proceeds to give the development of the industry up to the present time.

Upon page 23 he gives an account of the shipping industry in its present development and the textile industry, and I observe that Mr. Snowden, in his speech in the House of Commons the other day, said that the textile industry in Italy had become a real competitor of the textile industry of the British Empire.

There is also an account of Italy's cotton industry and her silk industry; and the article covers the entire industrial and financial and economic condition of Italy in a very comprehensive way.

I ask unanimous consent to have this article inserted in the RECORD, and I trust Senators will find time to look it over. I am satisfied that if these facts and figures are correct—and I have every reason to believe that they are, because the writer gives his authority—we will have difficulty in arriving at the conclusion that Italy can not pay more than 26 cents on the dollar of her indebtedness of \$2,042,000,000.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

The article is as follows:

[From *Trade Winds* for February, 1926]

ITALY HAS TAKEN NEW LIFE SINCE THE WAR

By O. D. Foster

[NOTE.—The writer wishes to extend credit for information secured from the International Chamber of Commerce, the United States Department of Foreign and Domestic Commerce, the Credito Italiano, American Chamber of Commerce for Italy at Milan, Italy-American Society, the Italian Power Co., Senator E. Conti, and others.]

In many ways the war was a benefit to Italy rather than a detriment. For years she had depended on the other countries, principally Germany, for coal, machinery, and mechanical information. With clever foresight Germany had not failed to take advantage of this situation. Together with the machinery and coal, she sent the men to man the machines. At the time the war broke out Italy's industries were heavily manned with German experts. It was a tie which compelled her to be an ally. With the opening of the war, dissensions arose, and when these men were called to arms and German resources were shut off, Italy was obliged to think for herself and to discover some other means of securing credits, materials, and mechanical equipment for which up to that time she had depended on her neighbors. Conditions compelled her to turn within herself, and it is a conservative estimate to say that Italy has at least quadrupled the productive equipment she had before the war.

Looking for a minute at Italy's principal handicaps it is easy to see why she has always been in such a difficult economic position. Italy's total reserves of coal are estimated at 340,000,000 tons, and her petroleum deposits are scarce. The only beds of coal and lignite of any real importance are those in Tuscany and Istria, and the most accessible deposits produce a lignite which has only one-fifth to one-third of the calorific value of soft coal. She is also seriously hampered by lack of raw materials. Literally until the last few years Italy has had nothing to sell that was of great importance. She needed coal for her locomotives and her power stations, ore to make iron and steel, and cotton for her looms. She had scanty mineral resources—for her subsoils are poor in minerals—she had large areas of swamps, and her country was mostly arid, rocky, and mountainous, therefore transportation was difficult. This in part accounted for the fact that even as recently as 1875 she had practically no railroad system.

Hampered with such scanty internal resources it was the irony of fate to give her such a large population, for Italy is actually burdened with man power. Each year there is an estimated increase of half a million in the population over and above the death toll. This offers the reason for her enormous exodus, for her people can not find sufficient work to make their living in their own country. Italy has lost millions of people by emigration in the last quarter of a century. One year alone emigration reached 900,000 persons. But this has left her even richer, for these emigrants are continually sending money back to those at home, the total amount often running as high as a billion gold lire a year. These sums have helped build her railroads, her bridges, and her manufacturing plants. Since our immigration laws became so strict, Italy has been put to it to know what to do with her people, her present population having reached 40,000,000.

With conditions at this pass and a race as emotional and colorful as the Italian, they naturally moved along the lines of least resistance and developed the artistic side of their temperament. Italy turned her resources to art and craftsmanship and became the art center of the world. In effect this was much the position in which she stood at the outbreak of the war.

With her coal supplies shut off Italy was virtually in a panic. Intensely patriotic, with a highly developed sense of kinship, she demanded to care for her own. Second only perhaps to Italy's taste for art is her flair for engineering. Under the emotional strain of war all the imagination and fervor of her temperament was turned to the development of her resources. Her engineers saw in her swiftly running rivers a vital source of potential power. They set about developing it. Back as far as 1892, through her power station at Tivoli, Italy had demonstrated her first example of long-distance power transmission for industrial purposes. Now, she went to work in earnest to develop her white coal, for Italy's population and army must be clothed and fed.

Even in 1911 Italy possessed 40,395 engineering shops which employed 274,570 workers and were equipped with 77,000 horsepower. Power for these shops was a big problem. Italy went to work. By 1920, 406 hydroelectric power stations with a capacity of over 300 horsepower each had been erected and 83 were in the course of construction. Most of these were in northern Italy. Their completion

brought the total power available to 1,531,109 horsepower. This power was vitally necessary for Italy's development. All the capital which could be secured was put into hydroelectric development and the amount of electrical energy now being produced amounts to more than three times that generated before the war. It has doubled since 1920. In proportion to her size and population Italy leads the world in the utilization of hydroelectric energy. She has literally been forced to this development in order to compete with other nations industrially, for the cost of steam power in Italy is about four times that of electric power.

The amount of capital invested in Italian plants for the production of electric power before the war was 700,000,000 lire. At the present time approximately 4,500,000,000 lire is invested in this industry. Before the war the cost of electric power in the manufacturing industries amounted to 10 to 15 per cent of the cost of production, whereas to-day it has been reduced to an expense of only 6 to 7 per cent. The same may be said of the electricity used for illuminating purposes.

The supply of potential hydroelectric energy in Italy is equal to 40,000,000 tons of coal annually. Up to now her largest import of coal has been 11,000,000 tons a year. Water-power possibilities in Italy are roughly computed at 4,000,000 kilowatts. One and one-quarter million were in use in 1918 and an additional million are under construction for development. It is said that the saving in coal accomplished by the development of 1,000,000 kilowatts amounts to over 1,000,000,000 lire.

The northern section is the seat of the greatest manufacturing development, one reason being that here there is access through mountain passes to France, Switzerland, and Austria. Practically two-thirds of the power available lies in this section.

Piedmont, which is the heart of the great industrial section, includes the city of Turin, which is the seat of the Italian automobile and textile district and is the home of the Fiat factories. It also supports many other extensive manufacturing enterprises. In that vicinity the country to the north is alive with great textile mills, and its rich agricultural region to the south is likewise a network of electric distribution. Milan is the greatest industrial city in Italy and the center of a highly developed manufacturing region. Here are located some of Italy's most extensive cotton mills, notably those of Ernesto de Angeli. It is also the home of the Pirelli rubber plant, which supplies a great part of the rubber output of the country. Venice is also the center of a region with a population of 6,000,000, and while it is not as important industrially as Turin and Milan, it is a rich and valuable port which uses an immense amount of power. It also supports a number of smaller industries which use tremendous amounts of electricity. Bologna and Florence are likewise excellent power and light markets. Southern Italy is also coming to the front with some power plants of enormous voltage.

Among the largest groups of companies operating in the busy northern section may be mentioned the Piedmont Hydroelectric Co., operating in the Piedmont region; the Edison General Electric Co. and the Conti Co., operating in the Lombardy region; the Adamello General Electric Co., operating to the west of the Venetian region; the Adriatica Electricity Co., operating in the Venetian region; and the Negri Co., operating in the Genoa region. These companies all have extensive Alpine water-power developments, which complete a chain extending across the industrial northern section of Italy. They are linked together by high-voltage transmission lines and form what is virtually a superpower system.

Development in the southern section has been slower. Estimates of existing hydroelectric power place all the way from 70 per cent to 80 per cent in the northern section, according to the boundary lines drawn. Calabria and the islands have only about 11 per cent and the balance is distributed throughout the country. The most important of the southern plants are the hydroelectric works in Calabria and Sardinia, which, when completed, will be among the most important not only in Europe but in the world. The reservoir plants of the Sila in Calabria will have an installation of from 100,000 to 120,000 kilowatts and will produce 850,000,000 kilowatt-hours a year. Work on the artificial lakes in this Sila plateau is well under way. When completed they will supply a constant average of 160,000 horsepower. Five electric central stations will be fed by this hydroelectric power. The power scheme is completed by plans for irrigation, and storage dams will be built with irrigation canals and ditches, serving an area of 24,000 acres. The power will be supplied at low rates, and will be distributed by three main cable lines to Sicily, Apulia, and the Naples district, in addition to supplying the needs of the Calabrian Provinces.

There is very little hydroelectric power in Sicily, but electric power will be carried from Calabria across the Straits of Messina when the Sila stations are in operation. At the moment Sicily is largely dependent on thermic plants. The modern plan for superpower is to centralize thermal production with electrical energy in large central stations situated as near as possible to coal fields or other fuel sources. During periods of drought it is often necessary to supplement hydroelectric power with thermal units, even in countries which are rich in water power.

Some idea of the volume of the demand for power and its future needs may be gathered from a study of just one of Italy's important industries and the source of its growth.

Italy has always been a leader in the automobile industry. As far back as 1920 she exported 11,320 motor lorries and automobiles, valued at about 500,000,000 lire. Since that time she has made enormous progress for very obvious reasons. Italy's mountainous nature makes the establishment of railroad communication difficult. Due to internal troubles and difficulties with her neighbors, Italy has many times located her cities on elevations which are difficult of access. This has not only developed cycling but also the motor industry and motor lorries are a very important part of the Italian freight movement. In fact, according to the most recent statistics obtainable (1924), there are only about 25,495 kilometers of railroad in the country, whereas there are 52,600 kilometers of motor-bus service. These busses and camions carry passengers, mail, and freight, and run on postal-line time-tables which are approved by the government. In their construction, vast amounts of power are necessary and this is largely supplied by hydroelectric energy.

To turn to the source of this wonderful "white coal." In the opinion of experts, the countless watercourses which rise in the Alps and in the Appenines represent not less than five and a half million horsepower of potential energy. Proportionate to size, this is about six times the water power possibilities of the United States. This flow varies in volume at different seasons. Alpine rivers are in flow during the summer when the snow and ice melt. At this time the Appenine rivers, dried by the summer sun, are at their lowest ebb. During the winter when Alpine rivers are at their lowest point because their glacier sources are frozen, the Appenine rivers are swollen by torrential rains. This condition has made advisable the creation of great mountain reservoirs, which balance the effect of high and low water not only in the same but in different regions. These reservoirs are built high in the mountains, near the glaciers which in themselves constitute a natural reservoir. Streams from several valleys are gathered into one great channel by means of tunnels and canals, which are often many miles in length.

Water accumulated in this fashion is then carried to the hydroelectric turbines. This high voltage is then transmitted to the centers of distribution. Due to the high heads, a small amount of water gives a large amount of energy. There are 59 of these artificial lakes, which impound 8,114,000,000 cubic feet of water. Seventeen others are under construction, with an estimated capacity of 28,313,000,000 cubic feet. Of these, the most important are in the Tirso Mountains in Sardinia, in the Alpine Basin at Lys, above Palermo, and in the Sila Plateau in Calabria.

During the stress of war and since that period, Italy has almost completed the task of tying up her two great hydroelectric systems—that fed by the waters from the Alpine glaciers and that supplied by the rivers of the Appenines. Great high-tension feeder lines interconnect the several zones. But one gap exists; it is in central Italy. In this district Italy has large beds of peat and lignite. Their calorific content is too low to justify expensive transportation, but where power stations can be built at the pit's head they have important value. Steps are now under way to promote this development. The station of Torre del Lago, which utilized the peat of Lake Massaciuccoli is an example of what can be done in this use of peat, which is reduced to gas and this in turn burned in the steam boilers. Other plans are also under way for the use of peat and lignite in other centrals.

Closely linked with this huge plan for hydroelectric development is Italy's reclamation program. A large part of northern Italy consists of reclaimed plains which need draining and irrigation. The power used will be hydroelectric energy. The program for central and southern Italy is equally extensive. As now planned something like 2,000,000 acres will be reclaimed within the next six years by irrigation and drainage at an expenditure of some 7,000,000,000 lire. This includes the Pontine marshes adjacent to Rome. At the present time, Italy imports large quantities of wheat, corn, and maize, and it is hoped that if these marshes were reclaimed she may be self-supporting as to grain.

One of the by-products of hydroelectric power is water for irrigation. For instance, water from the station of the Sila will irrigate ten to fifteen thousand hectares in the plain of Cotrone, those of the Tirso not less than 20,000 hectares of prairie land between Campidano and Oristano, and the water from the future stations of the Ceno and the Enza almost as much in Emilia.

Already Italy's productive capacity has been greatly increased through land reclamation. Because of her uneven surface and the torrential character of her rivers and courses, much of the country is of a marshy character. Also it has no great fertility, and only in certain sections are conditions really favorable to agriculture. Nevertheless, as you pass through Italy you will see the mountain sides terraced for vineyards, olive gardens, and extensive orchards. Italy has great variations in temperature, inasmuch as from north to south her surface varies from snow-capped mountains to tropical valleys. For this reason her agricultural products are varied, running all the way from citrus

fruit to cotton plantations. When one takes into consideration her many handicaps, the ratio of her cultivated to her total area is actually very high. Of the 70,822,191 acres comprised within her pre-war frontiers, only 5,591,911 are still unproductive.

Development has been slower in southern than in northern Italy not only because the land is more marshy but also because of the lower initiative of the people of that section. They are gradually being stirred to action through the important drainage projects now under way in the southern provinces, especially in those of Caserta, Naples, and adjacent territory.

One of the most pretentious of the schemes is that of the reclamation of the Pontine marshes. This work is hydroelectric, agricultural, and sanitary. The hydroelectric work consists of the reclamation of the Piscinano Basin, where beds will be made for the mountain torrents which now submerge the lowlands and a dam built to control the waters.

The reclamation of this land is of great economic importance and its practical results are demonstrated by the increased rates from taxation in the reclaimed districts, which shows the treasury interest at the rate of 70 per cent for money invested.

Due to this reclamation work and the increased consumption of commercial fertilizers, agriculture is making rapid advances. In 1924 it not only reached but passed the pre-war record. In 1923 a little less than 1,200,000 tons of these fertilizers were used, and this was materially increased in 1924. The consumption of nitrate fertilizer alone was increased by 50 per cent.

In this connection the Italian Government has come to a realization of the importance of securing home supplies of nitrogenous products, both for purposes of national advance and agriculture, and has encouraged the industry by lenient taxation. Heretofore Germany has led in this industry largely because Italy was so hampered for coal. It is estimated that the work can be carried on profitably wherever electric energy is available at a cost not exceeding 4 centimes per kilowatt hour. This has been made possible in many sections of Italy, and large plants are now working at full capacity at Terni. Others are under way in the Trentino and the Marche. Just as soon as the hydroelectric works in Calabria and Sardinia are completed cheap power will be available on a large scale for the production of synthetic nitrogen.

Many potentially profitable industries still remain undeveloped in Italy. One of them is her extensive potash deposits. She also has large quantities of aluminum and some oil. Another place where she is lacking is in the development of her dye industry. At the moment she sends most of her goods to France to be dyed. With Italy's marvelous sense of color this is distinctly a wasteful process. She also has some of the most wonderful port facilities in the world, most of which are much underdeveloped. In reality, she occupies a truly strategic position in the Mediterranean Basin as a trading center. Her ports put her in touch with the entire western world and are ports of call for all the big Atlantic liners. In view of the fact that she depends so much on her imports for raw materials it is strange that she has been so dilatory in port improvement.

Development of the port of Venice did not take place until after the war. Before 1914 the maximum capacity of this port was 3,000,000 tons a year. The new port, Porto Marghera, was opened to navigation in April of 1922. It is nearly 3 miles long and runs parallel to the Mestre Venice Bridge. It is in reality the outlet of a great system of inland navigation which is still in the course of construction and which will eventually connect Milan and a series of the leading industrial centers of Lombardy and Venetia with the sea.

There are 7 miles of wharves, and the harbor works cover an area of  $2\frac{1}{2}$  square miles. The entire system is equipped with the most modern machinery for loading and unloading. Connection is made by rail with the Mestre trunk line, and the annual traffic capacity is 10,000,000 tons. The port is also surrounded by two industrial zones, with a ship canal for purposes of navigation. The new pier will be the connecting link between the sea-borne traffic and that floating in from the whole valley of the Po. The harbor of Palermo is also under improvement, and projects are already under way for the development of southern Italian ports.

Italy had 139,000 tons of shipping under construction in 1924, as compared with 133,000 in 1918, 365,000 in 1920, and 145,000 in 1923. In the seven-year period from 1915 to 1921 the total net tonnage of steamers and motor boats was diminished by 677,000 tons through war losses; 120,000 by ordinary accidents, due in part to war conditions; 99,000 by demolition; and 38,000 by sale and other causes. To offset this loss it was augmented by 581,000 tons through the acquisition of the vessels of Venezia Giulia, by 555,000 through foreign purchase, 529,000 by new construction, and 98,000 by other causes such as salvage.

In addition to her large textile trade, Italy has always been known as the heart of the silk industry. In 1917 there were about 12,000 mechanical looms, and by 1924 they had reached 19,000. In addition, there are about 5,000 hand looms. The production of the silk-weaving mills amounts to about 1,000,000,000 lire, of which about two-thirds is exported.

Italy has about 40,000 workmen employed in silk weaving. Unemployment in these trades is practically nonexistent.

Her production of artificial silk is to-day one of the most flourishing and strongest of all her industries, and the 1924 output placed Italy fourth in world production. Reports are that the output this year will rank her next to the United States. The investment of 420,000,000 lire in 1922 has probably been doubled at the moment. This progress is doubtless due to Italy's realization that she could produce the soda, carbon sulphate, and sulphuric acid required in the process in her home market, and she is also looking forward to the home production of the cellulose. As an outgrowth of this industry knitting and weaving factories have sprung up rapidly and are growing in importance.

Italy's cotton industry is also very extensive. At the outbreak of the war she possessed 4,620,000 spindles and 130,000 looms for the manufacture of cotton. In a short time the number of spindles will amount to more than 4,700,000. Italy has 64½ per cent of the spindles installed in Europe and 2.9 per cent of those installed in the whole world. It has 6.8 per cent of the looms in Europe and 4.4 per cent of those in the world. Italy exports 7 per cent of the total exports of all industrial nations; imports eight-tenths per cent of the imports of manufactured cotton of the world; employs 5.6 per cent of the world's labor and 9 per cent of European labor, and her capital invested in the cotton industry is more than 2 per cent of the world's investment.

In common with the other countries, Italy needs to improve her transportation facilities. To use American measurement she has about 12,000 miles of railroads, of which 2,000 are narrow gauge. Of this total 10,180 miles are owned by the State and 2,600 by private companies. The rolling stock of the State consists of 6,281 steam locomotives, 290 electric locomotives, 11,008 passenger cars, and 150,221 freight cars.

With the constant increase in electric power a huge plan of electrification of the roads is already under way. The program includes the electrification of 2,500 miles of trunk lines, comprising some 6,250 miles of track. Much of this has already been completed. The railway system in Piedmont and Liguria alone shows something like 700 miles of track already electrified. Work is also nearing completion on the Genoa-Pisa-Spezia-Leghorn, on the Bologna-Florence, and Bologna-Faenza, and on the Sampierdarena-Ovada lines. In the south the Benevento-Foggia line is being electrified on the direct current system. Lines to Trieste, Flume, Bologna, and other sections are also under improvement. In many cases the power will be supplied by hydroelectric plants built by private corporations. The great mountain reservoirs in the Sila will supply the power for electrifying the Calabrian railroads, and that carried to Sicily will be used for electrification in that section.

As further evidence of the progress and growth of the railways, statistics show that after a long course of deficits which culminated for the financial year 1922-23 in a deficit of 1,500,000,000 lire, 1924-25 shows a surplus of 200,000,000 lire. The number of travelers carried and the gross tonnage for the first five months of 1925—latest statistics obtainable—show a steady increase from month to month. Service is being improved in every way.

The calculation of Italy's continually increasing resources—that of the tourist trade—must not be forgotten, for it is one of her greatest sources of income. In all probability the past year, holy year, will show the greatest tourist traffic which has ever crossed her borders. During the summer season her hotels were crowded to the limits of suffocation, her trains were almost intolerable, and the Lido had the most brilliant season of its existence. Estimates of the income can only be gauged at the moment by those of 1924, when the money left by foreigners in Italy amounted to 3,000,000,000 lire. To compare this with industry, the merchandise exported of largest value was silk. That year silk exports amounted to 1,250,000,000.

Turning to Italy's financial condition: She faced a very serious crisis in 1920, for, in addition to the obligations of the war, she had internal expenditures for which there were no budgetary provisions. One of these was the bread subsidies, which amounted to several milliards (billions) of lire. Later on these were abolished and the state tried to increase its income by the impost of fresh taxes.

Italy's reconstruction expenses were also very heavy, for from the Alps to the sea—following the course of the Piave for a depth of close to 8 miles on either side—practically all of the buildings were destroyed. Also at the time of the armistice the Government was providing for the needs of 2,500,000 persons in the liberated and redeemed Provinces and was obliged to make arrangements for the return of 503,494 refugees.

All these expenses were a terrific drain on the exchequer, for within a few months after the war 2,880 miles of road and 239 bridges had been repaired and 100 miles of railway track had been relaid. Many miles of embankment were rebuilt and structural repairs were carried out on 76,633 houses prior to rebuilding the 91,498 which were totally or partially destroyed. During the first seven months of 1919 engineers repaired 26,375 buildings and replaced over 237,500 doors and windows. From July, 1919, to July, 1921, structural repairs were made to more than 30,200 houses and 2,000 public buildings were rebuilt in the liberated Provinces. Agricultural reconstruction entailed the col-

lection of live shells and bombs scattered over 238,000 acres of land, the removal of 2,000,000 miles of barbed wire, the filling of 1,192 miles of trenches, and the collection of tens of thousands of tons of metal waste. Italy also lost 320,000 head of cattle during the invasion, but these have been largely restored.

In addition to the war expenditure Italy faced other serious liabilities. Prices had risen, due to the depreciation of the currency and the reconstruction expenses in the invaded Provinces.

The railways were in a serious condition, due to inadequate yield, and the cessation of emigration during the war had depleted the sums sent home by emigrants. Since the new immigration law in 1924, which limited Italy's immigration to the United States first to 50,000 and later to 5,000 a year, this income has continued to decrease.

But since 1920 Italian finances have been on the mend. Budget deficits for the current year, July 1, 1924, to June 30, 1925, have decreased so materially that there is every reason to suppose that 1925-26 may even show a surplus. The domestic national debt was also reduced considerably in 1924, and in February, 1925, Italy's foreign commercial commitments were repaid in their entirety, leaving the interallied debts as her only foreign indebtedness.

The year 1924 was one of great prosperity for Italian commerce and industry, and the Italian people seem to have "found" themselves and coordinated their productive powers. Savings deposits in the important banks showed an increase of almost 3,000,000,000 lire, including the ordinary savings banks, which alone show an increase of 1,200,000,000 lire. Taking everything into consideration it is probably conservative to say that Italian savings in 1924 ranged from nine to ten billion, which is higher than the pre-war rate. The banking situation is in excellent condition and industrial institutions through their enormous increases in capital during 1924, in a large part, have canceled their indebtedness to the banks.

Many new companies are being formed in Italy, and capitalization has been increased. Four billion lire in new capital was invested in industrial pursuits in 1924. Exports also increased in 1924 over those of 1921 by 50 per cent, whereas imports remained about the same. Unfortunately imports have increased during the current year, due to the heavy purchases of wheat and sugar at prevailing high prices. Every effort is being made to rectify this condition. This year the harvest has been excellent, and it is officially estimated at 62,000,000 quintals of wheat, as against 46,000,000 in 1924. Strenuous efforts are being made to raise the amount of production per acre by careful seed selection and improved cultivation. In order to promote wheat growing the Minister of Finance has also reintroduced the duty on wheat and other cereals which were temporarily suspended at the outbreak of the war. The duty on wheat has been fixed at 7.50 gold lire per quintal. The means of reducing sugar imports are also under consideration.

All in all the situation in Italy is such as to cause congratulation and denotes very visible evidences of progress. Sometimes it takes a great catastrophe to rouse a nation to its best efforts. Italy is finding herself at last.

Mr. SMOOT. Mr. President, I want to say that of course Italy's industries must be built up; and the only hope of her ever paying her indebtedness is based upon the increase of her industries and the belief that she can get to manufacturing and that she can get to exporting goods. That is the only hope we have that Italy will be able to pay what this settlement calls for, and the amount that she owes Great Britain and her internal indebtedness. She will have to improve her condition or she can not possibly meet these obligations.

Mr. BORAH. There is just as much difference between this article and the outlook for Italy which it gives us and the condition of Italy and the outlook of Italy as presented by the representatives of Italy, who called upon our debt commission, as if they were dealing with two different countries.

Mr. SWANSON. Mr. President, the Senator from Utah in his opening speech stated that the aggregate national wealth of Italy was \$22,000,000,000. The Senator from Idaho the other day in his speech quoted his authority for the statement that it was estimated at between \$30,000,000,000 and \$35,000,000,000. I should like to ask the Senator from Utah whether the Finance Committee of the Senate made a thorough investigation to enable it to ascertain and report to the Senate as to which of these statements as to Italy's national wealth was true—\$22,000,000,000 or \$30,000,000,000?

Mr. SMOOT. No; the Finance Committee did not.

Mr. SWANSON. Does the Senator mean that the Finance Committee of the Senate made no investigation at all as to the national wealth of Italy? Where did you get that figure?

Mr. SMOOT. We got it, as I said the other day to the Senator from Idaho, from figures that were furnished by our departments, the Commerce Department and others, and also from statements that were made by other foreign countries.

Mr. SWANSON. Then the Finance Committee made no investigation at all of these matters, but simply took what the commission found?

Mr. SMOOT. Of course the Ways and Means Committee of the House made an investigation; and not only that, but the commission did.

Mr. SWANSON. I read the report of the Ways and Means Committee. They simply seem to take the same authorities that were before the debt commission. That is all they took.

Mr. SMOOT. That authority was as good as any authority in the world, I think.

Mr. SWANSON. Who is the specific authority for the statement as to the \$22,000,000,000? That is what I should like to know. Is it the Italian commissioners, or is it an impartial examiner?

Mr. SMOOT. I did not ask what particular agency in the Department of Commerce made that investigation. I can not say as to that. I did not ask who it was; but if the Senator wants to know, I think I can find out.

Mr. SWANSON. I should like to know. The Senator from Idaho in his speech the other day quoted several splendid authorities that are impartial and tried to estimate the wealth of the nation with a view to stating the facts so that people could ascertain them without regard to the settlement or non-settlement of the debt.

Mr. SMOOT. I have seen the statement that was attributed to the Senator. If we go back before the war, it was agreed, I suppose, all through the world that the total value of Italy was somewhere about \$15,000,000,000 or \$16,000,000,000. Perhaps it fell a little below that. Then it went up higher than that, and it has been estimated, as I said, all the way up to \$35,000,000,000; but I suppose that is calculated on the basis of adding to the former value of Italy the decreased value of money. I do not know what statement was made by the authorities.

Mr. SWANSON. As I understand, it is estimated that Germany is worth between \$70,000,000,000 and \$80,000,000,000, and the Dawes commission has made her pay \$625,000,000 a year. The present Vice President was able to get that amount from Germany. On the basis of the same percentage of national wealth that was used in the case of Germany what ought Italy to pay?

Mr. SMOOT. Providing Germany can pay it.

Mr. SWANSON. But she agreed to pay it, and the effort is being made to collect it.

I want to treat Italy generously, but I do not want to do an act of folly and injustice to the American taxpayer. The Finance Committee of the Senate was authorized to investigate this matter. It will not report on a little claim of a thousand dollars without a thorough examination. It seems to me that it ought to have made a thorough investigation of this matter and ascertained the facts. Instead of taking a report made by somebody else, we ought to have what it says, as a committee, the national wealth of Italy is.

Mr. SMOOT. I have heard the Senator say that before.

Mr. SWANSON. I want to reiterate it. It did not seem to make any impression then.

Mr. SMOOT. No; not at all.

Mr. SWANSON. That is what the committees of the Senate are organized for.

Mr. SMOOT. I want to say that the commission made as thorough an examination as it was possible to make of this debt and of all the other debts that have been reported to the Senate.

Mr. SWANSON. But the commission was organized to present to the Congress its judgment as to what is right. The Congress then appoints a committee to examine the matter. Whenever a department makes a recommendation, it is sent to a committee to ascertain the facts. I want to deal with Italy generously. I think Italy ought to be dealt with generously. I want to deal with every nation generously; but I should like to have a committee give me some facts, after thorough investigation, to justify me in acting.

Mr. SMOOT. Why does not the Senator come right out and say that he wants to defeat this measure if he can do it indirectly?

Mr. SWANSON. I do want to defeat it if it is not just and proper for the American taxpayer. Why does not the Senator from Utah come out and say that he is for it and that he does not want any examination because it might defeat it? Why does not the Senator come out and say: "I object to an investigation; I object to light on the subject, because if I should obtain that the settlement might be defeated in the Senate?"

Mr. SMOOT. The Senator from Utah has already stated why he thinks the settlement ought to be agreed to. Now, of course, it is in the hands of the Senate.

Mr. SWANSON. Why did not the whole committee of 17 members investigate it and report in their judgment as a committee what they think ought to be done after investigation? That is what worries me about this case.

Mr. REED of Pennsylvania. Mr. President, the committee may have been misled by the fact that very able Republicans and very able Democrats who did make a thorough investigation agreed on the accuracy of all the statements that have been given here in the RECORD; and we believed that when that committee, specially qualified for the task, had employed their experts to check up on all these statements and had made independent recommendations, and had agreed unanimously, Republicans and Democrats, we might safely assume that the facts as they stated them to us were correct.

Mr. SWANSON. Then the committee did exactly what the Senate refused to do. In other words, the committee left it to this commission to settle at what they pleased.

Mr. REED of Pennsylvania. Not at all.

Mr. SWANSON. The Senate refused to give them that authority. The Senate required the commission to report to Congress. When they reported to Congress it was for Congress to investigate the matter. Congress appointed a committee to conduct an investigation, and the committee simply took what the commission said and O. K'd it, which would have resulted in permitting them to settle a debt without investigation.

Mr. REED of Pennsylvania. But the trouble with the Senator is that he shifts his ground without stopping in between to give me a chance to answer the first question.

Mr. SWANSON. I do not shift at all. The Senator shifts. I said that we appoint this commission and give them instructions how to settle this debt. They do not see fit to follow those instructions. The next thing we know they negotiate a settlement and report it to the Senate. The Senate then has that settlement up for examination to see whether or not it ought to be ratified. Now, as I understand, the Finance Committee has the report of the commission referred to it, and without examining it or ascertaining anything except what the commission itself said it makes a report indorsing and approving the findings of the commission.

I would have confidence in the opinion of the Senator from Pennsylvania if he had examined into the matter; but why should I have any confidence in his opinion when he admits he has made no examination and simply reports what the commission reported? I could do that.

Mr. REED of Pennsylvania. If that is what the Senator understands, I am glad he brought up the subject, because he misunderstands the facts. What we took for granted, under the report of the commission, was the fact as to the Italian capacity to pay; but the Finance Committee did scrutinize the report very carefully and sent back for information as to calculations of present values. The terms were made on the basis of capacity to pay.

Mr. SWANSON. I could have had somebody estimate what the present value was. That would have been easy. That required no information, simply some mathematical calculation. What I would like to know—

Mr. REED of Pennsylvania. But the Senator will never know if he does not allow me to finish.

Mr. SWANSON. I will never know if the Senator made no examination.

Mr. REED of Pennsylvania. The Finance Committee, both Democrats and Republicans, did investigate the bargain made with Italy. What we took the word of the Debt Commission on was the financial condition of Italy. We did not send over to count the number of cattle they had per thousand inhabitants. We did not send over to count the tons of coal in their pitiful little coal pits, because this commission, which had experts and was in a position to examine into those things, and had full leisure, had agreed on the facts. So all of us, Republicans and Democrats, accepted those hypotheses as correct.

Mr. SWANSON. Do I understand that the Democratic members of the Finance Committee accepted the estimate this commission made as to the aggregate national wealth of Italy?

Mr. REED of Pennsylvania. I do not remember that that question was specifically raised, but I did not hear the findings of the commission as to the element of capacity to pay challenged by anybody on the Finance Committee, either Republican or Democrat. We did discuss at great length the terms of the bargain made with Italy, and the Democratic members and the Republican members all reserved the right to criticize it on the floor of the Senate if further reflection seemed to warrant their doing so.

Mr. SWANSON. I would like to have the Senator answer this question: What was the authority for the statement that the aggregate wealth of Italy was \$22,000,000,000 and only that?

Mr. REED of Pennsylvania. I do not know; but I can say—

Mr. SWANSON. Can the Senator tell me who does know? I want to vote intelligently on this matter. The Senator, as a member of the committee, was authorized to get that information for me.

Mr. REED of Pennsylvania. Nobody knows where any figure was obtained as to any country, but in every land there are statisticians at work trying to determine those figures for a variety of purposes.

Mr. SWANSON. The Senator from Idaho quoted from some four or five reputable sources that it was \$30,000,000,000.

Mr. REED of Pennsylvania. I do not know what those reputable sources were.

Mr. BORAH. Mr. President, let me make a suggestion that if the advocates of this bill will find any publication or any authority put out by a statistician that places it below \$30,000,000,000 I will be perfectly willing to consider it. Take the economists of London, take the World Almanac, take the figures gotten up in that way, and you find they give it up to as high as \$35,000,000,000. Those people make their investigations; they put out their publications year after year; the world comes to regard them as accurate and reliable; and it is the only information we really have. Strangely enough, the figures which the same publications give as to the national wealth of Germany, and the national wealth of Belgium, as to the national wealth of the United States, are accepted, and I do not know why we should question their figures as to the national wealth of Italy.

Mr. SWANSON. What does the Statesmen's Year Book give as the national wealth of Italy at present?

Mr. BORAH. I would not be sure as to the different publications. Some of them vary, making it thirty-three billion or thirty-five billion; but some go up as high as \$35,000,000,000.

Mr. REED of Pennsylvania. Of course, those things are necessarily estimated, as they are for this country or for any other country. With that we are not so vitally concerned as we are with the productive capacity of the country and the income of the country. We know what the income is, because Italy taxes her incomes just as we do, and if the Senator will just take this one fact home with him and nurse it, I think it will grow to be a very large and lusty fellow; that is, that if Italy had adopted exactly the same income tax law that we had in effect last year, the yield to her would have been only 1 per cent of what the yield was under her income tax law, because practically every income in Italy is under \$1,000 a year. She taxes her incomes at rates that would not be suffered here for a moment. If she adopted our percentages and applied them to her citizens' incomes, her yield would be only 1 per cent of what it is.

Mr. SWANSON. I served many years on the Ways and Means Committee in the House, and I know it is very difficult to make any comparison between tax exactions in foreign countries and those in this country. We have Federal taxes and State taxes and local taxes. In foreign countries the central government collects money and distributes it for a great many purposes for which our State and municipal governments collect taxes. I have not yet seen a statement in connection with taxes in foreign countries that makes any satisfactory comparison between our custom and theirs. Our State governments levy taxes, our counties levy taxes, the municipal corporations inside the counties levy taxes. Consequently it is very difficult to make any comparison between the American system of taxation and any foreign system of taxation. The British Parliament imposes a great many local taxes, but the local taxes in Great Britain, I think, are not as large as the local taxes in America if we consider the State, the county, and the municipal taxes. A great many things which the Parliament does in England the States and the municipalities do here. In looking over the Italian system of taxation, I have seen no statement segregated so as to make possible a comparison.

Mr. SMOOT. That was not taken into consideration in making our report. But I will say to the Senator that there are many forms of taxation in foreign countries the same as those we have. We have taken into consideration only the national taxation and exactly how the national taxes are expended, and that we have reported to the Senate.

Mr. SWANSON. I have an idea, though I may be mistaken, that in Italy a great proportion of the national taxes is used for education and similar purposes.

Mr. SMOOT. No—

Mr. SWANSON. I do not know as to Italy, but other foreign governments have budgets which cover a great many of the things our State governments take care of.

Mr. SMOOT. France does not and Italy does not.

Mr. SWANSON. I have never seen a comparison between our Government and foreign governments which we could justify as a just comparison.

Mr. SMOOT. I can give the Senator a copy of Italy's budget—that is, the national budget—showing just exactly what the taxes are, their source, and how they are expended. I assure the Senator there is nothing in that that goes to the States or to any subdivision of a State.

Mr. HOWELL. Mr. President, I would like to ask the Senator from Utah a question. I want the Senator to answer this: If the Senate, in its judgment, should see fit to vary or change this settlement, what would be the result?

Mr. SMOOT. The Italian Government has already approved the settlement, and in my opinion the result would be that we would not have any settlement. That is my opinion.

Mr. HOWELL. In other words, am I to understand it is the Senator's view that the Government of the United States must sign on the dotted line or Italy will refuse to pay?

Mr. SMOOT. That is not the way to put it. My opinion is that if the Government of the United States does not approve of this settlement it will be a long, long time before we have any settlement with Italy, and the money Italy would otherwise pay us Mussolini can use just as he pleases, to carry out the policies he has been criticized for here on this floor.

Mr. HOWELL obtained the floor.

Mr. HARRISON. Mr. President, will the Senator from Nebraska permit me to ask the Senator from Utah a question?

Mr. HOWELL. I yield to the Senator.

Mr. SMOOT. I want the public buildings bill to go forward, I will say to the Senator, and I know that the Senator from Mississippi does not want that.

Mr. HARRISON. I do not want it in its present form. It may be that we can get together on that.

I want to ask the Senator if there is some pamphlet we can get so that we can study a comparison of the taxes paid by the taxpayer in Poland, in Belgium, in Czechoslovakia, in Lithuania, in Hungary, and in Italy, and also the taxable value of their lands, their capacity to pay, and all that information. Have the commission any of that information?

Mr. SMOOT. We have the comparisons that were furnished the commission by Italy and Belgium, and by the countries with which we have settled; not in one volume, however.

Mr. HARRISON. The commission does not have that information in parallel columns, so that we can compare those various items?

Mr. SMOOT. No; it never has been so arranged that I know of.

Mr. SWANSON. The Senator from Mississippi does not want me to believe that the committee reported this bill, and recommended its passage without an investigation and without any data on the subject whatever?

Mr. HARRISON. The Committee on Finance had nothing on it.

Mr. SWANSON. Had nothing?

Mr. HARRISON. Had nothing. It was not discussed 30 minutes before the committee.

Mr. SWANSON. It did not make any investigation?

Mr. HARRISON. No investigation at all.

Mr. SWANSON. This \$2,000,000,000 debt was handled in this way, without any investigation on the part of the committee? I am surprised that the Senator who is chairman of that committee did not have a full investigation.

Mr. HARRISON. That is the way he operated on us.

Mr. SWANSON. I have never seen a thousand dollar claim come before us but that the Senator did not insist that we ought to have a full examination, if there had not been one.

Mr. HOWELL. Mr. President, I should like to ask the Senator from Pennsylvania a question. Inasmuch as he stated that the Finance Committee had received information before its action, I would like to know whether it came to any conclusion as to what the Italian ability to pay would be in the sixty-second year, in accordance with this agreement.

Mr. REED of Pennsylvania. I can state the conclusion I reached, that is, that Italy has undertaken all that she can pay at that time by any possibility, and I think Italy is going to have to refund her obligations to us by internal borrowing in those last years of this agreement. I do not mean to refund them to us, but I think she is going to have to borrow in order to make those final payments that she will owe us.

Mr. HOWELL. That is merely a guess, is it not?

Mr. REED of Pennsylvania. Of course it is. How could anybody talk about the sixty-second year from now without guessing?

Mr. HOWELL. Does the Senator think we ought to cancel this debt now, on a guess, 62 years in advance?

Mr. HARRISON. I think we ought to refund this debt now, or Italy may never be in shape to pay anything.

Mr. HOWELL. But Italy only pays us 1.1 per cent interest on this debt for 62 years, and then this proposed settlement provides that the debt of two billion one hundred and fifty million she owes us shall be canceled.

Mr. REED of Pennsylvania. Precisely, and if we do not refund this debt, and refund it now, and if Italy does not balance her budget, she is not going to be able to pay us anything on the debt. Those are the two prerequisites to solvency of the Italian Government, and she can not be solvent until she has done both things. She must balance her budget. That is her affair, not ours. She must refund her debts to Great Britain and the United States, and until she does those things, she must continue in the embarrassment in which she is laboring to-day.

The other day the Senator suggested, and very plausibly, that we ought to reject this debt settlement and sit back with our present claim and take all we could get each year. That sounds like a good course, but if we stop to reflect, Italy, unless she refunds her foreign debt, can not establish her credit. She can not pay us much of anything until she has refunded and put herself on a sound basis.

Mr. HOWELL. I would ask the Senator from Pennsylvania if it is not a fact that what I have suggested with reference to Italy is exactly what the Dawes Commission has provided in the case of Germany.

Mr. REED of Pennsylvania. No. The Dawes Commission has provided a specific amount to be paid each year by Germany with a provision that in case the transfer of exchange becomes impossible or too difficult the reparations shall be diminished for that year. That in substance is the arrangement.

Mr. HOWELL. But there is no provision for the cancellation of the \$33,000,000,000 that Germany is to pay under the Versailles treaty.

Mr. REED of Pennsylvania. The agreement of May, 1921, fixed German reparations at 132,000,000,000 gold marks, and that has been canceled, if the Senator likes that word, though I would say reduced to the present \$33,000,000,000.

Mr. HOWELL. I am speaking in dollars. The reparations provided for under the Versailles treaty were in the neighborhood of \$33,000,000,000.

Mr. REED of Pennsylvania. That is the same as 133,000,000,000 gold marks.

Mr. HOWELL. It was provided that Germany should pay according to her ability, but it was objected that to-day should be determined the ultimate amount that she is to pay. In other words, the \$33,000,000,000 is not canceled, but the beneficiaries are merely to receive from Germany from year to year what she is able to pay. If the Dawes Commission provided any such settlement with Germany, why should not we have a similar settlement with Italy?

Mr. REED of Pennsylvania. That is exactly what we have done. The Dawes plan fixed the maximum that Germany should pay at \$625,000,000, just as we are fixing the maximum for Italy for pay.

Mr. HOWELL. In how many years?

Mr. REED of Pennsylvania. In 62 years in this case.

Mr. HOWELL. I say for how many years in the case of the Dawes Commission plan?

Mr. REED of Pennsylvania. There is no definite limitation.

Mr. HOWELL. Absolutely. That is the point I am making. Why should we have a limitation of time in the Italian settlement?

Mr. REED of Pennsylvania. In the case of Germany the whole thing is contingent upon her future productive ability, with the safeguard clause that they have given her a fixed payment from year to year, and there is a general understanding that those payments by Germany will terminate in a certain time.

Mr. SWANSON. Mr. President—

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

Mr. HOWELL. I yield.

Mr. SWANSON. Under this general plan they were not then commissioned to examine the ultimate payment. They had no authority except to fix an annual payment according to the capacity of Germany to pay.

Mr. REED of Pennsylvania. There is a general understanding that those payments will terminate in 37 years.

Mr. SWANSON. There has been no understanding and no agreement. France would not agree to the Dawes Commission plan except to fix the annual payments according to capacity to pay. The ultimate payments are left open. They had no commission to examine into that. One objection to the plan now before us is that there is an attempt to fix yearly payments and then to cancel the principal, which is not done under the Dawes plan.

Mr. REED of Pennsylvania. Of course the Senator is merely using his turn of words when he says we cancel the principal. I say we get every cent of the principal back from Italy.

Mr. SWANSON. Let me ask the Senator this question: The commission provided so many payments in 62 years, commencing with \$5,000,000 and then increasing at intervals. The Senator from Nebraska has estimated that if we take the \$2,000,000,000 and charge 1.8 per cent interest on the principal that is conceded, the 1.8 per cent interest charged from the beginning to the end will absorb all of the payments made. He contends that is one of the most generous treatments ever accorded anybody. He said we borrowed money at 4 1/4 per cent. We are not speaking of money we had in the bank, but we had to go out and borrow money at 4 1/4 per cent. We loan it to this debtor for 62 years at 1.8 per cent interest, which would absorb all the payments the debtor proposes to make. Then the Senator from Nebraska said that at the end of 62 years we cancel the principal. Call it interest or principal, he holds that that is the effect. I would like to know whether that statement is true or not as between the Senator from Nebraska, who makes the estimates, and the Senator from Pennsylvania, who denies them.

Mr. REED of Pennsylvania. I think it is clearly evident that the Senator from Virginia does not want the public buildings bill to be considered to-day.

Mr. SWANSON. The debt settlement is a bigger matter than the public buildings bill. If we get what is due us, we can put up a building in every village and city that needs it in America. I am trying to help put up buildings. I know that if this settlement is defeated and we can not arrange another settlement of some kind, and if we have to raise the amount by taxation, we are going to have difficulty in getting any public buildings.

Mr. REED of Pennsylvania. The Senator is certainly going to have difficulty in constructing public buildings with the nothing we will get if we do not ratify this settlement.

Mr. SWANSON. We are not so despondent as that. I have more confidence in the character and integrity and honesty and justice of Italy than the Senator has. I believe it is a reflection on Italy to say that she will borrow money and then say, "If you do not accept what I offer now, I will never pay anything." I think that is an unjust aspersion on Italy.

Mr. REED of Pennsylvania. If the Senator thinks that I said any such thing as that, I am very glad to remember that I have never said it.

Mr. SWANSON. The Senator said that Italy said, "If you do not take this, you will not get anything."

Mr. REED of Pennsylvania. I said if we do not take this Italy will not be able to pay anything.

Mr. CARAWAY. Why does the Senator say that? Does paying her debt make her any richer?

Mr. REED of Pennsylvania. I regret very much to seem to be blocking the public buildings bill that the Senator from Maine is so anxious to have considered.

Mr. HOWELL. I have the floor, Mr. President, and I want to assure the Senator from Pennsylvania that he is not blocking the public buildings bill. I am, incidentally!

Mr. REED of Pennsylvania. Then the Senator perhaps will permit me to answer the question of the Senator from Arkansas. I know the Senator will take it in the proper spirit. It is just exactly like a business man who has got into financial difficulties. He has two things to do: He has somehow to fix things with his creditors so he can pay them out of the earning power of his concern, and he has to fix things within his concern so there is a balance of earnings left each year—one an external problem and the other an internal problem.

Whether we talk about the Government of Italy or John Smith, the corner grocer, they all have to go through the same process when they get into financial trouble. Italy has made a brave start in balancing her budget. She has done it by the sternest kind of economy. But that is not enough. That is merely providing that the grocery is going to pay a little profit each year. She has to fix it up with the people who hold her notes, and that means Great Britain and the United States. She is not going to get out of the financial trouble she is in until she has done both things.

A railroad that gets into trouble retires its bond issue, and issues preferred stock in the place of the bonds or refunds its bonds, and we all think that is the proper thing to do in order that their fixed charges will not exceed the earning power of the property. That is in plain language just what Italy is trying to do each year—to get her fixed charges down within the limits of her earning power.

Mr. CARAWAY. The Senator started out by saying that if we did not accept this offer we would not get anything. A business concern can be put into the hands of a receiver and it is possible that its assets may be wasted in litigation; but that is not true with Italy. The thing I was curious to know was why the Senator said that if Italy does not pay this debt, she will be poor, but if she goes ahead and pays us she will have more money, as I understood from the Senator's statement.

Mr. REED of Pennsylvania. That perhaps is an indirect way of saying what I meant. Of course, I do not mean to say that Italy is going to repudiate her promises if it is within her power to live up to them, but I do say that we have to help her get on her feet or it will not be in her power to keep those promises.

Mr. CARAWAY. But how do we help her more to get on her feet if she does not pay anything than if we let her pay something? Which will help her the most, for us not to get anything or for her to pay something?

Mr. REED of Pennsylvania. The greatest help we could render would be to cancel the debt. But we are not going to permit that. We are here to represent America.

Mr. CARAWAY. If the Senator will pardon me, it has been said over and over again in the public print that Mr. Hoover is credited with having said it, and the Senator has said that if we do not accept their proposed settlement we will not get anything. Is that statement literally true, that we have to take this settlement or nothing?

Mr. REED of Pennsylvania. I do not believe I would like to make it as strong as that.

Mr. CARAWAY. Did not the Senator make it that strong a moment ago in answering the Senator from Virginia?

Mr. REED of Pennsylvania. I would rather put it this way—

Mr. CARAWAY. Did not the Senator say that we had to take this settlement or nothing?

Mr. REED of Pennsylvania. I do not think I put it as strong as that. If I did, here is what I meant. We will get nothing in the immediate future if we do not accept this settlement.

Mr. HOWELL. How much are we to get in the near future—\$5,000,000 a year?

Mr. REED of Pennsylvania. That is more than we have been getting.

Mr. CARAWAY. By what authority does the Senator make that statement? Has he any information that the Senate and the country have not got?

Mr. REED of Pennsylvania. No; but I have thought about it perhaps more than some others.

Mr. CARAWAY. What processes of reasoning did the Senator go through that make him think that unless we accept this settlement we will get nothing?

Mr. REED of Pennsylvania. I have been watching the precedents that have been established in Europe. Let us take the case of Germany. It was utterly impossible for Germany to reestablish herself until she had done those two things—balance her budget and fund her debt.

Mr. CARAWAY. But there is nowhere in any of the German settlements a provision by which she is excused from paying her debts.

Mr. REED of Pennsylvania. I beg the Senator's pardon. If he will think for a moment, he will remember that the amount Germany agreed to pay in the agreement of May, 1921, was 132,000,000,000 gold marks, which is \$33,000,000,000.

Mr. CARAWAY. I am conscious of that.

Mr. REED of Pennsylvania. If the Senator will take the maximum payment under the Dawes plan of \$625,000,000 a year, the Senator will see instantly that it is less than 2 per cent on that obligation, and Germany never pays the principal.

Mr. HOWELL. She keeps on paying indefinitely in accordance with her ability to pay.

Mr. REED of Pennsylvania. No; she will pay for 37 years.

Mr. HOWELL. Is there such an agreement that the payments are to end in 37 years?

Mr. REED of Pennsylvania. There is no such stipulation in the Dawes plan, but that was the general agreement.

Mr. HOWELL. But there is a stipulation in the Italian agreement that the payments shall cease at the end of 62 years.

Mr. REED of Pennsylvania. And Italy will be paying 25 years after Germany has quit.

Mr. CARAWAY. Here is what I am curious to know. Germany was entering into agreement to pay her former enemies, who were not presumed to have the same interest in her that they would have in a friendly nation. Italy is paying, or ought to be repaying, people who loaned her money when her political life was at stake and who loaned her money after the war to help reestablish herself. The papers have said that the present Government of Italy would very much welcome the defeat of the pending bill, because then Italy would regard herself as not morally obligated to pay us anything. The Senator has seen those statements?

Mr. REED of Pennsylvania. Yes; I have.

Mr. CARAWAY. Does the Senator believe the statements? Does he believe those are true statements?

Mr. REED of Pennsylvania. I can imagine an Italian senator going to his constituents and saying to them, "We have offered the utmost farthing that we can pay, and they would not take it."

Mr. CARAWAY. Does the Senator think Italy could say morally, "I do not owe them anything because they would not take the pittance I offered them"?

Mr. REED of Pennsylvania. I believe our case would be very much weakened if we declined to accept what our own commission said was the ultimate cent Italy could pay.

Mr. CARAWAY. But when we examine the report of the commission and the speeches in the other body of Congress, we realize that America never did get the inside information on which we are asked to act. We do not know, and I heard the Senator who is the chairman of the committee and who reported the bill say that he had no information. Under what theory do we say or does the commission say that this is all Italy could pay, when we are not given any information at all?

Mr. REED of Pennsylvania. The Senator was given a vast mass of information in the opening speech of the Senator from Utah [Mr. Smoot].

Mr. CARAWAY. The information that came to the committee in the House was confidential, if we may believe what the members of the committee said, and the Senator from Utah said he never saw it and never heard of it. Now, the information that the Senator from Utah gave was, with all due regard for the Senator from Utah—because I have the very highest respect for him and think he is one of the most useful men in the Senate—information could be obtained from the public print.

For instance, it was denied in the other branch of Congress, it was denied by the Secretary of the Treasury before the House committee, in effect, that Italy got anything out of the war. I dare say that she got property in Trieste alone, that was public property that belonged to Austria, that was worth at least \$500,000,000 or possibly a billion dollars.

Mr. REED of Pennsylvania. Oh, Mr. President—

Mr. CARAWAY. She got the only seaport of any importance possessed by the Kingdom of Austria-Hungary, an empire of 750,000 people, which was Trieste. All the shipping that country had, all of its public docks, all of its naval establishment were there. Italy got it all. Many of us have been in Trieste, and we know something about it. When it is said that Trieste and other territory were given to Italy merely to rectify a boundary, of course we who happen to know about it are not expected to take that seriously.

One member of the commission said that the soil of Italy was barren. There is not a State in this Union that produces acre for acre with Italy. What I want to say is if that is all the information that committee had—and it doubtless was all it had, because that is the information it brought to both branches of Congress—we know it was so utterly misled by somebody that I do not think we could say we had any reliable information when we were asked to make this settlement.

Mr. REED of Pennsylvania. Do I understand the Senator from Arkansas to say that, acre for acre, Italy's production is greater than that of any State in the Union?

Mr. CARAWAY. Yes, sir; Italy's cultivated lands are more productive than are those of Pennsylvania.

Mr. REED of Pennsylvania. If the Senator is now limiting his statement to Italy's cultivated lands, I will say yes.

Mr. CARAWAY. Nothing is produced on uncultivated lands. I never presumed anybody thought that.

Mr. REED of Pennsylvania. The Senator's remark indicated that he thought so, but I know the Senator will agree with me—

Mr. CARAWAY. The Senator from Pennsylvania is not much of a farmer or he would know that farmers do not farm the woods.

Mr. REED of Pennsylvania. That is what shocked me, because I am such a good farmer—

Mr. CARAWAY. What shocked the Senator was that he did not understand that fields were the places where crops are grown.

Mr. REED of Pennsylvania. What shocked me was that the Senator seemed to be stating that uncultivated lands grew crops in Italy. I do not know how it is in Arkansas, but that is not the case in Pennsylvania.

Mr. CARAWAY. There are some people who advise the farmer who think that fields are not used for anything except to play golf upon. But what are we coming to? I still want to get the Senator's version of what he meant to say. Does he believe that Italy can with honor wrap her mantle around her and say, "Since I offered America what I was willing to pay, if she does not accept it I do not owe her anything; I am not morally under any obligation to pay her"?

Mr. REED of Pennsylvania. No. If the Senator will permit me to answer the question, I believe he will catch what I do mean. I say that any Italian statesman can go to his people and say, "We have offered to America what is admittedly the last cent we can pay."

Mr. CARAWAY. Oh, but it is not.

Mr. REED of Pennsylvania. Wait a moment.

Mr. CARAWAY. No one admitted that who ever took 10 minutes to find out what Italy's resources were. We were confronted here with a statement that Italy's entire wealth was only \$22,000,000,000, but nobody ever found that information outside of some propaganda on the part of Italy.

Mr. REED of Pennsylvania. The Senator does not let me answer. The Italian statesman that he is talking about—

Mr. CARAWAY. I was not asking about an Italian statesman. I was asking the Senator whether or not Italy could refuse to pay, and then say, "I am entirely absolved from any liability"?

Mr. REED of Pennsylvania. Of course, if Italy speaks she has got to speak through some statesman.

Mr. CARAWAY. Italy has been speaking through the Senator from Pennsylvania so eloquently that I wanted to find out about it.

Mr. REED of Pennsylvania. If Italy had no other spokesman than myself she would never get an answer in edge-wise between the Senator's questions.

Mr. CARAWAY. She would never have any more enthusiastic spokesman.

Mr. REED of Pennsylvania. I should like to answer the Senator's question.

Mr. CARAWAY. Very well.

Mr. REED of Pennsylvania. Italy would say to us and she would say to her own people, "We have offered America every last cent we can pay; America's Debt Commission admits it; what more can we do?"

Mr. CARAWAY. Pay her debt.

Mr. REED of Pennsylvania. She would say, "We can not pay more than our capacity; it is useless to try to offer less; what more can we do?" And she could, with entire honor, sit back and say, "We have done our utmost."

Mr. CARAWAY. I want to get at just what the Senator thinks. He thinks that Italy, if we refuse to accept this settlement, may, without sacrifice of national honor, say, "We owe America nothing."

Mr. REED of Pennsylvania. Oh, quite the contrary; I did not say that. She owes America every cent that she promised to pay when she gave us her notes.

Mr. CARAWAY. Then, what does the Senator mean by saying that Italy could preserve her honor and say, "I shall pay nothing"?

Mr. REED of Pennsylvania. I said that Italy could sit back and say that she had offered her utmost and America would not take it.

Mr. CARAWAY. And, therefore, that she will pay nothing?

Mr. REED of Pennsylvania. Perhaps, as time goes on, if she should have revenues available, she would pay something on account; I do not know; and what is the good of my guessing?

Mr. CARAWAY. That is what I am curious to know. The Senator has been threatening us that if we do not accept this settlement we will get nothing. I was trying to find out the basis for that threat.

Mr. REED of Pennsylvania. The basis for that threat is common sense; that if we do not help Italy to become stabilized, of course, she can not pay us or anybody else anything.

Mr. CARAWAY. That does not quite get back to the Senator's statement that she can honorably refuse to pay; but if her not paying is the reason now for her being so nearly destroyed, how is she going to be helped if we do not accept this settlement, and she says, "We will pay nothing"? How

will she be helped if this debt now hanging over her is what is now destroying her?

Mr. REED of Pennsylvania. Just as any corner grocer is impeded in his restoration to solvency by a debt hanging over him that is beyond his capacity to pay.

Mr. CARAWAY. This debt will be hanging over her until she pays it or we cancel it.

Mr. REED of Pennsylvania. Surely it will; but when she has refunded it to the point within her capacity to pay, then she can go ahead.

Mr. HOWELL. But suppose that the corner grocer said to his banker, "I repudiate my debt"; would that help him any?

Mr. REED of Pennsylvania. It would not help him any. He would have to go into bankruptcy.

Mr. HOWELL. How will it help Italy?

Mr. REED of Pennsylvania. Italy can not go into bankruptcy.

Mr. HOWELL. But, I ask, will it help Italy to repudiate her debt?

Mr. REED of Pennsylvania. Italy has not repudiated her debt.

Mr. HOWELL. But suppose she should do so?

Mr. REED of Pennsylvania. She has not shown any signs of repudiating her debt.

Mr. HOWELL. To say, we will probably get nothing if we do not sign on the dotted line, as she has indicated, then, certainly it is equivalent to repudiation.

Mr. REED of Pennsylvania. I did not say she would repudiate it or she would refuse to pay or that I expected her to do so; but I said I expected her to be unable to pay.

Mr. HOWELL. Very well. I want to ask another question. I have the floor, Mr. President, and I think I have been very patient. If the Senate, in its judgment, does not agree exactly with the Debt Commission, and suggests certain changes in the proposed settlement, does the Senator mean to say that would be sufficient justification for Italy to say that she could not pay and it was not in accord with her ability to pay?

Mr. REED of Pennsylvania. Of course, I do not. Italy will pay us, I know, all that she can; but if we do not refund our debt and Great Britain does not refund her debt, Italy's ability to pay will be very small.

Mr. HOWELL. But has not Secretary Mellon testified before the House committee that no man can judge what would be Italy's ability to pay in the future?

Mr. REED of Pennsylvania. No one can do better than estimate it.

Mr. HOWELL. Very well. Then, suppose the Senate should say, "We do not propose to make a definite settlement; we do not propose to limit the amount of money that we are to receive; we simply ask for a readjustment of the proposal. We do not ask you to pay any more necessarily than you are to pay annually under this agreement, but we refuse now to cancel this debt, as we do not know what your situation may be at the end of the period."

Mr. REED of Pennsylvania. Then we would put Italy in the same position that the Allies put Germany when she had a huge, undetermined cloud of reparations hanging over her head.

Mr. CARAWAY. She is in the same condition yet.

Mr. REED of Pennsylvania. No.

Mr. CARAWAY. There is no termination of Germany's obligation to pay.

Mr. REED of Pennsylvania. Because of the undetermined reparation claims hanging over her head Germany was unable to borrow in the markets of the world until the Allies met and agreed to postpone their claims to the private loans that Germany was floating. That was essential to enable her to borrow money to continue her financing.

Mr. HOWELL. But, Mr. President, it is undenied that Germany's reparation debt of \$33,000,000,000 is not canceled, and nevertheless Germany is paying from year to year in accordance with her ability to pay. Why should we treat Italy differently?

Mr. REED of Pennsylvania. If the Senator would look at it through the same glasses in each case, I think he would agree that we were not treating Italy differently from Germany. In both cases there is a clear limitation of the annual payments according to capacity to pay as estimated now. That is why the Dawes annuities are distinctly limited to \$625,000,000.

Mr. HOWELL. Is there a definite limitation of the period during which Germany shall pay what she is able to pay?

Mr. REED of Pennsylvania. No. So far as I know, it has not been limited as yet.

Mr. HOWELL. Very well. Then, why should we write such a limitation in the settlement with Italy?

Mr. REED of Pennsylvania. Because there was not a definite limitation they had to postpone the lien of the reparations

to the private debts in order to enable Germany to make her loans and get started on a stable basis. We do not want to do that with Italy. If we should keep the debt open, as the Senator suggests, against Italy, Italy could never float a private loan without first coming to us to postpone the lien of our claim. We do not want to be put in that position.

Mr. HOWELL. Italy already has floated a private loan of a hundred million dollars.

Mr. REED of Pennsylvania. Based upon the agreement of the Debt Commission absolutely liquidating her debt. If we had left the other end of the period open, she never could have done it.

Mr. HOWELL. In other words, the bankers in New York were so sure that there was a majority in the Senate to ratify this Italian debt settlement that they loaned her the money immediately?

Mr. REED of Pennsylvania. They made the agreement on the faith of the unanimous settlement of the debt commission, which has been approved by an overwhelming vote in the House of Representatives, and which is going to be ratified by an overwhelming vote in the Senate when it comes to a vote on 4 o'clock Wednesday next.

Mr. CARAWAY. If the Senator has that information, why does he debate the question with so much ardor?

Mr. REED of Pennsylvania. I am only helping Senators to hold up the public buildings bill.

Mr. HOWELL. Mr. President, it has been stated upon the floor—and my attention was challenged to a cartoon in the Washington Post of yesterday which implied the same thing—that unless we accepted what Italy has determined she can pay, we will get nothing. What does that mean? That means that for Italy's obligations to pay we have substituted the principle of ability to pay. If that is true, Italy says to-day, "I can not fulfill my present obligations," and, if, at any time in the future in connection with the new proposed obligations, she determines that she is unable to pay, she will repudiate that just as is charged she will repudiate now.

Mr. President, we have settled this debt with nothing but another promise to pay. Her first promise was to pay \$2,150,000,000. Now she says, "I will promise to pay \$538,000,000"; but there is no security; there is no guaranty. This settlement is merely a limitation upon how much we will get. If Italy is able to pay more, we will be estopped from demanding it because of this settlement. If Italy, in her opinion, can not pay as much, we will not get what she agrees to pay in this proposed settlement. Yet it is admitted here that under the Dawes plan Germany is to pay according to her ability to pay, but her debt is not canceled. She does not know when it will be canceled, if ever. Why, then, should we accord to Italy such preferential treatment, when in the case of Germany the settlement involved \$33,000,000,000, and here it involves only \$2,150,000,000?

I think there is scarcely a member of the Finance Committee who understood that this settlement meant the payment of 1.1 per cent interest for 62 years and cancellation of the principal. I do not believe they had analyzed the proposal that far. What we are here led to believe is that Italy has pronounced an ultimatum, "This or nothing!"

Mr. President, we are constantly charged in Europe with being worshipers of the dollar. This is a debt of honor. Are we to stamp that opinion of Americans as correct by accepting a few paltry dollars for this huge debt, because of a fear of repudiation by Italy—that is, complacently resign a birthright for fear of losing a mess of pottage. That is exactly what such action would mean.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. HOWELL. Certainly.

Mr. REED of Pennsylvania. If the Senator's theory of the way to go about this thing is right, then Italy is to pay us each year as much as she can pay on the debt. Is that the idea?

Mr. HOWELL. No, Mr. President. So far as my theory has been stated upon this floor, it is this: Accept Italy's payments, if you will, but do not provide for the cancellation of this debt at the end of 62 years. The amount involved is only 1.1 per cent upon the principal. Why should we now to-day limit the American people to receiving but 1.1 per cent interest? If Italy is able to pay more, we should receive more, because if she is not able to pay the amounts proposed we will not get even 1.1 per cent.

Mr. REED of Pennsylvania. Then, on the Senator's method of calculation, at the end of the 62-year period Italy would still owe us the whole principal, plus 3 per cent per year accumulated interest for 62 years? Is that right?

Mr. HOWELL. No, Mr. President; my proposition is that she shall pay us 1.1 per cent interest for 62 years, and then the debt is not canceled. Your proposition is that she shall pay us 1.1 per cent interest for 62 years, and then the debt is canceled. What I insist is that the Debt Commission can not claim that they will have exhausted Italy's capacity to pay at the end of 62 years, and that then she will be unable to pay another dollar. They certainly do not claim that. If that is true, why can not Italy pay us an equal amount in the sixty-third year and the sixty-fourth year, and the sixty-fifth year? Great Britain has had a debt hanging over her head since 1688, and at the close of the Napoleonic wars it was greater in proportion to her wealth than it is now, and yet she rose to be the greatest empire in the world.

Mr. REED of Pennsylvania. Then the Senator would let this debt hang on into eternity?

Mr. HOWELL. I would let this debt hang on for the present, and let us determine at the end of 62 years whether Italy was able to pay us something more in the sixty-third year. I think that is no more than just to the American people.

Mr. REED of Pennsylvania. What would the Senator do next year, for example? To leave off the 62-year guessing, let us guess about next year. Suppose Italy comes along with \$5,000,000 next year. Are we to debate here in the Senate as to whether she could have paid \$6,000,000? Is that process to go on every year from now on into the dim future?

Mr. HOWELL. What I propose, because of what the commission has done, is this: The commission says that Italy is able to pay \$5,000,000 next year, \$5,000,000 the year after, \$5,000,000 thereafter for three years, and then she is able to pay more in the sixth year. I will accept the commission's judgment respecting that matter, but I do not accept the commission's judgment that this debt should be canceled at the end of the sixty-second year.

Mr. REED of Pennsylvania. Then the Senator is concerned not with what is to be paid during the next 62 years, but with what is going to happen 62 years from the date of this settlement—in 1987.

Mr. HOWELL. I have made up my mind that in the state of sentiment that seems to prevail here it is hopeless to obtain a readjustment of the annual payments, although Italy pays Great Britain \$10,000,000 the first year and \$24,000,000 the second year, and she never pays Great Britain less than about \$21,000,000 during each of the 61 years, and the last year she pays Great Britain \$10,000,000.

Mr. REED of Pennsylvania. And yet, if the Senator figures that settlement on the same basis that he is reiterating that ours must be figured on, Great Britain is getting during the 62 years only about eight-tenths of 1 per cent, and nothing on the principal. Is not that so?

Mr. HOWELL. Mr. President, Italy's debt to Great Britain was not comparable to our debt.

Mr. REED of Pennsylvania. But I asked the Senator about the calculation.

Mr. HOWELL. I am now giving you the facts respecting the Italian debt.

Mr. REED of Pennsylvania. But will not the Senator first tell us, please, whether that is not so—that their payments to Great Britain amount to about eight-tenths of 1 per cent for 62 years, and then the principal is canceled?

Mr. HOWELL. I will answer the Senator's question in due time, and I will answer it in this way:

On February 23, 1920, President Wilson received the following letter from Undersecretary of State Davis, who was in London:

MY DEAR MR. PRESIDENT: With reference to my memorandum of February 21, inclosing a proposed reply to the Chancellor of the Exchequer regarding the cancellation of intergovernmental war loans, I desire to submit for your further information the following consideration:

Without any specific proof—

I should like to have Senators note this—

Without any specific proof, I have for some time suspected that the loans made by England to France and Italy have not the same standing as our loans to the Allies. I recall that Mr. Lloyd-George told me England could not afford to force those countries to pay her. Article XI of the pact of London states that—

"Italy shall receive a military contribution corresponding to her strength and sacrifices."

Mr. President, and here is a convincing bit of supporting evidence, the British Chancellor of the Exchequer, on the floor of the House of Commons just the other day, made this statement in reference to the settlement of Italy's debt due Great Britain:

I ought to say that the Cabinet, in leaving me a very wide discretion in these negotiations, directed me to have regard, among other things, to the whole question of our relationship with Italy, both before, during, and since the war, which, as you know, has been one of unbroken friendship and cordial cooperation in many fields. Also it must be remembered that there have been on various occasions tentative discussions with the Italian Government and other British Governments on the question of debt repayment, which, while they in no way legally tie our hands, found at any rate no counterpart in the relations between the United States and Italy. At the time of the proposed imminent entry into the war very considerable offers were made to Italy which carried with them, subject to numbers of conditions which have not been fulfilled, the principle of the virtual cancellation of the overwhelming bulk of the obligations; and although it was never argued by Italy that anything of a legal nature or of a definite and final nature had taken place, yet at the same time we have felt bound to consider what had happened in the intervening period, which found no parallel in Italian-American relations, as a factor which must reasonably be borne in mind.

Mr. President, Undersecretary of State Davis wrote President Wilson that he suspected that Italy's debt to Great Britain was on no such basis as our debt; and then, six years afterwards, the Chancellor of the Exchequer absolutely verifies and certifies to that fact upon the floor of the House of Commons.

Great Britain's debt was not comparable to our debt—I do not care anything about the figures—and yet Italy pays Great Britain more than she pays us. As a matter of fact, in the first 31 years Italy pays Great Britain over 50 per cent of what she is to pay her, and in the first 31 years she pays us only 26 per cent of what we are to receive; and yet, Mr. President, when the interest we are paying on the money that we borrowed to loan to Italy amounts to \$91,000,000 a year, and she pays us only \$5,000,000 a year for the first five years, and all her payments together are equivalent only to 62 equal annual installments of \$24,300,000 a year, are we in order to get that \$24,000,000 to humble ourselves and say to Italy: "We accept your ultimatum. We will take what you will give us. Now, please promise, and cross your heart, you will pay this?" Will that not be our attitude if we sign on the dotted line?

I think that the country could well forego this \$24,000,000 and say: "We will not accept your ultimatum as to what you can pay or what you can not pay. The Senate of the United States is not bound by its attorneys, the commission that represented it, when it consulted with your representatives respecting this proposed settlement. The Senate of the United States intends to apply its judgment to this matter.

The Senate of the United States accepts Mr. Mellon's statement that no man can tell at this time what Italy's ability to pay will be in the future, and therefore we do not propose to stop the American people from receiving what you are able to pay if you are willing to act justly and pay us what you are able to pay. We do not propose to oppress you. We want you to treat us as we treated you. For two years after the war we furnished you with money. It is a debt of honor."

Why, Mr. President, stop and think for a moment what repudiation means. In Europe, when a man sits down at a gambling table and incurs a debt the question as to ability to pay never enters into the question as to whether he shall pay. Under the code of Europe he must pay, even if it turns his family out in the street, or be banished from society. There is no greater gamble than war. Italy entered it after carefully considering the situation and making her arrangements. Then she came to us and said, "We need money to carry on our operations," and we furnished the money. When the war was over she said, "We need more money because of the condition of our people," and we furnished it. Now are we supinely to acquiesce in her attitude when she comes and tells us, as it is suggested she does, "This is our ultimatum; sign on this dotted line, or you get nothing"?

For the United States to acquiesce in any such attitude for a paltry \$24,300,000 a year is unthinkable. I think it is time that we took high ground in reference to some of these matters.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. HOWELL. I yield.

Mr. REED of Pennsylvania. If the Senator were the Debt Funding Commission, I gather from what he says that he would first tear up the refunding agreement that is now before the Senate. Will the Senator tell us what he would do next?

Mr. HOWELL. Mr. President, I have stated to the Senator from Pennsylvania what my suggestion is in connection with this settlement, and I will go a little further after repeat-

ing myself. I would not cancel this debt of \$2,150,000,000 62 years in advance. That is my first proposition.

Mr. REED of Pennsylvania. I am not asking the Senator what he would do but what he would do. What message would the Senator send to Italy?

Mr. HOWELL. I will further answer the Senator as to what I would do. I would not insert in the agreement a provision whereby, if the bonds issued thereunder are held by Italian subjects, that they shall be taxable in Italy. That is one thing I would not do. I would insert in the agreement exactly what Great Britain insisted upon in her agreement. It is this:

The payments due under all bonds issued in accordance with this agreement shall be made without deduction for and shall be exempt from any and all taxes and other public dues, present or future, imposed by or under the authority of Italy, or any political or local taxing authority within Italy.

That is what I would put in this agreement instead of the corresponding provision we have.

Mr. REED of Pennsylvania. The Senator has not answered my question.

Mr. HOWELL. Just a moment. Of course I know the Senator does not like to have some one dictate as to how he shall answer a question, and I take the same position. But I want to call attention right here to this fact, that under our provision these bonds are not taxable in Italy only so long as they are in the hands of the United States, or in the hands of a corporation or individual not domiciled in Italy. Why should there be such a difference in favor of England as compared with the United States? There is another feature I would have changed in this agreement.

Mr. REED of Pennsylvania. I am not asking the Senator how he would change it. I am asking him this: Suppose the Senate turned down this settlement and the Senator were appointed our Debt Commission. How would he start negotiations with Italy, and what would he ask them to do?

Mr. HOWELL. I will afford the Senator another provision I would have in this agreement.

Mr. REED of Pennsylvania. The Senator would not have any agreement. It would all be torn up.

Mr. HOWELL. Well, in *the* agreement.

Mr. REED of Pennsylvania. How would the Senator ever get to an agreement?

Mr. CARAWAY. I trust the Senator would not get to an agreement by asserting to Italy, "You pay what you are willing to pay, and we will accept that, or you need not pay us anything." Would the Senator make that kind of an agreement?

Mr. HOWELL. I would not.

Mr. CARAWAY. The Senator would not come back and tell the American people, would he, that, "I have told a foreign country to say to us, 'You will have to accept this, or you must absolve us from owing you anything.' You can keep your honor and your cash, too." The Senator would not make that kind of an agreement, would he?

Mr. HOWELL. No. I believe we should handle this matter as a business proposition.

Mr. CARAWAY. And with a little regard for the American taxpayer.

Mr. HOWELL. Yes.

Mr. CARAWAY. And not be the apologist for a foreign country on the floor of the Senate against every assertion of American rights.

Mr. REED of Pennsylvania. It sounds to me as if the Senator from Arkansas were apologizing for the Democratic members on the Debt Commission.

Mr. CARAWAY. No; the Democratic members on the Debt Commission did not do anything that I would have done; but they can apologize for themselves.

Mr. REED of Pennsylvania. Everything the Senator has said sounds like an attack on them.

Mr. CARAWAY. Nobody is apologizing for the Democrats. The apology is for the Republicans, by the Republicans. They were in charge of the commission. They made the settlement. Unfortunately, some Democrats concurred in it. That did not make it right.

Mr. REED of Pennsylvania. Has the Senator ever investigated to find out why his Democratic brethren did concur?

Mr. CARAWAY. I know just as much about that as the Senator is willing to tell us about this. He told us that the Italian Government could not have gotten a loan if they had not known what the Senate was going to do. I would like to know who told the Italian people what the Senate was going to do.

Mr. REED of Pennsylvania. The Senator did not say anything like that.

Mr. CARAWAY. The Senator—

Mr. REED of Pennsylvania. Not even resembling it.

Mr. CARAWAY. The Senator can not get out of it so quickly as that.

Mr. REED of Pennsylvania. I am not trying to get out of it. I am merely contradicting it. I never said that.

Mr. CARAWAY. The Senator said that Italy could not have borrowed unless she had known that the Senate was going to ratify this debt settlement.

Mr. REED of Pennsylvania. I said she could not have borrowed unless the Debt Commission had concluded this agreement.

Mr. CARAWAY. No; the Senator went beyond that. He said unless this settlement was final. That is not his exact language, but that is the effect.

Mr. REED of Pennsylvania. Not at all.

Mr. CARAWAY. Then the Senator did not mean what the words meant. That is what the Senator said in effect, that the reason Italy could borrow was because this settlement had been made.

Mr. REED of Pennsylvania. Certainly, I said that.

Mr. CARAWAY. How did the bankers know it was going to be ratified?

Mr. REED of Pennsylvania. Why does not the Senator, when he quotes me, quote the same thing twice in succession?

Mr. CARAWAY. I can not do that, because the Senator shifts his position.

Mr. REED of Pennsylvania. I do not very often get a chance to answer the Senator's question—

Mr. CARAWAY. The answer is always different from the one the Senator made before.

Mr. REED of Pennsylvania. When I answer, the Senator does not listen.

Mr. CARAWAY. Why should I listen, because when the Senator makes an answer it is different. I heard three this afternoon.

Mr. REED of Pennsylvania. I have made about 25, and the Senator has heard three. That is just about what I get when I talk to the Senator.

Mr. CARAWAY. They were all different.

Mr. HOWELL. Mr. President, I desire to make clear another provision that I would introduce into any settlement. Under the proposed settlement, provision is made that the bonds which are issued, all in large denominations, may be exchanged for bonds of small denominations payable to bearer. The idea is that these bonds might be sold by this Government on the market. It is provided that Italy will assist in listing these bonds on any exchanges the Secretary of the Treasury may indicate. But in connection with this provision, there is another provision which renders any such bonds utterly unsalable.

The bonds bear only one-eighth of 1 per cent interest for 10 years, one-quarter of 1 per cent interest for the next 10 years, one-half of 1 per cent interest for the next 10 years, and 1 per cent interest for the next 10 years, and then 2 per cent interest, I think, for the last 7 years, or something like that. Anybody knows such a bond could not be sold on any market. So that this wise provision is all surplausage—utterly useless under the circumstances.

What I would do is this—and I propose to offer an amendment to this effect—I would provide that such bond shall be issued in such denominations, maturities, and at such rate or rates of interest as the Treasury might dictate, provided that no annual payment shall be increased throughout this period. In other words, if we are to make this settlement, let us have some bonds we can market, and sell them. Let us sell them to Italian subjects if possible. Let us get rid of them. That is what should have been provided, and we ought to have a similar provision in every one of the other agreements.

It would be a happy solution if we could get rid of these bonds, float them elsewhere, and thus relieve our Treasury.

I did not intend to go into this matter at this time. However, I am glad to have had the opportunity to make plain that there are provisions of this proposed settlement that ought to be corrected, and which can be corrected, in the interest of the United States, even though we propose to accept but 1.1 per cent interest for 62 years, and then cancel this debt, an outrage upon the American people. In closing I wish to call attention to the fact that in the course of my remarks I have not insisted that it is my opinion that Italy has any intention of repudiation, whatever the Senate may do. I have great faith in the Italian people.

Mr. COPELAND. Mr. President, a few days ago the Senator from Tennessee [Mr. MCKELLAR] made a very interesting address on the Italian debt settlement, in opposition to it, and he received a telegram from one Doctor Fama, of New York City, which was inserted in the RECORD on April 14, in which Doctor Fama said:

Five thousand Italian Americans at a mass meeting in New York City under the auspices of the Anti-Fascist League of North America wish to congratulate you on your attitude against Mussolini and fascism.

I ask now that there be inserted in the RECORD a letter from Count de Revel. He is the head of the Fascisti League of North America.

I also ask to have inserted a letter from Judge Freschi, a long-time member of the Court of Special Sessions of New York. These letters will explain away the idea that any Italians of high standing in New York City are in opposition to this settlement.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York?

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

FASCISTI LEAGUE OF NORTH AMERICA (INC.),  
CENTRAL COUNCIL,  
New York, April 16, 1926.

Hon. ROYAL S. COPELAND,  
United States Senate, Washington, D. C.

MY DEAR SENATOR COPELAND: The Fascist organization laws here require of its members loyalty to America, support of the American Constitution, protection of the family, upholding the idea of religious freedom and civil government, and the perpetuation of organized society.

The meeting to which Doctor Fama refers was held on April 13, 1926, at Manhattan Lyceum, and the speakers were Vacirca (socialist), Tresca (anarchist), Bellanca (communist), Allegra (communist), Sormenti (anarchist), Lupis (communist), and Fama.

Less than 2,000 persons were present; most of them were of the international red (radical) element, and most of whom were not Italians. Few Italians ever attend such meetings. Vacirca is in this country on leave as nonquota immigrant. His permit has been twice renewed, and he recently lost his citizenship in Italy. Lupis is in this country with a temporary, commercial certificate.

\* \* \* \* \*

Very sincerely yours,  
IGNAZIO THAON DE REVEL,  
President.

HARDIN & HESS,  
New York, April 17, 1926.

Mr. C. W. JURNY,  
Secretary to Hon. Royal S. Copeland,  
United States Senate, Washington, D. C.

MY DEAR MR. JURNY: My information from an authoritative source is that the former member of the Italian Parliament, ex-Deputy Bergamo, is assisting the direction of an anti-Fascista (Il Corriere degli Italiani) newspaper, which directs the opposition to the Italian debt-settlement agreement.

Mr. Bergamo has issued a statement in which he says that the anti-Fascist forces have made Mussolini and the Italian Monarchy their political target and that the anti-Fascisti must stand for republicanism against Fascism and royalty, adding that the death of one is the destruction of the other. Bergamo further states that the King of Italy is an adventurer, without moral direction or sense.

It should be evident to all who read and understand that the blow is directed not so much at Mussolini as at the form of monarchical government, and it is not strange therefore that the meeting held in New York at the Manhattan Lyceum should have been addressed (outside of Doctor Fama) by a well-known group of socialists, communists, and anarchists \* \* \*.

Very sincerely yours,

JOHN J. FRESCIL.

Mr. MCKELLAR. Mr. President, in this connection I desire to insert in the RECORD a telegram from the Italian Baptist Mission of Uniontown, Pa., on the same subject.

The VICE PRESIDENT. Is there objection?

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

UNIONTOWN, PA., April 18, 1926.

Hon. MCKELLAR,  
United States Senator of Tennessee,

Washington, D. C.:

Two hundred and fifty prominent law-abiding citizens, Italian extraction, of western Pennsylvania, assemble to-day at Uniontown, protest against the recent statement that all the Italians in Pennsyl-

vania State are followers of Fascism. This is an erroneous statement, because we as a part of such residents are earnestly urging that Fascism plague be fought to the limit because it is a dangerous enemy of humanity and suffocator of all principles of liberty and democracy. Assuring you that Italian feeling in general be against Fascism, we congratulate for attitude by you taken.

REV. GABRANO ALBANESE,  
Pastor of Italian Baptist Mission.

#### EXECUTIVE SESSION

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Tuesday, April 20, 1926, at 12 o'clock meridian.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate April 19, 1926*

#### APPOINTMENTS BY TRANSFER IN THE ARMY

David Lamme Stone to be colonel, Quartermaster Corps.

Eugene Reybold to be major, Corps of Engineers.

Lowell Meeker Riley to be first lieutenant, Field Artillery.

#### PROMOTION IN THE ARMY

Carl Halla to be major, Finance Department.

#### POSTMASTERS

##### LOUISIANA

James R. Coplen, Sulphur.

Nathan R. Funderburk, Wisner.

#### MISSOURI

Mayme E. Prather, Advance.

Elan J. Nienstedt, Blodgett.

Charles T. Lease, Forest City.

Robert E. Ward, Liberty.

Lorenzo T. McKinney, Marceline.

John J. Sleight, Montgomery City.

Lena B. Porter, Novelty.

W. Arthur Smith, Purdin.

#### NEVADA

George H. Reinmund, Ruth.

#### PENNSYLVANIA

Harry M. Allison, Spring Mills.

#### HOUSE OF REPRESENTATIVES

MONDAY, April 19, 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 Father, Thy seal is set on all Thy works. Shadowing all, Thy Holy Spirit quickens in us the immortal hope and makes faith the determining power of man. Do Thou forgive our sins and give a deepening loveliness to all that we are. Oh may the very roots of our souls thrust deeply into soils which are eternally good. May we do nothing at the expense of integrity, delicacy, or beauty of spirit. Be with the notable organization that assembles in our city these days. May it be grandly optimistic, emphasizing the ideals and traditions of our homeland, on which it must ever abide for its glory and security. Inspire it with a moral and patriotic energy which shall touch the far borders of our Republic. With all of us, blessed Lord, may our inward reach be commensurate with our outward grasp, and Thine shall be the praise forever. Amen.

The Journal of the proceedings of Saturday, April 17, 1926, and of Sunday, April 18, 1926, was read and approved.

FREDERICK A. FENNING

Mr. BLANTON. Mr. Speaker, I rise to a question of the highest privilege.

Mr. MADDEN. Will the gentleman withhold for a moment, to enable the gentleman from Illinois [Mr. FUNK] to call up a conference report?

Mr. BLANTON. I will.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Speaker, I ask unanimous consent that the Chair lay before the House the bill H. R. 10198, the District of Columbia appropriation bill, with Senate amendments, in

order that the House may disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois calls up the bill H. R. 10198, the District of Columbia appropriation bill, and asks that the House disagree to the Senate amendments and ask for a conference.

Mr. FUNK. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. Is there objection to the consideration of the bill which the gentleman calls up?

There was no objection.

The SPEAKER. The gentleman from Illinois moves to disagree to the Senate amendments and ask for a conference. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. FUNK, Mr. SIMMONS, Mr. TINKHAM, Mr. GRIFFIN, and Mr. COLLINS.

FREDERICK A. FENNING

Mr. BLANTON. Mr. Speaker, I rise to a question of the highest privilege. By virtue of the office I hold as a Member of the House, I impeach Frederick A. Fenning, Commissioner of the District of Columbia, of high crimes and misdemeanors. I ask for time in which to make my charges.

The SPEAKER. The gentleman is recognized to make the charges referred to.

Mr. BLANTON. I will state to the Chair that after I have made these charges I will offer the usual resolution in such cases to the House.

Mr. Speaker, by virtue of my office as a Member of the House of Representatives of the United States, I impeach Frederick A. Fenning, a commissioner of the District of Columbia, of high crimes and misdemeanors.

1. I charge that the said Frederick A. Fenning, after being appointed to such office by the President of the United States, and after he had taken the prescribed oath and assumed the duties of the office of commissioner of the District of Columbia, violated his oath and the law by violating the provisions of section 5498 of the Revised Statutes of the United States, in that he acted as attorney and received fees and commissions in violation of such law, the penalty prescribed for such violation being a fine of not more than \$5,000 and imprisonment for not more than one year.

2. I charge that the said Frederick A. Fenning has violated the provisions of section 500 of Title V of the World War veterans' act of 1924 as amended by the act of March 4, 1925, which provides that respecting compensation and insurance claims filed in said United States Veterans' Bureau for adjudication and not prosecuted in courts no attorney shall receive a fee of more than \$10 in any one case, the penalty prescribed for its violation being a fine of not more than \$500 and imprisonment at hard labor for not more than two years.

3. I charge that the said Frederick A. Fenning has violated the law and the rules and practice of the Supreme Court of the District of Columbia, which prohibit any committee or guardian for a lunatic receiving as compensation more than 10 per cent of his ward's estate or annual income, in that the said Frederick A. Fenning in several cases wherein he is committee or guardian has received exorbitant remuneration ranging from 12 per cent to as high as 94 per cent, which facts are certified to by the auditor of the Supreme Court of the District of Columbia.

4. I charge that the said Frederick A. Fenning is guilty of what in every State of the Union is commonly known and denominated as the criminal offense of barratry, and what the common law applicable to the District of Columbia constitutes as barratry, in that he has excited, stirred up, and fomented claims against the Government, and many ex parte lunacy suits in the Supreme Court of the District of Columbia, and in that he has specially solicited individuals to employ him as their attorney to prosecute for them certain claims against various departments of the Government of the United States, and before the Congress of the United States, and before the courts of the United States; and in that he has solicited individuals to employ attorneys with whom he was associated or affiliated to prosecute claims and suits for them wherein he received a division of the fee, and that the said Frederick A. Fenning is and has been a common barrator.

5. I charge that the said Frederick A. Fenning has committed the offense of champerty, and through direct solicitation has induced others to employ him as their attorney in many champertous agreements, wherein they were to be out no expense and not to pay any fee unless he recovered, in which event he was to be paid a part of the amount he recovered, and that the said Frederick A. Fenning is and has been a common champertor.

6. I charge that continuously during the past 23 years the said Frederick A. Fenning has wrongfully conspired and confederated with Dr. William A. White, superintendent of St. Elizabeths Hospital, an institution of the United States Government, in an improper agreement and practice whereby the said Frederick A. Fenning was given an improper, selfish, monopolistic inside concession not allowed to other attorneys, wherein he was permitted to personally examine all records, correspondence, and papers relating to inmates of such institution, and thereby ascertain which of said wards of this Government had money, property, or compensation or pension claims against the Government of the United States, a privilege denied to other attorneys; and whereby the said Frederick A. Fenning would act as attorney for the said Doctor White or would have his law partner act as such attorney for said Doctor White in filing in the Supreme Court of the District of Columbia said Doctor White's petition praying that a certain inmate, found to possess money or property or to have a claim against the Government, be adjudged of unsound mind, and praying that a committee be appointed by the court to take charge of such estate and prosecute such claim against the Government, and in which petition said Fenning would have the said Doctor White recommend the said Frederick A. Fenning as the committee to be appointed, and I charge that in pursuance of said wrongful conspiracy and improper practice the said Frederick A. Fenning induced the said Doctor White to execute over 200 such petitions which said Fenning filed in the said Supreme Court of the District of Columbia, wherein said Fenning was recommended for committee, and in which cases the court appointed said Fenning as committee or guardian, and as such said Fenning came into possession of the money and property and income of his said ward and prosecuted said ward's claims against the Government of the United States, and out of which estate and annual income the said Frederick A. Fenning has received annually a large per cent.

7. I charge that the said Frederick A. Fenning, about 23 years ago, wrongfully and improperly solicited the Justice of the Supreme Court of the District of Columbia then having charge of lunacy cases, to appoint him guardian or committee in all lunacy cases, and that said Fenning was then told by said justice that he would not appoint as committee or guardian any person except the one recommended in the petition, and that then and continuously since then, the said Frederick A. Fenning has wrongfully and improperly solicited all persons who might file such petitions to name him therein as committee or guardian, and he has written many persons whom he had never seen or known, urging that they grant him permission to file such petitions for them, with himself named therein as the one recommended for appointment as guardian or committee.

8. I charge that the said Frederick A. Fenning has admitted under oath that about 23 years ago he caused to be originated the unlawful and improper practice of paying out of the estate of the person adjudged to be of unsound mind a fee of \$10 to each doctor employed in St. Elizabeths Hospital who signed one of the two required affidavits certifying that he deemed such person of unsound mind, notwithstanding the fact that the law requires all of said doctors employed in St. Elizabeths Hospital to give all of their time to St. Elizabeths Hospital, and said Fenning testified under oath that when about 23 years ago he asked the presiding justice to allow such fees to said doctors, that the said justice of the court asked him to look up whether there was any law allowing it, and that after two weeks' search he could find none, whereupon, although there was no authority for same, the court entered an order allowing it, and that such a fee has been unlawfully and wrongfully paid to said doctors ever since, and I charge that said Frederick A. Fenning thus caused a wrongful and unlawful system to be inaugurated and followed continuously for 23 years, which squanders in unwarranted costs the estates of his wards, and I charge that said Frederick A. Fenning thus used his ward's money to buy favors from and to ingratiate himself into the good graces of all the doctors in St. Elizabeths Hospital, whom he expected to use in his business, and I charge that continuously for the past 23 years the said Frederick A. Fenning has thus paid a fee of \$10 wrongfully to a doctor in St. Elizabeths Hospital, and has also paid a second fee of \$10, wrongfully, either to his brother-in-law, Dr. J. Ramsay Nevitt, who during all such time has been coroner of said District, or to some other friendly doctor in the District of Columbia, and this too, when the said Fenning knew that under the law and practice in the Supreme Court of the District of Columbia he was entitled to have doctors give their testimony in insanity cases for \$1.25 per day.

9. I charge that the said Frederick A. Fenning, by inaugurating the wrongful and unlawful practice of paying \$10 in each

case to some doctor in St. Elizabeths Hospital for testifying in a lunacy case, has incited the said Doctor White to wrongfully and unlawfully sell his testimony to criminals, as he did when he testified for Clarence Darrow in the Leopold and Loeb cases in Chicago, and received therefor \$250 per day for 14 days.

10. I charge that the said Frederick A. Fenning, since the United States entered the World War April 6, 1917, has been allowed by the auditor of the Supreme Court of the District of Columbia and has received as fees and commissions from the estates of his said wards, the enormous sum of \$98,544.46, and that, too, when his services to such wards was of practically no value whatever, and when some of said wards had never seen him, and that the said auditor of the Supreme Court of the District of Columbia has certified officially that said Frederick A. Fenning has been allowed and has received the said sum of \$98,544.46 as his fees and commissions since April 6, 1917.

11. I charge that the auditor of the Supreme Court of the District of Columbia has certified officially to the following: That in the case of Daniel G. Campbell, lunacy No. 4073, the rate of commission received by Frederick A. Fenning amounted to 15 per cent in 1920, 24 per cent in 1921, 23 per cent in 1922, 23 per cent in 1923, 31 per cent in 1924, and 36 per cent in 1925; that in the case of Daniel Paul Fenn, lunacy No. 4405, the rate of commission received by Frederick A. Fenning was 15 per cent in 1920, 18 per cent in 1921, 24 per cent in 1922, 25 per cent in 1923, 25 per cent in 1924, and 21 per cent in 1925; that in the case of Patrick Griffin, lunacy No. 4252, the rate of commission received by Frederick A. Fenning was 16 per cent in 1920, 18 per cent in 1921, 15 per cent in 1922, 25 per cent in 1923, 50 per cent in 1924, 31 per cent in 1925, and 32 per cent in 1926; that in the case of James A. Higginson, lunacy No. 3887, the rate of commission received by Frederick A. Fenning was 32 per cent in 1920, 16 per cent in 1921, 35 per cent in 1922, 19 per cent in 1923, 48 per cent in 1924, and 22 per cent in 1925; that in the case of William John Kennedy, lunacy No. 3694, the rate of commission received by Frederick A. Fenning was 30 per cent in 1920, 28 per cent in 1921, 25 per cent in 1922, 26 per cent in 1923, 25 per cent in 1924, and 37 per cent in 1925; that in the case of Patrick J. Byrne, lunacy No. 3682, the rate of commission received by Frederick A. Fenning was 24 per cent in 1920, 24 per cent in 1921, 37 per cent in 1922, 49 per cent in 1923, 37 per cent in 1924, and 64 per cent in 1925; and that in the case of John Flavehan, lunacy No. 1320, the rate of commission received by Frederick A. Fenning on January 22, 1926, for the preceding year was 94 per cent.

12. I charge that said Frederick A. Fenning made a deliberate attempt to deceive Congress when, in the prepared type-written statement he sent to Representative MARTIN B. MADDEN and requested its insertion in the RECORD, on Friday, April 16, 1926, he intimated that Gen. Frank T. Hines, Director of the United States Veterans' Bureau, erred when he certified that said Fenning received 10 per cent of the estate and annual income of his Veterans' Bureau wards, said Fenning intimating that his commission was only 5 per cent in most instances.

13. I charge that said Frederick A. Fenning made a deliberate attempt to deceive Congress when, in his said prepared statement, he falsely stated that the \$109,070.25 fees and commissions which the auditor of the Supreme Court of the District of Columbia had certified had been allowed to said Fenning "includes the full amount of commission and counsel fees in cases going back to the year 1903," because as a matter of fact many fees and commissions received by the said Fenning do not appear in said auditor's certificate, and said auditor certifies officially that since we entered the World War in 1917 the fees and commissions allowed by the auditor to said Frederick A. Fenning amounted to \$98,544.46, thus showing affirmatively that of the said \$109,070.25 allowed said Fenning in fees and commissions only \$10,525 was allowed prior to April 6, 1917, and said Fenning is yet to receive his commissions on all cases for the last 12 months that will end on the court year expiring May 1, 1926.

14. I charge that since our brave ex-service men have returned from France wounded and shell shocked in the World War said Frederick A. Fenning, as guardian and committee for wards of our Veterans' Bureau, has received from said United States Veterans' Bureau the enormous sum of \$733,855.87 compensation and insurance due them, and that he has deposited same in his own bank, the National Savings & Trust Co., of which he is a director and in which he owns stock, and that he receives substantial benefits from such deposits by receiving increased dividends on his stock in said institution.

15. I charge that the said Frederick A. Fenning in making loans of his wards' money, as the law requires him to do, he

has received discounts, or commissions, or brokerage fees, additional to the interest carried in the notes or obligations, and that when making for said Fenning a loan of \$15,000, said National Savings & Trust Co. received a commission, which benefited said Fenning either directly, or indirectly.

16. I charge that the said Frederick A. Fenning has deceived the Supreme Court of the District of Columbia, by having different justices thereof to allow him to deduct from the annual income of his wards the annual premium paid to the bonding company for his fiduciary bond, and not disclosing to such court that he is the solicitor for such bonding company, and as such receives from said bonding company a commission of from 15 to 20 per cent on such annual premium, and I charge that said Frederick A. Fenning now holds a solicitor's license issued by the Department of Insurance for the District of Columbia in the following companies, to wit, the Massachusetts Bonding & Insurance Co., of Boston, Mass., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the Great American Insurance Co., of New York, which expire May 1, 1926, and are renewed annually, and as such solicitor, he is authorized to receive commissions, rebates, and compensation on business he causes to be given to such companies. And I charge that he is guilty of moral turpitude in being solicitor for said companies as such interest conflicts with his duties as Commissioner of the District of Columbia, and has influenced his action in adversely passing on an important insurance bill of about 100 pages which his said companies have been opposing in many respects.

17. I charge that the said Frederick A. Fenning is attorney for the Medical Society of the District of Columbia, and is paid an annual fee by them, and that such employment has interfered with his duties as commissioner and has adversely influenced his official action, in that he has opposed and refused to favorably report a bill sought to be passed by the chiropractors, and which bill his clients are opposing.

18. I charge that the said Frederick A. Fenning, as attorney for the said Medical Society of the District of Columbia, in disregard of his duties as said commissioner, has incited, aided, and abetted the doctors employed in St. Elizabeths Hospital, who by law are required to devote all of their time to such institution, to engage in private practices here in the District of Columbia; that as attorney for said medical society he has incited, aided, and abetted certain of the doctors employed in the United States Veterans' Bureau, and who are by law required to give all of their time to said bureau, to engage in private practice here in the District of Columbia, such doctors using the equipment of the Government in their said private practice; and that the said Frederick A. Fenning has knowingly permitted the District alienist, Dr. Percy Hickling, who receives a salary of \$3,300 for all of his time, to sell his testimony at the rate of \$50 per day and more to lawyers both in the District and outside of it.

19. I charge on reliable information that Frederick A. Fenning is attorney for and is financially interested in the undertaking business of Joseph Gawler's Sons (Inc.), and that during the past 23 years has caused many bodies from St. Elizabeths Hospital to be turned over to said undertaker for burial, a number of them being wards of said Fenning, and that in the lunacy case of Walter Garland Allan, No. 10713, the said Frederick A. Fenning on March 24, 1926, paid to said undertaker the sum of \$107.81 for burial expenses, which amount was the total residue of his ward's estate, after taking from same his own fees and commissions, and at such time said Fenning knew that for a charge of only \$52 Undertaker Tabler furnishes everything necessary and conducts decent funerals for wards of the United States Veterans' Bureau, and I charge further that through confederation with his said brother-in-law, Coroner J. Ramsay Nevitt, and his employee, Bill Franklin, said Fenning wrongfully caused the body of one drowned in the basin, which body was demanded by the Veterans' Bureau and should have been turned over to it, to be wrongfully turned over to Undertaker Tullavull, who made the Government pay \$108.50 for same, but which would have cost the Government only \$52 for identically the same kind of funeral had said body been turned over to the Veterans' Bureau and the funeral conducted by the bureau's undertaker, Tabler.

20. I charge that the said Frederick A. Fenning, without having any acquaintance whatever with her, solicited Mrs. Eudora S. Kelly, of Sharon, Mass., to employ him as her attorney to prosecute a claim of \$1,800 against the Government, which he agreed to do without any expense to her whatever, but that after the United States made payment to her he was to receive a portion of the amount paid her, and that when he learned that she had already employed Lyon & Lyon, attorneys, of Washington, D. C., to prosecute this claim for her, said Fenning solicited the help of one Henry P. Fellows, and

through him finally influenced the said Mrs. Eudora S. Kelly to break her contract and power of attorney with Lyon & Lyon and to discharge them, and to employ said Fenning.

21. I charge that said Frederick A. Fenning, while Commissioner of the District of Columbia, on June 10, 1925, represented a client and as attorney filed in the Supreme Court of the District of Columbia a petition in lunacy case No. 10890, and as such attorney caused Michael Flaherty to be adjudged of unsound mind, and in his petition had himself recommended for committee, and had himself appointed as such committee, after which as such, he prosecuted a claim against the Government of the United States, and on June 20, 1925, reported to the court that he had received from the United States Navy the sum of \$565.80 as back pay due said Flaherty, and that he expected to receive from the United States Navy the sum of \$94.30 each month thereafter as pay due his said ward.

22. I charge that said Frederick A. Fenning, while Commissioner of the District of Columbia, on September 22, 1925, appeared in the Supreme Court of the District of Columbia as an attorney for a client, whose business he had solicited, and as such attorney filed a petition in lunacy case No. 11041, seeking to adjudicate Richard M. Norris of unsound mind, said Fenning in his said petition alleging "That Richard M. Norris is entitled to war-risk compensation monthly, the amount not yet known," which showed that to recover same it would be necessary for him to prosecute a claim before the Veterans' Bureau, and as such attorney said Fenning had said Norris adjudged of unsound mind, and as said attorney said Fenning did prosecute such claim before said United States Veterans' Bureau, in violation of law, and had such claim allowed, and on January 20, 1926, as such attorney said Fenning made report to the court showing that his client had received a check from the United States Veterans' Bureau and had deposited it in the said National Savings & Trust Co.

23. I charge that the said Frederick A. Fenning, while Commissioner of the District of Columbia, appeared in the Supreme Court of the District of Columbia as attorney for his client, which business he solicited, and on the 20th day of October, 1925, filed a petition in lunacy case No. 11092 seeking to adjudicate Francis D. Allen of unsound mind, and in such petition recommending that he be appointed committee, and said Fenning alleging in his said petition that the said Allen is entitled to recover from the United States Navy retired pay of \$150 per month as a lieutenant in the Navy, and that, as such attorney, said Frederick A. Fenning tried said case on November 20, 1925, and caused said Allen to be adjudged of unsound mind, and caused himself to be appointed committee, and that on December 9, 1925, said Frederick A. Fenning reported to the court by his sworn pleading that he had received from St. Elizabeths Hospital \$116.55 due said Allen, and that he expects to receive from the United States Navy \$150 per month as retired pay due said Allen, and that he expects to receive certain funds said Allen has on deposit in a New York bank, and that he expects to receive proceeds from the sale of certain lots said Allen owns in New York, and that he expects to recover a refund of a deposit which said Allen made on a house in Pennsylvania, and upon all of which proceeds said Fenning will unlawfully receive at least 10 per cent annually.

24. I charge that the said Frederick A. Fenning, while a Commissioner of the District of Columbia, appeared as an attorney for his client in the Supreme Court of the District of Columbia and on December 2, 1925, filed a petition in lunacy case No. 11137 in said court, seeking to adjudicate Charles L. Cunningham as of unsound mind, that the case was tried on December 4, 1925, and the judgment decreeing said Cunningham of unsound mind recites that petitioner appeared as his attorney—Frederick A. Fenning—and I charge that on January 27, 1926, said Commissioner Frederick A. Fenning, as said attorney, filed with said Supreme Court a petition for his client, stating that petitioner had employed said Frederick A. Fenning and Paul V. Rogers as attorneys, and asking permission to pay them their fee of \$150, and that on that same day, January 27, 1926, said Frederick A. Fenning secured a signed order from Chief Justice McCoy authorizing the payment of said \$150 fee to said Frederick A. Fenning and Paul V. Rogers, as attorneys, and that said Fenning received such fee in violation of the laws hereinbefore mentioned, and that on said January 27, 1926, said Frederick A. Fenning filed a petition for his client showing that petitioner had collected from a bank and the United States Navy the total sum of \$1,605.13, which was deposited in said National Savings & Trust Co., said Fenning's bank.

25. I charge that the said Frederick A. Fenning, while Commissioner of the District of Columbia, during the four months from December 1, 1925, to March 31, 1926, permitted the corporation counsel of said District, in the name of the Commiss-

sioners of said District of Columbia, as petitioners, to file in the Supreme Court of the District of Columbia 150 cases of lunacy and caused 150 human beings, and residents of said District, to be incarcerated in insane asylums, charged with being of unsound mind, when many of said persons are sane, and should not be deprived of their liberty.

26. I charge that the said Frederick A. Fenning continuously for the past 23 years has conspired and confederated with the said Dr. William A. White to block and prevent sane patients wrongfully incarcerated in St. Elizabeths Hospital from securing their liberty through habeas corpus proceedings, and I charge that Frederick A. Fenning admitted under oath that he went to the court and caused the court not to discharge Miss Cornelia A. Corbett and her mother, and he thus wrongfully kept them in St. Elizabeths for two years and four months, during all of which time they were sane, and while there he squandered their property, and that when finally an able lawyer in the District through habeas corpus proceedings forced a trial for them before the court they were adjudged of sound mind and released, and that the said Miss Cornelia L. Corbett in cause No. 49104, law, sued said Frederick A. Fenning in the Supreme Court of the District of Columbia and recovered a judgment against him, and made him pay back to her a part of the value of her property which he had squandered, and that said wrongful acts of said Fenning caused the premature death of Mrs. Corbett.

27. I charge that said Frederick A. Fenning is now holding in St. Elizabeths Hospital Lieut. F. D. Allen who is sane, and that said Fenning is squandering his property.

28. I charge that in each of his cases said Frederick A. Fenning charges against his ward's estate a notary fee, in each and all of the many papers he must file under oath, when such notary is an employee of his law office, and such fees are allowed by the court, when they are not proper fees.

29. I charge that said Frederick A. Fenning uses his said office of Commissioner of the District of Columbia for his own selfish benefit and advantages, and that he exercises his power in an arbitrary and tyrannical manner, evidenced by his wrongful demotion of Inspector Albert J. Headley and punishing Officer Gore for doing his duty.

30. I charge that on February 12, 1926, said Frederick A. Fenning wrongfully and without cause, but for the selfish purpose of giving a \$2,100 position to his prospective son-in-law, Dr. Floyd McJ. Allen, forced out of office Dr. C. J. Murphy, and put in his place the said Allen, as a police and fire surgeon of the District.

31. I charge that in February, 1926, said Frederick A. Fenning, in order to promote one of his friends, wrongfully retired on pay of \$100 per month for life Sergt. Robert E. Lee, a physical giant, 6 feet 2 inches tall, 55 years old, weighing 225 pounds, who for four years had not missed a day for sickness, and concerning whom all of his brother officers testified there was no better man on the force, and that said Fenning arbitrarily refused to grant a proper hearing on the matter, requested by a Member of Congress.

32. I charge that on March 3, 1926, said Frederick A. Fenning wrongfully removed from office Dr. Edward Comstock Wilson, the hero of Knickerbocker Theater, as medical inspector of schools, for the selfish and wrongful purpose of putting in his place an old friend of Dr. William A. White, who is 73 years of age, simply because when said White and Fenning were under fire in a congressional investigation in 1906 this now 73-year old doctor then sympathized with them.

33. I charge that the said Frederick A. Fenning and Dr. William A. White are jointly interested in certain financial investments together, and in February, 1920, carried a partnership account in the Washington Loan & Trust Co., and that their relation is such that neither can render to the public that quality of service to which the public is entitled.

34. I charge that the said Frederick A. Fenning has made a deliberate attempt to deceive Congress when in said prepared statement he denied the report which the Veterans' Bureau inspector, Dr. Henry Ladd Stickney, filed with the bureau on April 26, 1924, wherein Doctor Stickney charged that said Fenning "constantly opposes the transfer of his wards from St. Elizabeths Hospital," and I charge that for over three years said Fenning has refused to turn over to Mrs. Eliza Lee, the legal guardian of the person and estate of her son, Roley Lee, her said son, but withholds him from her, and that said Fenning has already received in his fees and commissions the sum of \$1,155.27 from the estate of said Roley Lee, who was shell shocked in France and is a World War veteran.

Mr. Speaker, I offer the usual resolution in such cases, which I ask that the Clerk read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

## House Resolution 223

*Resolved*, That the Committee on the Judiciary be, and it is hereby, directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia, and said Committee on the Judiciary is in all things hereby fully authorized and empowered to investigate all acts of misconduct and report to the House whether in their opinion the said Frederick A. Fenning has been guilty of any acts which in the contemplation of the Constitution, the statute laws, and the precedents of Congress are high crimes and misdemeanors requiring the interposition of the constitutional powers of this House, and for which he should be impeached.

That this committee is hereby authorized and empowered to send for persons and papers, to administer oaths, to employ, if necessary, an additional clerk, and to appoint and send a subcommittee whenever and wherever necessary to take necessary testimony for the use of said committee or subcommittee, which shall have the same power in respect to obtaining testimony as exercised and is hereby given to said Committee on the Judiciary.

That the expenses incurred by this investigation shall be paid out of the contingent fund of the House upon the vouchers of the chairman of said committee, approved by the Clerk of this House.

Mr. BLANTON. Mr. Speaker, I desire to use but a few minutes. I will not use the whole hour allowed me by the rules.

Gentlemen, this is an unpleasant duty for me to perform. I have tried to avoid it. I have done everything that any Member could do to obviate the necessity of filing impeachment charges. Nearly a month ago I introduced a resolution to have a joint committee of Congress investigate this matter. That resolution has been pending in the Committee on Rules for nearly a month without action. I have tried to get the chairman to report it out in some form, and amend it as he wanted to amend it, writing it as he thought it ought to be, in order to let us get action on it; but he has not done it. I have tried to get a proper subcommittee of the Committee on the District of Columbia to act. But I have failed there. Last Friday—  
you all know this—last Friday the District Committee, by an overwhelming vote, passed a resolution authorizing and directing the chairman of that committee to appoint a subcommittee of five to go to the bottom of these transactions. I called on the committee clerk before I came over here this morning to find out whether that subcommittee had been appointed yet, and was advised that it had not been, so the clerk reported to me, and I then told the clerk of the committee to tell the chairman that I would take steps myself to force the matter before a proper committee.

This session of Congress is nearly over. Something ought to be done about this before we adjourn. Frederick A. Fenning must be removed from office before we adjourn. I do not know of any committee better qualified to investigate this matter than that of my friend, the distinguished gentlemen from Pennsylvania [Mr. GRAHAM]. He will give it careful consideration. All the men on that Judiciary Committee are lawyers, and they know what is proper and what is ethical. They are able men, and they will give a fair deal to the Government and to the people, and a fair deal to the accused.

Mr. RANKIN. Mr. Speaker, will the gentleman yield for a question?

Mr. BLANTON. I yield.

Mr. RANKIN. I want to ask the gentleman from Texas whether or not in these cases of guardianship in which these excessive fees were charged the wards were veterans of the World War?

Mr. BLANTON. Oh, many of them. Many of them were shell shocked in France. Many of them are veterans of the Spanish-American War, and one or two of them are even veterans of the Civil War, if you please. Many of them are disabled men, retired from your Army and your Navy, and one other department of Government.

Mr. RANKIN. Will the gentleman yield further?

Mr. BLANTON. Yes.

Mr. RANKIN. The reason I asked that question is that a great many of us on the Veterans' Committee have been trying to get this investigation made, and it has been questioned by some members of the committee whether or not these excessive fees were charged in cases of demented veterans of the World War.

Mr. BLANTON. Many of them are veterans of the World War. I will give you one of them, the case of Roley Lee. He went to France and served his country valiantly. He was not only shell shocked but a shell broke and destroyed a part of his hip, and that poor boy came back home to die. His mother nursed him back to life, and then he disappeared for two years and she did not know what had become of him. Later

she found that he had been sent to St. Elizabeths Hospital by the forces that be here in Washington. Mr. Fenning, without knowing her, sent her a petition, to be signed by her, recommending him as committee. He found out the boy was entitled to compensation and insurance, so he sent that poor woman, over at Grundy, in Buchanan County, Va., a petition for her to sign which would make him committee for the boy. He said to her, "If you will sign this, I will look after your boy and I will get some money for both you and your boy." The poor woman was not able to come to see her boy in the hospital; she did not have the money with which to come, and under those circumstances she signed that petition. When Fenning sent her that document to sign and asked her to permit him to file that petition he was guilty of the crime of barbary under the common law, which is applicable here in the District of Columbia and applicable in the State of Virginia. He had himself appointed committee, and he has collected over \$11,000 of that poor boy's money, for he has just recently collected another fee of \$213 allowed him by Judge McCoy, additional to the amount shown in the certificate of Auditor Herbert L. Davis.

Three years ago that poor woman went into the probate court of Buchanan County, Va., and qualified as guardian both of the person and property of her son. She gave a bond of \$5,000 and received authority to take charge of her boy, and for three years she has tried to get Commissioner Fenning to turn that boy back to her and release him, but he will not do it, because he gets 10 per cent of his annual income. Gentlemen, he has drawn from that boy's estate, as shown by the auditor's certificate, over \$1,100 and more in fees and commissions, and that poor woman is spending every cent she can get to live here in Washington in order to be near her boy. Every morning at 9 o'clock she goes after him; they turn her boy over to her; she keeps him all day and then takes him back at 7 o'clock. Tell me about World War veterans. There are lots of them in St. Elizabeths being imposed upon daily by Commissioner Fenning.

Mr. LUCE. Will the gentleman yield?

Mr. BLANTON. I yield to the distinguished gentleman, who for nearly a week has held up the Veterans' Committee and prevented them from investigating this case. [Applause.]

Mr. LUCE. I may inform the gentleman that the Committee on World War Veterans' Legislation began this morning in an orderly manner—

Mr. BLANTON. Oh, yes. After you had gone to your steering committee and your steering committee gave you orders to act. [Applause.] They told you you had held this matter up until it had become a crime upon the country, and then you acted, because you were whipped into line by your steering committee. I know all about it, because I went before your Veterans' Committee and I begged the chairman to give me 10 minutes, did I not?

Mr. RANKIN. Yes.

Mr. BLANTON. And I was refused?

Mr. RANKIN. And I tried to get the committee to give you the hearing.

Mr. BLANTON. Now I yield to the distinguished gentleman from Massachusetts, and I will cut out of the Record all I have just stated, because I have a great deal of regard for the gentleman.

Mr. LUCE. And also because it is inaccurate. [Laughter.]

Mr. BLANTON. Well, I will leave it to the members of the Veterans' Committee as to its accuracy. What about it, men?

Mr. RANKIN. Will the gentleman yield?

Mr. BLANTON. I will be glad to yield, but first I want to find out about the accuracy of this. How about it, men?

Mr. RANKIN. The gentleman from Texas came before the Committee on World War Veterans' Legislation last Saturday—

Mr. BLANTON. Friday.

Mr. RANKIN. Friday or Saturday, and brought a list of these cases. He asked permission to make a statement of 10 minutes and every Member on the Democratic side was willing, waiting, and anxious to have him make that statement, but there was a point of order made.

Mr. BLANTON. By whom?

Mr. RANKIN. I believe by the gentleman from Massachusetts [Mr. LUCE].

Mr. BLANTON. Yes; it was made by the gentleman from Massachusetts, that there was not a quorum of the committee present, and that prevented my having 10 minutes.

Mr. RANKIN. And that prevented the Veterans' Committee from going ahead with this investigation and prevented the gentleman from Texas from presenting his facts.

Mr. TILSON. Is not the gentleman from Texas straying from his charges? In his remarks should he not confine himself to his charges?

Mr. BLANTON. Yes; and I will say to the gentleman from Connecticut that I want to confine myself to my charges. However, I want to discuss a few other matters before I conclude.

Mr. LUCE and Mr. BANKHEAD rose.

Mr. LUCE. Will not the gentleman yield to me?

Mr. BLANTON. Yes; I yield to the gentleman.

Mr. LUCE. Has the gentleman any knowledge as to whether any charges of delinquency by guardians in the District of Columbia have been laid before the officer of the Veterans' Bureau who is intrusted with the responsibility in the matter?

Mr. BLANTON. Yes. I am sure the distinguished gentleman from Massachusetts has been derelict in not reading the report of the distinguished investigator of the Veterans' Bureau that I put in the RECORD on April 8, that of Dr. Henry Ladd Stickney, who reported on April 26, 1924, to the Director of the Veterans' Bureau just about what I have charged Mr. Fenning with here on the floor of this House this morning—that is, the most serious charges.

Mr. LUCE. But within an hour and a half the officer of the Veterans' Bureau who is in charge of these matters was asked whether any charge of delinquency on the part of any guardian in the District of Columbia had been brought to his attention. He first answered with an explicit no; and then seems to have been reminded by an associate that something had slipped his mind.

Mr. BLANTON. Yes; something did slip his mind. [Laughter.]

Mr. LUCE. One moment. That question was pending at adjournment, and will be answered to-morrow morning.

Mr. BLANTON. Now, I can not yield further. I can not yield now for any defense.

Mr. LUCE. Will not the gentleman let me ask the question?

Mr. BLANTON. I do not want to yield for any defense.

Mr. LUCE. Do you decline to let me ask the question?

Mr. BLANTON. No. I will answer the gentleman's question. Ask it.

Mr. LUCE. Do you know of your own knowledge that any charge against any guardian in the District of Columbia has ever been filed with the proper officer in the Veterans' Bureau?

Mr. BLANTON. Yes, I do. I practically forced Director Hines to show me the report which this control officer, Doctor Stickney, filed with him about Frederick A. Fenning.

Mr. JOHNSON of Washington. Mr. Speaker, I make the point of order that the gentlemen are addressing each other not in the third person.

Mr. BLANTON. I know about Dr. Henry Ladd Stickney's report of April 26, 1924, which I saw in Director Hines's office and read in his presence. Dr. Henry Ladd Stickney was control officer for the United States Veterans' Bureau, and he was sent to St. Elizabeths Hospital by Director Hines in April, 1924, to investigate it, and to report conditions, and on April 26, 1924, he filed his report with Director Hines, from which I quote the following:

The control officer learned that one Frederick A. Fenning, Esq., an attorney, whose office is in the Evans Building, appears to have certain privileges and concessions shown him in contacting claimants of the bureau at the hospital. At the present time he is guardian for over 100 bureau patients. He constantly opposes the transfer of his wards from St. Elizabeths Hospital to any other hospital outside of this jurisdiction. It has been learned unofficially that Doctor White, superintendent, is very friendly to Mr. Fenning. Question is raised as to the propriety of allowing one attorney in the city to obtain guardianship of so many of the beneficiaries of the bureau.

#### REPORT WAS AN INDICTMENT AGAINST ST. ELIZABETHS

To show that the balance of Doctor Stickney's report filed with Director Hines was a serious indictment against St. Elizabeths, I quote further from same the following:

The construction capacity of St. Elizabeths Hospital is for 3,300 patients. It has 4,200 patients; 901 of them are United States Veterans' Bureau cases.

Howard Hall group are neither well ventilated nor lighted. The beds are of wooden construction, antiquated, and are without springs. The benches are of an old type and are very uncomfortable. Blacks and whites occupy the same small court during recreation hours.

In one semipermanent ward used for tubercular patients blacks and whites are both hospitalized in the same building and only separated by an imaginary line.

Besides the assistant superintendent, Dr. Arthur B. Noyes, there are 37 doctors on the staff, 1 chief nurse, 5 assistant nurses, and 675 attendants and orderlies.

The cost of rations per diem for the fiscal year ended June 30, 1923, was between 40 and 45 cents. Attendants handled food in the most careless manner, were sloppy in their service, and appeared wholly inefficient. Some patients were not allowed even spoons to

eat with. It is evidently the policy of the superintendent to keep down food cost. There was a doubt in the mind of the control officer whether or not all patients had sufficient amount of food. Lack of green vegetables and fruit, with no milk served except for tea and coffee, with no beverage for dinner, and weak tea for supper, with no butter served, but oleomargarine instead, I was not satisfied that the diet was well balanced, or that a sufficient number of calories were afforded these patients.

Several patients are bathed in the same water. Patients are not properly segregated. Beds are too near together, and too many are congested in the day room. There are an insufficient number of toilets and bathrooms and showers in many of the wards.

#### AND THEN CAME THE GRAND JURY REPORT

From the grand jury report on the murder of one Green by attendants in St. Elizabeths, I quote the following excerpts:

#### REPORT OF THE GRAND JURY

WASHINGTON, D. C., October 5, 1925.

In connection with the inquiry into the cause of the death of William Green, a patient of St. Elizabeths Hospital, on the 17th day of July, 1924, the grand jury made an investigation as to the general conditions of life at said institution.

The grand jury visited the hospital in a body and were shown about the grounds and through many of the buildings. As William Green came to his death in Howard Hall, they inspected it with greater care and more closely than they did the other buildings.

There are approximately 4,400 patients and 1,200 attendants in the entire institution, about 1,000 of the patients being veterans of the World War. We found the hospital greatly overcrowded and most deplorable conditions existing as a result of this overcrowding. There are some rooms, intended to accommodate 20 single beds, containing more than 40 beds; there is scarcely enough room to walk between these beds, and consequently there can not be the least privacy for the patients in dressing or undressing.

#### CONCERNING HOWARD HALL, WHERE GREEN WAS MURDERED

There is an open court in the center of the building, about 100 feet square, called by the inmates the "bull pen." This is the only recreation space available, and here the dangerous as well as the noisy patients mingle with those whose minds are almost normal. This intermingling must be very depressing to the latter class of patients.

After examining conditions in Howard Hall the members of the grand jury could readily believe the statement of the guard, who said: "If a man went in there—Howard Hall—with a perfectly sound mind, he would be hopelessly insane in less than three years. If I were an inmate I would go crazy in less than a year."

As there is no assembly hall in the building, it is but seldom that religious services are held, and accordingly the spiritual well-being of the patients is sadly neglected. There is nothing to break the dead monotony from one end of the week to the other.

Among the witnesses who were summoned and appeared before us, including present patients of the hospital, former inmates, and others well acquainted with the present inmates, many expressed the belief that there are many persons now confined there who are not now and never were insane, but who have been sent there for ulterior motives. Like stories have been in circulation in Washington for a long time; and whether true or false they are unquestionably injuring the hospital in the estimation of the people of this city, and some steps should be taken to clear up the situation.

We suggest that Congress be asked to authorize a commission, the members thereof to be appointed by the President, to act in conjunction with the superintendent and medical staff of the hospital, in carefully investigating the history and mental condition of every questionable case there, to the end that full justice may be done to each. This great institution will then occupy the position it should in the estimation of the people of this city and of the entire country.

Respectfully submitted for the grand jury.

DANIEL A. EDWARDS, Foreman.

Mr. BANKHEAD. I would like to ask the gentleman from Texas a question.

Mr. BLANTON. I yield to the gentleman.

Mr. BANKHEAD. The gentleman is impeaching Mr. Fenning as a civil officer of the Government of the United States.

Mr. BLANTON. That is as far as I can go.

Mr. BANKHEAD. Do all the charges enumerated in your articles of impeachment refer to acts of misdemeanor committed by him since his commission as a Commissioner of the District of Columbia?

Mr. BLANTON. Not all of them; but they are so closely interrelated and connected, and evidence a continuous wrongful system and practice, that under the rules and precedents of the Congress you can go back to the year 1, if you want to, and connect them all up because all the precedents warrant doing that.

Mr. BANKHEAD. What I had in mind is this: I will state to the gentleman that if the Committee on the Judiciary,

for instance, when this resolution is referred to them, should determine there are a great many matters relating to these guardianship affairs, and so forth, that are not germane to his official duties as Commissioner of the District of Columbia of the United States, by transferring this whole proposition to that committee, we might not lose sight of some of the other things that ought to be investigated along other lines.

Mr. BLANTON. The chairman of the committee, the gentleman from Pennsylvania [Mr. GRAHAM] is not going to overlook anything. He is a good lawyer. When he goes into this case it will be carefully considered. If Dr. William A. White were such an officer as could be impeached by Congress, I would also impeach him, for he deserves it, but I believe that the President will promptly remove him.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. BLANTON. I yield.

Mr. McKEOWN. Do all the judges in the District here allow these fees the gentleman has enumerated?

Mr. BLANTON. Not all of them.

Mr. McKEOWN. Has the gentleman looked into the amount of fees allowed by the different judges?

Mr. BLANTON. Yes; I have, but I do not want to mention that now.

Gentlemen, I want to say that the main thing the Committee on the Judiciary is going to find in their way, the first obstacle, will be a distinguished individual in Washington named Edward F. Colladay. He has bobbed up in front of me in several instances, during my investigations, and he will bob up in front of the committee, as he is Mr. Fenning's main defender.

Mr. FAIRCHILD. Mr. Speaker, I make the point of order that the gentleman from Texas is not speaking to his own resolution.

Mr. BLANTON. This man Colladay is defending Fenning.

Mr. FAIRCHILD. The gentleman is bringing in a third party who is not charged here.

Mr. BLANTON. But he is Mr. Fenning's chief defender before the people of Washington, and I have a right to discuss it.

Mr. FAIRCHILD. I submit the point of order, Mr. Speaker.

The SPEAKER. The gentleman from Texas will proceed in order.

Mr. BLANTON. Does the Chair hold I am not in order?

The SPEAKER. The Chair has been unable to hear the gentleman.

Mr. BLANTON. Whenever I proceed out of order, I want the Chair to stop me.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BLANTON. I want to tell you about this man Colladay.

Mr. GREEN of Florida. I want to know if Colladay is the man who was indicted years ago in the District for misdemeanors and high crimes.

Mr. BLANTON. He was charged with forgery, and was granted \$500 bail, and was discharged on habeas corpus, but finally, on appeal, was remanded back to jail; but later he got his case nolle prossed.

Mr. FAIRCHILD. Mr. Speaker, I renew the point of order.

Mr. BLANTON. Mr. Colladay is the local national committeeman of the Republican Party here in Washington, and certainly you do not want to shield him.

Mr. FAIRCHILD. Mr. Speaker, I again make the point of order that the gentleman from Texas should limit his remarks to the man against whom he makes the charges.

Mr. BLANTON. I think so myself, and I will not go into that further. I was merely answering a question propounded by the gentleman from Florida.

#### LAWS APPLICABLE TO THE DISTRICT OF COLUMBIA

Mr. Speaker, section 1 of Chapter I of the Code of Law for the District of Columbia, as amended to June 7, 1924, provides:

The common law, all British statutes in force in Maryland on the 27th day of February, 1801, the principles of equity and admiralty, all general acts of Congress not locally inapplicable in the District of Columbia, and all acts of Congress by their terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, in force at the date of the passage of this act, shall remain in force, except in so far as the same are inconsistent with, or are replaced by, some provision of this code.

#### BARRATRY

Rawle's Revision of Bouvier's Law Dictionary, on page 222, defines Barratry as follows:

Frequently exciting and stirring up quarrels and suits, either at law or otherwise.

There must be a practice of fomenting suits.

And on page 305 of this same Bouvier's Law Dictionary is defined Champerty as follows:

A bargain with a plaintiff or defendant in a suit, for a portion of the matter sued for, in case of a successful termination of the suit which the champertor undertakes to carry on at his own expense.

And champerty is an offense indictable at common law, so stated on said page 305.

#### IS A UNITED STATES COURT

In the case of *Benson v. Henkel* (198 U. S. p. 1) the Supreme Court of the United States held that the Supreme Court of the District of Columbia is a "court of the United States."

Now, Mr. Speaker and gentlemen, let me illustrate just how Commissioner Fenning treated some subordinate employees under him:

#### AFFIDAVIT OF DR. C. J. MURPHY

I, Dr. C. J. Murphy, being duly sworn, upon my oath state: For over four years I have been a member of the board of police and fire surgeons of the District of Columbia; about six months before Commissioner Fenning entered office the board had caused Dr. Floyd McJ. Allen to discontinue services he was rendering at clinics because of his inattention, and we secured Dr. R. L. DeSaussure, a nose and throat specialist, at \$1 per year to attend clinics and do the work Doctor Allen had been doing, with the understanding that pay work should go to him, which amounted to several hundred dollars a year; shortly after Commissioner Fenning went into office our board received notice that all pay work should be sent to Doctor Allen; when some of such pay work continued on to Doctor DeSaussure a second notice came from the District Building to our board that all pay work must go to Doctor Allen; it was common knowledge that Doctor Allen was waiting on a daughter of Commissioner Fenning as her suitor; about February 5, 1926, Doctor Allen advised me that he was going to get appointed on our board, and he asked me if I knew which one of us was to be left out; on February 11, 1926, I was called by Commissioner Fenning to his office, and he advised me that it was necessary to have a nose and throat man on the board; I told him that we had the services already of Doctor DeSaussure at \$1 per year, and that he was costing the police and firemen only about \$300, and it seemed useless to put a \$2,100 man on the board; I knew by his manner that he had called me there to fire me; I said: "You can't ask for my resignation, because I am going to hand it to you first." He said: "Can you have it here by to-morrow morning?" I said yes, and asked him if there was any charges against me, and he said none whatever. I took him my resignation the next morning and found that he had prepared already the appointment of Doctor Allen in my place, and that evening the press reported that I had resigned and that Doctor Allen had been appointed in my place.

C. J. MURPHY, M. D.

Sworn to and subscribed before me on this the 19th day of April, A. D. 1926. Given under my hand and seal of office.

[SEAL.]

JOHN ANDREWS.

*Notary Public in and for the District of Columbia.*

(My commission expires October 27, 1927.)

#### AFFIDAVIT OF DR. EDWARD COMSTOCK WILSON

I, Dr. Edward Comstock Wilson, of 1777 Columbia Road, Washington, D. C., being duly sworn, upon my oath state:

I am 46 years old; until removed on March 3, 1926, by Commissioner Frederick A. Fenning, I had been medical inspector of schools for the District of Columbia for about eight years, and not one charge was made against any of my work; on Thursday, February 25, 1926, Commissioner Fenning had me come to his office about 2:30 p. m., and said, "Doctor Wilson, I want you to understand that there is nothing personal in what I am going to say to you. I want your resignation by 10 o'clock to-morrow morning, because I have worked out a plan for reorganization." I said, "Are there any charges against me?" He replied, "No; there are no charges against you." I said, "This is rather sudden; suppose I don't resign?" He said, "Then I would remove you, for I am commissioner and have the power to do it." He said, "You can write me a letter telling me that your outside practice has grown so that you haven't the time to do the school work, and not let it be known that I called you to my office." I said, "That would be a lie, and I won't do it." He said, "Then I will remove you and mark it 'for the good of the service,' as I have the power to do it." I said, "That, too, would not be honest." He then said, "I can cause you a good deal of publicity if I remove you." I said, "Who do you want to put in my place?" He said, "That is personal." I told him that I would not resign, and at the next meeting of the commissioners he had them pass an order removing me, as of date March 3, 1926. I did not then know of the anniversary birthday dinner given Dr. S. S. Adams, July 12, 1923, for his 70th birthday, at which Mr. Frederick A. Fenning and his close friend, Dr. William A. White attended, nor of the speech Doctor White made that night expressing



Lu- nacy num- ber	Name of ward	Date	Commission		Atto- rney's fee	Total	Lu- nacy num- ber	Name of ward	Commission		Atto- rney's fee	Total				
			Rate	Amount					Rate	Amount						
7688	Areese, Adriano.....	Aug. 6, 1920 Aug. 11, 1921 Aug. 11, 1921 Aug. 4, 1922 July 30, 1923 Aug. 8, 1924 July 24, 1925	10 5 10 10 10 10 9-	\$110.78 92.00 201.85 202.01 218.77 221.92 200.00		\$1,247.33	2198	Bozi, Adam.....	Dec. 30, 1924 Feb. 19, 1925	10 10	\$36.99 39.68	\$682.07				
			Per cent						Per cent		\$20.00 662.07					
7686	Baker, Wilder P.....	Feb. 14, 1920 Mar. 16, 1921 Mar. 14, 1923 Mar. 21, 1924	10 10 10 10	124.82 132.26 134.45 135.88		527.41	7745	Braggs, James.....	Aug. 6, 1920 June 23, 1921 June 23, 1921 June 16, 1922 June 23, 1923 June 11, 1924 Aug. 29, 1925	10 5 10 10 10 10 10	112.04 70.44 142.40 179.57 197.61 192.52 199.17	1,093.75				
			Per cent						Per cent		\$20.00 662.07					
7801	Barber, Edgar Wm.....	Aug. 21, 1920 Aug. 25, 1921 Aug. 25, 1921 Aug. 4, 1922 July 23, 1923 Aug. 16, 1924 Aug. 29, 1925	10 5 10 10 10 10 10	140.46 56.76 191.72 209.66 217.87 225.10 207.88		1,249.45	8327	Brintla, John.....	Feb. 26, 1921 Feb. 20, 1922 Feb. 20, 1922 Feb. 21, 1923 Feb. 16, 1924 Mar. 17, 1925 Mar. 4, 1926	10 5 10 10 10 10 10	369.54 52.13 161.07 177.96 182.30 189.83 189.23	1,322.06				
			Per cent						Per cent		\$20.00 662.07					
8400	Beazley, John A.....	June 17, 1921 May 27, 1922 June 12, 1923 June 6, 1924 May 29, 1925	8 10 9- 10 8½	416.40 216.81 200.00 229.00 200.00		1,262.21	7872	Bruno, Gunaro.....	Aug. 24, 1920 Aug. 25, 1921 Aug. 25, 1921 Aug. 2, 1922 July 30, 1923 Aug. 19, 1924 Aug. 11, 1925	10 5 10 10 10 9 9+	132.08 100.25 152.27 208.37 215.15 205.42 200.00	1,213.54				
			Per cent						Per cent		\$20.00 662.07					
7802	Becktell, Logan G.....	Feb. 14, 1920 Feb. 3, 1921 Jan. 26, 1922 Jan. 26, 1922 Jan. 26, 1922 Feb. 3, 1923 Jan. 24, 1924 Jan. 28, 1925 Mar. 10, 1926	10 10 10 5 5 10 10 10 10	224.39 105.76 138.44 57.50 42.68 179.33 181.35 185.76 133.49		1,253.75	3632	Byrne, Patrick J.....	Sept. 18, 1911 Oct. 1, 1912 Sept. 25, 1913 Sept. 18, 1914 Sept. 2, 1915 Sept. 11, 1916 Sept. 17, 1917 Sept. 4, 1918 Sept. 2, 1919 Sept. 2, 1920 Sept. 2, 1921 Nov. 22, 1922 Nov. 6, 1923 Nov. 19, 1924 Nov. 24, 1925	10 24+ 12+ 12+ 18+ 18+ 17+ 16+ 19+ 33+ 24+ 24+ 37+ 49+ 37+ 64+	107.98 5.00 5.00 5.00 18.00 18.00 5.00 5.00 10.00 7.50 6.00 5.00 5.00 5.00 5.00 5.00	186.46				
			Per cent						Per cent		\$20.00 662.07					
7764	Bekart, Frank.....	Aug. 24, 1920 Aug. 11, 1921 Aug. 11, 1921 Aug. 2, 1922 July 30, 1923 Aug. 14, 1924 July 24, 1925	10 5 10 10 9- 9- 9+	141.68 83.38 174.67 211.62 200.00 290.00 200.00		1,211.25	10566	Cahill, Joseph P.....	Oct. 2, 1925	10	122.71	122.71				
			Per cent						Per cent		\$20.00 662.07					
7911	Berg, Philip.....	Oct. 25, 1920 Oct. 27, 1921 Oct. 24, 1922 Nov. 7, 1923 Dec. 3, 1924	10 10 10 10 10	227.20 202.31 137.10 146.78 144.94		858.33	7683	Callahan, Thos. S.....	Oct. 6, 1920 Oct. 19, 1921 Oct. 19, 1921 Sept. 13, 1922 Sept. 13, 1922 Sept. 19, 1923 Oct. 27, 1924 Sept. 25, 1925	10 5 10 5 10 10 10 10	70.43 89.89 182.72 5.00 156.69 184.47 189.56 166.51	1,102.29				
			Per cent						Per cent		\$20.00 662.07					
7644	Bialkowski, Felix.....	Mar. 20, 1920 Mar. 16, 1921 Mar. 30, 1922 Mar. 17, 1923 Mar. 14, 1924 Mar. 31, 1925	10 10 10 10 10 10	118.63 251.07 174.04 174.18 183.33 189.79		1,091.04	4073	Campbell, Daniel G.....	July 20, 1911 July 19, 1912 July 24, 1913 July 8, 1914 July 7, 1915 July 10, 1916 July 3, 1917 July 5, 1918 July 9, 1919 Sept. 2, 1920 Sept. 21, 1921 Sept. 3, 1922 Sept. 10, 1923 Sept. 24, 1924 Sept. 9, 1925	9 10+ 11+ 11+ 12+ 12+ 11+ 21+ 22+ 15+ 24+ 23+ 23+ 31+ 36+	95.78 5.00 5.00 5.00 5.00 5.00 6.00 7.50 10.00 7.50 6.00 6.00 6.00 6.00 6.00	181.78				
			Per cent						Per cent		\$20.00 662.07					
10675	Boone, William.....	Feb. 19, 1926	7+	150.00		150.00	7782	Carousos, Nicholas G....	Aug. 31, 1920 Aug. 20, 1921 Aug. 20, 1921 Aug. 2, 1922 July 31, 1923 Aug. 16, 1924 Aug. 29, 1925	10	168.57 105.61 156.45 210.88 205.10 210.49 200.00	1,257.10				
			Per cent						Per cent		\$20.00 662.07					
7765	Boston, Okey M.....	June 24, 1920 June 29, 1921 June 16, 1922 June 16, 1922 June 23, 1923 July 5, 1924 July 24, 1925	9 10 5 10 10 10 10	207.69 109.12 44.42 115.87 145.93 150.01 155.08		928.12	7700	Carrera, Modesto.....	Dec. 27, 1919 Jan. 11, 1921 Jan. 7, 1922 Jan. 7, 1922 Dec. 20, 1923	10 10 5 5 10	79.43 216.94 56.71 136.58 171.63	181.78				
			Per cent						Per cent		\$20.00 662.07					

Lu-nacy num- ber	Name of ward	Date	Commission		Attor- ney's fee	Total	Lu-nacy num- ber	Name of ward	Date	Commission		Attor- ney's fee	Total
			Rate	Amount						Rate	Amount		
7700	Carrera, Modesto	Dec. 20, 1923 Dec. 30, 1924 Mar. 3, 1926	10 10 10	\$194.31 190.71 145.87		\$1,192.16	1476	Dixon, Frederick	Mar. 25, 1905 Mar. 14, 1906 Oct. 4, 1907 Oct. 8, 1908 Sept. 20, 1909 Sept. 16, 1910 Sept. 18, 1911 Sept. 17, 1912 Sept. 27, 1913 Sept. 24, 1914 Sept. 23, 1915 Sept. 27, 1916 Sept. 27, 1917 Sept. 18, 1918 Sept. 24, 1919 Oct. 25, 1920 Oct. 29, 1921 Oct. 24, 1922 Nov. 7, 1923 Oct. 31, 1924 Oct. 28, 1925	10 10	\$93.72 61.44 95.99 94.81 89.62 89.64 90.63 90.66 90.76 90.38 90.05 92.83 93.43 91.00 92.66 92.97 92.94 92.58 94.13 84.86 84.98	\$35.00	
9285	Carriag, Leonard, Jr.	May 23, 1925	9+	300.00		300.00							
7743	Chase, John S.	Feb. 10, 1920 Feb. 3, 1921 Jan. 26, 1922 Jan. 26, 1922 Feb. 19, 1923 Jan. 30, 1924 Jan. 24, 1925 Aug. 29, 1925	10 10 5 10 8 9+	106.37 99.40 110.14 154.29 172.24 200.00 254.62 104.66		1,201.72							
7879	Chesko, Robert	Aug. 28, 1920 Aug. 26, 1921 Aug. 26, 1921 Aug. 1, 1922 July 30, 1923 Aug. 19, 1924 July 24, 1925	10 5 10 10 9+	172.44 95.99 163.92 212.96 200.00 212.21 200.00		1,257.52	7717	Erenbjerg, Neils P. J.	June 1, 1920 July 20, 1921 July 17, 1922 July 17, 1922 June 23, 1923 June 19, 1924 June 20, 1925	10 10 5 8 22+ 10 10	152.52 118.30 148.65 150.99 500.00 206.11 216.82		\$1,925.08
7658	Clifton, Sobers	Feb. 13, 1920 Feb. 3, 1921 Jan. 26, 1922 Feb. 3, 1923 Jan. 22, 1924 Jan. 28, 1925 Feb. 10, 1926	10 10 7 10 10 10 10	186.61 259.05 168.62 160.97 39.51 32.17 33.15		880.08							1,493.39
8769	Collins, Lena K.	Feb. 20, 1922 Feb. 21, 1923 Feb. 21, 1923 Feb. 16, 1924 Apr. 7, 1925	9 5 10 5 9+	90.00 37.54 .74 39.43 75.00		242.71							
10316	Cooke, Hannah Kate	Apr. 7, 1925	5	311.93		311.93							
10431	Connor, Samuel	Sept. 25, 1925	9+	100.00		100.00							
7873	Cruz, Luis	Aug. 28, 1920 Aug. 25, 1921 Aug. 25, 1921 Aug. 15, 1922 Sept. 10, 1923 Aug. 22, 1924 Aug. 29, 1925	10 5 10 10 10 10 10	109.23 45.35 86.39 127.18 160.51 143.44 149.22		821.32							
7972	Dalamon, Ramon	Nov. 3, 1920 Nov. 7, 1921 Oct. 24, 1922 Oct. 24, 1922 Nov. 7, 1923 Nov. 14, 1924 Oct. 28, 1925	10 10 5 10 10 10 10	250.29 180.73 58.67 161.98 191.96 193.44 192.75		1,229.82							176.76
8628	Daly, Thomas	Feb. 4, 1911 Feb. 26, 1912 Mar. 18, 1913 Mar. 17, 1914 Mar. 16, 1915 Mar. 20, 1916 Mar. 6, 1917 Mar. 13, 1918 Apr. 24, 1919 June 21, 1920 July 5, 1921 July 6, 1922 June 27, 1923 July 16, 1924 July 24, 1925	8 8 10 10 10 10 10 10 10 10 10 10 10 10 10 8-	234.40 14.70 13.67 14.22 14.27 16.20 9.38 18.59 19.04 19.41 27.33 15.92 20.00 20.38 120.00		577.51							1,183.07
7646	Day, Zelia	Feb. 19, 1920 Jan. 22, 1921 Feb. 17, 1922 Feb. 17, 1922 Feb. 17, 1923 Feb. 16, 1924 Mar. 26, 1925 Oct. 26, 1925	10 10 5 10 9+	101.02 100.57 128.25 179.93 196.70 200.00 224.81 154.76		1,286.04							960.27
9143	Franklin, Willie						Dec. 20, 1922 Dec. 20, 1922 Dec. 20, 1923 Dec. 24, 1924 Feb. 19, 1926	5 10 10 10 10	92.19 137.29 138.18 143.96 91.59				603.21

Lu- nacy num- ber	Name of ward	Date	Commission		Atto- rney's fee	Total	Lu- nacy num- ber	Name of ward	Date	Commission		Atto- rney's fee	Total
			Rate	Amount						Rate	Amount		
7803	Freeman, Ned.....	Sept. 10, 1920	10	\$117.27			4252	Griffin, Patrick.....	Feb. 13, 1913	7+	\$65.42		
		Aug. 26, 1921	10	114.07					Feb. 18, 1914	12+	5.00		
		Aug. 11, 1922	5	30.58					Feb. 11, 1915	12+	5.00		
		Aug. 11, 1922	5	109.06					Feb. 2, 1916	12+	5.00		
		Aug. 11, 1922	8	122.73					Feb. 2, 1917	11+	5.00		
		Sept. 10, 1923	9	219.91					Feb. 11, 1918	17+	6.00		
		Aug. 22, 1924	10	225.38					Feb. 5, 1919	22+	7.50		
		Aug. 29, 1925	9-	200.00		\$1,139.00			Feb. 16, 1920	16+	6.00		
									Jan. 24, 1921	18+	7.00		
									Jan. 16, 1922	15+	5.00		
5153	Gallen, John.....	Aug. 27, 1914	14+	75.00					Jan. 19, 1923	25+	5.00		
		Aug. 6, 1915	10	48.11					Jan. 21, 1924	50+	5.00		
		Sept. 26, 1916	10	60.05					Jan. 21, 1925	31+	5.00		
		Sept. 27, 1917	10	53.07					Jan. 23, 1926	32+	5.00		\$36.92
		Sept. 24, 1918	10	48.15									
		Sept. 24, 1919	10	48.12									
		Oct. 6, 1920	10	59.06									
		Oct. 25, 1921	10	72.30									
		Oct. 23, 1922	10	72.67									
		Nov. 7, 1923	10	79.40									
7905	Gartz, Geo. F.....	Dec. 9, 1924	10	80.23					Mar. 4, 1920	10	130.06		
		Nov. 12, 1925	10	56.17					Feb. 18, 1921	10	100.11		
									Feb. 13, 1922	10	302.04		
									Feb. 13, 1922	5	131.68		
									Feb. 21, 1923	10	216.71		
									Feb. 20, 1924	10	226.61		
									Mar. 26, 1925	10	231.86		
													1,340.07
8328	Gaskell, John W.....	Apr. 19, 1921	10	150.41					Mar. 16, 1915	8	153.08		
		May 10, 1922	5	59.90					Mar. 22, 1916	9	76.17		
		May 10, 1922	10	154.48					Mar. 17, 1917	10	88.42		
		Apr. 27, 1923	8	136.14					Mar. 16, 1918	10	93.25		
		May 8, 1924	10	179.79					Mar. 29, 1919	10	89.10		
		May 14, 1925	10	188.38					Mar. 10, 1920	10	97.21		
									Feb. 18, 1921	10	103.39		
									Feb. 11, 1922	10	107.96		
									Feb. 17, 1923	10	121.61		
									Jan. 25, 1924	10	152.13		
7008	Grabosky, Joe.....	Dec. 27, 1919	10	67.36					Jan. 28, 1925	10	150.10		
		Dec. 16, 1920	10	149.42					Mar. 4, 1926	10	166.45		
		Jan. 6, 1922	5	31.57									1,407.87
		Jan. 6, 1922	10	107.61									
		Jan. 5, 1924	7-	308.17									
		Jan. 5, 1924	9+	200.00									
		Dec. 29, 1924	9	207.87									
		Feb. 19, 1926	9	216.35									
4743	Grace, David.....	May 24, 1913	8	200.19					Nov. 10, 1910	8	83.78		
		May 8, 1914	10	12.11					Mar. 11, 1912	39+	10.00		
		May 6, 1915	10	10.85					Mar. 18, 1913	12+	5.00		
		May 5, 1916	10	14.51					Mar. 17, 1914	16+	5.00		
		May 9, 1917	10	12.63					Mar. 22, 1915	13+	5.00		
		May 28, 1918	10	12.93					Mar. 9, 1916	16+	5.00		
		May 29, 1919	10	13.60					Mar. 2, 1917	13+	5.00		
		May 29, 1920	10	13.13					Mar. 11, 1918	17+	6.00		
		June 4, 1921	10	13.62					Mar. 10, 1919	26+	7.50		
		May 27, 1922	10	13.47					Mar. 17, 1920	32+	6.00		
6352	Grazer, Chas.....	May 22, 1923	10	12.45					Apr. 25, 1921	16+	5.00		
		May 9, 1924	10	16.00					Apr. 13, 1922	35+	6.00		
		May 11, 1925	10	7.63					Apr. 27, 1923	19+	6.00		
									Apr. 21, 1924	46+	6.00		
									May 5, 1925	22+	6.00		
													167.28
8715	Green, Joseph.....	Mar. 3, 1923	10	122.87					Dec. 13, 1923	6	340.68		
		Feb. 20, 1924	10	120.45					Dec. 9, 1924	11+	20.00		
		Mar. 18, 1925	10	120.57					Jan. 28, 1926	10	79.47		
		Mar. 23, 1926	10	110.64									440.15
6756	Greene, Wilbur E.....	Apr. 20, 1918	10	76.73					Sept. 13, 1920	10	158.36		
		Apr. 24, 1919	10	86.18					Aug. 26, 1921	5	94.13		
		May 29, 1920	10	72.00					Aug. 26, 1921	10	109.43		
		Apr. 11, 1921	10	71.23					Aug. 16, 1922	10	203.41		
		May 18, 1922	10	83.05					Sept. 14, 1923	10	228.35		
		May 11, 1923	10	96.26					Aug. 23, 1924	10	212.18		
		May 17, 1924	10	86.55					Aug. 25, 1925	10	220.42		
		May 14, 1925	10	83.02									1,226.28
3503	Jawrosky, Felix F.....								Mar. 19, 1910	8	172.00		
									June 5, 1911	10	9.93		
									June 27, 1912	10	9.88		
									June 16, 19				





<sup>3</sup> Rate and amount of commission for 1909, 1910, 1911, and 1912 represents one-half, records show cocommittee during said years.

\* No net assets for basis.

Lu- nacy num- ber	Name of ward	Date	Commission		At- tor- ney's fee	Total
			Rate	Amount		
8101	Vazquez, Genaro-----	Dec. 15, 1924	10	\$180.36		
		Jan. 28, 1926	10	186.93		\$1,082.69
4164	Watkins, Lee G-----	Nov. 10, 1911	8	232.80		
		Nov. 23, 1912	8	51.86		
		Nov. 10, 1913	10	16.32		
		Nov. 10, 1914	13+	17.74		
		Nov. 26, 1915	8	18.47		
		Nov. 24, 1916	10	22.67		
		Nov. 7, 1917	10	10.74		
		Nov. 15, 1918	10	21.00		
		Nov. 11, 1919	10+	17.13		
		Nov. 24, 1920	10	21.39		
		Nov. 17, 1921	10	20.86		
		Dec. 20, 1922	10	20.09		
		Dec. 5, 1923	10	19.39		
		Dec. 9, 1924	10	20.29		
		Jan. 24, 1926	10	20.34		
						531.09
3376	Weaver, Lewis-----	Sept. 7, 1909	8	167.78		
		Aug. 22, 1910	10	40.81		
		Aug. 25, 1911	10	47.75		
		Aug. 8, 1912	10	41.03		
		Aug. 23, 1913	10	47.43		
		Aug. 10, 1914	10	44.08		
		Aug. 16, 1915	10	46.75		
		Aug. 3, 1916	10	48.52		
		Aug. 14, 1917	10	46.72		
		Aug. 13, 1918	12+	60.00		
		Sept. 10, 1919	10	48.56		
		Aug. 28, 1920	10	48.46		
		Aug. 30, 1921	10	48.47		
		Sept. 13, 1922	10	48.96		
		Sept. 15, 1923	10	48.69		
		Oct. 14, 1924	10	43.31		
		Oct. 7, 1925	10	35.92		
						913.84
7806	Williams, Henry-----	Sept. 13, 1920	10	128.07		
		Aug. 20, 1921	10	108.61		
		Aug. 1, 1922	10	132.25		
		Sept. 14, 1923	10	149.38		
		Oct. 31, 1924	10	155.52		
		Oct. 10, 1925	10	117.79		
						881.62
8575	Winbush, Hayne-----	Oct. 20, 1921	5	64.09		
		Oct. 20, 1921	10	215.21		
		Oct. 4, 1922	10	199.10		
		Oct. 12, 1923	9+	200.00		
		Oct. 31, 1924	10	211.34		
		Oct. 7, 1925	10	230.20		
						1,119.94
8266	Wright, Richard-----	Apr. 23, 1921	5	259.55		
		Mar. 27, 1922	8	127.23		
		Mar. 6, 1923	10	174.45		
		Feb. 16, 1924	10	137.58		
		Mar. 18, 1925	10	61.23		
						760.04
	Total-----					109,070.25

HERBERT L. DAVIS,  
*Auditor Supreme Court, District of Columbia.*

MARCH 29, 1926.

ENROLLED BILL 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 bill:

H. R. 7455. An act to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, and that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 5 to said bill.

The message also announced that the Senate had passed without amendment H. Con. Res. 22:

*Resolved by the House of Representatives (the Senate concurring),*  
That there be, and is hereby created, a joint committee consisting  
of 10 members, 5 of whom shall be appointed by the Presiding Officer  
of the Senate and 5 by the Speaker of the House to attend said  
celebration for the purpose of representing the Congress of the United  
States.

The message also announced that the Senate had passed the following resolution:

Senate Concurrent Resolution 14

*Resolved by the Senate (the House of Representatives concurring),*  
That the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the bill (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, to incorporate therein the following amendment, viz:

other purposes, to incorporate therein the following amendment, viz: On page 2, line 6 of the Senate engrossed amendment, after the word "*Provided*" and the comma, insert the following: "That any such person whose name was upon the pension roll on the 5th day of April, 1917, and who served 90 days or more in the military or naval service of the United States during the World War and was honorably discharged therefrom, shall upon making proof of such fact, be replaced upon the pension roll and be entitled to receive all the benefits of this act: *Provided further*."

On page 5, line 9 of said amendment, after the word "roll," insert the following: " , or whose name was upon the pension roll on the 5th day of April, 1917."

On page 6, line 1 of said amendment, after the word "law" and the comma, insert the following: "or whose names were on the pension roll on the 5th day of April, 1917."

On page 6, line 5 of said amendment, after the word "roll" and the comma, insert the following: "or whose names are not entitled to be replaced on the pension roll under the provisions of this act."

## BATTLE OF COWPEN'S

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Battle of Cowpens.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD on the Battle of Cowpens. Is there objection?

There was no objection.

There was no objection.

Mr. MCSWAIN. Mr. Speaker, on this one hundred and fifty-first anniversary of the Battle of Lexington against British regulars, by "those embattled farmers whose shot was heard round the world," it seems fitting to recall that most signal and brilliant victory by American militiamen against trained and seasoned imperial campaigners.

I have sought to show, and believe that history will sustain the claim, that but for the victory at Cowpens there would have been no glorious Yorktown. If Morgan's forces had been crushed and scattered, Cornwallis, with the aid of Tarleton's force, would probably have overwhelmed and destroyed Greene's army at Guilford Court House. With this accomplished, Cornwallis would have gained sufficient strength and confidence, and the patriot organizations would have been proportionately weakened and demoralized as to enable the British to keep the field and his refuge to the "bottle neck" at Yorktown would not have been taken. So we may justly and fairly claim that Cowpens is a companion victory with Kings Mountain, only 30 miles distant, and having taken place just 100 days prior thereto. So we can fairly assert that Cowpens and Kings Mountain deserve to rank with Bennington and Saratoga, with Bunker Hill, Brandywine, and Princeton. Already at a cost of \$65,000, a monument has been erected by appropriation of Congress on the Kings Mountain battle field, but not a single cent has ever been spent by any government on the Cowpens battle ground. Yet Cowpens battle ground is so situated with reference to railroads, highways, and concentrated populations as to

HISTORIC SIGNIFICANCE OF THE RAYMOND M. GOLDBECK COLLECTION

HISTORIC SIGNIFICANCE OF BATTLE OF COWPENS

In order fully to grasp the far-reaching historical significance of the victory at Cowpens we must make a broad review of the situation in America generally. We will find that there had been no conspicuous victory since Burgoyne's surrender at Saratoga. We will find that New York and Newport seemed to be firmly held by the British. We will find that the populations in the smaller towns and in the country of the New England and the Middle Atlantic States were generally Whigs, and therefore strictly in sympathy with the cause of American in-

dependence, and perhaps the British had well-nigh despaired of ever reestablishing complete authority in that section of the country. However, there is ground for the belief that the English Government under Lord North concluded that if they could keep Washington and his resolute army busy watching the British forces penned up in New York and Newport they might send other forces to subjugate completely Georgia, the Carolinas, and Virginia. Thus there was a prospect that at least a portion of the colonies might be saved to the crown and be exceedingly useful as a counterpoise to such of the colonies as might win their independence.

Accordingly the British authorities set about to subjugate these Southern States. In turn the Continental Congress and the various States resolved that America would fight as a whole and win her independence as a whole. Consequently, efforts were made to raise the strongest possible army to resist the British in the South.

But the success of the British and the corresponding failure of the Americans was most disheartening and well-nigh fatal but for the events up to which we are leading. It will be recalled that there was a combined French and American attack upon the British entrenched in Savannah, and this ended in a most disastrous defeat on October 9, 1779, when the gallant Count Pulaski with more than 1,000 other French and American soldiers gave up their lives.

The next move of the British was to capture Charleston, S. C., the principal city of the South at that time. No effort was spared either in the strength of the forces organized or in the desperate and cruel mode of warfare resorted to to terrorize the people of South Carolina, and especially to hold before their terrified minds the prospect of inciting the slaves to a general insurrection against their masters. John Fiske, in his history of the American Revolution, on page 165, Volume II, says of the resolute and determined spirit of the people of South Carolina to resist the powerful efforts of the British, that—

The fit ground for wonder is that, in spite of such adverse circumstances, the State of South Carolina should have shown as much elastic strength as she did under the severest military stress which any American State was called upon to withstand during the Revolutionary War.

Neither space nor time permits us here to record the terrible sufferings of the people of South Carolina during the campaign of 1780. The cruel and implacable General Prevost hesitated at no device of cruelty or barbarity to terrorize the population and to disorganize opposition. He had with him a corps of Indians that were expected to display the severest of barbarities and they did not disappoint him. At this time the famous Col. Banastre Tarleton first appears in the annals of the war for independence and immediately established that reputation which followed him throughout his career on American soil as an officer of ability, mingled with a wantonness and cruelty seldom equaled.

A large British army now advanced overland from Savannah, Ga., toward Charleston, S. C., and General Lincoln, in command of the American Army, consisting of about 7,000 troops, retired within the works about Charleston in the hope of being able to defend it. But resistance was in vain. After withstanding a long siege the entire army was compelled to surrender on May 12, 1780, and the city of Charleston fell into the hands of the British. The loss of the entire army, with the most prominent and important city in the South, well nigh crushed the hopes of all patriotic Americans everywhere. It was the greatest blow that the cause of independence had received since the surrender of Fort Washington. But it was not the only misfortune that was to fall upon American arms.

The British now sent out from Charleston forces in several directions to take possession of important inland points, such as Ninety-Six toward the west, and Camden, Winnsboro, and Cheraw toward the north. The Americans were still determined to defend their country, and, after the capture of Lincoln and his army in Charleston, General Gates, the hero of Saratoga, was put in command of the armies in the South, and he advanced southward through Virginia and North Carolina, gathering troops as he went. At this time Horace Walpole, in the British House of Commons, believing his statement to be true, said:

We look on America as at our feet.

The English Government thought that all resistance must now cease. But they did not understand the American spirit nor the resolute purpose back of American action. Now, again, the farmers left their fields and families, the workmen left their shops, and all classes rallied once more around the standard for independence. In the meantime an internecine warfare was

going on all over South Carolina. Many weak and irresolute persons, believing that the British authority would finally be restored, now deserted the cause of the colonists and joined the Tories, and it was neighbor against neighbor, and sometimes brother against brother, and no man's life nor home was safe. Negroes and Indians were called into this strife.

Families retired at night to be awakened before daylight by the crackling of the fires consuming their homes and barns. Their horses were stolen and carried away and their cattle and hogs driven into the camps of the enemy. Indeed, it took a stout heart to withstand the temptation to align one's self with what seemed to be the all-powerful victorious British cause.

But another sad disappointment was to afflict the patriots. Lord Rawdon, with about 2,000 British troops, was in command at Camden, S. C., and General Gates, with an American Army of about 3,000 men, most of them inexperienced militia and suffering from insufficient food, clothing, and medicine, and faint from long and weary marches in hot weather, advanced toward Camden. General Gates planned a surprise attack on the night of August 15, 1780, and Lord Rawdon, in turn, had planned a surprise attack at the same time, and their advance parties met about 3 o'clock in the morning of August 16 on the road about 5 miles from Camden. After a slight skirmish both armies rested on their arms waiting for daylight, and when the sun rose the battle was resumed. General Gates failed to display any of the daring and heroic leadership that won at Saratoga; on the contrary, he was hesitating, uncertain, and confused. He allowed his forces to be divided, he did not take advantage of the opportunity to flank the enemy, allowed himself to be caught on a narrow ledge of land between two inextricable swamps, and consequently was not only defeated but horribly routed, his army broken to pieces, his soldiers butchered or driven into the swamps, and himself forced to fly on horseback at full speed and almost alone, nearly 200 miles, to Hillsborough, N. C. Indeed, "The laurels of Saratoga had changed to the willows of the South."

Surely, this was "the year of disaster" for the cause of independence. The British thought, surely, now the southern spirit would be broken. Surely, resistance would cease. But not so. The British Army was divided into three parts—one under the famous Tarleton, another under an able and determined Scotch soldier, Colonel Ferguson, and the main body under Lord Cornwallis, who had come from Charleston and succeeded Rawdon in command at Camden. These three forces advanced by three different routes through the northern part of South Carolina toward North Carolina, and Ferguson's force of about 1,100 British regulars camped on a spur of King's Mountain and was surrounded, surprised, and destroyed by forces under Colonels Campbell, McDowell, Shelby, Sevier, and Cleveland on October 7, 1780. The men making up these patriotic organizations under these natural leaders were not regulars, and in fact could hardly be called "militia." They were made up from the hardy Scotch-Irish settlers, described contemptuously by Tarleton as "backwater men."

When they found that this force of the British had separated themselves from the main body they joined their favorite leaders and took their rifles and shotguns of various description with them, rode their own horses, provided their own ammunition, and even the private soldiers participated in the "council of war" as to whether or not an attack should be made upon the British established on King's Mountain. These men were independent fighters. The several subdivisions advanced upon the mountain from so many directions and quietly crept up its steep sides and had seized the sentinels around the camp before their approach was dreamed of. Colonel Ferguson displayed all the heroism and gallantry of the race of Scotch fighters from which he came. With defiance he shouted to his men, "Now beat the damned rebels to the ground." But it was all in vain. These determined backwoods fighters could not be terrified. One of them sent a bullet through the body of Ferguson himself, who fell dead from his horse. Practically the entire force was either killed, wounded, or captured.

This victory at King's Mountain gave cheer to the patriots from one end of the country to the other. But it was followed by a period of watchful waiting, and the loss of a thousand soldiers was by no means decisive as against the British. Hence they continued in their policy of terrorizing and destroying the people and their substance. Now, "the old wagoner," Daniel Morgan, who was with Braddock and Washington on their expedition against the French in 1754, went to the South with a commission from Congress as brigadier to exercise command under General Greene, who had supplanted the unfortunate Gates in command of the whole South. Morgan was a

character who deserves to be better known to the American people. On that expedition with Braddock he was a mere wagoner, a team driver, yet when insulted by a British lieutenant he knocked the lieutenant down and was tried by a summary court-martial and sentenced to suffer "500 lashes on his bare back." He was heroic to the point of desperation at Quebec and Saratoga.

THE BRITISH STILL DETERMINED

But the British were resolved to hold the ground they had gained in the Southern Colonies. The communications and security of Cornwallis were constantly threatened by the presence of forces under Gen. Daniel Morgan, varying from 200 to 800 men, according to the nature of the mission and the inclination of the troops of some of the militia organizations. Cornwallis was reinforced by 2,000 soldiers sent from New York by water to Charleston and thence overland to the interior, and in January, 1781, he ordered Colonel Tarleton to drive Morgan, "the wagoner," as he was contemptuously called, out of South Carolina or destroy him. The force of General Morgan had a very precarious existence. It was compelled to rely largely upon the people in the vicinity for subsistence and for forage for the force of about 80 cavalry under Lieut. Col. William Washington.

Morgan was slowly retreating to the northwest and was being pushed by the pursuing Tarleton. Finally, on the night of January 16, Morgan camped at what is known as "The Cowpens," a high plateau where the underbrush had been killed, due to the fact that the cattle for all that section would be assembled at that place to be branded and where it was possible to see through the forest for several hundred yards. In addition to the force of 80 cavalry, Morgan had 237 Continental troops and 553 militiamen from Virginia, North Carolina, South Carolina, and Georgia. Here Morgan determined that he must fight and went from mess to mess where the soldiers were bivouacked, advising them that they must fight not only for victory but for life, for home, and for loved ones, as well as for independence.

The disposition of the troops by General Morgan manifests unusual tactical skill. John Fiske, in his history of the American Revolutionary War, says that "the Battle of Cowpens was the most conspicuous tactical victory of the war." The arrangement was substantially as follows: About 60 sharpshooters from North Carolina were placed as skirmishers on the right flank and far out in front, and about 150 of the Georgia militia similarly placed on the left flank, making a thin line of skirmishers, who were instructed to pick out the officers as they would squirrels, and having delivered their first volley to fall back on the next line and reload.

Colonel Tarleton had a force of about 1,100 British regulars, with two field pieces and with great superiority in cavalry and in ammunition and in bayonets. When formed in battle line they all rushed forward with great impetuosity and confidence. But many of the officers fell under the well-directed aim of the American skirmishers. But when the British troops saw the skirmish line giving way they became overconfident, assumed that the Americans were retreating, and rushed forward in disorder. The next line of Morgan's troops, consisting of Virginia riflemen, delivered volley after volley that thinned the ranks of the British and threw them into confusion. The militia, having retired behind the Continental regulars, reformed and returned to the fight, this time striking the British left flank, while Lieutenant Colonel Washington, whose cavalry had been stationed in the rear of the main body of Morgan's troops, now bore down with irresistible force upon the British right flank so that soon the British were practically surrounded, and Tarleton barely escaped capture as he rushed at full speed from the field, accompanied by a few of the dragoons.

THE VICTORY AT COWPENS DECISIVE

On this glorious day of January 17, 1781, the American militiamen, "the backwater men," led by the plain civilian soldier, Daniel Morgan, gave wonderful account of themselves in administering a terrific and destructive defeat to a force of British regulars with a superiority of 300 in numbers and with great superiority in arms and ammunition. The Americans lost only 12 killed and 60 wounded, while the British lost 115 killed, 200 wounded, with about 550 prisoners, including 70 negroes that had been taken from their owners and masters and were carried by the British as camp servants. The British lost two standards, 100 horses, 35 wagons, 800 muskets, and their two fieldpieces, and many other supplies. General Morgan wrote in his report:

Our success must be attributed to the justice of our cause and the gallantry of our troops. My wishes would induce me to name every sentinel in the corps.

This victory settled the question of subjugating the South. Hereafter the sole problem in the mind of Cornwallis was to get away from those uncompromising and unconquerable patriots of South Carolina. Hence he moved northward with all dispatch, had a drawn battle with General Greene at Guilford Court House, and thence advanced through Virginia to his position at Yorktown. We know the rest. We know how Lafayette held him at bay on Yorktown Peninsula while Washington was coming from the Hudson over land and water to the great and final victory. We know how the French Admiral de Grasse had sent word that he would bring the French fleet to the Chesapeake Bay in the late summer of 1781, and how de Grasse, after a severe naval battle, prevented the British fleet from relieving Cornwallis from the "bottle neck" that the Americans and their allies had formed about him. But for the victory of the French fleet, Cornwallis would have embarked upon the British fleet and would have transported his army to New York, and thus Washington's march from the Hudson and the assembling of troops from north, south, east, and west at Yorktown would have been in vain.

Thus 1780, "the year of disasters," was followed by 1781, "the year of glorious victory." Thus King's Mountain, fought on October 7, 1780, on South Carolina soil, was followed shortly by Cowpens on January 17, 1781, also on South Carolina soil, distant only about 30 miles. These two victories turned the tide of war. These two victories heartened the patriots north and south. These two victories showed the haughty British regulars and the still haughtier British cabinet, led by Lord North, what these determined American militiamen could do. They were poor at drill, they had no uniform dress, they had little but the hunting rifle, but their aim was true, their hearts were fearless, and their wills were unconquerable.

Therefore, it is highly fitting that the Federal Government should at last take notice in a material way of the great contribution that the victory at Cowpens made to the cause of independence. While King's Mountain has been recognized in a partial way by the erection of a beautiful monument to the memory of her heroes, not one single dollar has ever been spent by either State or Federal Government at Cowpens. To create here a military park in the heart of the new industrial South, accessible from every quarter by railroad and highway, will afford the opportunity for millions to be inspired by the lessons of that victory. Military students may ponder well its teachings. Historians will here gather inspiration. Citizens of all sections and classes and callings will find here inspiration to a higher, more unselfish patriotism.

The amount suggested to be expended for the purposes of this military park is very modest. It will be noted that a memorial association has owned 1 acre of land of the old battle ground, where 70 years ago a small monument was erected by the Washington Light Infantry of Charleston, an organization named in honor of Lieut. Col. William Washington, a distant kinsman of Gen. George Washington. Especial attention is called to the fact that one of the citizens in the neighborhood that owns a portion of the battle field, a generous lady, has entered into a written agreement to donate without charge 5 acres of land.

The citizens of Spartanburg and Gaffney and surrounding country have agreed to raise \$1,000 with which to buy 5 acres additional and adjoining the 5 acres to be donated. If, therefore, under the authority contained in the bill the Secretary of War will acquire not exceeding 10 acres additional, connecting the 10 acres to be donated with the 1 acre above mentioned, making in all not more than 21 acres, there will be sufficient land to indicate for all time the principal features of the battle. Under the authority contained in this bill the Secretary of War, with the best information available, will have the principal places and positions of the respective armies indicated by appropriate markers. The Secretary of War will doubtless have roads graded and graveled through this park, so that visitors may inspect the positions with ease and comfort. This act of simple justice to the great heroes of a great cause has been too long delayed, and it is our confident hope that this Congress will promptly enact this bill into law, so that the hundreds of thousands of visitors now flocking by train and automobile to that section of the country may find material evidence of the loving appreciation of this generation of the devotion and heroism of the men who by their blood sealed not only the cause of American independence but the sacred cause of human right under free institutions "deriving their just powers from the consent of the governed."

EUGENE V. DEBS

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

**THE SPEAKER.** The gentleman from Washington asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

**Mr. JOHNSON** of Washington. Mr. Speaker and gentlemen, I hold in my hand a socialist newspaper which contains a misleading story as to the citizenship of Eugene V. Debs, stating that there is danger that he will not be permitted to return to the United States from Bermuda; that there is to be a May day demonstration in the United States on that account. I think Members will find in their mail within the next few days numerous letters making an appeal that Eugene V. Debs be permitted to return to the United States. Members may answer such letters by saying that he has not lost his citizenship. He is still a citizen of the United States. It is possible under the condition of the pardon that he has lost certain rights of citizenship in the State of Indiana, but he was born here in the United States, and all this stuff put out by the socialist papers is bunkum pure and simple.

Recently there was introduced a joint resolution asking Congress to restore citizenship to Eugene V. Debs. It is H. J. Res. 172, to readmit Eugene V. Debs to the rights and privileges of citizenship. That resolution was referred to the committee of which I have the honor to be the chairman and was promptly tabled because he never had lost his citizenship. It was not a proper matter to come before Congress. I am making this statement so that Members may state the facts in answer to letters concerning that bill. Mr. Speaker, I yield back the balance of my time.

#### THE CONSENT CALENDAR

**THE SPEAKER.** The Clerk will report the first number on the Consent Calendar.

#### CONSTRUCTION OF ROAD ON LUMMI INDIAN RESERVATION

The first business on the Consent Calendar was the bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title to the bill.

**THE SPEAKER.** Is there objection?

**Mr. LAGUARDIA.** Reserving the right to object, I see that this is a gratuity appropriation. I question the wisdom of enacting a policy of appropriating money for highways that are not eligible to come in under the Federal system.

**Mr. HADLEY.** Mr. Speaker, I wish to say to the gentleman from New York and to the House that if he will permit I will make a request that it go over. Preliminary to that I wish to say that objection was withheld to the consideration of the bill on a former occasion pending correspondence with respect to its terms.

From the correspondence received I am satisfied that the facts are not fully understood. I want it postponed until we can reach an agreement, and I hope it may be resolved to the satisfaction of all concerned. Therefore I ask unanimous consent that the bill be passed over without prejudice and retain its place on the calendar.

**THE SPEAKER.** Is there objection to the request of the gentleman from Washington?

There was no objection.

#### CONVEYANCE OF LAND ON THE KAW RESERVATION, OKLA.

The next business on the Consent Calendar was the bill (H. R. 7083) authorizing the sale and conveyance of certain lands on the Kaw Reservation in Oklahoma.

The Clerk read the title of the bill.

**THE SPEAKER.** Is there objection?

**Mr. CARTER** of Oklahoma. Mr. Speaker, reserving the right to object, at the request of the gentleman from Oklahoma [Mr. MONTGOMERY], who is interested in the measure, I ask that it go over without prejudice.

**THE SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### ELECTRIC LIGHT AND POWER IN THE DISTRICT OF HANA

The next business on the Consent Calendar was the bill (H. R. 4799) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii.

The Clerk read the title to the bill.

**THE SPEAKER.** Is there objection?

**Mr. LAGUARDIA.** Mr. Speaker, reserving the right to object—

**Mr. CRAMTON.** Reserving the right to object, I have gone over the question of the form of the bill with the gentleman from California [Mr. CURREY] and the Delegate from Hawaii [Mr. JARRETT] and agreed with them on the proper form of

the bill. With the understanding that an amendment will be accepted at the proper time, I have no objection to the bill.

**Mr. LAGUARDIA.** The gentleman was kind enough to show me the amendment, and that eliminates some objections I had to the bill. But I find on page 2 what is commonly known as a joker in these franchises, where, after reciting the specific powers granted to the corporation, it gives them power to operate for any other purpose which the association may deem advisable. It seems to me that we do not want to extend any such power in a franchise which we are granting to generate electricity to be used for motive and lighting purposes.

**Mr. CRAMTON.** Mr. Speaker, the function of Congress in this matter is not to legislate originally, but to approve an act of the Legislature of Hawaii, and we have before us the act of the Legislature of Hawaii. The amendment that I have discussed with the gentleman would approve that act. I have not gone into all of the details of the act itself, as the gentleman from New York has.

**Mr. LAGUARDIA.** The gentleman in his proposed amendment recites specifically the powers of generating electricity, but does not give that blanket general power at all, as I remember it.

**Mr. CRAMTON.** The amendment that I shall offer is merely an approval of the act which has been passed by the Legislature of Hawaii, except as to section 17. Section 17 of the act passed by the Legislature of Hawaii, if approved by Congress, would give to the Legislature of Hawaii the authority hereafter to amend in any respect it desired, and the amendment that I shall submit would only perpetuate the right on the part of the Territorial legislature to amend subject to the approval of the Congress.

**Mr. LAGUARDIA.** And we retain control?

**Mr. CRAMTON.** Yes. The necessity for the change of form I will suggest is as follows:

The organic act of Hawaii, found on page 1141, volume 2, Supplement of the Revised Statutes of the United States, and approved April 30, 1900, provides in section 55—

that the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. \* \* \* (b) But the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; \* \* \*

The Legislature of Hawaii under act 235 of the Session Laws of Hawaii for 1923 passed an act to grant a franchise for light and power purposes within the district of Hana, which is apparently identical in language with H. R. 4799 as reported to the House, except that it stipulated that the approval of the act by Congress must be secured within two years from the time of approval of the act by the governor. It was so approved by the governor May 2, 1923, and accordingly the limit of time fixed by the legislature for its approval by Congress would have expired May 2, 1925. By act 6 of the Session Laws of Hawaii for 1925, section 18 of act 235 of 1923 was amended so as to extend the time within which the approval of Congress might be secured to four years from the date of such approval by the governor, thereby authorizing approval by Congress up to May 2, 1927. Act 6 was approved by the governor March 20, 1925.

It is apparent, therefore, that it is the proper function of the Legislature of Hawaii to pass bills for granting charters for public utilities in the first instance, but that such laws are not effective until formally approved by Congress, and such approval by Congress to be effective must be given within the time stipulated in the act passed by the legislature.

The function of Congress, therefore, not being to legislate, but merely to approve or refuse to approve legislation drafted and enacted by the Legislature of Hawaii, it is clear that the form followed by the committee in this case of H. R. 4799 is undesirable. On its face it is an independent enactment by Congress, carrying no evidence as to whether any action by the Legislature of Hawaii had preceded it or not, and one having knowledge of the fact that a similar act had been passed by the Legislature of Hawaii could only determine the identical form of such act by a close comparison of the two acts. It further appears to be unnecessary and undesirable that the statutes of the United States, which are sufficiently cumbersome in any event, should be encumbered by setting up in full the franchise act when the only proper function of Congress is that of approval and confirmation.

It therefore appears that the proper course to be followed by Congress in all such cases is to express its approval of the act passed by the Territorial legislature. In this case section 17 of the Territorial act should not be approved by Congress, since its approval as it stands would operate as a grant of

authority to the legislature to alter, amend, or repeal this particular franchise without consent of Congress.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. CRAMTON. Mr. Speaker, the bill that is in the hands of the Clerk is a long bill setting out a franchise to be granted to a public-utility corporation in Hawaii. The function of the Congress is to approve or disapprove of that act. I propose to offer a substitute that is very brief, which recites such approval with a certain amendment. Therefore I ask unanimous consent, to save the time of the House, that the reading of the bill be dispensed with and that in lieu thereof the substitute which I send to the Clerk's desk may be read, which substitute I offer as an amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the reading of the bill (H. R. 4799) be dispensed with and that in lieu thereof the substitute which he sends to the Clerk's desk be read and considered. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out the whole text of H. R. 4799 after the enacting clause and insert the following:

"That Act 235 of the Session Laws of 1923, entitled 'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii,' passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on May 2, 1923, as amended by Act 6 of the Session Laws of 1925, entitled 'An act to extend the time within which the approval of the Congress of the United States must be secured to act 235 of the Session Laws of 1923 by amending section 18 of that act,' passed by the Legislature of Hawaii and approved by the Governor of the Territory of Hawaii on March 30, 1925, is hereby approved: *Provided*, That the authority in section 17 of said act for the altering, amending, or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii, except upon approval by Congress in accordance with the organic act."

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to conform to the text.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon the bill by inserting a further statement in respect to it.

The SPEAKER. Is there objection?

There was no objection.

#### PROMOTION OF A PROFESSOR OF THE UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the bill (S. 2274) providing for the promotion of a professor at the United States Military Academy.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I objected to the consideration of this bill last consent day. Let me ask the gentleman from Minnesota [Mr. FURLOW] the necessity for having a lieutenant colonel permanently detailed at West Point to teach natural and experimental philosophy?

Mr. FURLOW. Mr. Speaker, I hope the gentleman from New York will not object to the consideration of this bill.

The SPEAKER. This bill requires three objectors.

Mr. FURLOW. Mr. Speaker, the last time the bill was called up it was objected to because it was not explained on the floor. The bill affects one officer in the United States Army, a man who in 1917 was ordered to serve as an instructor at West Point. Being drafted into that service he was not permitted to go along on the promotion list with his classmates from West Point. This officer did not attempt to avoid service at the front, as shown by the report from the War Department. In fact, he did serve in about six of the major campaigns at the front after he had been assigned to duty at West Point. During the period when he was entitled to a vacation from West Point, he went to France and served, and then returned from France, acting upon orders from the War Department. This bill is sponsored by the War Department, to do justice to an officer who has been deprived of his regular promotion ad-

vantages. He is four years behind his classmates. The War Department recommends the passage of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That any officer of the United States Army now holding the position of permanent professor at the United States Military Academy, and who on July 2, 1921, would have become entitled to his promotion to a colonelcy had he remained in the line of the Army and who on that date had completed more than three years' duty as permanent professor shall have the rank, pay, and allowances of a colonel in the Army, and that the said rank shall date from July 2, 1921: *Provided*, That no back pay and allowances prior to the passage of this act shall accrue.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### ARTILLERY RANGE AT FORT ETHAN ALLEN, VT.

The next business on the Consent Calendar was the bill (S. 2752) for the purchase of land as an artillery range at Fort Ethan Allen, Vt.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I wish some member of the Committee on Military Affairs would tell us how many more artillery fields or new fields the War Department contemplates buying, in view of the action taken by the Congress only a few weeks ago authorizing the sale of a great deal of surplus land and property.

Mr. HILL of Maryland. Mr. Speaker, that is a very proper question. The corps area in which Fort Ethan Allen is situated has no artillery range. I have here a statement from Senator GREENE, formerly a member of the House Military Affairs Committee. I will say for Senator GREENE that no man ever opposed more strenuously the acquisition of additional property. I have very great confidence, and so has the House, in his judgment.

I am told that the other corps areas have good ranges. I wish to emphasize the point that this artillery range is needed. It is not good policy to train men to drill with guns that do not know how to shoot.

Mr. LAGUARDIA. I want to say to the gentleman, of course no one has a greater admiration for the distinguished Senator from Vermont [Senator GREENE] than I have or confidence in his judgment. I served on the Committee on Military Affairs with him, and I shall not object to this out of deference to the distinguished Senator; but as long as I am a Member of the House I am going to object to any purchases of land by the War Department when they come here and ask us to sell what they have on hand.

Mr. HILL of Maryland. I agree entirely with the gentleman, and that is the position of the Committee on Military Affairs. It will be well for the committee to note what is said about this bill by Senator GREENE and by the War Department:

#### STATEMENT BY SENATOR FRANK L. GREENE

It seems desirable for me to call the attention of Congress to the necessity for the immediate passage of this bill. The urgency for prompt action arises from the fact that the options on the various properties involved expire January 1, 1927. In all probability it will be impossible to renew these options at the prices stipulated in the existing agreements.

In order to carry out the terms of these contracts, Congress must pass this bill (S. 2752) and provide for the appropriation of the required funds in the next deficiency bill.

The project has the approval of the War Department and of the Bureau of the Budget. This information is contained in a letter from Secretary of War Dwight F. Davis to Senator JAMES W. WADSWORTH, Jr., of the Senate Military Affairs Committee, under date of February 23, 1926.

I am told that the other corps areas have good ranges.

I wish to emphasize the point that this artillery range is needed. It is not good policy to train men to drill with guns that they do not know how to shoot.

This is in no sense a "raid on the Treasury" and the prices agreed to are evidence that there is little effort to profit at the expense of the Government. The sums named in the agreements are considered by well-informed persons to be fair to all concerned. In somewhat over 80 parcels of land there are only three which are thought overvalued. The prices for the various holdings vary from \$200 for 50 acres of cut-over timber land to \$20,000 for one excellent farm. It may be that some further adjustment will be possible. The Govern-

ment can buy most of the properties for less than \$5,000 in each case. The average price an acre is around \$34, which I am convinced is very reasonable. The entire tract is hilly and it is mostly pastures, wood lots, and some tillable land. It is in the heart of the Green Mountains at the junction of the town lines of Jericho, Underhill, and Bolton, about one-third of the range in each town.

If this same area were leased, the owners would demand \$34,866 a year. The high cost of leasing results from consideration of the inconvenience to the owners in moving goods and stock and in paying taxes and insurance during the periods of firing. It is only proper that they should be compensated for this. This in a few years would result in the expenditure of a sum that would at this time buy outright the entire property. While speaking of economy, I wish to point out that all equipment can be safely stored at Fort Ethan Allen, thus saving transportation costs.

We in New England are confronted with the problem of training artillery with no adequate facilities for actual firing. The only good ranges anywhere near are at Pine Plains, N. Y., and at Tobyhanna, Pa. These are in other corps areas and are now used to the limit. Obviously it is not good economy to send troops from New England to either of these places. In two or three years transportation costs would equal the sum necessary to pay for this project. Nor is it good financing to lease a range under the circumstances I have described.

At the proposed location the mountains form an effective backstop and the slopes of these mountains are contained within the limits of the proposed reservation. The altitude there varies from about 900 feet to over 3,000 feet above sea level.

We have here an opportunity to acquire property where firing can be conducted with both the 75-mm. and the 155-mm. guns. Ranges can be secured up to 8,500 yards and probably more. The site has been carefully selected from the viewpoint of military utility and also from the standpoint of isolation. However, in spite of its isolation, it is conveniently close to Fort Ethan Allen, a distance of about 20 miles over good roads. This distance gives excellent opportunity for marching practice. This location was decided upon after a survey of a large amount of territory. It is not a haphazard project by any means. It has been thoughtfully considered from all angles, military and civilian. It is only recommended after a careful trial. A section of it sufficient for test purposes was leased last summer and it meets with the approval of the Regular, Militia, and Reserve officers. There is a scarcity now of desirable locations and as time goes on it will be increasingly difficult to secure one. If we wait until later we will have to pay a higher price, we may be unable to find such a desirable location, and in the meantime we will have to lease land at high prices for artillery practice.

Among the various plots suitable for camps in this area there is one on the banks of the Lee River large enough for a regiment of artillery. Within a hundred yards of this camp site there is ample water for animals, and in addition there is an abundance of good well water for troops. The camp would be on hard, well-drained land; the climate is healthful and the surroundings rich in scenic beauty. I mention these things because the welfare and contentment of troops are of primary importance.

Here we have a place where conditions are ideal, where the contour of the country provides for all sorts of maneuvers, gun positions, and ranges, where the civilian population is friendly and well disposed toward the Army, and where the interests of economy will be served in the cutting of transportation costs by the storing of guns at the post and the absence of damage claims against the Government. If it be found desirable to conduct airplane practice, no better location can be found. There is a municipal landing field in Burlington, near by, and there is plenty of opportunity for landing and taking off on the present reservation at Fort Ethan Allen.

The land owned by the State of Vermont comprises 1,234 acres. The latest session of the legislature authorized its disposal to the Federal Government. Gov. Franklin S. Billings wrote me under date of December 21, 1925, that "acting under 148, acts of 1925," he had given an option to the Federal Government on this land for \$18,000. There is no doubt of his authority to sell.

I am told that General Pershing is familiar with the conditions there and that he is favorable to this project. Other staff officers who have been on the ground are likewise favorably impressed.

October 14, 1925, Maj. Gen. John L. Hines, the Chief of Staff, wrote me that "such purchase is considered most desirable from the standpoint of successful field-artillery training in the First Corps Area. The results accomplished this summer were successful." He also wrote me on January 4, 1926, in part as follows: "From a military standpoint the permanent possession of this range is highly desirable, as it is quite evident that the day is fast approaching when artillery target ranges will be increasingly difficult to locate and much more costly to acquire." These letters were written in reply to communications I had sent him on this subject.

Maj. Gen. William J. Snow, Chief of Field Artillery, wrote to me on January 14, 1925, in reply to an inquiry, "From all accounts the terrain is well adapted to the purchase for which it is intended to be

used, namely, a field-artillery target range. I am heartily in favor of the project in view of the urgent need of the First Corps Area for a suitable range."

Lieut. Col. T. W. Hollyday, formerly in command at Fort Ethan Allen, has told me that practically every kind of artillery problem can be worked out at this site.

Lieut. Col. A. A. Starbird, now in command at that post, is enthusiastic about the possibilities of the range.

The people of Vermont are well disposed toward the military. The State believes in reasonable preparedness, and I may say here that at the outbreak of the World War the Vermont National Guard was the only militia outfit equipped and ready to take the field at once.

In closing, I want to say that I have been interested in this matter for a long period of time, and feel that at last a location has been found that can not be surpassed. I hope you will believe me when I say that I am not urging the enactment of the bill solely because it is located in the State which I have the privilege of representing. This range is needed in the First Corps Area.

WAR DEPARTMENT,  
Washington, February 23, 1926.

Hon. JAMES W. WADSWORTH, Jr.,  
Chairman Committee on Military Affairs,  
United States Senate.

MY DEAR SENATOR WADSWORTH: In compliance with your request of January 28, 1926, I am pleased to submit the following report on S. 2752.

The subject of the proposed legislation is the purchase of land as an artillery range at Fort Ethan Allen, Vt.

There are no provisions of existing law on this subject.

The acquisition of a target range in this vicinity has been under consideration for some time, and from a military standpoint the enactment of the proposed legislation is desirable.

It is necessary at present to rent a rather inadequate range at an annual expenditure of \$10,735, with the prospect of an advance in rentals next year, when the options to purchase expire.

In addition to this, we have been using without cost to the Government (under license signed by the Governor of Vermont) 1,200 acres of State land. This privilege may be withdrawn at any time, which would entail the rental of additional privately owned areas at a considerably increased expenditure.

The present rental of the land now under lease amounts to 5.37 per cent of the proposed purchase price; and if we add the rental to be expected if the State-owned land is withdrawn, it is apparent that the purchase would pay for itself in the matter of rental alone in a few years.

It appears therefore that both from a military viewpoint and from a business viewpoint the acquisition of this tract is advisable.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officers are designated to appear before your committee:

Lieut. Col. J. A. Baer, G. S.  
Maj. A. C. Sandeford, F. A.

The Director of the Bureau of the Budget has been consulted and advises that this proposed legislation is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS, Secretary of War.

Mr. O'CONNOR of Louisiana. Reserving the right to object, what is the cost?

Mr. HILL of Maryland. Two hundred thousand dollars; and that is less than the capitalization of the rental at the present time.

Mr. O'CONNOR of Louisiana. I will not object, but I can not help but express my amazement at the inconsistency of the War Department in selling certain property used by a State National Guard and immediately afterwards asking for authority to purchase land at a cost of \$200,000—

Mr. HILL of Maryland. I will say to my colleague—

Mr. O'CONNOR of Louisiana. Will the gentleman permit me to finish? Jackson Barracks, in the city of New Orleans, was purchased about 1843 by the Federal Government at a cost of \$43,000, and was used as a barracks by the Regular troops up to about four or five years ago, when it was abandoned and then a permit issued to the State National Guard of Louisiana to occupy that ground and the buildings. The State National Guard at the blast of the bugle, of course, will go out heel to heel and arm in arm with the Regular troops, but notwithstanding this military fact and our protest, the War Department determined that this property must be sold and the National Guard evicted, kicked out unceremoniously, though it is unquestionably a part of the Military Establishment of the country. It was with considerable difficulty that we secured a recognition of the claim of the National Guard on property which had been used for military purposes by the United States

Government. We thought that the bill authorizing the sale of the no longer used reservations and abandoned forts, as concocted in conference, assured the State that it could purchase this property for its National Guard.

Mr. HILL of Maryland. I will say to the gentleman I have been a member of the National Guard for 20 years and I would not do anything to discriminate against the National Guard, but this does not discriminate—

Mr. O'CONNOR of Louisiana. It is an inconsistency to put the National Guard off of military property and acquire other property at a cost of \$200,000 for a rifle range. No sophistry or casuistry will conceal that fact.

Mr. LAGUARDIA. If the gentleman will permit, in the bill we passed two weeks ago a piece of property in the gentleman's State was being used by the National Guard and they improved it. We authorized the sale, and the Louisiana National Guard has to go out and buy property—

Mr. O'CONNOR of Louisiana. Have to pass the hat, as it were, to acquire that which should have been given to them. And now we find a coordinator with full knowledge of the attitude of Congress toward our National Guard and Jackson Barracks, recommending that a Federal department take it over.

Mr. HILL of Maryland. I will say that the Federal Government is now furnishing the National Guard money for such purposes.

Mr. O'CONNOR of Louisiana. I wanted to bring this current history about Jackson Barracks out. As a matter of fact, by this bill priority is given (and generally speaking there is no fault to find with that) to a department of the Federal Government to acquire such property, as mentioned in the bill to which I referred. Now, what happens? A coordinator in New Orleans, who should have known that general priority accorded to the Federal departments was subordinate to the preference expressly or impliedly given to the National Guard, was seized with a remarkable idea in reference to that property. Notwithstanding that Congress intended to give the State National Guard the right of preference he was seized with the extraordinarily fantastical idea that a department of the Federal Government should take possession, claim it, and devote it to what—to the building of a quarantine station and marine hospital right next to where the slaughterhouses and stockyards of New Orleans are located. Why, it is a wonder he did not suggest that the Federal employees customhouse or a play ground be put in between.

Mr. MADDEN. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. I will.

Mr. MADDEN. What is a coordinator?

Mr. O'CONNOR of Louisiana. I am inclined to give it up, but I will make a guess. I think he is a humbug.

Mr. MADDEN. What else?

Mr. O'CONNOR of Louisiana. Besides that, I do not know. I am willing to say a coordinator—

Mr. MADDEN. I am serious.

Mr. O'CONNOR of Louisiana. So am I.

Mr. MADDEN. What is his function?

Mr. O'CONNOR of Louisiana. The function apparently of a coordinator is to secure information relating to the coordinating of different activities of the Government and submitting it and his recommendation to the chief coordinator, who transmits them to the Bureau of the Budget.

Mr. MADDEN. Is he in the State Department, Commerce Department, or what?

Mr. O'CONNOR of Louisiana. I always thought he was, in a measure at least, a subordinate of the Bureau of the Budget.

Mr. MADDEN. Oh, no.

Mr. O'CONNOR of Louisiana. Oh, yes.

Mr. MADDEN. He is not in the Bureau of the Budget.

Mr. O'CONNOR of Louisiana. If the gentleman will take the Congressional Directory, as made up for several years following the creation of the coordinators, he will see that it was grouped with the Bureau of the Budget.

Mr. MADDEN. What department?

Mr. O'CONNOR of Louisiana. He is under the Bureau of the Budget.

Mr. MADDEN. General Smithers?

Mr. O'CONNOR of Louisiana. Yes. I am quite sure the coordinators were brought into existence to render some assistance, real or imaginary, to the Budget Bureau.

Mr. MADDEN. He is not a member of the Bureau of the Budget; he is in the Army.

Mr. O'CONNOR of Louisiana. Then the Congressional Directory as made up for several years was misleading, as well as the information I thought I had on the subject from the bureau itself.

Mr. MADDEN. Is he in the Army?

Mr. O'CONNOR of Louisiana. I imagine so. I think I know what is in the gentleman's mind. There are so many Army officers that something had to be found for them to do. But you have entirely thrown me out of the position that I have always assumed and which I still adhere to, and that is in assuming that the coordinators are a part of the Budget Bureau.

Mr. BEGG. In how long does the gentleman from Illinois expect to get through?

Mr. MADDEN. I was trying to give the gentleman from Louisiana some information.

Mr. O'CONNOR of Louisiana. For which I thank the gentleman from Illinois. I suppose he means the coordinators, to justify their existence, must deal in a lot of bunk. The idea of suggesting that a quarantine station should be located in a city near the Gulf of Mexico side by side with a marine hospital and next door to the slaughterhouses from which we get our meat supply is something that would not occur to me.

Mr. MADDEN. Was there serious objection to that?

Mr. O'CONNOR of Louisiana. Yes; almost a riotous one, or what threatened to be an enormous mass meeting, which was called off on the assurance of General Lord. I should imagine that the gentleman from Illinois, with his knowledge of a city like Chicago, with its hygienic and sanitary conditions and sociological problems arising from the stockyards and packing houses would understand the objection to a proposed coordination that would do violence to the pledge to the National Guard; and which for grotesque composition makes reasonable the weird confection of the three witches in Macbeth, around the caldron into which they threw hell broth, lizards' tails, and so forth.

Mr. MADDEN. I am asking for information. I knew the gentleman from Louisiana would have it. I knew there was no place else where I could get it so accurately as from the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. I thank the gentleman for the compliment; but I wonder if the gentleman from Illinois will not give expression in his characteristic way on some day when he is feeling fit, to his idea of coordinators. I hope I am present when he roars out "Bunk."

What I want to get to the House is the extraordinary suggestions of some coordinators and their plain disregard of the intent of Congress to give a preference to the National Guard of a State in reference to property which the Secretary of War is authorized to sell under certain circumstances.

Mr. MADDEN. I was ignorant of that fact.

Mr. O'CONNOR of Louisiana. Oh, the gentleman can not plead ignorance of any subject. He is the best informed man in the House, in my judgment. He knows coordinators and is just joshing. I am informed by an official high up in the health service that the recommendations of some of the coordinators would outdo in fancifulness any of the stories of de Maupassant or our own Edgar Allan Poe.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to acquire, by purchase, condemnation, or donation, a tract of land containing approximately 6,007 acres in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt., and there is hereby authorized to be appropriated for such purpose a sum not to exceed \$200,000 out of any money in the Treasury not otherwise appropriated.*

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

Mr. BRIGHAM. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the rifle range at Fort Ethan Allen, Vt.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. BRIGHAM. Mr. Speaker, the need of this artillery range is unquestioned. Fort Ethan Allen is a Cavalry and Field Artillery post. The Regular Army forces stationed there require a range for practice firing. Furthermore, it is the policy of the War Department to train various branches of the Reserve Army at Regular Army posts garrisoned by troops of the same branches. Since all the Field Artillery of the First Corps Area is stationed at Fort Ethan Allen, this post must train all the Field Artillery training forces for the First Corps Area.

The provision now being made for a range for target practice is outlined in the report of Secretary of War Davis concerning this bill. He says:

It is necessary at present to rent a rather inadequate range at an annual expenditure of \$10,735, with the prospect of an advance in rentals next year when the options to purchase expire.

In addition to this we have been using, without cost to the Government (under license signed by the Governor of Vermont), 1,200 acres of State land. This privilege may be withdrawn at any time, which would entail the rental of additional privately owned areas at a considerably increased expenditure.

Now the situation is just this: The Government holds options on this property, and some additional property needed to make the range safe and adequate, with the privilege of purchase on or before January 1, 1927. All this property, as the Secretary of War points out, can be purchased at a price upon which the rental now paid for a part will pay 5.37 per cent of the interest. The Secretary states further:

If we add the rental to be expected if the State-owned land is withdrawn, it is apparent that the purchase would pay for itself in the matter of rental alone in a few years.

Senator GREENE shows in his statement the rental of the total area involved in this bill would cost the Government \$34,866 per annum.

Prompt action now in passing this bill will make possible saving of the rentals for the ensuing year, beginning June 1, and will insure the War Department at reasonable cost an adequate target range in the First Corps Area for training the regular and civilian components of the Army.

As the Secretary of War says, in conclusion:

It appears therefore that both from a military viewpoint and from a business viewpoint the acquisition of this tract is advisable.

#### ADJUSTMENT OF WATER-RIGHT CHARGES

The next business on the Consent Calendar was the bill (H. R. 10429) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes.

The title of the bill was read.

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

Mr. SMITH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, and that it retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

#### RETIREMENT FOR NURSE CORPS OF ARMY AND NAVY

The next business on the Consent Calendar was the bill (H. R. 8953) to provide retirement for the nurse corps of the Army and Navy.

The title of the bill was read.

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

Mrs. KAHN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the lady from California?

There was no objection.

#### CASPER-ALCOVA RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (H. R. 10356) to provide for the diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The title of the bill was read.

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

Mr. WINTER. Mr. Speaker, I ask unanimous consent to have this bill passed over without prejudice, and that it may retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, two weeks ago when this bill was first called up I said to the author, Mr. WINTER, of Wyoming, that I would object to its consideration until I could confer with Mr. Carpenter, our Colorado River water commissioner, and see if we could not come to an understanding as to the respective rights of the two States in and to the waters of the North Platte River and its tributaries. With understanding, the gentleman

from Wyoming on the 5th instant asked that this bill be passed over without prejudice, and that was done.

The same bill passed the Senate without objection and is on this calendar now. I at once wired to our Colorado officials and Mr. Carpenter and our attorney general, Mr. Boadright, came on here from Colorado and they are here now and they and I are conferring with Mr. WINTER and Mr. Hopkins, and others are now endeavoring to come to an interstate agreement as to the fair division of the waters of that stream. Colorado and Wyoming have litigated over those waters for 12 years already, and we all hope that we may come to an amicable understanding and thereby obviate future litigations and controversies. So, if the gentleman from Wyoming will ask to pass the bill over again, I will not now object, and I trust before it comes up again we may reach an agreement between the two States.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

#### BIRTHPLACE OF HENRY WADSWORTH LONGFELLOW

The next business on the Consent Calendar was the bill (H. R. 8267) to authorize the coinage of copper 1-cent pieces to aid in the preservation of the birthplace of the world's best-loved poet, Henry Wadsworth Longfellow.

The title of the bill was read.

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

Mr. THURSTON. Mr. Speaker, this measure was introduced by Mr. Thayer, of Massachusetts, late deceased, providing for the coinage of copper coins to aid in the preservation of the birthplace of Henry W. Longfellow. The Treasury Department has opposed the issuance of the coin, and the sponsors of the bill have suggested the substitution of a medal. I ask unanimous consent that the bill may be passed over without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

#### OVERLAND COMMUNICATIONS ON THE SEWARD PENINSULA, ALASKA

The next business on the Consent Calendar was the resolution (H. J. Res. 73) authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent that House Joint Resolution 73 be passed over without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

#### ARMY FIELD CLERKS

The next business on the Consent Calendar was the bill (H. R. 9512) to provide for appointing Army field clerks and field clerks, Quartermaster Corps, warrant officers, United States Army.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent that Senate bill 3283 be substituted for the House bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the Senate bill 3283 be substituted for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc., That hereafter Army field clerks and field clerks, Quartermaster Corps, now in active service, shall have the rank, pay, allowances, retirement privileges, and benefits of warrant officers, other than those of the Army Mine Planter Service, and the Secretary of War is hereby authorized and directed to appoint them warrant officers of the Regular Army: Provided, That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count the same military service as now authorized for warrant officers, including service as Army field clerks and field clerks, Quartermaster Corps, and all classified field service rendered as headquarters clerks and clerks of the Quartermaster Corps: Provided further, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.*

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill, 9512, was laid on the table.

#### ALASKA RAILROAD

The next business on the Consent Calendar was House Joint Resolution 96, to authorize the President to pay to surgeons employed on the Alaska Railroad such sums as may be due them under agreement with the Alaskan Engineering Commission or the Alaska Railroad.

The Clerk read the title of the resolution.

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent that this resolution may be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from Alaska asks unanimous consent that House Joint Resolution No. 96 be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

#### REVENUE ACT OF 1926

The next business on the Consent Calendar was the bill (H. R. 10501) to repeal section 806 of the revenue act of 1926.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, I reserve the right to object. What is the necessity for this bill?

Mr. HAWLEY. The necessity of distributing stamps among the post offices in the country has been done away with by the repeal of the various excise taxes, and all that are sold now are sold in the large centers.

Mr. BLANTON. This is a unanimous report from the gentleman's committee?

Mr. HAWLEY. So far as I know, it was a unanimous report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 806 of the revenue act of 1926 be, and is hereby, repealed.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### ARMY SUPPLY BASE, SOUTH BROOKLYN, N. Y.

The next business on the Consent Calendar was the bill (S. 1486) to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have an amendment that would require the discontinuance of an action that is now pending in the courts by this company against the United States; and in order to make it clear that that is the intent of Congress, I want to insert an amendment on page 2, line 8. If that amendment is accepted, I shall not object.

The SPEAKER. This bill requires three objections. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and hereby is, authorized, in his discretion, to enter into and execute, upon such terms and conditions as he considers advisable, a lease or leases, joint or several, to the Bush Terminal Railroad Co. and the Long Island Railroad authorizing, for the interchange of freight between said railroads during the term thereof, such use of the tracks of any Government railroad as may be maintained within the limits of the Army supply base at South Brooklyn, N. Y., as will not interfere with the proper and necessary use of said tracks by the Government in the transaction and operation of its own business at said Army supply base: *Provided*, That any such lease to the Bush Terminal Railroad Co. shall become effective only upon waiver and surrender by the Bush Terminal Railroad Co. of any and all claims against the United States in any manner accruing from, connected with, or growing out of the use, occupation, or curtailment by the United States of the franchise rights of said railroad company and of any and all claims of any character whatsoever against the United States, except for any balance which may be due such railroad company for the physical value of track and overhead appropriated and retained by the United States. The term of any such lease shall be for such period as the

Secretary of War shall determine, not in excess of the unexpired portion of any franchise so appropriated or any renewal thereof.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 8, after the word "States," insert: "And the discontinuance, without cost, of any action now pending by the said company against the United States."

The amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### EQUALIZATION OF PAY OF RETIRED OFFICERS

The next business on the Consent Calendar was the bill (H. R. 5840) to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

The Clerk read the title of the bill.

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

Mr. BLACK of Texas. Mr. Speaker, I object.

The SPEAKER. This bill requires three objections.

Mr. HILL of Alabama and Mr. MILLIGAN also objected.

#### ONE HUNDRED AND FIFTIETH ANNIVERSARIES OF THE INDEPENDENCE OF VERMONT AND THE BATTLE OF BENNINGTON

The next business on the Consent Calendar was House Joint Resolution No. 176, establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. WELSH. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this resolution be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

#### FISHERIES OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 9210) to amend section 1 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes."

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 1 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes," is amended so that it will read as follows:

"**SECTION 1.** That for the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska the Secretary of Commerce from time to time may set apart and reserve fishing areas in any of the waters of Alaska over which the United States has jurisdiction, and within such areas may establish closed seasons during which fishing may be limited or prohibited as he may prescribe. Under this authority to limit fishing in any area so set apart and reserved the Secretary may (a) fix the size and character of nets, boats, traps, or other gear and appliances to be used therein; (b) limit the catch of fish to be taken from any area; (c) make such regulations as to time, means, methods, and extent of fishing as he may deem advisable. From and after the creation of any such fishing area and during the time fishing is prohibited therein it shall be unlawful to fish therein or to operate therein any boat, seine, trap, or other gear or apparatus for the purpose of taking fish; and from and after the creation of any such fishing area in which limited fishing is permitted such fishing shall be carried on only during the time, in the manner, to the extent, and in conformity with such rules and regulations as the Secretary prescribes under the authority herein given: *Provided*, That every such regulation made by the Secretary of Commerce shall be of general application within the particular area to which it applies, and that no exclusive or several right of fishery shall be granted therein, nor shall any citizen of the United States be denied the right to take, prepare, cure, or preserve fish or shellfish in any area of the waters of Alaska where fishing is permitted by the Secretary of Commerce. The right herein given to establish fishing

areas and to permit limited fishing therein shall not apply to any creek, stream, river, or other bodies of water in which fishing is prohibited by specific provisions of this act, but the Secretary of Commerce, through the creation of such areas and the establishment of closed seasons, may further extend the restrictions and limitations imposed upon fishing by specific provisions of this or any other act of Congress: *Provided further*, That the Secretary of Commerce is hereby authorized to permit the taking of fish or shellfish, for bait purposes only, at any or all seasons in any or all Alaskan Territorial waters.

"It shall be unlawful to import or bring into the Territory of Alaska, for purposes other than personal use and not for sale or barter, salmon from waters outside the jurisdiction of the United States taken during any closed period provided for by this act or regulations made thereunder."

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### DAM ACROSS THE POTEAU RIVER.

The next business on the Consent Calendar was the bill (H. R. 4080) granting the consent of Congress to the city of Fort Smith, Sebastian County, Ark., and the Fort Smith waterworks district of said city to construct, maintain, and operate a dam across the Poteau River.

The Clerk read the title of the bill.

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

Mr. CARTER of Oklahoma, Mr. CRAMTON, and Mr. McCLINTIC objected.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 120. An act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia;

H. R. 5858. An act for the relief of Charles Ritzel;

H. R. 6874. An act for the relief of James Madison Brown; and

H. R. 8192. An act authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers for performance of authorized service on power-boat and star routes in Alaska.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable, in whole or in part, against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and ordered that Mr. PHIPPS, Mr. JONES of Washington, Mr. CAPPER, Mr. GLASS, and Mr. KENDRICK be appointed as the conferees on the part of the Senate.

#### JUPITER, FLA.

The next business on the Consent Calendar was the bill (H. R. 8903) to donate to the town, municipality, or city of Jupiter, Fla., for park purposes, the abandoned tract or tracts of land formerly used as a life-saving station.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, reserving the right to object, will the gentleman from Florida [Mr. SEARS] accept an amendment to sell this land en bloc instead of going into the retail real-estate business? If the gentleman will, I shall be glad to withdraw my objection.

Mr. SEARS of Florida. My friend, the gentleman from Ohio, knows the esteem in which I hold him, and will the gentleman permit an amendment to that providing that 5 acres be reserved for park purposes?

Mr. CRAMTON. Mr. Speaker, I want to join in the appeal of the gentleman from Florida. I think there ought to be some place down there where somebody can sit down for half an hour without paying rent.

Mr. LAGUARDIA. Or take a swim.

Mr. CRAMTON. I hope the gentleman from Ohio will accept the amendment from the gentleman from Florida.

Mr. BEGG. Let me hear the amendment of the gentleman.

Mr. SEARS of Florida. Provided that not less than 5 acres be reserved for park purposes.

Mr. BEGG. Five acres of ocean front?

Mr. SEARS of Florida. Yes.

Mr. BEGG. I do not object to that, although I do not accept it with any enthusiasm.

Mr. SEARS of Florida. I will say to my good friend from Ohio, in order that my record may be kept clear, that I have opposed the block sale in Florida for this reason: If you sell it in block only one man can bid on it. Therefore, you are not going to get as much for it as you would if you sold it in lots. In the sale of Chapman Field I protested, and the War Department has that protest on file. The Government will perhaps have to come here, and I will have to ask my good friend and colleague from Illinois [Mr. MADDEN] to make an appropriation of nearly as much as they got for the 600 acres for the purchase of 100 acres for a landing field. I did that in good faith because, as I have said, I want everybody to have a chance to bid on these lots. It is to be a public sale, and you can not buy for less than the appraised value. My friends, the gentleman from New York [Mr. LAGUARDIA] and the gentleman from Oregon [Mr. SINNOTT] and other members of the committee know this is not the bill I drew up; but I accept this bill because it is the best I can get, and I will accept the amendment of the gentleman from Ohio with my amendment because I realize the situation.

Mr. BEGG. I will say, and I think this ought to be said, inasmuch as the gentleman has made his statement, my reason for objecting to the Government going into the retail real-estate business is this: I think the net return to the Government from a block sale will be greater than if we go into the retail business. If we have 5 or 10 lots left or if anybody defaults on any of them, we have got to go through a suit of foreclosure and collection, and the amount of money spent by the Interior Department agents in running back and forth down there will eat up half the gross proceeds. I think if we want to sell it, we should sell it in block and get rid of it, and I will not object to the gentleman's amendment with respect to 5 acres, although I do not think that is necessary.

Mr. SINNOTT. Does the gentleman think that his amendment is a wise one?

Mr. BEGG. Yes; or I would not offer it.

Mr. SINNOTT. This property is worth \$10,000 an acre, and there are 80 acres of it. Only some one possessing \$700,000 or \$1,000,000 ready to invest it in this kind of property can buy it. It is only some real-estate speculator who would enter into a proposition of that kind who will buy it.

Mr. BEGG. Will the gentleman yield right there?

Mr. SINNOTT. In just a moment. Let the department divide the property up as the department contemplates doing and then you will have a number of bidders and will not practically turn it over to some wealthy individual who is the only person who can buy under your proposition. This matter has had very careful consideration by the Secretary of the Interior and also by the Public Lands Committee of the House.

Mr. BEGG. Will the gentleman yield now?

Mr. SINNOTT. Yes.

Mr. BEGG. In this property that the War Department was permitted to sell a few weeks ago, are they going to divide that up into small farms or lots or sell it en gros?

Mr. SINNOTT. I do not know what they are going to do, and I know nothing about that property; but I do know something about this situation.

Mr. BEGG. It seems to me it is entirely a wrong theory of governmental activity to put the Government into the allotment business in selling lots.

Mr. SINNOTT. They have frequently done that for years and years and have handled it successfully.

Mr. BEGG. And just a few weeks ago we had a bill up here to correct and clean up a sale of that kind in Alaska.

Mr. SINNOTT. And we have had hundreds of bills to clean up general-block sales?

Mr. CRAMTON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. CRAMTON. When the Interior Department sells land there is no large charge against it for expenses. The expense of the sale is a very small percentage, according to their way of doing business, because they do not go outside and get expensive auctioneers, and so forth.

Mr. BEGG. Will the gentleman yield for a question on that point?

Mr. CRAMTON. Yes.

Mr. BEGG. How are they going to sell this land in lots unless they have it surveyed and run off and everything of that kind?

Mr. SEARS of Florida. That does not cost much.

Mr. CRAMTON. We have our surveying service. I think there is a great deal of merit in what the gentleman from Oregon has said. The gentleman is very familiar with the

handling of public lands. In an \$800,000 proposition you limit the opportunity for the Government to get its fair value.

Mr. SEARS of Florida. If the gentleman will yield, it simply means one man can bid on this land, but the other way gives everybody a chance.

Mr. LAGUARDIA. What will happen is that some New York corporation or some other group of men will go down there, bid on it in block, and then they will cut it up into lots and sell it and make an enormous profit.

Mr. SEARS of Florida. To be frank with my friend, I know that is the case right now. There is one party prepared to bid on this land.

Mr. BEGG. My answer to that is if the Government sells it in one lump, I do not care whether there is 1 bidder or 10 bidders, the Government will have its money. If the Government goes into the allotment business, they probably will not get the money.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. WOODRUFF. Judging from what has been said about this particular land, it seems to me if your plan is followed we are simply turning this land over to a certain individual down there at his own price.

Mr. BEGG. Oh, no.

Mr. WOODRUFF. If there is to be only one bidder, what other answer can there be?

Mr. BEGG. This is to be a sale at public auction.

Mr. WOODRUFF. If there is only one man who can handle it, it will go at his own price.

Mr. BEGG. I think there will be more than one bidder.

Mr. WOODRUFF. If the gentleman from Ohio insists on his amendment, I shall object to the bill.

Mr. SINNOTT. I fear that the proposition of the gentleman from Ohio will just invite some wealthy syndicate or some syndicate to get together and handle that property.

Mr. BEGG. Well, let the matter go over until we can talk it over. I am thoroughly committed, I will say to the gentleman from Florida. Men came to me from this small town to get me to withdraw my objection. Before I was through they said that I was right and thanked me and did not want it allotted. Here is what will happen: Suppose the Government fails to sell five lots, or two lots, before they can improve a street they have to come and get permission of Congress—

Mr. MADDEN. Mr. Speaker, I call for the regular order.

Mr. BEGG. I shall object unless my amendment is adopted.

Mr. WOODRUFF. And I shall object to the bill if the amendment is agreed to.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

Mr. BEGG. This bill has been objected to three times, and that takes the bill off the calendar.

The SPEAKER pro tempore. Objection is heard, and the clerk will report the next bill.

#### TO VALIDATE CERTAIN DECLARATIONS OF INTENTION

The next business on the Consent Calendar was the bill (H. R. 3859) to validate certain declarations of intentions.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That so much of the seventh subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, as reads as follows: "Provided, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of 30 days preceding the day of holding of any election within the jurisdiction of the court," is repealed.

SEC. 2. No declaration of intention heretofore filed in disregard of so much of such act of 1906 as is above repealed shall be held invalid for such cause.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### ALLOTTING WAR TROPHIES TO THE AMERICAN LEGION MUSEUM

The next business on the Consent Calendar was the joint resolution (H. J. Res. 114) directing the Secretary of War to allot war trophies to the American Legion Museum.

The SPEAKER pro tempore. Is there objection?

Mr. WAINWRIGHT. Mr. Speaker, reserving the right to object, I have just been informed that the Senate has passed this identical resolution. I ask unanimous consent that the Senate resolution may be substituted for the House resolution.

The SPEAKER pro tempore. Is there objection?

The Clerk read the Senate Joint Resolution 91, as follows:

*Resolved, etc.*, That the Secretary of War be directed to allot and deliver without cost to the United States, to the National Museum of the American Legion at its national headquarters, a representative collection of captured and surrendered war devices and trophies of the World War, to be selected from those war devices and trophies not otherwise allotted and accepted for distribution in accordance with law: *Provided*, That acceptance, shipment, and delivery shall be made within a reasonable time and under the laws and regulations, except as herein provided, that are now applicable to acceptance, shipment, and delivery of war devices and trophies to the States, Territories, possessions of the United States, and the District of Columbia.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

House Joint Resolution 114 was laid on the table.

#### DISTRIBUTION OF THE SUPREME COURT REPORTS

The next business on the Consent Calendar was the bill (H. R. 10701) to provide for the distribution of the Supreme Court reports and amending section 227 of the Judicial Code.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. I object.

Mr. GRAHAM. What is the gentleman's objection?

Mr. MADDEN. There are not sufficient now to give all the district attorneys a copy of these reports, and until a sufficient number is provided I think we ought to confine the Army to a study of military tactics.

Mr. GRAHAM. It makes a difference of only 12 reports. This is to furnish the court-martials approved by the Attorney General and the Secretary of War and is approved by the Bureau of the Budget.

#### PURCHASE OF QUARANTINE STATIONS, TEX.

The next business on the Consent Calendar was the bill (H. R. 10782) relating to the purchase of quarantine stations from the State of Texas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BOX. Mr. Speaker, I ask unanimous consent to substitute for this bill a similar Senate bill (S. 3287) now on the Speaker's table.

Mr. BEGG. Mr. Speaker, is it the same bill?

Mr. BOX. It is identical.

The SPEAKER pro tempore. Is there objection to the substitution of the similar Senate bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the authority contained in the sundry civil act approved June 5, 1920 (41 Stats. p. 875), may be construed to permit of the purchase of the lands, and/or buildings, and/or equipment, or portions thereof, of the quarantine stations of the State of Texas to which good and sufficient title can be conveyed by the State of Texas to the United States without regard to the quarantine system or stations as a whole, appropriate deduction to be made from the appropriation therefor on account of such property to which good title can not be given by the State of Texas, using as a basis therefor the joint-appraisal report of representatives of the United States Government and the State of Texas, dated August 16, 1919.

SEC. 2. No buildings shall be purchasable under the authority of this act unless title can be given by the State of Texas to land on which situated, except in the case of those buildings of the quarantine station at Galveston, Tex., now situated on land owned by the United States Government, payment for which buildings is hereby authorized if good and sufficient title in the State of Texas can otherwise be shown to said buildings.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The similar House bill (H. R. 10782) was ordered to lie on the table.

**INSURANCE COMPANIES TO FILE BILLS OF INTERPLEADER**

The next business on the Consent Calendar was the bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this is the usual interpleader where there are two claimants to the same insurance?

Mr. GRAHAM. Yes.

Mr. LAGUARDIA. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the district courts of the United States shall have original jurisdiction to entertain and determine suits in equity begun by bills of interpleader duly verified, filed by any insurance company or association or fraternal or beneficial society, and averring that one or more persons who are bona fide claimants against such company, association, or society resides or reside within the territorial jurisdiction of said court; that such company, association, or society has issued a policy of insurance or certificate of membership providing for the payment of \$500 or more as insurance, indemnity, or benefits to a beneficiary, beneficiaries, or the heirs, next to kin, legal representatives, or assignee of the person insured or member; that two or more adverse claimants, citizens of different States, are claiming to be entitled to such insurance, indemnity, or benefits; that such company, association, or society has paid the amount thereof into the registry of the court, there to abide the judgment of the court.

SEC. 2. In all such cases if the policy or certificate is drawn payable to the estate of the insured and has not been assigned in accordance with the terms of the policy or certificate the district court of the district of the residence of the personal representative of the insured shall have jurisdiction of such suit. In case the policy or certificate has been assigned during the life of the insured in accordance with the terms of the policy or certificate, the district court of the district of the residence of the assignee or of his personal representative shall have jurisdiction. In case the policy or certificate is drawn payable to a beneficiary or beneficiaries and there has been no such assignment as aforesaid the jurisdiction shall be in the district court of the district in which the beneficiary or beneficiaries or their personal representatives reside. In case there are beneficiaries resident in more districts than one, then jurisdiction shall be in the district court in any district in which a beneficiary or the personal representative of a deceased beneficiary resides. Notwithstanding any provision of the Judicial Code to the contrary, said court shall have power to issue its process for all such claimants and to issue an order of injunction against each of them, enjoining them from instituting or prosecuting any suit or proceeding in any State court or in any other Federal court on such policy or certificate of membership until the further order of the court; which process and order of injunction shall be returnable at such time as the said court or a judge thereof shall determine and shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found.

SEC. 3. Said court shall hear and determine the cause and shall discharge the complainant from further liability; and shall make the injunction permanent and enter all such other orders and decrees as may be suitable and proper, and issue all such customary writs as may be necessary or convenient to carry out and enforce the same.

SEC. 4. Public Act No. 346, Sixty-fourth Congress, entitled "An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917, and Public Act No. 463, Sixty-eighth Congress, entitled "An act to amend an act entitled 'An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader,'" approved February 22, 1917, approved February 25, 1925, be and the same are hereby repealed. Said repeal shall not affect any act done or any right, accruing or accrued in any suit or proceeding had or commenced under said acts hereby repealed, prior to the passage of this act, but all such acts or rights, suits or proceedings shall continue and be valid and may be prosecuted and enforced in the same manner as if said acts had not been repealed hereby.

Mr. GRAHAM severally offered the following amendments, and they were severally agreed to:

Page 1, line 5, after the word "any," insert "casualty company, surety company."

Page 1, line 10, after the word "society," insert "has in its custody or possession money or property of the value of \$500 or more, or."

Page 1, line 11, after the word "issued," insert a bond or."

Page 1, line 12, after the word "more," insert "to the obligee or obligees in such bond or."

Page 2, line 5, after the word "to," insert "such money or property or the penalty of such bond, or to."

Page 2, line 6, after the word "has," insert "deposited such money or property or has."

Page 2, line 6, after the word "amount," insert the word "thereof."

Page 2, line 23, after the word "are," insert "claimants of such money or property, or in case there are."

Page 2, line 24, after the word "beneficiaries," insert "under any such bond or policy."

Page 3, line 1, after the word "or," insert "a claimant or."

Page 3, line 1, after the word "deceased," insert "claimant or."

Page 3, line 7, after the words "Federal Court," insert "on account of such money or property or on such bond or."

The bill as amended was ordered to be read a third time, was read a third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

**AUTHORIZING INSURANCE COMPANIES TO FILE BILLS OF INTERPLEADER**

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, the bill S. 2296 authorizes insurance companies or associations or fraternal or beneficial societies to file bills of interpleader. The House Judiciary Committee has favorably reported this bill as follows:

(Report to accompany S. 2296)

The Committee on the Judiciary, to whom was referred the bill S. 2296, after consideration, report the same favorably and recommend that the bill do pass.

The only change made in the present law by this bill is found in the last sentence of section 2 of the bill as follows:

"Notwithstanding any provision of the Judicial Code to the contrary, said court shall have power to issue its process for all such claimants and to issue an order of injunction against each of them, enjoining them from instituting or prosecuting any suit or proceeding in any State court or in any other Federal court on such policy or certificate of membership until the further order of the court, which process and order of injunction shall be returnable at such time as the said court or a judge thereof shall determine and shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found."

The amendment is necessary in order to make more adequate the power of the court in the handling and disposition of bills of interpleader in suits authorized by the act of February 25, 1925, which is reenacted by this bill.

Baltimore is the home city of the surety companies. The Fidelity & Deposit Co., the United States Fidelity & Guaranty Co., the Maryland Casualty Co., and various other great companies are deeply interested in the pending legislation. As the bill passed the Senate and has been reported to the House it did not contain certain amendments which should be included in order to take care of the surety companies. Senator BRUCE has gone over this whole matter with Senator PEPPER, who introduced S. 2296, and Senator PEPPER has no objection to casualty and surety companies being included. The gentleman from Pennsylvania [Mr. GRAHAM] has agreed to the desired amendments to the present bill, which are as follows:

**AMENDMENTS TO SENATE BILL 2296**

A bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader

Amend page 1, line 5, by inserting at the end thereof, after the word "any," the words "casualty company, surety company."

Amend page 1, line 10, by inserting at the end thereof, after the word "society," the words "has in its custody or possession money or property of the value of \$500 or more, or."

Amend page 1, line 11, by inserting after the word "issued" the words "a bond or."

Amend page 1, line 12, by inserting after the word "more" the words "to the obligee or obligees in such bond or."

Amend page 2, line 5, by inserting after the word "to" the words "such money or property or the penalty of such bond, or to."

Amend page 2, line 6, by inserting after the word "has" the words "deposited such money or property or has."

Amend page 2, line 6, by striking out the word "thereof" and inserting the words "of such bond or policy."

Amend page 2, line 23, by inserting at the end thereof, after the word "are," the words "claimants of such money or property or in case there are."

Amend page 2, line 24, by inserting after the word "beneficiaries" the words "under any such bond or polcy."

Amend page 3, line 1, by inserting at the beginning, before the word "a," the words "a claimant or."

Amend page 3, line 1, by inserting at the end of the line, after the word "deceased," the words "claimant or."

Amend page 3, line 7, by inserting after the words "Federal court" the words "on account of such money or property or on such bond or."

In reference to this bill, I am advised by the Fidelity & Deposit Co. as follows:

The statute which is sought to be amended was passed some eight or nine years ago after an insurance company had been put in the unfortunate position of having a suit instituted against it in one State by one set of alleged heirs of a man and a similar suit in another State by another set, the result being that they were held liable in both suits, and therefore paid the amount of the policy twice. Senator PEPPER's amendment is, as I understand it, only intended to straighten out some of the procedure in order to accomplish the result originally intended. Our amendment is intended to bring casualty and surety companies within the provisions of the statute, so as to give us similar protection. While casualty and surety companies are for many purposes treated by the Government as insurance companies, the original wording of the bill and Senator PEPPER's amendment is not broad enough to bring casualty and surety companies within its provisions, as the language used contemplates an insurance policy only. The necessity for such protection to surety and casualty companies is illustrated by a recent experience we had. Under a bond given to protect all the shippers of grain to a certain elevator in Minnesota our principal defaulted, and we were ready and willing to pay the penalty of our bond, but there was no one to whom we could pay, as the claims exceeded the amount of the bond, and some of the shippers lived in Minnesota, some in Iowa, and some in the Dakotas. The result was that we had not only to pay the penalty of our bond but over \$6,000 interest and several thousand dollars in attorney's fees and expenses, all of which would have been obviated if we could have filed a bill of interpleader and paid the money into court. While, unfortunately, such cases are not frequent occurrences, they are becoming more frequent as time goes by, and, as you well know, business does not regard State lines, which do, however, fix the limits of the jurisdiction of the courts.

The pending bill is an important one, and the amendments materially extend the usefulness of the legislation here enacted.

#### COINAGE OF COPPER 1-CENT PIECES

Mr. THURSTON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 289 (H. R. 8267) to authorize the coinage of copper 1-cent pieces to aid in the preservation of the birthplace of the world's best loved poet, Henry Wadsworth Longfellow.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Is that the Thayer bill?

Mr. THURSTON. Yes; but we have a substitute which we desire to offer.

Mr. BLANTON. But we want to see the substitute first. The gentleman ought to wait until the next day the calendar is called. We do not know what the substitute is. I hope the gentleman will not ask for that now. We are going to have another consent day.

Mr. CRAMTON. It is very short.

Mr. BLANTON. Mr. Speaker, for the present I object.

The SPEAKER pro tempore. Objection is heard.

#### AMENDING THE IMMIGRATION ACT OF 1924

The next business on the Consent Calendar was the bill (H. R. 10661) to amend the immigration act of 1924.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That subdivision (d) of section 4 of the immigration act of 1924 is amended by adding at the end thereof the following: "an immigrant who is the wife, or the unmarried child under 18 years of age, of an alien resident of the United States who entered the United States prior to July 1, 1924, and who continuously for at least two years immediately preceding the time of his admission to the United States for permanent residence was, and who entered the United States solely for the purpose of carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university, if such immigrant is following to join such alien; or"

SEC. 2. Despite the provisions of the immigration act of 1924, the Secretary of Labor is authorized to admit to the United States for permanent residence any otherwise admissible alien who (1) is the wife or the unmarried child under 18 years of age of an alien resident of the United States who entered the United States prior to July 1, 1924, and who continuously for at least two years immediately preceding the

time of his admission to the United States for permanent residence was, and who entered the United States solely for the purpose of carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university, and (2) who arrived at a United States port of entry between May 26, 1924, and July 1, 1924, and were thereafter temporarily admitted.

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

#### DISPOSITION OF MONEYS OF LEGALLY ADJUDGED INSANE OF ALASKA

The next business on the Consent Calendar was the bill (S. 3213) to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is not the five-year period provided for in the bill too short a time to hold this money and convert it into the Treasury?

Mr. DRIVER. Five years after paid in, and five years in which to make payment, and the five-year limit is predicated upon the theory of the investigation that is required by the Interior Department to ascertain the location of the—

Mr. LAGUARDIA. Is the proof required to recover when it is converted into the Treasury any greater than if made in five years when in the custody of the Department of the Interior?

Mr. DRIVER. Not at all.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That hereafter all moneys belonging to persons legally adjudged insane in the Territory of Alaska and deposited by them with the person, firm, corporation, or institution under contract with the Department of the Interior for the care of the Alaskan insane who have died in such institution, or under the care of such person, firm, or corporation, been discharged therefrom, or who have eloped and whose whereabouts is unknown, shall, if unclaimed by said person or their legal heirs within the period of five years from the time of death of the person or the date of the leaving of the institution, or the care of such person, firm, or corporation, be covered into the Treasury by the Secretary of the Interior: *Provided, however*, That the unclaimed moneys belonging to those who have heretofore died or left the institution, or the care of such person, firm, or corporation, prior to the date of this act, shall, at the end of five years from the passage of this act, also be deposited in the Treasury, subject, however, to reclamation by such persons or their legal heirs within five years from the date of this act.

SEC. 2. The Secretary of the Interior is authorized and directed, under such regulations as he may prescribe, to make or cause diligent inquiry to be made, in every instance after the death, discharge, or elopement of any legally adjudged insane person of Alaska, to ascertain his whereabouts, or that of his or her legal heirs, and thereafter turn over to the proper party any moneys in the hands of the institution, person, firm, or corporation, etc., to the credit of such person. Claims may be presented to the Secretary of the Interior hereunder at any time, and when established by competent proof in any case more than five years after the death, discharge, or elopement of such legally adjudged insane person of Alaska, shall be certified to Congress for consideration.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### ROCKY MOUNTAIN NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 9390) to eliminate certain privately owned lands from the Rocky Mountain National Park and to transfer certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That portions of the north and east boundary of the Rocky Mountain National Park are hereby revised as follows:

North boundary, beginning at the northwest corner of the northeast quarter of the northeast quarter of section 33, township 7 north, range 74 west, being a point on the present north boundary line of the Rocky Mountain National Park; thence southerly to the southwest corner of the northeast quarter of the northeast quarter of said section; thence westerly to the southeast corner of the northwest quarter of the northwest quarter of said section; thence northerly to the north-

east corner of the northwest quarter of the northwest quarter of said section, being a point on the present north boundary line of the Rocky Mountain National Park and the end of the above-described change of said boundary; and

East boundary, beginning at the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, being a point on the present east boundary line of Rocky Mountain National Park; thence westerly along the township line to the northwest corner of said section; thence northerly along section line to the southwest corner of the northwest quarter of section 34, township 4 north, range 73 west; thence easterly to the southeast corner of the southwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section; thence westerly to the northwest corner of said section; thence northerly along section lines to the southwest corner of the northwest quarter of the southwest quarter of section 22, said township; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of said section; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the southwest quarter of said section; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of section 15, said township; thence westerly to the northwest corner of the southwest quarter of said section; thence northerly, passing through the northeast corner of the northwest quarter of said section, to the northeast corner of the southeast quarter of section 10, said township; thence westerly to the northwest corner of the southeast quarter of the southwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the southwest quarter of section 9, said township; thence southerly to the northeast corner of the southwest quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of said section; thence northerly along section lines to the northeast corner of the southeast quarter of section 5, said township; thence westerly to the northwest corner of the southeast quarter of the southwest quarter of said section; thence southerly to the southwest corner of the southeast quarter of said section; thence northerly along section lines to the northeast corner of the southeast quarter of section 6, said township; thence easterly along the first correction line north to the southeast corner of the southwest quarter of section 32, township 5 north, range 73 west; thence northerly to the northeast corner of the northwest quarter of said section; thence westerly along section line to the northwest corner of said section; thence northerly along section lines to the southwest corner of the northwest quarter of the southwest quarter of section 20, said township; thence easterly to the northwest corner of the southeast quarter of the southwest quarter of said section; thence southerly, passing through the southwest corner of the southeast quarter of the northeast quarter of section 29, said township; thence easterly to the southeast corner of the northeast quarter of the northwest quarter of said section; thence southerly to the southwest corner of the northwest quarter of section 28, said township; thence easterly to the southeast corner of the southwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the southwest quarter of the northwest quarter of said section; thence westerly along section line to the northeast corner of said section; thence westerly along section line to the southwest corner of the northwest quarter of section 22, said township; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section; thence westerly along section lines to the southeast corner of the southwest quarter of section 16, said township; thence northerly to the northeast corner of the southeast quarter of the southwest quarter of said section; thence westerly along section line to the center line of the north branch of Fall River; thence northwesterly along the center line of the north branch of Fall River to the west line of the east half of the east half of section 17, said township; thence southerly to the northeast corner of the southwest quarter of the southeast quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southeast quarter of said section; thence southerly to the southwest corner of the southeast quarter of said section; thence westerly along section line to the southeast corner of

section 18, said township; thence northerly along section line to the northeast corner of said section; thence easterly along section line to the northwest corner of section 16, said township; thence southerly along section line to the southwest corner of the northwest quarter of said section; thence easterly, passing through the southeast corner of the northeast quarter of said section, to the northwest corner of the northeast quarter of the southwest quarter of section 15, said township; thence southerly to the southwest corner of the northeast quarter of the southwest quarter of section 18, township 5 north, range 72 west; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of said section; thence northerly to the southwest corner of the northeast quarter of the northeast quarter of said section; thence easterly along section lines to the northeast corner of section 7, said township; thence westerly along section line to the southeast corner of the southwest quarter of section 6, said township; thence northerly to the northeast corner of the southeast quarter of the southwest quarter of section 23; the east half of the northeast quarter of section 35; the east half of the southeast quarter and the southeast quarter of the northeast quarter of section 26; section 24; section 25; the east half of section 23: *Provided further*, That those portions of the following-described lands that are hereby excluded from the Rocky Mountain National Park are hereby transferred to and made a part of the Colorado National Forest, subject to all laws and regulations applicable to national forests: The northwest quarter of the northeast quarter and the east half of the northeast quarter of the northwest quarter of section 34, township 5 north, range 73 west; all of that portion of the following-described lands located in township 4 north, range 73 west, lying west of the hydrographic divide that forms the eastern boundary of the watershed of Cow Creek and of Aspen Brook; the east half of the northeast quarter of section 33; the northeast quarter and northeast quarter of the northwest quarter, section 33, township 7 north, range 74 west; section 6, township 5 north, range 72 west; the southeast quarter of the southeast quarter of section 34, township 5 north, range 73 west; sections 3, 10, and 15, township 4 north, range 73 west.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, to permit, by license, lease, or other authorization, the use of necessary land in the Rocky Mountain National Park for the maintenance and operation in its present height and capacity of the Arbuckle No. 2 reservoir.

SEC. 3. That the provisions of the act of January 26, 1915, entitled "An act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes," and act of August 25, 1916, entitled "An act to establish a national-park service, and for other purposes," and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the act of June 10, 1920, entitled "An act to create a Federal power commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

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

#### DISPOSITION OF CERTAIN LANDS IN FLORIDA

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to return to Calendar No. 305 and consider the same.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to return to Calendar No. 305. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the title of the bill:

A bill (H. R. 8903) to donate to the town, municipality, or city of Jupiter, Fla., for park purposes, the abandoned tract or tracts of land formerly used as a life-saving station.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. Without objection, the Clerk will read the amendment and not the matter stricken out.

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That lots 4 and 5, section 5, township 41 south, range 43 east, Florida, containing 8.25 acres, formerly used as a life-saving station but having been abandoned for that purpose, are hereby placed under the control of the Secretary of the Interior for disposition as hereinafter provided.

SEC. 2. That the Secretary of the Interior may cause the said lands to be subdivided into town lots, blocks, streets, and alleys of such dimensions as he may deem advisable, reserving not more than 5 acres for park, school, and other public purposes. Except as to the reservations mentioned he shall cause the said town lots so surveyed and subdivided, and each tract thereof, to be appraised by three competent and disinterested men to be appointed by him. When the appraisement has been approved by him he shall cause the said lots to be sold at public auction to the highest bidder on such terms as he may prescribe, at not less than the appraised value thereof, first having given not less than 60 days' public notice of the time, place, and terms of sale immediately prior to such sale by publication in at least one newspaper having a general circulation in the section of the country in which the lands are situated and in such other newspapers as he may deem advisable; that any lots remaining unsold may be reoffered for sale at any subsequent time in the same manner at the discretion of the Secretary of the Interior; and if not sold at such second offering for want of bidders then the Secretary of the Interior shall sell the same at private sale for cash at not less than the appraised value.

SEC. 3. That when a town is organized as a municipality embracing the lands in question the Secretary of the Interior is authorized to issue patent to the said municipality for all reservations, for parks, schools, and other public purposes, to be maintained for such purposes only.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment to the amendment. Page 2, line 25, after the word "acres" insert "on the ocean front." That is to give to the town of Jupiter this park on the ocean front.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 25, after the word "acres" insert "on the ocean front."

Mr. BEGG. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. That is an amendment in the third degree, but without objection the gentleman from Ohio is recognized.

There was no objection.

Mr. BEGG. Mr. Speaker, I merely want to make a statement that I was persuaded to withdraw my objection to this bill after considerable argument on the statement by the gentleman from Florida that it might be interpreted in his country as a reflection on him if he was unable to get this bill passed. I do not care to do that against anybody. I do not think it is a good policy for the Government to go into the real estate business in a retail way. Not having changed my views a bit, but in order to prevent doing an unfairness to a colleague, I agreed to withdraw my objection, and I wanted that in the RECORD. I think again that this is the poorest kind of governmental business, and to embark upon it is a mistake.

Mr. HILL of Maryland. Mr. Speaker, I was one of the objectors and I withdrew my objection because of the amendment offered by the gentleman from New York placing in the bill the words "on the ocean front."

Mr. SEARS of Florida. Mr. Speaker, I want to thank my friend and colleague from Ohio. This is not the bill that I wanted, as the members of the committee will state, but it is the best that I can get.

Mr. MADDEN. I will say I am going to object if anybody is going to make any more speeches.

The SPEAKER pro tempore. The question is on the amendment to the amendment offered by the gentleman from New York.

The question was taken, and the amendment to the amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out section 3, because the town of Jupiter has been incorporated. I think it is surplus at this time. I move to strike out section 3.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, beginning in line 18, strike out all of section 3.

The question was taken, and the amendment was agreed to.

Mr. SEARS of Florida. I ask that the title be amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### ADDITIONAL BUILDINGS AT CERTAIN NAVAL HOSPITALS

The next business on the Consent Calendar was the bill (H. R. 10732) to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas objects.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. BLANTON. Yes.

Mr. BUTLER rose.

Mr. BLANTON. Is the gentleman from Pennsylvania satisfied with his blanket bill, passed the other day?

Mr. BUTLER. Not altogether, but it is the best that can be done.

Mr. BLANTON. Mr. Speaker, the gentleman from Pennsylvania wants to be heard on this, I will reserve my objection.

Mr. WOODRUFF. Mr. Speaker, the bill (H. R. 10732) provides an authorization for funds for the construction of certain facilities at different naval hospitals in the United States and Territories.

Mr. BLANTON. Mr. Speaker, being overwhelmed here, I will withdraw my reservation.

Mr. WOODRUFF. I thank the very generous gentleman from Texas and will discontinue my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is hereby authorized to construct necessary additional buildings at the naval hospitals at Pearl Harbor, Hawaii, laboratory and mortuary building, \$35,000; Great Lakes, Ill., boiler plant and connecting line, \$200,000; Puget Sound, Wash., extension to mess hall and galley, \$32,000; Guam, mess hall and galley, \$18,000; San Diego, Calif., officers' ward building, 50 beds, \$150,000; which expenditure for the purposes aforesaid shall be made from the naval hospital fund.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### SEQUICENTENNIAL OF AMERICAN INDEPENDENCE AND THE THOMAS JEFFERSON CENTENNIAL COMMISSION OF THE UNITED STATES

The next business on the Consent Calendar was the resolution (S. J. Res. 30) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to get some information. I notice that the resolution says no appropriation shall be made by Congress to carry out its purposes. Have they devised some way of carrying on the celebration? When they have devised the plan, will that plan provide an appropriation of several million dollars?

Mr. BACON. If the consent of Congress is required in that plan, Congress will be appealed to.

Mr. CRAMTON. I understood it would be worked out without an appropriation by Congress.

Mr. BACON. That is my understanding.

Mr. CRAMTON. If it were the idea that it was going to lead to a plan costing several million dollars, it would be a good plan to stop it now; but with the statement of the gentleman from New York, I shall have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution, omitting the matter stricken out.

The Clerk read as follows:

*Resolved, etc.*, That there is hereby established a commission, to be known as the Sesqui-Centennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document (hereinafter referred to as the commission), and to be composed of 19 commissioners, as follows:

The President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, ex officio; eight persons to be appointed by the President of the United States; four Senators by the Vice President; and four Representatives by the Speaker of the House of Representatives.

SEC. 2. The commissioners shall serve without compensation, and shall select a chairman from among their number, and no appropriation shall be made by Congress to carry out the purposes of this act.

SEC. 3. It shall be the duty of the commissioners to promulgate to the American people an address relating to the reason of the creation of the commission and of its purposes and to prepare a plan or plans for a program in cooperation with the officers and board of governors of the Thomas Jefferson Memorial Foundation, and the other National, State, city, civic, and patriotic committees, and other Jefferson centennial committees appointed throughout the country for the purpose of properly commemorating those signal events which have brought this commission into being; and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of the various plans which may be submitted to the commission; and if the participation of other nations be deemed advisable, to communicate with the governments of such nations.

SEC. 4. When the commission shall have approved of a plan of celebration, then it shall submit for their consideration and approval such plan or plans, in so far as it or they may relate to the fine arts, to the Commission of Fine Arts, in Washington, for their approval, and in accordance with statutory requirements.

SEC. 5. That the commission hereby created shall expire within two years after the expiration of the celebration, December 31, 1926.

SEC. 6. This joint resolution shall take effect immediately.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title will be amended so as to read: "Authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence."

There was no objection.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### USE OF PUBLIC LANDS FOR RECREATIONAL PURPOSES

The next business on the Consent Calendar was the bill (H. R. 10773) to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOODRUFF. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Oregon [Mr. SINNOTT], if he is present, a question about this bill.

Mr. CRAMTON. The gentleman from Oregon has been called out to attend an important conference of Members from the West interested in reclamation matters, and he asked me, so far as I was able, to answer any questions. I do not know whether I can answer the gentleman's question, but I shall be glad to if I can.

Mr. WOODRUFF. To what extent are the national forests to be used for recreational purposes?

Mr. CRAMTON. They can not be so used at all under this act, because this act has only to do with public lands under the Interior Department.

Mr. BLANTON. Is the gentleman from Michigan in favor of this bill?

Mr. CRAMTON. Very much so.

Mr. BLANTON. Since when?

Mr. CRAMTON. Since I learned there was such a bill, I have been in favor of the purposes of such a bill for a long time. It grew out of the recreational conference organized by the President, representing the different departments. They had a rather impressive program, but this is a small part of it.

Mr. BLANTON. It does not call for an enlarged program?

Mr. CRAMTON. No. It authorizes certain exchanges.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to withhold from all forms of appropriation unreserved nonmineral public lands, which have been classified by him as chiefly valuable for recreational purposes and are not desired for Federal administration, and to accept title on behalf of the United States from any States in and to lands granted by Congress to such State, and in exchange therefor to patent to such State an equal quantity or value of surveyed land so withheld and classified, any patent so issued to contain a reservation to the United States of all mineral deposits in the land conveyed and of the right to mine and remove same, under regulations to be established by the Secretary, and a provision for reversion of title to the United States upon a finding by the Secretary of the Interior that for a period of five consecutive years such land has not been used by the State for park or recreational purposes, or that such land or any part thereof is being devoted to other use: *Provided*, That lands so withheld and classified may, in the discretion of the Secretary of the Interior, be also held subject to purchase and may be purchased by the State or county in which the lands are situated, or by an adjacent municipality in the same State, at a price to be fixed by the Secretary of the Interior, through appraisal or otherwise, subject to the same reservation of mineral deposits and the same provision for reversion of title as are prescribed for conveyances to the States in consummation of exchanges hereby authorized, or be held subject to lease and may be leased to such States, counties, or municipalities for recreational use at a reasonable annual rental for a period of 20 years, with privilege of renewal for a like period. And the Secretary of the Interior is hereby authorized to make all necessary rules and regulations for the purpose of carrying the provisions of this act into effect.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### M'LENNAN COUNTY, TEX.

The next business on the Consent Calendar was the bill (H. R. 9212) authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of \$20,020.60 compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county, by the Government of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas a question. Is the gentleman from Texas willing to say to this House that when they sought to locate this camp and aviation field at Waco they did not at least imply that they were doing this for the Government without cost?

Mr. CONNALLY of Texas. Well, I will ask the gentleman what he means by "doing that without cost"?

Mr. BEGG. Locating this aviation field there.

Mr. CONNALLY of Texas. I will explain the situation.

Mr. BEGG. If there was an understanding, implied or expressed, that the Government was to pay for the damage they did then I think we owe this debt, but if, on the other hand, the city of Waco—and among all cities within any reasonable radius of these camps there was a rivalry to get them located there—implied that if the Government would locate there they would furnish this land, I do not think they have a leg to stand on, so to speak, in asking compensation for damages. If the gentleman from Texas will state, on his word, that there was no such implication from the city of Waco, I shall not object.

Mr. CONNALLY of Texas. I will say to the gentleman that the gentleman from Texas is not going to state on his word anything he does not know. The gentleman from Texas was not there and he does not personally know about what the gentleman is asking, but the gentleman from Texas can briefly explain the circumstances surrounding this matter as they appear to be.

Mr. BEGG. That is not an answer so far as the gentleman from Ohio is concerned, because I think I know all of the facts.

Mr. CONNALLY of Texas. All of the land within this field except the public roads was leased by the Government and it paid rent for it. There was no gratis matter about that at all. There was a public highway that went through the field—

Mr. BEGG. May I interrupt the gentleman right there to ask him a question?

Mr. CONNALLY of Texas. Yes.

Mr. BEGG. Did the Government just go in and practically coerce the holders of this land to lease it or did the city of Waco tender the Government this land with a road on it?

Mr. CONNALLY of Texas. No; I will say to the gentleman that neither one of his assumptions is correct.

Mr. BEGG. I would like to have the gentleman explain the circumstances.

Mr. CONNALLY of Texas. The War Department, early in the war, decided that these aviation camps—and for that matter all training camps—should be located somewhere in the country where the weather would give the opportunity of all-year flying, so the result was that most of them were located in the South.

Of course, Waco wanted these camps, like every other city wanted them, but as a matter of fact that chamber of commerce at Waco went out and leased from the owners the lands which the Government thought were desirable for aviation purposes; then the chamber of commerce in turn leased those lands to the Government and the Government paid rent each year on every acre that was in the field. Within this aviation field there were several tracts. Here was one tract, there was another tract, and over there was another tract, and they leased all of those tracts. This improved highway passed through what was afterwards the field. Now, the chamber of commerce at Waco agreed with the Government that it would have those roads closed and the county voluntarily closed them to travel. The county received no compensation or rent. It closed the roads to accommodate the Government. After they were closed to travel the Government came along and plowed up part of the road, dynamited a concrete bridge on the road, filled up the ditches and leveled them. Now, the contract between the chamber of commerce, who had leased the lands from the private owners, and the Government contained provisions about damage to lands and fixed the rights of the parties. But the county had no contract and received no rent.

Mr. BEGG. That is just exactly the information I wanted.

Mr. CONNALLY of Texas. But the county was not a party to that contract.

Mr. BEGG. That does not make any difference.

Mr. CONNALLY of Texas. And consequently the owners, who had their contract with the Government, could present their claims to the War Department, but the county, having no contract, must come to Congress.

Mr. BEGG. As far as I am concerned, the gentleman has satisfied me. When he states there was a contract, either express or implied, that they would compensate for damages, the gentleman has given me the information I desired.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, has the amount of \$9,403.42 been computed or is that the maximum, as the bill now stands, which could be appropriated?

Mr. CONNALLY of Texas. There is a committee amendment which I will offer.

Mr. LAGUARDIA. That is for \$20,020.60?

Mr. CONNALLY of Texas. No; the amount is \$9,403.42.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.* That the Secretary of the Treasury is hereby authorized and directed to pay to McLennan County in the State of Texas, or to the proper fiscal officers of such county, out of any money in the Treasury not otherwise appropriated, the sum of \$20,020.60 to compensate the said county for the value of an improved public highway in said county and which passed through a military camp at Waco, Tex., and which said improved highway was appropriated by the United States Government and was closed to public use and was destroyed by the Government in order to make said military camp available as an aviation field, and to compensate said county for the expense of constructing temporary roads in lieu of such road to accommodate travel during the use of said road by the United States.

Amend the title so as to read: "A bill authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of \$9,403.42 compensation for the appropriation and destruction of an improved public road pass-

ing through the military camp at Waco, Tex., in said county, by the Government of the United States."

With the following committee amendments:

Page 1, line 7, strike out the figures "\$20,020.60" and insert in lieu thereof the figures "\$9,403.42."

On page 2, line 6, after the word "field," strike out the comma and the language "and to compensate said county for the expense of constructing temporary roads in lieu of such road to accommodate travel during the use of said road by the United States."

The committee amendments were agreed to.

Mr. CONNALLY of Texas. Mr. Speaker, I offer an amendment to the bill, after the figures "\$9,403.42," insert the words "which sum is hereby appropriated."

Mr. BEGG. Mr. Speaker, we can not do that in this bill. The best we can do is to authorize it to be appropriated.

Mr. CONNALLY of Texas. All right; I offer an amendment to insert "is hereby authorized to be appropriated."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 1, line 7, after the figures "\$9,403.42," insert "which sum is hereby authorized to be appropriated."

Mr. LAGUARDIA. Mr. Speaker, I would like to ask the gentleman what is the purpose of that amendment? On the first line of the bill you have the language "the Secretary of the Treasury is hereby authorized and directed to pay," and so forth.

Mr. CONNALLY of Texas. I took it up with the parliamentary clerk, and there seems to be some doubt about it.

Mr. LAGUARDIA. Very well.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment:

Page 1, line 6, after the word "appropriated," insert the words "not to exceed."

Mr. CONNALLY of Texas. Mr. Speaker, there is no need of that amendment. We are appropriating a particular sum.

Mr. LAGUARDIA. I asked the gentleman from Texas if all the damages had been computed.

Mr. CONNALLY of Texas. I will say they have been. The Committee on Military Affairs has passed on the damages and has estimated them.

Mr. LAGUARDIA. If the damages have been computed in that amount, of course, my amendment is not necessary. If they have not been, I do not see any use of appropriating a fixed sum when the final sum may be less.

Mr. CONNALLY of Texas. The damages have been computed.

Mr. LAGUARDIA. Then I ask permission to withdraw the amendment.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read as follows: "A bill authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of \$9,403.42 compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county, by the Government of the United States."

#### SENATE CONCURRENT RESOLUTION 14 REFERRED

Senate Concurrent Resolution 14, authorizing change in enrollment of the bill H. R. 8132, to the Committee on Enrolled Bills.

#### BIRTHPLACE OF HENRY WADSWORTH LONGFELLOW

Mr. THURSTON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 289 (H. R. 8267) a bill referred to a moment ago.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he can assure the House that this society is a historical or a literary society of standing, or is it just a proposition of one man or just a few men who want these coins or medals for the purpose of selling them for their own purposes? If the gentleman can assure this House this society stands as a literary society or as a historical society of merit, of course, I shall not object.

Mr. THURSTON. I will make this reply to the gentleman from New York: This matter was thoroughly and fully pre-

sented to the Committee on Coinage, Weights, and Measures by the secretary of the International Longfellow Society. I understand, and it was so stated before the committee, this organization owns the home in Portland, Me., where Henry Wadsworth Longfellow was born, and that the property is becoming dilapidated and needs funds for additional repairs. The idea is to sell these medals for the purpose of obtaining funds to help to maintain and keep this building in good repair.

Mr. LAGUARDIA. I understand the purpose of it, and, of course, there can be no objection to the purpose if back of it there is a society of standing, either literary or historical; but if it is just a sort of exhibition proposition I do not see why we should pass an act of Congress to permit these people to coin medals or anything else.

Mr. STEPHENS. Will there be any expense on the Government?

Mr. LAGUARDIA. No.

Mr. LOWREY. Will the gentleman yield?

Mr. LAGUARDIA. I yield to the gentleman from Mississippi.

Mr. LOWREY. This was first a proposition to coin 1,000,000 copper-cent pieces to be sold at 5 and 10 cents in the schools of America for school children to provide the money to restore and perpetuate the Longfellow home as a memorial. The Treasury Department sent a man before our Committee on Coinage, Weights, and Measures, protesting against the passage of any more of these coin bills, and I will say frankly I had been voting against them before the Treasury sent this man before the committee; but the Treasury stated that with the payment of the full value by the society, they would be glad to coin a medal, which was not to be legal tender and was not to interfere with our coinage system.

Mr. LAGUARDIA. Exactly; but as the gentleman says, you are coining a 1-cent piece or a medal, and some private organization is going to sell it for 4 or 5 cents as the case may be. If there is a worthy cause back of it, no one, of course, is going to object. If it is a literary or historical society of standing, of course, there is no objection, but if it is a private association, I should think this House would want to know more about it before we put into circulation these medals or these coins, and I therefore would ask the gentleman to withdraw his request and let this go over for a week, so that we may look up the standing of this society.

Mr. BEGG. Will the gentleman yield?

Mr. THURSTON. Surely.

Mr. TILLMAN. Mr. Speaker, I demand the regular order.

Mr. BEGG. Is this home open to inspection by the public or is it a private proposition where you pay an admission fee?

Mr. THURSTON. It is open to the public.

The SPEAKER pro tempore. The gentleman from Arkansas demands the regular order. The regular order is, is there objection to returning to the bill (H. R. 8267), No. 289 on the calendar?

Mr. LAGUARDIA. Mr. Speaker, I object.

#### EAGLE LAKE

The next business on the Consent Calendar was the bill (H. R. 9724) declaring Eagle Lake, which lies partly within the limits of the State of Mississippi in Warren County and partly within the limits of the State of Louisiana in Madison Parish, to be a nonnavigable stream.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Reserving the right to object, I would like to ask a question.

Mr. SANDLIN. The gentleman from Mississippi [Mr. COLLIER], who is the author of this bill, is not present.

Mr. BEGG. My question is why is this request?

Mr. SANDLIN. I am not familiar with it.

Mr. BEGG. I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. TILSON). Is there objection?

There was no objection.

#### BRIDGE ACROSS THE DELAWARE RIVER NEAR BURLINGTON, N. J.

The next business on the Consent Calendar was the bill (H. R. 10001) authorizing the construction of a bridge across the Delaware River at or near Burlington, N. J.

The Clerk read the title to the bill.

Mr. BRUMM. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### AMENDING THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 3745) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "Judicial Code."

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.* That section 96, chapter 5, of the act of Congress approved March 3, 1911, and therein designated "The Judicial Code," be amended so that the same shall read as follows:

"Sec. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Newark on the first Tuesday in April and the first Tuesday in November, at Trenton on the third Tuesday in January and the second Tuesday in September, of each year, and at Camden at least once in each year at such time as the court may from time to time, by rule, designate. The clerk of the court for the district of New Jersey shall maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court, and shall maintain an office at Camden, in charge of himself or a deputy, which office shall be kept open for the transaction of the business of the court for such times as the court may, by rule, direct, and the marshal shall also maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court, and shall also maintain an office, in charge of himself or a deputy, at Camden, for such times as the court may, by rule, direct."

With the following committee amendment:

On page 2, lines 1, 2, and 3, strike out the words "at least once in each year at such time as the court may from time to time, by rule, designate" and insert in lieu thereof the words "on the first Tuesday in December."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### EXCHANGE OF UNSERVICEABLE AMMUNITION

The next business on the Consent Calendar was the bill (H. R. 9218) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. I object.

#### OIL AND GAS MINING LEASES ON UNALLOTTED LANDS, INDIAN RESERVATION

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object.

#### RETURN OF SILVER SERVICE PRESENTED TO BATTLESHIP NORTH DAKOTA

The next business on the Consent Calendar was the bill (H. R. 10394) authorizing the Secretary of the Navy in his discretion to deliver to the custody of the State Historical Society of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COYLE. Reserving the right to object, there are some committee amendments and the title is to be corrected by striking out the words "historical society" and returning the custody to the State authorities.

The SPEAKER pro tempore. Is there objection?

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent that a similar Senate bill be substituted for the House bill.

The SPEAKER pro tempore. The gentleman from North Dakota asks unanimous consent to substitute the Senate bill for the House bill. Is there objection?

Mr. BLANTON. Reserving the right to object, is the State of North Dakota what we call an Indian giver?

Mr. COYLE. This ship has been struck off from the Navy list.

Mr. SINCLAIR. The ship is out of commission. The silver service was donated by the school children of North Dakota. We want it delivered to the historical society.

Mr. BLANTON. But the gentleman from Pennsylvania says that there is an amendment to deliver it to the State authorities. Why not deliver it to the historical society, and not take a

chance on what the governor may do? I know of some governors that you can not tell what they are going to do. [Laughter.]

Mr. SINCLAIR. The Secretary of the Navy believes that it would be more in keeping to give it to the State authorities.

Mr. BLANTON. If the gentleman wants it to go back to the historical society, I would have no objection, but I do not think it ought to go to any political organization.

Mr. SINCLAIR. It will eventually go to the historical society.

Mr. BLANTON. How does the gentleman know?

Mr. SINCLAIR. I have assurances that it will.

Mr. WOODRUFF. These silver services are always returned to the States. That is the invariable custom of the Congress.

Mr. BLANTON. But why not let this go to the historical society?

Mr. COYLE. The State authorities have approved the request of the historical society already. Therefore, if we pass it through the hands of the State authorities, the Federal Government is relieved from any claim on the part of anybody else within that State who might come here hereafter and make some claim in respect to it.

Mr. BLANTON. Let me state to the gentleman what I have in mind. This is a complete set of silver. When you deliver it back to the Governor of North Dakota, if he wanted to, why could he not put it in the governor's mansion and let it stay there?

Mr. SINCLAIR. I do not believe the governor could use this sort of silver. If the gentleman would read the list, he would see that.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I shall not object to it, but I think it ought to go to the historical society.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Is there objection to the substitution of the Senate bill?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the State of North Dakota, for preservation and exhibition, the silver service which was presented to the battleship *North Dakota* by the citizens of that State: *Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The similar House bill was ordered to lie on the table.

The title was amended to read as follows: "A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State."

#### DECLARING EAGLE LAKE TO BE NONNAVIGABLE

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to return to Calendar 320 (H. R. 9724), declaring Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, to be a nonnavigable stream.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, why is it necessary to remove this lake from the navigable-water list?

Mr. COLLIER. Eagle Lake has been a navigable stream. It is the old bed of the Mississippi River prior to the building of the levee between the lake and the river. The only way that a boat from the Mississippi River can now be taken into Eagle Lake would be to take it over the levee. All boats on Eagle Lake will now have to be built on Eagle Lake. It is an inland stream altogether.

Mr. BEGG. How large a lake is it?

Mr. COLLIER. About 18 miles long and about half a mile wide. At one time it was the bed of the Mississippi River.

Mr. BEGG. What is the advantage, and who is going to be the beneficiary if this is done?

Mr. COLLIER. The idea is to have this lake under the jurisdiction of Warren County, in Mississippi, and Madison Parish, in Louisiana, for the purpose of stopping some very indiscriminate seining that has been going on, with seines of several hundred yards in length. As long as the Mississippi

River fed the lake with fish it could stand it. I have written down there, and I find that there are going to be no restrictions in respect to fishermen who use a hook and line, either from Warren County or any other county. The lake will be subject to the general laws of Warren County and Madison Parish, represented by my colleague, Mr. WILSON of Louisiana.

The SPEAKER pro tempore. Is there objection to returning to this bill?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, be, and the same is hereby, declared to be a nonnavigable stream.

With the following committee amendment:

Page 1, line 6, after the word "stream," insert "within the meaning of the Constitution and laws of the United States."

Page 1, line 9, add a new section, as follows:

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

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### SILVER SERVICE OF BATTLESHIP "MINNESOTA"

The next business on the Consent Calendar was the bill (H. R. 10539) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver service set in use on the battleship *Minnesota*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, for preservation and exhibition, the silver service which was in use on the battleship *Minnesota*: *Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

With the following committee amendments:

Line 4, strike out "the department of."

Line 5, strike out the comma after the word "Minnesota" and the words "the American Legion."

The committee amendments were agreed to.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 4, after the word "custody of" insert the words "the state of."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to conform to the text.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### EXCHANGE OF CERTAIN LANDS IN HAWAII

The next business on the Consent Calendar was the bill (H. R. 10399) to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. There is an identical Senate bill on the Speaker's table.

Mr. CURRY. Mr. Speaker, I ask unanimous consent to substitute the Senate bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the provisions of the act of Congress approved January 31, 1922, authorizing the President to exchange certain Government-owned lands in the Territory of Hawaii, or any interest therein, for privately owned lands or lands owned by the

Territory of Hawaii, which were extended by the act of Congress approved March 3, 1925, are hereby further extended to January 31, 1929.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 10399) was ordered to lie on the table.

LITERACY TEST FOR VOTERS IN THE TERRITORY OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 9211) to prescribe certain of the qualifications of voters in the Territory of Alaska, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object—

Mr. CARTER of Oklahoma. Mr. Speaker, reserving the right to object, I would like to get some information about this bill if any one here can give it. I want to know what purpose is expected to be subserved?

Mr. CURRY. Mr. Speaker, in 1924 Congress made Indians, Eskimos, and Aleuts citizens of the United States. In the Territory of Alaska there is no qualification for an electorate other than a residence of one year in the Territory and three months in the precinct. There is no registration of an elector. There is no way of knowing next year who voted last year legally. In Alaska there are about 58,000 people of which about 20,000 are white people and 38,000 are Indians, Eskimos, and Aleuts. Nearly all the white people up there can read and write. Probably three or four thousand Indians and Eskimos can read and write. The balance can not read and write. This bill is to require all persons who vote in Alaska to be able to read and write.

Mr. CARTER of Oklahoma. The purpose then is to disfranchise a certain class of Indians who can not read and write in the English language?

Mr. CURRY. No; it does not disfranchise anyone; Indians, whites, or anyone else. There are a number of whites who can not read and write, and a number of Indians who can not read and write. I do not think any person ought to vote, whether white or Indian, who can not read and write. If they wish to vote, they can learn.

Mr. CARTER of Oklahoma. Mr. Speaker, the gentleman who called my attention to this bill said the purpose was to disfranchise a certain class of the Indians—

Mr. CURRY. That is not true.

Mr. CARTER of Oklahoma. And since we have just passed an act granting citizenship to all Indians, I thought it was rather a step backwards, so I was somewhat opposed to the bill, but the other day I had a letter from a prominent Republican citizen in Alaska, which kind of shook me in my faith in my objections. This good Republican wrote me that the purpose of this bill was to wreck the Republican Party and defeat a lot of honest Republicans. Of course, I was in full sympathy with the first proposition; that is, the wreck of the Republican Party, but I thought if there were any honest Republicans they must be peculiarly indigenous to the climate of Alaska. Furthermore, I felt very strongly that that particular breed of this political faith ought to be preserved. [Laughter.]

Mr. CURRY. Every Chamber of Commerce of Alaska, the Democratic, and Republican Committee, the city trustees and mayors of cities up there, have asked for the passage of this bill.

Mr. SUTHERLAND. I want to state that there has been no solicitation by the Republican Party of Alaska. I happen to represent that party. I want to protest against such a statement.

Mr. CARTER of Oklahoma. Oh, the gentleman misunderstood me. This Republican who wrote me was protesting most vigorously against the bill.

Mr. SUTHERLAND. I protest against the statement of the gentleman from California.

Mr. CURRY. I will put in the Record all of these resolutions sent to me when the bill is considered. It is not to stop the Indians from voting.

Mr. CARTER of Oklahoma. Well, Mr. Speaker, under the circumstances I think we should find out something more about this measure before taking action on it, and I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request?

Mr. WOODRUFF. Mr. Speaker, reserving the right to object, the gentleman from Alaska is here to-day and I would like to have his impression of this bill and what he thinks about it.

Mr. SUTHERLAND. If I may have time to explain. The Legislature of the Territory of Alaska passed this literacy test and put in a provision protecting the voters, just as the State of Maine, from which the gentleman who introduced this bill comes. They brought down this bill to eliminate that, and the purpose is to disfranchise every illiterate in the Territory of Alaska.

Mr. WOODRUFF. I object.

Mr. CURRY. If this goes over without prejudice we can straighten this thing out. I do not want to eliminate any person who has a right to vote, and I would like to have it go over.

The SPEAKER pro tempore. Is there objection to the bill going over without prejudice?

Mr. WOODRUFF. Mr. Speaker, I will not object to the bill going over without prejudice, but I object to its being considered.

The SPEAKER pro tempore. Is there objection to its going over? [After a pause.] The Chair hears none.

The Clerk will report the next bill.

CREATION OF A NATIONAL MILITARY PARK AT COWPENS BATTLE GROUND

The next business on the Consent Calendar was the bill (H. R. 4532) to create a national military park at Cowpens battle ground.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. I object.

Mr. STEVENSON. Mr. Speaker, will the gentleman reserve his objection?

Mr. BEGG. Yes.

Mr. STEVENSON. I do not know that we need as much authorization here on this proposition as we need an appropriation. This was one of the crucial battles in the South during the War of the Revolution. By Bancroft and other eminent historians it is stated to be one of the crucial battles and one of the most remarkable that have been fought in the South. The Washington Light Infantry 40 years ago built a monument there on a small area of land. We want 10 acres more of land, and they have it so designated that it will not go into the plowed-up fields of that country.

Mr. BEGG. I will say to the gentleman that if I do not object there will be half a dozen others that will.

Mr. STEVENSON. If you are bound to object, of course we will have to fight it out at some other time.

Mr. BEGG. That is what you ought to do. There ought to be some debate on it. A majority of the House is for it, and I am for it. But I do not think it ought to be passed by unanimous consent.

Mr. McSWAIN. Mr. Speaker, for the benefit of the half dozen who might object, I wish to state that in my humble judgment not nearly so much as \$25,000 is necessary in order to accomplish what it is thought to be desirable to do by the Daughters of the American Revolution.

Mr. BEGG. If that land in South Carolina is worth \$25,000, it is but another instance where we have to pay like thunder when we buy land.

Mr. McSWAIN. I will say to the gentleman that one lady has donated 5 acres of land, and others are going to give some land. All we need is to get \$5,000.

Mr. BEGG. If you cut it down to \$2,000 I will vote for it.

Mr. McSWAIN. Two thousand dollars will buy all the necessary land, and another \$3,000 should be given to build roads so as to enable visitors to drive through it, so that these points of interest can be visited. The Daughters of the American Revolution will take care of it, as they have bound themselves to do. Let us have \$5,000 anyhow.

Mr. STEVENSON. Mr. Speaker, I move to strike out "\$25,000" and insert "\$2,000."

Mr. BEGG. With the understanding of that amendment to be offered by the gentleman from South Carolina, I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from South Carolina offers an amendment. But first the Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That in order to preserve that part of the Cowpens battle grounds near Ezell, Cherokee County, S. C., where Gen. Daniel Morgan, commanding, participated in the Battle of Cowpens on the 17th day of January, 1781, the Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase or otherwise, as much as 10 acres of land for the preservation of said battle field, to the end that it may be declared to be a national military park.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, purchase of the necessary lands, surveys, maps, marking boundaries, opening, constructing, or repairing necessary roads and streets, salaries for labor and services, traveling expenses, supplies and materials, the sum of \$25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, to remain available until expended, and the disbursements under this act shall be reported by the Secretary of War to Congress.

With committee amendments, as follows:

Page 1, line 8, after the word "purchase" insert the words "gift, condemnation."

Page 1, line 9, strike out the words "as much as" and insert the words "not less than."

Page 1, line 9, after the word "ten" insert "nor more than twenty-one."

Page 2, line 4, after the word "act" insert the word "to," and after the word "purchase" insert the word "of."

Page 2, line 5, insert at the beginning of the line "to make necessary," and after the word "maps" insert the words "markers, pointers, or signs."

Page 2, line 6, after the word "boundaries" insert the word "for."

Page 2, line 7, after the word "streets" insert the word "for."

Page 2, line 8, at the beginning of the line, insert the word "for."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. STEVENSON. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amendment by Mr. STEVENSON: Page 2, line 9, strike out "\$25,000" and insert in lieu thereof "\$2,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### SALE OF MARINE HOSPITAL AT DETROIT, MICH.

The next business on the Consent Calendar was the bill (H. R. 9875) to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BEGG. Reserving the right to object, Mr. Speaker, I would like to have a little information.

The SPEAKER pro tempore. The gentleman from Ohio reserves the right to object.

Mr. BEGG. Which bill are we considering? Is it Consent Calendar 342 or 343?

The SPEAKER pro tempore. It is No. 341.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object.

Mr. BLANTON. I want to ask the gentleman from Ohio what are we going to do with all the hospitals in five years from now?

Mr. BEGG. What is the matter?

Mr. BLANTON. I am asking the gentleman a question, because the gentleman from Ohio is presumed to be over there watching over the Treasury.

If the gentleman allows the Public Health Service to tear down the building that is there now—

Mr. BEGG. This bill, I think, is all right.

Mr. BLANTON. And another new hospital is built, what are we going to do with all of them in five years from now? We have vacant beds now in every single one of them that we can not use.

Mr. BEGG. I will say that if we do not stop making more people eligible to use the hospitals free of charge we shall have

to build twice as many, but I think this proposition is all right. I have gone into this, and I think it is all right.

Mr. ELLIOTT. Will the gentleman from Texas yield to me?

Mr. BLANTON. Certainly.

Mr. ELLIOTT. In 1924 this Congress passed an act authorizing the sale of the marine hospital at Detroit, Mich., and authorized them to acquire a new site and to use the money to build a new hospital. Now, what this bill is proposing to do is this: To authorize the Secretary of the Treasury to transfer to the Department of Commerce a small piece of land at Detroit, Mich., for lighthouse purposes; another one at Key West, Fla., for lighthouse purposes; and the Department of Commerce is authorized to transfer a piece of land at Detroit, Mich., upon which this hospital can be built.

Mr. BLANTON. And is to build a new hospital?

Mr. ELLIOTT. That is already taken care of in the act we passed in 1924.

Mr. BLANTON. But they have never built it yet?

Mr. ELLIOTT. No.

Mr. BLANTON. What is standing in the way?

Mr. ELLIOTT. Well, they are trying to get a suitable site, and they can get this site on Government-owned land by making this transfer.

Mr. BLANTON. And the gentleman knows that when we pass this bill, then the next knock will be at the door of the Appropriations Committee for a deficiency appropriation to build this hospital.

Mr. ELLIOTT. Well, I do not think so; but if they did, it would be all right, because they need a marine hospital in Detroit and have had one there for many years.

Mr. BLANTON. Does the gentleman know we need one there?

Mr. ELLIOTT. All I know about it is that the Secretary of the Treasury and the Surgeon General of the United States have recommended this.

Mr. BLANTON. If I could stop the bill by one objection, I would do so; but, as I understand it, it requires three objections.

The SPEAKER pro tempore. It does.

Mr. BLANTON. And realizing that I can not get two other objections, I am not going to take up any more time.

Mr. LAGUARDIA. I will be one of three.

Mr. SCHAFER. So will I. Mr. Speaker, I ask unanimous consent that the bill be passed over without objection.

Mr. ELLIOTT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. Is there objection?

Mr. SCHAFER, Mr. BLANTON, and Mr. LAGUARDIA objected.

#### CONSTRUCTION AT MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 10275) authorizing appropriations for construction at military posts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

The SPEAKER pro tempore. Three objections are required.

Mr. LAGUARDIA and Mr. BLACK of Texas also objected.

#### GOVERNMENT WHARF AT JUNEAU, ALASKA

The next business on the Consent Calendar was House joint resolution (H. J. Res. 139) authorizing the construction of a Government dock or wharf at Juneau, Alaska.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

*Resolved, etc.*, That the following work of improvement is hereby adopted and authorized to be prosecuted under the direction of the Board of Road Commissioners for Alaska, in accordance with the plans recommended in the report hereinafter designated:

Dock or wharf at Juneau, Alaska, in accordance with the report submitted in House Document No. 561, Sixty-eighth Congress, second session, and subject to the conditions set forth in said document: *Provided*, That the sum authorized to be so expended shall not exceed the sum of \$22,500.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### LAND FOR PARK PURPOSES IN HENNESSEY, OKLA.

The next business on the Consent Calendar was the bill (H. R. 9496) authorizing the Secretary of the Interior to con-

vey certain lands reserved for park purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I would like some information or else I shall object, and I may object anyway.

Mr. CARTER of Oklahoma. I do not know anything at all about this bill, but I see it is introduced by Mr. THOMAS, of Oklahoma.

Mr. BEGG. I know it is, and I hate to object in his absence.

Mr. CARTER of Oklahoma. He has been called to Oklahoma on some business, and, therefore, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

#### AMENDMENT OF SECTION 103 OF THE JUDICIAL CODE

Mr. GRAHAM. Mr. Speaker, I wish to call the attention of the House for a moment to No. 383 on the calendar (S. 2763). This House passed a bill granting permission to hold court at Lewisburg, in my State. The Senate two days before had passed a Senate bill of the same nature. I tried to have the House bill passed in the Senate, but it will not be reached there for some time, and this is a matter of immediate and great concern to the sitting judge. An additional judge was asked for in that district under his predecessor, who is now dead. The present judge said he could get along and do the work without an additional judge, but that he needs this accommodation at his home town. The House passed the bill; the Senate passed another bill; and in order to clarify the situation, I simply ask unanimous consent that the House now pass the Senate bill. They are exactly the same, and this will relieve us from a sort of legislative confusion.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the fifth and sixth sentences of section 103 of the Judicial Code, as amended, are amended to read as follows:

"Terms of the district court shall be held at Scranton on the second Monday in March and the third Monday in October; at Harrisburg on the first Mondays in May and December; at Lewisburg on the third Monday in January; and at Williamsport on the first Monday in June. The clerk of the court for the middle district shall maintain an office, in charge of himself or a deputy, at Lewisburg; the civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court, unless by consent of parties they are removed to another place for trial."

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### CODIFICATION OF GENERAL AND PERMANENT LAWS OF THE UNITED STATES

Mr. ROY G. FITZGERALD. Mr. Speaker, I move to suspend the rules and pass, without reading except by title, the bill (H. R. 10000) to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925.

The SPEAKER. The gentleman from Ohio moves to suspend rules and pass without reading the bill H. R. 10000, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. Is a second demanded?

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a second.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Ohio is recognized for 20 minutes and the gentleman from Tennessee for 20 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I will say to the gentleman from Ohio that I asked for this second in order that the gentleman might give the House a brief statement, as I am sure he will be glad to do, showing just what additions have been made to the bill since we passed it before.

Mr. ROY G. FITZGERALD. I understood that that was the course of procedure which had been adopted heretofore.

Mr. Speaker, with this bill which we have before us (H. R. 10000) we are approaching, I hope, the culmination of the efforts of more than 30 years to codify the laws of the United States.

This bill embodies the work of our late Member, Col. Edward C. Little, former Congressman from Kansas, who devoted his time unsparingly both day and night, until many of us feel that his life was shortened and that he gave it to this great work.

Unfortunately in the preparation of a work of this kind there can be no changes made in the law. This committee of the House must come before you and give assurance that there is no change made. There are many portions of the law that are obsolete; there are many portions of the law that are contradictory; there are many portions of the law that I think we could unanimously agree to change if attention were directed to them; but if this committee attempted to present a code embodying changes, it would open the matter to discussion; the Members would certainly want to know what the changes were and why they were made; differences of opinion would arise; and if a reading of this bill were insisted upon, requiring a month or more of time, it could not pass. Consequently, with all the humility which I can assume, I must ask the House to take this bill on trust, as they have done former bills in the Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses.

Let me now tell you something of what has been done. In the preparation of H. R. 12, as we knew the bill in the Sixty-seventh Congress, and also in the Sixty-eighth Congress, there were efforts made by different departments of the Government to change the law. They had placed certain interpretations on the law under which they were working, and I do not blame them for wanting it changed, because there were really very good reasons why that should be done; but Colonel Little could not consent to it and did not consent. Then when the matter got to the Senate there was an accumulation of criticisms about the bill, some of them because of the very fidelity with which the former chairman of this committee had acted.

I could illustrate, but it would take considerable time. The Senate committee was impressed by the criticisms and would not act favorably on the bill. So after this House had unanimously passed the bill in the Sixty-sixth Congress and the Sixty-seventh Congress and the Sixty-eighth Congress, failure being repeatedly encountered in the Senate, it became necessary to proceed along somewhat different lines. Joint meetings and conferences were held by the Senate committee and the House committee, and at first we thought we could proceed along the lines that Colonel Little had pursued and employ experts or specialists to perfect, as the Senate put it, some of the imperfections in the code and bring it down to date. The course or stream of legislation is passing continually along. We must stop somewhere. This bill (H. R. 10000) stops at the beginning of this Congress. We have already enacted a great many laws of a permanent nature since then, and some of great importance, such as the revenue act. At the time of Colonel Little's bill we had enacted a great tariff act as well as a revenue act, and the Senators objected for the reason the Little code was not up to date.

Under an agreement which I believe has paved the way for the successful handling of this bill through the Senate, if the House approves, we submitted a proposition to the two great law publishing concerns of the country, the West Publishing Co. and the Edward Thompson Co.; and, historically, I may say it was rumored at least that some 20 years ago it was the opposition of not one of these companies but one of our law publishing concerns that caused the work on which hundreds of thousands of dollars had been spent to be wasted and come to nought.

Senator PEPPER, of the Senate committee, conferred with Mr. Homer P. Clark, the president of the West Publishing Co., of St. Paul, when we found the experts that we wanted to work on the bill were so immersed in duties at the Columbia University and elsewhere that we could not secure the kind of men we wanted. Senator PEPPER having spoken to President Clark, of the West Publishing Co., suggested that perhaps the publishing concerns were opposed to the publication because naturally both concerns had got out great annotated codes of their own and had many thousands of dollars invested in them. Mr. Clark said that they would not take any such attitude; that they thought it was very unfortunate for the United States and the courts that they had no authoritative statement of the law.

Mr. MADDEN. Will the gentleman yield? It has been suggested that it might be advisable to read the bill. Has the gentleman any objection to that this afternoon? [Laughter.]

Mr. ROY G. FITZGERALD. I will agree to read it to anybody that will agree to listen to it. [Laughter.]

Mr. MADDEN. I think it would be something of a job. I am sure the gentleman is competent to tell us all the iniquities involved in the bill without reading it.

Mr. MOORE of Virginia. May I ask the gentleman one or two questions?

Mr. ROY G. FITZGERALD. After I have finished this thought. The Senate passed an appropriation of \$10,000, and when they found the West Publishing Co., headed by Mr. Clark, of St. Paul, did not take the sort of selfish attitude that had been anticipated, the matter was brought before a conference of the two committees on the question of getting the two great law publishing concerns with their splendid staffs of specialists to take the Little bill, H. R. 12, as it was known in the former Congresses, and go through it and bring it up to date and made a modern code out of it.

These two concerns were called into conference. The presidents came here to Washington. Mr. M. B. Wailes, of the Edward Thompson Co., and Mr. Clark, of the West Publishing Co., and as a result of the conference, they undertook the work under a \$10,000 appropriation of the Senate. Nine months of work have gone into this bill, with the Little code as its base. They have spent not only the \$10,000 but have become so interested in it that it has cost the two concerns over \$20,000 in excess of the appropriation. They came to Washington, maintained from 10 to 15 experts and had this code checked all through the departments. I have a splendid letter here in the report from the Secretary of the Navy, approving the code. This was the department so hostile to H. R. 12 in the preceding Congresses. Now, I will yield to the gentleman from Virginia.

Mr. MOORE of Virginia. I will take the liberty of asking the gentleman a few questions, because I happen to have been on the Committee for the Revision of the Laws when Mr. Little was chairman, when the bill was brought here in the Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses and passed by the House. The gentleman knows I am in full sympathy with the general purpose he has in view.

I would like to ask the gentleman this: He stated that representatives of two great publishing companies have done this work. Has Professor Carpenter examined the work carefully so as to satisfy himself that it is properly done?

Mr. ROY G. FITZGERALD. I do not know as to Professor Carpenter, but in order that there might be an independent check made on the work we employed Joseph Chamberlain, of the research department of Columbia University, to make a cross-section test of the accuracy and completeness of the work. That is also set forth in the report.

Mr. MOORE of Virginia. I really had in mind Professor Chamberlain instead of Professor Carpenter. Of course, the gentleman himself has not had any opportunity to examine it.

Mr. ROY G. FITZGERALD. I can not quite say that, although mine has been a humble contribution compared with that of those who have worked on it. I have gone through, line by line, many parts of this work.

Now, I would also like to direct the attention of the House to quite a different provision in the bill from that which the House has been content to pass in connection with the three former bills for codification of the laws. Formerly there was a repealing clause which was more or less complete. I regret to say that the repealing clause in this bill is not of the character of the former bills. On page 1 is the important part of the bill. That contains the various enacting and repealing sections and all saving clauses. I say I regret it, because it was due to the Senate rather than ourselves that the extra saving clause was put in. In other words, if there is any mistake or omission in the code it has no effect at all because of the way the repealing clauses have been worked out by the two committees.

Wherever the law is "substantially identical" this code supersedes the old law; that is, the great mass of law as it existed on the 7th of December, 1925, but wherever there is any substantial difference the old law will still prevail and will control until the 1st day of July, 1927; the idea being that so many hundreds of thousands of dollars having been spent already on this work in order to insure, if possible, its passage through the Senate and allay apprehension of the great dangers that would flow from some error or omission or mistake to leave by this repealing clause a sort of interregnum during which errors, if found, can be corrected. It is my purpose to follow this bill with a bill for the publication which will provide that there will be inserted in every copy that goes out an explanation of these repealing clauses, together with requests for the scrutiny of the code by all of the different departments and bureaus, with the intention of passing amendatory laws or a series of amendatory laws to correct any errors disclosed.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. BLANTON. This is the so-called Fitzgerald bill?

Mr. ROY G. FITZGERALD. It bears my name because Colonel Little is dead, but it is really the colonel's great work.

Mr. BLANTON. It is not supposed to contain any change of any existing law?

Mr. ROY G. FITZGERALD. None at all.

Mr. BLANTON. And is a mere codification of existing law?

Mr. ROY G. FITZGERALD. Yes.

Mr. BLANTON. That being the case, for one I am willing to accept it on trust, but I might add this, that not knowing a single thing in any one of these numerous pages, and the bill is a foot thick, I know it could not be half as dangerous as another Fitzgerald bill which I know of which would seek to put this Government into the business of insurance, and I would rather have this one than the other.

Mr. ROY G. FITZGERALD. I am giving the gentleman a choice this afternoon.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. MOORE of Virginia. I know nothing more about the contents of the bill than any other Member of the House, and must take it, of course, on trust, but I wish the gentleman would explain section 3 of the bill with reference to the distribution of the code after it is printed.

Mr. ROY G. FITZGERALD. That is the bill that I shall call up immediately after this passes this House this afternoon.

Mr. MOORE of Virginia. We might consider the whole matter at one time.

Mr. ROY G. FITZGERALD. Section 3 is a portion of the bill relating to the publication, which recites what the committee hopes to add to the bare code itself, in order to make it usable. There is set forth the preface, the table of contents, four sets of parallel reference tables, and then the four great institutions of the country—the Declaration of Independence, the Articles of Confederation, the Ordinance of 1787, and the Constitution of the United States with amendments—together with an appendix, in which we will endeavor to codify, but not distribute through the work, the general and permanent law of this first session of Congress, so that when this is published it will be right down to the minute, so far as it is humanly possible to have it. We will then submit the whole thing for the scrutiny and constructive criticism of the departments and others during this interim until the 1st of July, 1927. Then, most important of all, is the index. That will take some three or four months to prepare. Of course, it is very difficult to use any work without an index. There is a provision in an appropriation bill that passed the House a couple of weeks ago for \$5,000, which will be the cost of preparing this index. Nothing has been done to add to the expense of this measure, nor will anything be done until it has passed the House and the Senate.

The index alone will cost \$5,000. This bill has only been printed as you see it here, on one side of the paper. When the code is completed, even with the index, preface, and so forth, it will be less than half the thickness of the bill as you see it now. If this committee had proceeded in the ordinary way to have this bill introduced and printed as ordinary bills are introduced and printed, it would have been plated, and would have cost \$186,584.36. As it stands now, the Public Printer's work on it amounts to \$16,627.25. There is a difference of about \$170,000 in the expense which would be entailed between the presentation of this bill as we have it here and the way an ordinary bill is presented. This saving of about \$170,000 is made possible by Public Resolution 24 of the Sixty-sixth Congress. It operates until the original bill, H. R. 9389 of the Sixty-sixth Congress, or some successor of that bill shall have passed the House and the Senate and become a law.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. WINGO. What is estimated will be the cost that each lawyer will have to pay in order to get a copy of this?

Mr. ROY G. FITZGERALD. The estimate received from the Public Printer this afternoon is \$5.

Mr. WINGO. Will the Public Printer have the exclusive sale of it?

Mr. ROY G. FITZGERALD. So far as I know there will be no one else from whom this can be obtained. That is less than half of what a similar work would cost if published privately.

Mr. WINGO. What number is contemplated to be printed in the first printing?

Mr. ROY G. FITZGERALD. That I can not say. I suggest the gentleman from Arkansas get a copy of the bill H. R. 11318. I want to take that up immediately after this bill

passes. This bill, H. R. 11318, provides for the elimination of the slip print and that there shall be printed in a pamphlet form only such number of copies of the code, until the index is ready, as may be requisitioned. The idea is not to distribute any more copies of the bare code without the index than are actually necessary to be used by those who need it, and as soon as the index is prepared the rest of the distribution will be made in accordance with the general statutes.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I asked for a second because the gentleman from New York [Mr. BLACK] did not happen to be in the Chamber at the time. I ask that the control of the time be transferred to him.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and also have granted the same privilege to the gentleman from Virginia [Mr. PEERY], a member of the committee, who has been suddenly called away by sickness.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD, and also that the same privilege be granted to the gentleman from Virginia [Mr. PEERY]. Is there objection?

There was no objection.

Mr. PEERY. Mr. Speaker, this bill comes to the Congress with a unanimous report from the Committee on Revision of Laws favoring its passage. The object of the bill is to present to the country a compilation of the laws of the United States of a general and permanent nature that were in force on the opening day of this session of the Congress. The official name assigned to the work is "The Code of the Laws of the United States of America."

The last official code of laws was enacted in 1874. Unfortunately, supplements to that code have not been enacted from time to time. Volumes of laws have been enacted since that date, but there has been no compilation of the same into an official volume from which official and definite information as to what the law is may be definitely and readily obtained. In order to ascertain the law it has been necessary to search the various volumes of the United States Statutes at Large that contain the laws enacted since that date. The situation has been met and helped to some extent by the publication of codes by the various publishing concerns; but the need for an official code, compiling and bringing the laws down to date in one volume, has been recognized by the legal profession, judges of the court, and the country in general. It is important that the judges of the land, lawyers, and those charged with the administration of the law may have access to an official compilation of the Federal laws in order that they may promptly ascertain the law and state the same.

This bill is intended to meet this demand. The bill represents the consummation of long and laborious work by those to whom this responsibility has been given. For some 30 years work has been going on to attain this end. Bills similar to this were reported to the Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses, and all of them were passed by the Lower House, but none of them passed the Senate, and so the work has continued. The bill passed by the Lower House in the Sixty-eighth Congress encountered some criticism and opposition in the Senate. The effort has been made in each succeeding Congress to meet all criticism that was justifiable and to perfect the work. The present bill represents a consummation of all these labors.

The bill that came to the Sixty-eighth Congress was the result of the splendid work of the late Col. E. C. Little, a Representative from Kansas, who made it the outstanding work of his service. Associated with him in the work were experts of high standing and distinction. I am sure that it is a matter of regret on the part of the membership of this House that Colonel Little could not live to see his work crowned by enactment into law, and our distinguished chairman, the gentleman from Ohio, Mr. Roy G. FITZGERALD, who has likewise rendered signal and distinguished service in connection with the present bill, pays to Colonel Little beautiful and unselfish tribute when he says that although the present bill bears his name, "It is really the Colonel's great work." The work of Colonel Little and his committee was taken as a basis for the present work and the two great publishing concerns of the country, the West Publishing Co. and the Edward Thompson Co., furnished a large staff of the very best trained experts for the completion of this work.

We feel that the work has been well done and the committee presents it to the Congress with faith in the correctness and

integrity of the work. The one outstanding instruction guiding all of the experts, who have collaborated in this great work, was that there should be no basic change in the law. It was felt that if any basic changes were made in the law it would defeat the passage of the bill, and so the statement of the law comes to the Congress with all its inconsistencies and its contradictions. The staff of experts who are skilled in the compilation of codes have arranged and classified the law into appropriate titles and statement of contents, which of themselves are no part of the law but which are so essential in any volume containing the law.

This arrangement comprises 50 titles, the first 6 of which cover the establishment of the Government and the various departments thereof. The remaining 44 titles are arranged in convenient and alphabetical order. In addition to the alphabetical arrangement of titles there are cross references from which any desired enactment of Congress may be readily located. The numbering system that has been followed will allow the insertion of new titles in the future without disturbing the number of existing titles. This is an important feature as it furnishes a scientific scheme for future supplements of the code. The work has been carefully compared, checked, and verified.

In addition to checking by the experts charged with the preparation of the work and by the experts in the various governmental departments and commissions to whom various sections of the work were referred, an independent test for accuracy was made for the committee by Prof. Joseph P. Chamberlain, one of the trustees of the legislative drafting research fund of Columbia University, of New York, who has given special attention to work of this character for the past 15 years. We would not dare to say that the work is void of error, but we do say that the most painstaking care and effort has been made to avoid error and that we believe that the work will prove itself as free from error as any work of a similar nature in our history.

Under clause 2, chapter 1, the sections of this code shall be in force in lieu of corresponding provisions contained in statutes enacted prior to December, 1925, which, where substantially identical, are repealed. The repeal of all acts of a general or permanent nature shall not become effective until July 1, 1927. Under clause 3 accrued rights are reserved. Clause 6 also contains a saving clause on the question of the code as evidence. Until July 1, 1927, in case of any inconsistencies between the provisions of any section of the code and the corresponding portions of legislation passed prior to that date, effect shall be given for all purposes whatsoever to earlier enactments. After July 1, 1927, the code, with any subsequent amendments, shall be conclusive as evidence. It is felt that this clause will give opportunity for ascertaining and correcting any possible error, if any, that may have crept in. It is hoped that this work will stand up before the careful scrutiny and criticism of the legal profession and that it will meet the approval of the profession and the country in general.

Mr. BLACK of New York. May I ask the chairman of the committee if he wants to use any time? Now I have only—

Mr. ROY G. FITZGERALD. Several Members have asked me to secure a little more time in order to answer questions, and I am pleased to do so.

Mr. BLACK of New York. I have some requests on this side from Members who wish to criticize the bill. The gentleman may have Members who want to support the bill. I can let the gentleman have more time in support of the bill.

Mr. ROY G. FITZGERALD. I would be very glad to have time to answer questions.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. CARSS. Mr. Speaker, it has been brought to my attention there have been some changes made in the law. I want to know in regard to the locomotive inspection laws. A statement has been prepared by an attorney that gives the original law and the codified version. Will the gentleman please explain the situation in regard to that?

Mr. ROY G. FITZGERALD. Mr. Speaker, I desire first to say to the gentleman from Minnesota that when the code was prepared in 1874 it was not perfect, and no code ever will be, and if we attempt perfection we will never get a code. The original code was followed by one bill after another amending defects. Now, in reference to what the gentleman asks me specifically. This morning the representatives of the inspection of locomotives of the United States called at my office with two Members of Congress and the matter was gone into at considerable length. One gentleman has prepared an analysis of what he thought were differences. I think the difference centered on three objections. Before we left the discussion there was possibly only one difference. This is argumentative.

I can not say to you that there might not be such an interpretation placed on the law, as one of these gentlemen, who is an expert on this, says there would be. In 1911 the first law was passed, and in that law there was provision for certain things to be done in three months; that is, certain rules, and so forth, were to be adopted. There was no provision for the inspection of anything except the boilers of locomotives. Now, some years went by and an amendment was made to the law—and right here I wish to say that the hope of this committee is to evolve a system hereafter whereby there may be a sort of continuous codification or some machinery set up so these troubles will not come.

When this amendment was passed there was an extension of the scope of all this work, an extension of inspection in regard to the locomotives and to appurtenances and to the tenders of the locomotives and there are changes going on in equipment all the time. A question arose when these gentlemen came to deal with the Interstate Commerce Commission. If the railroads neglected to make inspection rules for new equipment, and so forth, would the three months' provision for them to make such rules continue to govern? This amendment under the law did not specifically state as clearly as I would like to have it state, that it extended the time for inspection rules and modification indefinitely beyond the three months' time, making it a continuous affair for all time. Yet I believe that that is what the House in its enactment would have done if anybody had asked them to do it. When we came to study the law we did not dare to extend it. We never thought to do that. I myself have given the most rigid instructions to these revisioners, and they have also had the same instruction from the Senate, that no matter how foolish it may seem, we must regard the law as Congress made it and not try to change it even to improve it.

Mr. BLACK of New York. Has the gentleman finished?

Mr. ROY G. FITZGERALD. In a moment. I believe that most of the complaint on the part of these men is they are fearful of a restatement of the two laws. That not being contrasted as two separate laws they may not be construed one with the other and desire to have both titles stated as an additional safeguard. I go further and say that if they will present the Committee on the Revision of the Laws, at any time in the interim, before July 1, 1927, or afterwards, a restatement of this law which they have worked out, and which I believe everyone would agree to, that it could be cared for in a series of amendatory bills which can be presented to this House. For historical purposes, I add the following data:

The first Code of Federal Laws entitled the Revised Statutes was passed in 1874. It embraced volumes 1 to 17 inclusive of the Statutes at Large. The cost of preparation for printing was \$100,000. The bill passed the House without the repealing clauses having been printed. The bill passed the Senate in 40 minutes May 26, 1874. There were about 250 errors corrected by subsequent bills.

A commission to codify the laws was appointed under the act of June 4, 1897. About \$300,000 was expended and nothing came of the work. Col. Edwin C. Little, when he became chairman of the Committee on the Revision of the Laws, undertook the stupendous task and wore himself out with his indefatigable efforts.

His bill H. R. 9389, 1,262 pages, codifying the laws to March 4, 1919, passed the House unanimously December 20, 1920, in the Sixty-sixth Congress.

Again his bill H. R. 12 unanimously passed the House May 16, 1921, in the Sixty-seventh Congress, and again his bill H. R. 12 with supplement, index, cross-reference tables, and so forth, 1,627 pages, passed the House unanimously January 7, 1924, in the Sixty-eighth Congress.

This bill H. R. 10000 has 1,705 pages. The law is arranged in 50 titles. The first six are general and the remainder are arranged in alphabetical order, beginning with agriculture and ending with war.

Mr. CARSS. I thank the gentleman for his explanation.

Mr. LAGUARDIA rose.

Mr. BLACK of New York. Does the gentleman from New York desire time?

Mr. LAGUARDIA. Yes.

Mr. BLACK of New York. Very well. I first yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER].

The SPEAKER. The gentleman from Wisconsin is recognized for three minutes.

Mr. SCHAFER. Mr. Speaker and Members of the House, I realize the importance of a codification of the law, but I can not vote for this codification which materially changes existing law enacted for the purpose of compelling common carriers engaged in interstate commerce to equip their locomotives with

safe and suitable boilers and appurtenances thereto. The present section 5 of the existing law is made section 28 of the codification and as codified the existing law would practically be nullified.

#### THE CODIFICATION

Section 5 of the present law reads in part:

That each carrier subject to this act shall file its rules and instructions for the inspection of locomotive boilers with the chief inspector within three months after the approval of this act, and after hearing and approval by the Interstate Commerce Commission such rules and instructions, with such modifications as the commission requires, shall become obligatory upon such carrier.

Therefore it is very clear that the words—  
with such modifications as the commission requires—

give the Interstate Commerce Commission authority to amend the rules and instructions when it shall become necessary. Without this authority the act would be ineffective, as new equipment and new conditions require amended rules. It is very clear that the words—  
with such modifications as the commission requires—

were incorporated in the present law in order to make it effective. Without granting the commission authority to amend rules and instructions, old, obsolete, impractical rules would be continued indefinitely, and the commission would be precluded from requiring changes or amendments.

Section 28 of the codification, which is to displace section 5 of the original law, reads as follows:

SEC. 28. Rules and instructions for the inspection of locomotive boilers which have been made by a carrier subject to this chapter and approved by the Interstate Commerce Commission are obligatory on such carrier until changed in the manner hereafter provided, and a violation thereof shall be punished as provided in section 34. A carrier may from time to time change such rules and instructions, but such change shall not take effect and the new rules and instructions be in force until the same shall have been filed with and approved by the Interstate Commerce Commission. The chief inspector shall also make all needful rules, regulations, and instructions not inconsistent herewith for the conduct of his office and for the government of the district inspectors: *Provided, however,* That all such rules and instructions shall be approved by the Interstate Commerce Commission before they take effect.

It may be stated without any contradiction that section 28 of the codification prohibits the Interstate Commerce Commission from requiring amendment to rules and instructions in effect. Amendments or changes in rules and instructions can be made, but only the carrier, under the codification, may from time to time change rules and instructions, with the approval of the Interstate Commerce Commission. Therefore, section 28 of the codification, codifying section 5 of the existing law, takes from the Interstate Commerce Commission the authority to compel common carriers to amend rules and instructions, even though such amendments be absolutely necessary for the safe operation of locomotives.

It is well known that equipment on locomotives continually changes and that it is necessary that rules and instructions be amended to meet new conditions. The original law should not be emasculated, as the codification would accomplish, thereby placing the Interstate Commerce Commission at the mercy of the railroad corporations whom they are to regulate, as no amendments could be made unless initiated by said railroad corporations.

The enactment of this codification will practically repeal and nullify the existing law, which was enacted to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER. I wish I had more time to discuss this important matter. I ask unanimous consent, Mr. Speaker, to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER. I incorporate the following statement under the permission given me by the House to extend my remarks:

#### CODIFICATION OF LOCOMOTIVE INSPECTION LAW

A perusal of the codification of the locomotive inspection law, commonly known as the locomotive boiler inspection law (36 Stat. L. 913), as amended (38 Stat. L. 1192 and 43 Stat. L. 659), which has for its purpose the promotion of the safety

of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, indicates that the codifiers handled the subject without due regard to the retention of the provisions of existing law.

It was generally understood that the object of the codification was to remove obsolete provisions of the laws which had been superseded by subsequent amendments, delete unnecessary words and classify and consolidate the various acts. It is universally conceded by those informed on the subject that a codification can not properly be used as a vehicle to introduce changes or ambiguities in existing laws, and certainly should not be used for the purpose of rendering present laws ineffective.

Section 24 of the codification of the locomotive inspection law clearly nullifies portions of the requirements of section 3, for which it is a substitute, in so far as the duties of the chief inspector and assistant chief inspectors are concerned.

Section 3 of the law contains the requirement, among other things, that the chief inspector and assistant chief inspectors shall see that the requirements of this act and the rules, regulations, and instructions made or given hereunder are observed by common carriers subject thereto. The codified version substitutes the word "Inspection" for "act," and thereby limits the scope to inspection, whereas the act itself is much broader in scope. If the codification stands as now written, there will be no authority charged with the duty of seeing that the carriers "equip their locomotives with safe and suitable boilers and appurtenances thereto," that the locomotive, boiler, and appurtenances thereof "are in proper condition and safe to operate," no authority to see that the locomotives, boilers, and appurtenances are able "to withstand such test or tests as may be prescribed," no authority to require the carriers to "repair the defects which such inspections disclose," no authority to see that the locomotives are properly maintained. In short, the act requires such construction as will insure safety, the equipment of locomotives with safe and suitable boilers and appurtenances, the ability to withstand certain tests, proper maintenance in order that safe operation may be obtained, and requires that defects be repaired. None of these requirements are covered by the word "inspection," and a perpetuation of the present wording of section 24 would remove any possibility of these requirements being enforced.

The codifiers' section 28, which is a substitute for section 5 of the law, would unquestionably change the provisions of existing law. The proposed codification does not authorize the chief inspector to prepare rules and instructions to be observed by carriers in the absence of carriers filing their rules, nor does it authorize the commission to make any change in the present rules or any rules filed by any carrier, even though they might be ever so inadequate; neither does it require any carrier to file rules, it only permits them to do so. Therefore, it is apparent that the structure of the law in this respect is seriously weakened. The present rules and instructions were prepared by the chief inspector and agreed to by and between the representatives of the carriers and other interested parties. Such authority is not given if the proposed codification is accepted.

The proposed codification is—

Rules and instructions for the inspection of locomotive boilers which have been made by a carrier subject to this chapter and approved by the Interstate Commerce Commission are obligatory on such carrier until changed in the manner hereinafter provided \* \* \* a carrier may from time to time change such rules and instructions, but such change shall not take effect and the new rules and instructions be in force until the same shall have been filed with and approved by the Interstate Commerce Commission. \* \* \*

It will also be noted from this that the section provides only for rules covering the locomotive boiler, whereas the law covers the entire locomotive, its boiler, tender, and all parts and appurtenances thereof.

Ambiguities exist in other sections; viz:

Section 22 of the proposed codification, which is a substitute for section 1 of the law, is designated "Inspection of locomotives and appurtenances"; definitions, whereas nothing is defined in this section other than the terms "carrier," "common carrier," "railroad," and "employees." Inasmuch as no mention is made in this section of locomotives and appurtenances the designation of the section is incorrect and unquestionably changes the existing law. The existing law reads in part:

That when used in this act, the terms "carrier" and "common carrier" mean a common carrier by railroad \* \* \*, etc.

The definitions in the original act are clearly applicable to all portions of the act and not only the inspection of locomotives and appurtenances, as the title of section 22 of the codification would indicate.

The designation of section 23 of the proposed codification, which is a substitute for section 2 of the law reads: "Use of unsafe locomotives and appurtenances unlawful; inspection and tests." This designation is somewhat ambiguous as the law requires "proper condition and safe to operate," etc., and does not employ the words "unsafe locomotives." The designation may well be changed to "Use of locomotives and appurtenances thereto not in proper condition and safe to operate without unnecessary peril to life or limb; unlawful," in order to more clearly express the purpose of the codified section and conform to the existing law.

The latter part of section 23 refers to "rules and regulations hereinafter provided for," but there are 23 additional sections in this chapter, and it would be inferred from the expression "hereinafter provided for" that any or all of the following 23 sections would have reference to the "rules and regulations hereinafter provided for," whereas, as a matter of fact, only 11 following sections refer to the locomotive inspection law. The section which provides for rules and regulations should be specified, otherwise the reference is misleading.

That the Congress recognized the importance of the law and its proper enforcement is evident when it is taken into consideration that it required that the chief inspector and the assistant chief inspectors be appointed by the President, by and with the advice and consent of the Senate, specified in detail exacting qualifications required of the chief inspector, the assistant chief inspectors, and the district inspectors, and specifically set out the duties of each.

On the other hand, the codifiers treated the matter very superficially, as is evidenced by the foregoing and by their action in combining the locomotive inspection law into a chapter along with numerous other laws which have no relation thereto other than that they come under the general heading of "railroads." It would appear that the combining of various unrelated laws into one chapter would lead only to confusion and misunderstanding. There is no apparent reason why the locomotive inspection law should not be set up in a separate chapter, as has been done with various other acts, such as the liability act, the hours of service act, the care of animals in transit act, the mediation act, and so forth.

The present law seems so well understood by those concerned that any change in language or method of expression may seriously affect its understanding. However, if it is necessary to change the language for the purpose of codification, the existing requirements, including its purpose and the methods for accomplishing the purpose, should by all means be fully retained.

A codification which makes worthless an act of such importance as the locomotive inspection law is indeed regrettable. The employees and their friends labored for years to accomplish the passage of this law. It appears to be fulfilling its intended purpose admirably, is apparently entirely satisfactory to both the employees and the carriers, and is a distinct protection to the employees and the traveling public. It will be difficult for the hundreds of thousands of individuals affected by its change to understand why the House could seriously consider the approval of a codification which would rob them of the protection afforded by the law as it now stands.

Mr. BLACK of New York. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 11 minutes remaining.

Mr. BLACK of New York. I yield four minutes to the gentleman from Wisconsin [Mr. Voigt].

The SPEAKER. The gentleman from Wisconsin is recognized for four minutes.

Mr. VOIGT. Mr. Speaker, there has been no compilation or revision of the laws of the United States for about 50 years. The last revision was made in 1874, and a supplementary revision was made in 1878. Since then there have been published about 25 volumes containing the statutes passed by as many Congresses, and in order to find out what the law of the United States is the inquirer must, in many cases, wade through all these volumes. The difficulty is increased when it is considered that legislation is sometimes found in so-called appropriation bills, wherein one does not expect to find permanent law made or modified. This condition for all these years would have been wholly intolerable if private enterprise had not stepped in and published unofficial compilations of the statutes. That was done by the West Publishing Co., The Edward Thompson Co., the Barnes Publishing Co., and perhaps others. Nevertheless, during all these years we have had no

authoritative and official compilation which was entitled to judicial notice.

For the past 30 years efforts have been made in and by Congress to provide an official compilation, but such attempts, for one reason or another, have met with failure. The Government during this time has spent several hundred thousand dollars for compilations and revisions, and when these at different times were ready for adoption they failed of passage in either or both Houses of Congress. The chief difficulty in the past has been that Members of Congress feared that the offered compilation or revision failed to state the existing law correctly, and there is some such fear on the bill offered here to-day. It must be frankly admitted that such a fear is not groundless when we know that in the revision of 1874 about 250 errors were discovered, which had to be rectified by subsequent legislation.

A commission to codify the laws was created by act of June 4, 1897. That commission consisted of three members, each drawing \$5,000 a year. The commission labored, I am informed, about 10 years, and it cost the Government for their salaries and moneys expended under their supervision about \$300,000. It is stated that this commission did prepare a revision—I mean a real revision as distinguished from a compilation—but Congress refused to adopt it, actuated by the fear that the law was not accurately restated.

The later attempts to codify the laws were made by Col. Edward Little, as chairman of the Committee on Revision of the Laws of this House. Colonel Little did much of the work personally. He took the work seriously and for a number of years overtaxed his strength, and there is no doubt that the tremendous work done by him contributed to his untimely death. The code prepared by him, which we speak of as the Little Code, passed the House of Representatives in 1920, in 1921, and again in 1924, but each time failed of approval in the Senate.

The work now presented to you, embodied in H. R. 10000, is based on the Little Code, with what the committee believes are improvements. This bill contains 1,705 pages and is probably the largest bill ever presented to any legislative body in the world.

The members of the Committees in Senate and House on Revision of the Laws, with all their other duties, and the fact that they are not expert revisers, can not perform the stupendous task of revising or compiling the laws of the United States. By a very fortunate arrangement the chairmen of the two committees were able to interest the two great law publishing houses of this country, the West Publishing Co. and the Edward Thompson Co., in the work of getting up the present codification. The work thus far has been done under a Senate appropriation of \$10,000, for which these two firms agreed to do it, but we are informed that they have already invested \$20,000 of their own money in addition to this sum. These two firms have done this work from patriotic motives and are entitled to great credit. Increased reputation is what they will get for their pains and expenditure. This work, then, represents the efforts of the trained staffs of these two firms, and I am sure that the work has been done by the best talent obtainable in the United States. The work has been checked and rechecked by these experts, many of whom are lawyers and have had years of experience at it; and in addition to this, the various titles have been submitted for scrutiny to the Cabinet officers, various boards, commissions, and officers of the Government.

In the Little Code the sections ran consecutively through the whole volume. In the present work each title is separately numbered and each title has its own section numbers. In this way each title becomes a unit, and this method permits of additional sections without disturbing the numbering of other titles and also permits the insertion of additional titles.

The first six titles of the present work are concerned with what might be termed the set-up of the Government of the United States, as follows: 1, General and repeal provisions; 2, The Congress; 3, The President; 4, Flag and seal, seat of Government, the States; 5, Executive departments and Government officers and employees; 6, Official and personal bonds. The rest of the titles are arranged alphabetically, and run from number 7, Agriculture, to number 50, War.

This code now offered contains all general and permanent laws of the United States in force December 7, 1925, that is, up to the beginning of the present Congress. In addition to this bill, an additional bill has been reported from our committee, providing that if and when bill H. R. 10000 becomes a law—that is, when bill H. R. 10000 has passed House and Senate and has been approved by the President—it shall be known as "The Code of the Laws of the United States," and may be cited as "Code L. U. S." This further bill also pro-

vides that when and if H. R. 10000 becomes law, there shall be added a preface, table of contents, parallel reference tables to the Revised Statutes, and so forth, the Declaration of Independence, articles of Confederation, the Ordinance of 1787, Constitution of the United States, Appendix of laws passed by first session of the Sixty-ninth Congress, and an index. If the code now offered becomes law, the completed volume, with the additions stated, should be ready about three months after this session of Congress adjourns. It is contemplated that the volume shall be for sale by the Public Printer for about \$5.

The code now offered by the committee has the usual saving clauses in it so as not to disturb acquired right, pending criminal and civil cases, statutes of limitation, and so forth. It provides for the repeal of existing law, but at the same time provides for a continuity of the law. It is evident that if the new volume is to have the force of law that it must repeal prior law and it must speak from some definite date. The committee has given very careful consideration to the so-called repealing clauses, and the clauses which you will find on the first page, in addition to the so-called saving clauses, provide that where the prior enactment is substantially contained in the present code, that as to it the code takes effect as of December 7, 1925, and as of that date the prior enactment is repealed. If any question should arise as to this, it would be for a court or official or any interested party to determine what is meant by the word substantial. I take it to mean in this connection a full restatement of the intent and meaning of the prior law. It is further provided that if any prior law is not so substantially restated that as to it the repeal does not take effect until July 1, 1927. The two provisions may fairly be stated to mean that this code, if it becomes law, is presumptive evidence until July 1, 1927, and thereafter it becomes absolute. We have therefore arranged to give the code this probationary period, and any errors which may be found can be corrected in the second session of this Congress. Any errors of consequence will doubtlessly be found before the second session, as thousands of judges, lawyers, Government officials, and employees are constantly referring to the statutes and may be relied upon to detect any errors.

Perhaps it may be well to say a word here in reference to the terms "code," "revision," and "compilation." I think the most apt name for the present work is "code," as a code is a systematic statement of the law, which is what has been attempted. A revision of law contemplates a rewriting of the law and even contemplates changes in the law. This has not been the object of the committee. We have religiously endeavored to leave the law as it is, but we have attempted to arrange an orderly statement. A compilation of laws does not contemplate much more than an orderly collection. The present work goes a little beyond that, because the various titles of laws have been omitted; laws which are manifestly obsolete by reason of expiration by their own terms have been omitted. Also laws found in appropriation laws have been placed in proper titles. It should be understood that the present work is not a revision of the United States statutes. If this work should become law there will still be plenty of work to do for the Committees on Revision of the Laws in future Congresses, as it is desirable that a real work of revision should later be undertaken. The present work will lay the foundation for such a revision; it will much facilitate such a revision, because the committees can devote their attention to one or more titles, as may be feasible in a particular session of Congress.

It is probable that there are some errors in the code now offered. A thousand expert revisers could probably not make it error proof. I feel safe in saying that it is as free from error as it can be made, because it has been prepared by the best talent available and has been severely scrutinized and checked by independent investigators. The possibility of error should be no objection to its passage. The question is, Is it the best to be had? If we allow more time to elapse we shall create more possibility for error. The work has been too long neglected already, and I sincerely hope that this code may become law at this session. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. VOIGT. May I have a minute more?

Mr. ROY G. FITZGERALD. I am sorry, but I can not yield more time.

Mr. BLACK of New York. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. MOORE].

The SPEAKER. The gentleman from Virginia is recognized for two minutes.

Mr. MOORE of Virginia. Mr. Speaker, I do not think there will be any serious objection to the codification, which is covered by the bill H. R. 10000. But this bill is to be followed by another bill providing for the distribution of the

code when printed. I would like to have the attention of the gentleman from Ohio [Mr. ROY G. FITZGERALD]. When the second bill (H. R. 11318) comes along I would like my friend to explain as fully as he can section 3, which has reference to the matter of distributing the code after it is printed. That section provides that:

In addition to quotas already provided by law.

And so forth. I would like a specific reference to the law which is now assumed to provide the quotas. Then the section proceeds and says that the code when bound in buckram shall be distributed in the manner stated to the Members of Congress.

That is all right, but I would like to know whether there is anything in this second bill that would specifically require that the Government Printing Office should continue the printing of this code and put it on the market so it may be bought by anyone who wishes to purchase it at a price not exceeding the cost of printing and delivery.

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

Mr. BLACK of New York. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. Cox.]

Mr. COX. Mr. Speaker, this is no effort to revise the laws. It is simply an effort to codify them. If there was excuse for the enactment of the Little code, then there is abundant reason for the enactment of this code. It attempts to bring the Federal statutes together in one work and makes it possible for the profession to know what the law is and where to find it.

The Committee on Revision of the Laws was unanimous in its support of this measure. I want to say to you that the chairman of that committee has given of himself most liberally in the preparation of this work. It is the Little code improved upon, of course, by the work of the chairman, the work of the committee, aided by the experts of these great law-publishing houses of the country, to whom reference has been made.

You gentlemen, of course, realize that this committee, in the time it has had to prepare this bill, could have accomplished nothing of any consequence except that it had been aided by the experts of the country whose business it is to codify the laws. We had these experts at our service by reason of the efforts of the chairman.

Mr. STEVENSON. Will the gentleman yield?

Mr. COX. I will.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. BLACK of New York. Mr. Speaker, I yield the gentleman from Georgia one additional minute.

Mr. STEVENSON. I want to ask this: In case there is a difference between the text of this and the text of any statute—

Mr. COX. The statute prevails up to July 1, 1927, when the law as stated in this code would prevail.

Mr. STEVENSON. In other words, if we pass this just as it is and there is no legislation making it the only general law and a conflict arises between the text of this and the original statute and the original statute prevails, then that will not help very much, will it?

Mr. COX. Of course, it would be almost impossible to prepare a work that would satisfy the demands of the profession except there be some effort at a revision of the laws. This work is burdened with a great many obsolete laws, because in codifying the laws there has been no effort made to rewrite them.

The SPEAKER. The time of the gentleman from Georgia has again expired.

Mr. BLACK of New York. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from New York is recognized for two minutes.

Mr. BLACK of New York. Mr. Speaker, the only thing I can tell the House about this bill is that the general plan and the scope of this compilation follows the New York Consolidated Laws, which have proven very satisfactory to all the working lawyers of the State of New York and to everybody who has had to use the statutes of the State of New York.

You will find the law very readily in this work. You have your titles arranged alphabetically, and you have your laws set forth in the proper sections, one after another, where they belong, just as in the New York system.

As to the personnel which worked on this revision, I know the men from the Thompson Law Co. very intimately. Mr. Eldridge, who has had charge of this work, is a most pains-taking, careful, and conscientious man. I know that, as far as that company is concerned, from my intimate knowledge of it, everything has been done that could be done to insure care

in this compilation. I will warrant that that bill is as perfect as any compilation could be, knowing so well that Mr. Eldridge himself is so scrupulous in everything he undertakes in connection with law publications. He is an experienced law writer, and he is largely responsible for the most used annotations to the New York Consolidated Laws, which annotations have proven of such working value to all New York lawyers.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to proceed for two minutes, in order to answer my friend from South Carolina [Mr. STEVENSON].

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. ROY G. FITZGERALD. The first page of this code the gentleman from South Carolina [Mr. STEVENSON] will find accurately covers the whole situation. All statutes of limitation are saved, all matters pending in the courts are saved, and then, after the specific saving clauses, the gentleman will find that if this code differs from the present law the prior law must prevail until the 1st of July, 1927. Personally I do not like this delay, but the Senators have prevailed upon both committees to make this concession of leaving this period open, because they think that such a provision will be necessary in order to pass the bill in the Senate.

Mr. STEVENSON. Then, as I understand it, the answer of the gentleman from Georgia [Mr. Cox] that the original statute prevails and not the provision in this bill, where they differ really means that the original statute prevails only up to July 1, 1927.

Mr. ROY G. FITZGERALD. Only up to that time, and then this code is final and conclusive.

Mr. LAGUARDIA. How would you correct errors? For instance, my attention has been called to the fact that in the original law there is provided a salary of \$3,600 for a certain officer, and in the proposed code here the salary is \$1,800. That clearly is an error. How is that going to be corrected—by an act of Congress prior to July 1, 1927?

Mr. ROY G. FITZGERALD. If that is an error, as the gentleman has stated, the original law must prevail up until the 1st of July 1927.

Mr. LAGUARDIA. And we will have to correct it before that?

Mr. ROY G. FITZGERALD. We can correct it before that time, because we have an entire session of Congress in which to do it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. ROY G. FITZGERALD. I yield to the gentleman.

Mr. CHINDBLOM. I would like to ask the gentleman as the chairman of the committee, for the purposes of the Record, whether the bill now in the possession of the reading clerk of the House is the measure which he has moved to suspend the rules and pass.

Mr. ROY G. FITZGERALD. To the best of my knowledge and belief.

Mr. CHINDBLOM. Well, is it?

Mr. ROY G. FITZGERALD. I can not tell unless I look at it. Apparently it is.

Mr. CHINDBLOM. We had this same situation some years ago, and Mr. Mann wanted that made clear.

The SPEAKER. The time of the gentleman from Ohio has expired.

The question is on the motion of the gentleman from Ohio to suspend the rules and pass the bill.

Mr. SCHAFER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Two gentlemen have risen; evidently not a sufficient number.

So the yeas and nays were refused.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### PUBLICATION OF THE CODE OF THE LAWS OF THE UNITED STATES

Mr. ROY G. FITZGERALD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11318) to provide for the publication of the Code of the Laws of the United States, with index, reference tables, appendix, and so forth, with amendments.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That when and if H. R. 10000, a bill to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925, shall become a law in the Sixty-ninth Congress, it shall be known as "The Code of the Laws of the United States" and shall be so entitled and labeled and may be cited as

"Code L. U. S."; that such act shall be plated from the type in which H. R. 10000 was printed when it shall have passed the House of Representatives and shall be printed in the same style and form; that the general provisions of the code for the printing and distribution of laws are hereby modified with respect to such code as follows:

1. No slip copies as provided in section 191, of Title 44, of the Code of Laws of the United States, need be printed or distributed.

2. In lieu of distributing the code in pamphlet form as provided by section 195 of Title 44, the Public Printer is hereby authorized and directed to print a sufficient number of copies without the index, reference tables, and other ancillaries provided for in section 2 hereof, to supply the requisitions therefor, and to furnish one copy each to Members of the Sixty-ninth Congress and others who are entitled by sections 191 and 195 of Title 44 to copies of laws in slip or pamphlet form.

SEC. 2. That the Committee on the Revision of the Laws of the House of Representatives is hereby authorized to have prepared for said code to be published with it in a single volume, and the Public Printer is authorized to print as ancillaries thereto—

1. Preface.

2. Table of Contents.

3. Parallel Reference Tables to the Revised Statutes of the United States.

4. Parallel Reference Tables to the Statutes at Large of the United States.

5. Parallel Reference Tables to the United States Compiled Statutes, Annotated.

6. Parallel Reference Tables to the Federal Statutes, Annotated.

7. The Declaration of Independence.

8. The Articles of Confederation.

9. The Ordinance of 1787.

10. The Constitution of the United States and amendments.

11. Appendix with the general and permanent laws of the first session of the Sixty-ninth Congress.

12. Index.

SEC. 3. That in addition to quotas already provided by law, except as modified by section 1 hereof, there shall be printed, published, and distributed of said code with the said ancillaries all bound in one volume in law buckram 10 copies for each Member of the Senate and House of Representatives of the Sixty-ninth Congress for his use and distribution, and in addition for the Committees on the Revision of the Laws of the Senate and House of Representatives a number of bound copies equal to ten times the number of members of the respective committees.

SEC. 4. That the Committee on the Revision of the Laws of the House of Representatives is hereby authorized to prepare, and the Public Printer to print, in slip form and furnish with each copy of the code distributed before July 1, 1927, a statement calling attention to the repeal provisions of the code, sections 2 and 6, inviting scrutiny of the work and encouraging constructive criticism.

SEC. 5. That this code shall be published as Part I of volume 44 of the Statutes at Large.

Mr. LUCE and Mr. BLACK of New York demanded a second.

Mr. LUCE. Mr. Speaker, a parliamentary inquiry.

THE SPEAKER. The gentleman will state it.

Mr. LUCE. Is the gentleman from New York [Mr. BLACK] opposed to the bill?

THE SPEAKER. The gentleman from New York [Mr. BLACK] is a member of the committee.

Mr. BLACK of New York. Mr. Speaker, I withdraw the demand for a second.

Mr. LUCE. Mr. Speaker, I demand a second.

Mr. MOORE of Virginia. I demand a second, Mr. Speaker.

THE SPEAKER. Is the gentleman from Virginia a member of the committee?

Mr. MOORE of Virginia. No; I am not, Mr. Speaker.

THE SPEAKER. The gentleman from Massachusetts rose first, and the Chair recognizes the gentleman from Massachusetts to demand a second.

Mr. LUCE. I am opposed to the bill, Mr. Speaker.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

THE SPEAKER. Is there objection?

There was no objection.

Mr. ROY G. FITZGERALD. Mr. Speaker and gentlemen of the House, this bill provides for a different sort of printing than would ordinarily take place. In the first place, this code as presented to you this afternoon is printed on only one side of the paper. It is the linotype work of the Government Printing Office. It has not been plated and not prepared for publication beyond that point which is necessary to fix its identity. This bill—H. R. 11318—provides for the code being printed from the plates prepared from this set-up in the type we have before us. The slip laws are done away with and the pamphlet laws are to be distributed on requisition to

those who need them until the index and other aids in the use of the work are prepared. When the whole work is completed it will be distributed as other laws of the United States.

Answering my friend the gentleman from Virginia [Mr. Moore], the general law which will operate upon the code in accordance with the terms of this bill may be found in title 44 of the proposed code. I do not know that I can recall the sections in Barnes's code, but they are in title 44 of this code and are sections 191, 194, and 195 of title 44.

There is a general provision that all public documents, including this code, are to be printed and sold by the Superintendent of Documents at cost. I got the estimate on the cost as late as to-day. The code complete with index and other features can be sold by the Superintendent of Documents in any number and throughout the United States at \$5 a volume. I also investigated to find out what other codes cost, and I understand the cheapest code is \$12.

Mr. BLANTON. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. BLANTON. How many copies will be distributed through the folding room?

Mr. ROY G. FITZGERALD. I could not say offhand.

Mr. BLANTON. There will be at least one copy to each Member?

Mr. ROY G. FITZGERALD. Oh, yes; you will get 10 bound copies as soon as it is completed and you will get one copy long before it is completed.

Mr. BLANTON. There will be 10 bound copies distributed through the folding room for each Member?

Mr. ROY G. FITZGERALD. As soon as possible after it has passed the Senate and before indexing, every Member will have a copy.

Mr. CRAMTON. What does the gentleman estimate will be the cost of the 10 bound copies to be furnished each Member?

Mr. ROY G. FITZGERALD. I think \$5 leaves a little profit—\$4.50 or \$4 probably.

Mr. CRAMTON. About twenty or twenty-five thousand dollars?

Mr. ROY G. FITZGERALD. Yes. We have wasted now more than a half million dollars in attempting to pass this bill.

Mr. BLANTON. If there is anybody on earth that ought to know what the laws of the United States are and have access to them, it is Members of Congress.

Mr. CRAMTON. Yes; but does every Member of Congress need 10 copies?

Mr. BLANTON. Oh, we can get 10 for about the price that we get one.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. MOORE of Virginia. The gentleman will understand that I am not criticizing or antagonizing the bill; I want to get some information. I understand that if we print the code, it will be distributed not only to Members of Congress as specified and provided under existing law, but there is a distribution to all departments and agencies of the Government and Federal courts.

Mr. ROY G. FITZGERALD. As provided by law.

Mr. MOORE of Virginia. As provided by existing law.

Mr. ROY G. FITZGERALD. That is true.

Mr. MOORE of Virginia. And when that is done the Government Printing Office will continue to print the code, so that it will be on the market at a price not exceeding the cost of printing and the cost of delivery?

Mr. ROY G. FITZGERALD. Yes; through the Superintendent of Documents.

Mr. MOORE of Virginia. So that we have guarded against the code falling into the hands of private printers, who might sell it at a profit?

Mr. ROY G. FITZGERALD. There is no opportunity for exploitation.

Mr. TREADWAY. Will the gentleman yield?

Mr. ROY G. FITZGERALD. I will.

Mr. TREADWAY. Is not the inquiry of the gentleman from Texas answered on page 4, line 3? The gentleman from Texas asked how many copies each Member would have, and, as I read it, each Member of the House and Senate will have 10 copies.

Mr. ROY G. FITZGERALD. That is the intent to have it bound with all the accompanying features—there are 12 different features, the appendix, the cross reference to the Revised Statutes, the Constitution, and the others enumerated.

Mr. TREADWAY. Are these 10 copies that go to the Members of the House and Senate to be bound in buckram?

Mr. ROY G. FITZGERALD. Yes; but they can requisition other copies if necessary.

Mr. BARBOUR. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. BARBOUR. Are these bound volumes to go to the folding room, and will each Member get 10 volumes, or will they be distributed to anybody?

Mr. ROY G. FITZGERALD. As carefully as I could draw the provision, each individual Member will have 10 copies to his credit.

Mr. BARBOUR. I have found in other cases that the documents in the folding room have been distributed to others.

Mr. ROY G. FITZGERALD. This provides that each Member will get 10 copies.

Mr. TREADWAY. Does not that mean that the 10 copies will be listed to each Member in the folding room and put to his credit, and nobody else can go in and demand a copy belonging to the gentleman from California.

Mr. ROY G. FITZGERALD. It means that there shall be 10 copies for each individual Member of this Congress.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Certainly.

Mr. NEWTON of Minnesota. In connection with the indexing, I take it that the representatives of both of these book companies will be in charge of the indexing.

Mr. ROY G. FITZGERALD. We have no written contract but the presidents have indicated that they will undertake to do this work. The Declaration of Independence and Constitution of course will be furnished by the Secretary of State, but these concerns are willing to furnish the cross reference tables, which are another feature, to their own annotated works. The other cross reference tables I have to have made with the help of the legislative index division of the Congressional Library under an appropriation already given to this committee.

Mr. NEWTON of Minnesota. The index is such an important part of any code, and especially one that is new, that it seems to me it is quite essential that both of these concerns lend their assistance to indexing as well as to the other work.

Mr. ROY G. FITZGERALD. They have agreed to give it to the Public Printer for \$5,000.

Mr. COX. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. COX. In order that the publishers of this may realize the benefit of whatever may grow out of the labors they have put into the work, having superintended the preparation of this bill, would it not be necessary for them to proceed to the completion of the work by the preparation of an index?

Mr. ROY G. FITZGERALD. Yes; and this country will be under great obligations to these two concerns if they will finish that job as they promised me they will. They have expended more than \$20,000 out of their funds on the work already done.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. BRIGGS. Does the gentleman leave it in the air as to whether or not this volume is to be indexed with a comprehensive index? Does the gentleman not think it ought to be fixed by law?

Mr. ROY G. FITZGERALD. I have to anticipate as well as I can. I secured from this House an appropriation of \$5,000 to do this. This is the estimate that I have had prepared by these companies, but I can not employ them to do it until the bill passes the Senate.

Mr. BRIGGS. The gentleman does not anticipate that the Congress will object to providing an adequate amount to prepare a comprehensive accurate index?

Mr. ROY G. FITZGERALD. Oh, no.

Mr. BRIGGS. What does the gentleman estimate will be the price of this volume when it is prepared and ready for the public?

Mr. ROY G. FITZGERALD. If it were to be sold by a private concern it would be \$12 or \$15, but as coming from the Public Printer it will not exceed \$5, and it might be a little less. I might add that we have had here in Washington as the headquarters the staffs of these two great law-publishing concerns. The presidents of both of the companies, Mr. Homer P. Clark, of St. Paul, and Mr. M. B. Wailes, of New York, have been here personally on the job. The editor in chief, Mr. Harold N. Eldridge, who has been so properly praised on the floor here to-day by the gentleman from New York, has been here and personally has superintended the work. We have had 11 of the most expert lawyers from the staffs of these two companies, and over 40 expert clerical persons on the work here continuously for weeks and weeks.

Mr. LUCE. Mr. Speaker, of course, I want this published, and I have not the slightest desire to use 20 minutes, but I did

want to make sure that I would have a chance to call the attention of the House to what seems to me an unfortunate provision in this bill. Paragraph 2 of section 1 calls for the publication and circulation of what I should say from a hasty glance at the law will be between three and four thousand copies, evidently intended for immediate use, until the bound volume is accessible.

Section 2 prevents even the insertion of a table of contents in this temporary volume. A book of this sort without a table of contents and an index is of small worth. Those of you who have had the volume we refer to as the "Little Code"—we have had it on our bookshelves now for two or three years—must have shared in my own annoyance in trying to find things in it without the help of an index. A book like this without an index is a pest and a plague; it is a nuisance. It wastes a very great amount of time and an additional amount of temper.

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

Mr. LUCE. Yes.

Mr. BLACK of New York. If the gentleman will look at the code, he will notice that it is alphabetically arranged under main titles, under which main titles there are subtitles, and in looking for a law one would go to the general, wholesale title, and under it then would find what he wanted in a subtitle. It is practically a table of contents for each section of the law.

Mr. LUCE. While the gentleman from Ohio [Mr. Roy G. FITZGERALD] was talking I had occasion to look to find out whether the sections relating to the library had been attended to, as I understood they were to be attended to. I am glad to find that they have been, but I stood there, it seems to me, an interminable time trying to find out where the provisions were.

Mr. BLACK of Texas. Can the gentleman give us any information as to how much it will cost to print these approximately 1,000 volumes in that particular form?

Mr. LUCE. I am not a member of the committee. The gentleman will have to ask some member of the committee for that information.

Mr. BLACK of Texas. Will the gentleman yield to see if we can get that information from some one?

Mr. LUCE. Certainly.

Mr. ROY G. FITZGERALD. Mr. Speaker, if I understand the question correctly, I might state that this bill as we have it before us cost in the Printing Office alone for the work \$16,627.25. If the bill had been printed as an ordinary bill is printed, and they had plated it and gone through with it, it would have cost \$186,584.36. They estimate at the Printing Office that they can finish this with the index and all these other appurtenances and put it out and sell it to the public at \$5.

Mr. BLACK of Texas. The gentleman is not giving the information that I desire. I want information as to the cost of printing the copies covered by paragraph 2; that is to say, the copies of the bill which would be distributed, one to each Member, and to departments of the Government before the index and preface, and so on, are prepared.

Mr. ROY G. FITZGERALD. I have no definite information about what the bare code itself would cost, but you would have to divide \$160,000, the cost of plating and printing this work, and apportion it among the different volumes, depending upon the number that we printed. That is best way that you can arrive at it.

Mr. Speaker, in this connection I ask unanimous consent to have printed in the RECORD a letter I received from the Public Printer to-day, which analyzes the cost and also the savings which have been alluded to here.

The SPEAKER. The gentleman from Ohio asks unanimous consent to have printed the letter referred to. Is there objection?

There was no objection.

The letter referred to is as follows:

GOVERNMENT PRINTING OFFICE,  
OFFICE OF THE PUBLIC PRINTER,  
Washington, D. C., April 19, 1926.

MY DEAR MR. FITZGERALD: Now that the code bill has been put in type and it is ready for consideration by Congress, I want to take this occasion to thank you and your committee for its cordial cooperation in the printing of this monumental work. We also deeply appreciate the excellent service of the representatives of the West and Thompson publishing companies in connection with the preparation of copy and revision of thousands of proofs of the code. I am sure that everyone concerned in this great undertaking has reason to feel proud of the accomplishment.

I also want to compliment you and the committees of the House and the Senate on the economies that have been effected in the printing

of the code. If the code had been printed in the usual bill form as introduced, reported, and passed, it would have made 13,720 pages and have cost \$186,584.36. By printing the code in the form adopted by your committee, its size was reduced to approximately 1,700 pages, at a cost to date of only \$16,627.05. The net saving in the printing of the bill for consideration by Congress is thus \$169,957.31.

By eliminating the duplicate distribution of the code in the slip and pamphlet forms, as proposed by H. R. 11318, an additional economy of \$16,363.86 will be effected. To this saving should be added \$7,927.86, which would be the extra cost of separate prints of the code in its present form if the regular bill number had been printed as introduced, reported, and passed in the House and the Senate.

From this statement you will see that the total saving in the method of printing the code, as approved by your committee, will be approximately \$200,000.

If the code shall receive the approval of Congress at this session, I can assure you that this office will put forth every effort to expedite its publication.

Again congratulating you upon the splendid service that you and your committee have rendered the country in this great work, I beg to remain.

Respectfully yours,

GEORGE H. CARTER,  
Public Printer.

Hon. ROY G. FITZGERALD,  
Chairman House Committee on Revision of the Laws,  
House of Representatives, United States,  
Washington, D. C.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. LUCE. Certainly.

Mr. GARRETT of Tennessee. I understood the gentleman to state just now that section 2 provides for the distribution to supply the Members of the Sixty-ninth Congress and others that are entitled to them with copies of this law in pamphlet form, but without any index whatever. If the gentleman will yield, I would like to ask the gentleman from Ohio [Mr. ROY G. FITZGERALD] to state why we would not better wait and let the Members have an indexed volume?

Mr. ROY G. FITZGERALD. The purpose is to save money as much as we can. It will take from three to four months to prepare the index and cross-reference tables and to compile the law of this session of Congress, including the revenue law. In the meantime there are a great many people who will demand copies of the code. It is the best and most compact statement of the Federal laws in existence, and it would be intolerable to withhold it three months or more from the public, awaiting the index and other features. This bill has been worded and reworded a great many times. The gentleman will notice it has been amended by the committee because the Public Printer felt it would be wiser to put it in the present form and thereby permit greater economy.

As originally drawn I cut out all the strip laws and cut in two the pamphlet copies. The Public Printer feels that he ought to be authorized to print just so many as may be demanded.

Mr. GARRETT of Tennessee. It does seem to me there ought at least to be printed a table of contents, making an index from the various titles and making it possible to ascertain the contents.

Mr. ROY G. FITZGERALD. There is no reason why that can not be done. This only permits the Public Printer to print the code bare of the index and other features to meet necessary requirement during the three or four months that the index is in preparation. He is willing to put in a table of contents, and I am willing personally to have it prepared. But this bill simply permits the printing in this form to meet the demands of those who must have it before the index can be completed.

Mr. GARRETT of Tennessee. The bill says they are to be printed without the index.

Mr. ROY G. FITZGERALD. This is permission to the printer to print enough to meet the demands.

Mr. GARRETT of Tennessee. But this permission provides that he does not put in any index.

Mr. ROY G. FITZGERALD. That is not the intention.

Mr. GARRETT of Tennessee. I have read it over carefully.

Mr. ROY G. FITZGERALD. He has already got permission to print.

Mr. TILSON. If the gentleman will yield, what is the use of printing these ponderous tomes until the index is ready? It is specifically stated that the law as contained in the publications heretofore issued shall be construed to be the law until 1927. Surely we can go on for the three or four months necessary to complete the index just as we have been going

on for 50 years. Why not let it go until the index is completed? Why lumber up the shelves in our offices with one copy each of this volume while it is without an index or table of contents?

Mr. ROY G. FITZGERALD. We give the Public Printer permission to do this if it is demanded of him. I do not think with a code of this kind in existence that we should be put in such a position that Members of Congress could not have a single copy of it. This book ought to be made available as soon as it becomes a law in order that errors may be ascertained, if there are any.

Mr. CHINDBLOM. I call the attention of the gentleman from Ohio to the fact that in paragraph 2 the Public Printer is not authorized but directed to print a sufficient number of copies without index, and so forth, and if you try to print an index after passing this law, you are in great danger that some accounting officer might say you did it without authority.

Mr. ROY G. FITZGERALD. There is no danger of printing the index, because it can not be prepared until the law passes.

Mr. CHINDBLOM. If you try to print a table of contents without authority you may have difficulty.

Mr. ROY G. FITZGERALD. This is intended simply to meet the demand of those who are entitled to a copy or feel they ought to have a copy of the bare code without a delay of months. This bill is calculated to save thousands and thousands of dollars.

Mr. BLACK of New York. Is it not a fact that under each title there is practically a complete index?

Mr. ROY G. FITZGERALD. Yes; the first six titles relate to the form of government, and after that it is in alphabetical order, with more than 500 cross references.

Mr. LUCE. Will the gentleman explain what would be the effect if we should not adopt his committee amendment, but would let the text stand here as originally drawn?

Mr. ROY G. FITZGERALD. The Public Printer sent up a protest against that. We would save something like \$7,000 by letting it stand in that way. In this way it would save something like \$14,000 or \$15,000, if too many copies are not demanded. It seems, if this bill passes the Senate and becomes a law, it will take three months to make the cross-reference tables and index. In the interim we should not be shut off from reference to the code, and therefore he has been directed to print a sufficient number to meet a reasonable demand. That, I think, is the best way to handle it, but I am not wedded to one way or other. My sole idea is simply to produce the law as stated here in its bare form and available in case of necessity, and to provide against the waste and loss which would be entailed by the general printing.

Mr. LUCE. Of course the gentleman understands that I have no desire to prevent the publication of the book. My question has been raised largely in the hope that inasmuch as the bill can not be amended here, somewhere else permission may be given to print a table of contents and index in even the first batch of copies.

Mr. GARRETT of Tennessee. Of course it can not be amended here under the rules except by unanimous consent. I would like to ask the gentleman from Ohio if he would not be willing, by unanimous consent, to insert in line 21, after the word "ancillary," the words "except a table of contents."

Mr. ROY G. FITZGERALD. Certainly, I would be very glad to.

Mr. GARRETT of Tennessee. That would improve it very much.

Mr. LUCE. That would help.

Mr. CHINDBLOM. It should not come before the word "Provided." It should come in after the word "hereof."

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to offer the amendment as follows: Page 2, line 21, after the word "ancillaries" add "except a table of contents."

Mr. GARRETT of Tennessee. Yes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 21, after the word "ancillaries" add the words "except a table of contents."

Mr. CHINDBLOM. Mr. Speaker, that had better come after the word "hereof."

Mr. ROY G. FITZGERALD. I agree that that is so. If there is no objection, Mr. Speaker, I ask unanimous consent that the amending words follow the word "hereof."

The SPEAKER. Without objection, the Clerk will report the modified amendment.

The Clerk read as follows:

On page 2, line 21, after the word "hereof" insert "except a table of contents."

**THE SPEAKER.** The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

**MR. LUCE.** Mr. Speaker, I yield back the remainder of my time.

**THE SPEAKER.** Is further time desired? If not, the Chair will put the question. The question is on accepting the motion of the gentleman from Ohio [Mr. ROY G. FITZGERALD] and suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

APPROPRIATIONS FOR CONSTRUCTION AT MILITARY POSTS

**MR. JAMES.** Mr. Speaker, I move that the House suspend the rules and pass the bill (H. R. 10275) authorizing appropriations for construction at military posts, and for other purposes, with the amendments which I have sent to the Clerk's desk.

**THE SPEAKER.** The gentleman from Michigan [Mr. JAMES] moves to suspend the rules and pass the bill H. R. 10275, with committee amendments.

**MR. LAGUARDIA.** Mr. Speaker, I demand a second.

**THE SPEAKER.** The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated not to exceed \$5,770,000 from the net proceeds derived from the sales of surplus War Department real property, including the sale of surplus buildings, deposited in the Treasury, as authorized by the act approved March 12, 1926 (Public, No. 45, 69th Cong.), said sum to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary, as follows:

Fort Benning, Ga., continuing of barracks construction, \$725,000; Fort Monmouth, N. J., barracks for enlisted personnel, \$555,000; Fort Monmouth, N. J., hospital, \$100,000; Camp Lewis, Wash., beginning construction of post hospital, \$125,000; Fort Sam Houston, Tex., barracks, \$500,000; Selfridge Field, Mich., barracks, \$570,000; Selfridge Field, Mich., noncommissioned officers' quarters, \$180,000; Camp Meade, Md., barracks, \$410,000; Fort Bragg, N. C., barracks, \$360,000; Fort Humphreys, Va., barracks, \$500,000; Camp Devens, Mass., barracks, \$500,000; Erie Proving Ground, Ohio, barracks, \$47,000; Edgewood Arsenal, Md., officers' quarters, \$90,000; United States Disciplinary Barracks, Fort Leavenworth, Kans., hospital, \$125,000; Mitchel Field, N. Y., barracks, \$287,000; France Field, Panama, officers' quarters and noncommissioned officers' quarters, \$139,000; Schofield Barracks, Hawaii, noncommissioned officers' quarters, \$72,000; Fort Wadsworth, N. Y., barracks, \$285,000; Maxwell Field, Montgomery, Ala., barracks, \$130,000; noncommissioned officers' quarters, \$70,000: *Provided*, That any unexpended balances or combined unexpended balances of any of the above amounts shall be available interchangeably for appropriation on any of the hospitals or barracks herein authorized.

**MR. BLANTON.** Mr. Speaker, this kind of a bill ought not to be called up here at this time of day and passed under suspension. I make the point of order that we have no quorum. This is an important bill.

**THE SPEAKER.** The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is no quorum present.

**MR. TILSON.** Mr. Speaker, I move a call of the House.

A call of the House was ordered.

**THE SPEAKER.** The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 77]

Aldrich	Curry	Hawley	Nelson, Me.
Andrew	Darrow	Hayden	Nelson, Wis.
Anthony	Davenport	Hersey	Newton, Mo.
Appleby	Dempsey	Holaday	O'Connell, R. I.
Auf der Heide	Denison	Hull, Tenn.	O'Connor, N. Y.
Ayers	Douglas	Irwin	Parker
Barkley	Doyle	Jacobstein	Parks
Beck	Drane	Jeffers	Peavy
Beedy	Eaton	Johnson, Ill.	Peery
Bixler	Esterly	Johnson, Ky.	Perlman
Bland	Fairchild	Keller	Phillips
Boies	Fenn	Kelly	Pou
Boylan	Flaherty	Kendall	Prall
Brand, Ga.	Fort	Kerr	Purnell
Eritten	Frear	Kiess	Quayle
Browne	Fredericks	Kindred	Ransley
Bulwinkle	Freeman	Kunz	Rayburn
Burtness	Fuller	Lee, Ga.	Reece
Butler	Funk	Lindsay	Reed, N. Y.
Campbell	Gallivan	Lineberger	Rowbottom
Carew	Gifford	McClintic	Sabath
Carpenter	Golder	McLaughlin, Nebr.	Sanders, N. Y.
Celler	Goldborough	Magee, Pa.	Schneider
Cleary	Graham	Martin, La.	Scott
Cole	Green, Iowa	Mead	Seger
Connery	Greenwood	Michaelson	Shreve
Connolly, Pa.	Hale	Montague	Spearling
Cooper, Ohio	Harrison	Morgan	Stedman
Cullen	Hawes	Morin	Sullivan

Swartz	Thompson	Vincent, Mich.	Wood
Sweet	Tucker	Vinson, Ga.	Woodrum
Taylor, N. J.	Tydings	Walters	Wyant
Taylor, Tenn.	Updike	Watson	Yates
Temple	Upshaw	Weller	Zihlman
Thomas	Vare	Welsh	

**THE SPEAKER.** Two hundred and ninety-three Members have answered to their names, a quorum.

**MR. TILSON.** Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

**MR. LAGUARDIA.** Mr. Speaker, I demand a second.

**MR. JAMES.** Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

**THE SPEAKER.** The gentleman from Michigan asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

**MR. JAMES.** Mr. Speaker and gentlemen of the House, on page 2 we have stricken out Schofield Barracks, Hawaii, \$450,000, for hospital construction, and the item for barracks at Camp Lewis, Wash., \$800,000, for the reason that both of these items are contained in the Army appropriation bill.

**MR. McKEOWN.** Will the gentleman yield for a question?

**MR. JAMES.** Yes.

**MR. McKEOWN.** What is the purpose of providing that certain sections of the Revised Statutes—sections 1136 and 3734—shall not apply?

**MR. JAMES.** That language has been stricken out.

**MR. McKEOWN.** It has been stricken out of the bill?

**MR. JAMES.** Yes.

**MR. WINGO.** Will the gentleman yield?

**MR. JAMES.** Yes.

**MR. WINGO.** My understanding is that the item for Schofield Barracks is carried in the current Army appropriation bill, and is specifically appropriated for.

**MR. JAMES.** The hospital; yes.

**MR. WINGO.** And I suppose this language in the bill does not hurt that proposition?

**MR. JAMES.** No.

**MR. WINGO.** It does not affect the status of it?

**MR. JAMES.** As I stated, it has been stricken out, and it was stricken out because the matter has already been taken care of in the Army appropriation bill.

**MR. WINGO.** Then, as I understand it, the item for Schofield Barracks is stricken out of this bill?

**MR. JAMES.** Yes.

**MR. WINGO.** And that is because it is already appropriated for in the current Army appropriation bill?

**MR. JAMES.** Yes.

**MR. WINGO.** All I want to be sure of is that that hospital be finished.

**MR. WAINWRIGHT.** We know you are interested in it.

**MR. JAMES.** On March 1 of this year the House passed a bill (S. 1129) which authorized the sale of surplus War Department real estate in order to provide funds from which to build barracks and quarters. This act approved March 12, 1926 (Public Law No. 45) provided for the establishment of a fund known as the military post construction fund, and further provided that estimates of the moneys to be expended from that fund, including a statement of the specific construction projects embraced in such estimates, shall be submitted annually to Congress.

H. R. 10275 comprises the first of such annual estimates and includes a list of construction which can be accomplished this year from funds now on hand from the sale of real estate.

These funds now amount to practically \$7,000,000, and by July 1 will have had added considerable sums from sales now under negotiation.

The bill as introduced by the War Department originally called for construction items totaling \$6,820,000. This amount has been revised by your Committee on Military Affairs, and as revised authorizes the expenditure of \$5,770,000.

It was deemed advisable to strike out two items—one for the continuing of hospital construction in Hawaii, \$450,000, and one for the construction of barracks at Camp Lewis, Wash., \$800,000, for the reason that these items are already included in the Army appropriation bill. It was also deemed advisable for the reasons giving in our committee's report (Rept. No. 616) on this legislation, to add an item of \$200,000 to provide for new construction at Maxwell Field, Ala., to replace war-time cantonment buildings.

These amendments, as I have stated before, bring the total amount authorized by this bill down to \$5,770,000, which will provide hospital accommodations and permanent shelter for over 6,000 men and officers who are now living in war-time shacks and barracks.

As has been brought out many times in hearings on this subject, there are now living in war-time frame buildings over 40,000 officers and men of the Regular Army out of a total of 118,000; the buildings were designed and built with the idea of using them for not more than five years. It has now been nearly nine years since they were built—nearly twice their estimated life—and most of them have deteriorated to an extent where it is extremely uneconomical to try to keep them in repair; underpinnings rotted out, roofs and sills sagging, and windows and doors warped.

To compel our Regular Army to live much longer under conditions so detrimental to morale and discipline should not be countenanced by Congress.

It was brought out in the hearings before our committee that the same unsatisfactory conditions obtain at every post and station where troops of the Regular Army are occupying these cantonment buildings, and the greatest problem the War Department had in making up this year's construction list was to determine what could best be left out, rather than deciding on what should be built.

It will be noted that all the items included in this bill are either to replace war-time buildings or to furnish shelter where none now exists.

Taking up the items as they appear in H. R. 10275, I will run over briefly the reasons why these items were selected:

1. Fort Benning, Ga.: Continuing of barrack construction, \$725,000. There are stationed at this post two Infantry regiments, the Twenty-fourth and Twenty-ninth, who have been living in tents for more than six years. Last year Congress appropriated \$386,000 to commence permanent barracks from this appropriation, and there has been completed accommodations for about 360 men. It is desired to continue this construction this year to the extent of building three more sections of the barracks, which when completed will house an additional 685 men. The winters are cold in this part of Georgia, and these troops in tents have been subjected at times to great hardships.

2. Fort Monmouth, N. J., barracks for enlisted personnel, \$555,000.

The Signal Corps battalion and special troops numbering about 600 men stationed at this post are quartered in temporary frame war-time buildings, which offer little protection against the cold winters of northern New Jersey; the buildings have deteriorated to a point where it is cheaper to build new quarters than attempt to keep the old ones in repair.

3. Fort Monmouth, N. J., hospital, \$100,000.

The same remarks apply to the hospital building as to the barracks; the present hospital is a wooden shed, absolutely unfit for further use for hospital purposes. It is proposed with this sum to erect a 27-bed hospital in order that the sick may be suitably cared for.

4. Camp Lewis, Wash., beginning construction of post hospital, \$125,000.

The hospital at Camp Lewis is located in a frame war-time structure unsuited for further occupancy as a hospital. The Army appropriation act contains provisions for beginning barracks at this post, and it is desired to furnish at least two permanent wards at this time as a part of the permanent garrison construction.

5. Fort Sam Houston, Tex., barracks, \$500,000.

There is stationed at this post the Second Infantry Division, which for the greater part is quartered in war-time cantonment buildings, the condition of which has already been explained. It is desired with the amount specified to construct barracks for one of the Infantry regiments less two battalions, about 600 men, and for a brigade headquarters company, about 30 men. The completed barracks will require about \$600,000 more, which will be included in future lists.

6. Selfridge Field, Mich., barracks, \$570,000.

All of the Air Service stations except two were built during the war and are of the light frame construction which was deemed adequate for the duration of the war. All these posts must be rebuilt, and Selfridge Field was placed first on the list on account of the cold climate of northern Michigan.

7. Selfridge Field, Mich., noncommissioned officers' quarters, \$180,000.

This amount will provide for the construction of 30 sets of noncommissioned officers' quarters. At the present time there are no noncommissioned officers' quarters at this field, and the men are living in improvised shacks or are on a rental status in the near-by town of Mount Clemens.

8. Camp Meade, Md., barracks, \$410,000.

The Seventeenth Tank Battalion, comprising a total of about 512 men, are living at present in cantonment buildings which are about ready to fall down. The necessity for replacing these structures is evident, as has been stated before. This appropriation will provide permanent accommodations for the

entire battalion. There is also stationed at this post the Army Tank School, living under similar conditions, but pending the determination as to the ultimate location of this school, the War Department did not include any construction for them.

9. Fort Bragg, N. C., barracks, \$360,000.

This amount will provide for the construction of barracks for one battalion of Field Artillery, approximately 447 men, who are now living in war-time cantonments which are unfit for habitation. The roofs leak, floors sag, and the buildings are rapidly becoming uninhabitable.

10. Fort Humphreys, Va., barracks, \$500,000.

Two regiments of Engineers are living in war-time buildings which should be replaced. The \$500,000 for construction will provide permanent barracks for the personnel of these regiments, comprising about 650 men, with the exception of non-commissioned officers. All of the buildings at this post are of the frame war-time construction type and will have to be replaced at an early date. Other construction items will be placed on future lists.

11. Camp Devens, Mass., barracks, \$500,000.

The same conditions apply here as at other posts where troops are quartered in cantonment buildings. The severe climate makes service here a real hardship. The amount contemplated will provide barracks for one Infantry regiment, the Thirteenth, less two battalions, and barracks for brigade headquarters company, and when completed will house approximately 620 men.

12. Erie Proving Ground, Ohio, barracks, \$47,000.

There are about 50 enlisted men of the Ordnance Corps who are stationed at this post. The post occupies an exposed position on the shore of Lake Erie, and the frame buildings offer little shelter from the winter storms. This amount will provide permanent shelter for the enlisted men of the garrison.

13. Edgewood Arsenal, Md., officers' quarters, \$90,000.

There is a serious shortage of quarters for officers at this station. A number of them are at present quartered in stucco noncommissioned officers' quarters and in tar-paper shacks, and others are on commutation status. There are no adequate housing facilities for the officers on commutation status in this vicinity, entailing an additional expense and a loss of time for travel to and from their station. This should be remedied without delay as an economic measure.

14. United States Disciplinary Barracks, Fort Leavenworth, Kans., hospital, \$125,000.

This amount, it is contemplated, will build permanent hospital accommodations to replace a ward which is now installed in an old cell room. The cell room in which the present hospital is located is entirely unsuited for hospital purposes, is a fire hazard, and should be abandoned at the earliest possible date.

15. Mitchel Field, N. Y., barracks, \$287,000.

No remarks are necessary concerning the necessity for this construction, as the same reasons apply as were cited in the case of Selfridge Field. This new construction will provide barracks for 355 enlisted men now living in war-time barracks.

16. France Field, Panama, officers quarters and noncommissioned officers' quarters, \$139,000.

There is a serious shortage of quarters for both officers and noncommissioned officers at this field. Due to its isolated position, there are no houses in the immediate vicinity which can be rented, and it is necessary to provide shelter at the field for the officers and noncommissioned officers on duty there. With this \$139,000 it is proposed to erect 6 sets of bachelor officers' quarters, 4 sets of married officers' quarters, and 12 sets of noncommissioned officers' quarters.

17. Schofield Barracks, Hawaii, noncommissioned officers' quarters, \$72,000.

This post is in an isolated position, in a farming country where there are no houses available for rent nearer than 6 miles. It is proposed to build 24 sets of noncommissioned officers' quarters to house an equivalent number of these enlisted men who are now living in improvised shacks.

18. Fort Wadsworth, N. Y., barracks, \$285,000.

S. 1129 authorizes the sale of Fort Schuyler, where one battalion of the Eighteenth Infantry, comprising about 350 men, are now living in war-time cantonments. With the above sum it is proposed to construct permanent barracks for this battalion at Fort Wadsworth, N. Y., thus releasing Fort Schuyler for sale in order to provide additional funds for this housing program.

19. Maxwell Field, Ala., barracks, \$200,000.

This amount will provide permanent barracks for the headquarters, Fourth Division, Air Service Twenty-second Aero Squadron, Fourth Photo Section, and service detachments, a total of 162 enlisted men, and will construct quarters for 13 noncommissioned officers of the first three grades. The condi-

tions at this post are practically the same that obtain at all Air Service stations—war-time cantonment buildings, which must be replaced.

As I have stated before, the conditions under which so large a portion of our Regular Army is living are disgraceful. The natural effect on the morale of the officers and men is most detrimental. Another serious effect has been the loss of time taken from training to allow large fatigue parties to work on these buildings, not only to keep them half way habitable but, indeed, to prevent their absolute collapse.

To fail to take action on this bill at this session of Congress means a delay of another year before construction can even be commenced, which means that for that length of time troops will be subjected to a further unnecessary hardship. The money is available and has been set aside for this specific purpose. I should like to call your attention to a letter from the Secretary of War, dated April 6, 1923, urging early and favorable action. This letter is as follows:

The SPEAKER,

*House of Representatives.*

SIR: In connection with H. R. 10275, now pending in Congress, I feel that it is my duty to urge early and favorable action.

The housing conditions under which a large proportion of our officers and enlisted men are compelled to live is a disgrace to the Government and should be remedied without further delay. These deplorable conditions have been emphasized from year to year in the annual report of my predecessor and have been fully described in hearings before the Congress.

This year with the passage of the act of March 12 (Public, No. 45) it seemed that means were at hand to remedy matters without imposing any burden on the taxpayer, as the act in question created a fund now amounting to practically \$7,000,000, from which new construction is to be financed.

H. R. 10275 sets forth a list of construction items at 18 places with a total expenditure of \$7,020,000 for this year's construction.

Until this bill is passed authorizing the appropriation, it seems that the War Department is unable to get estimates for this construction passed by Congress. To fail to do so will result in at least a year's delay in providing the shelter so urgently needed—meaning that another winter and possibly two summers will elapse before the buildings can possibly be completed for occupancy.

In view of the urgent necessity for action, may I request that this bill be placed on the suspended calendar for early consideration?

Respectfully,

DWIGHT F. DAVIS, *Secretary of War.*

I wish to also call attention to the letters from Major Brant and the Director of the Budget:

WAR DEPARTMENT,  
WAR DEPARTMENT GENERAL STAFF,  
Washington, March 25, 1926.

Hon. W. FRANK JAMES,

*Committee on Military Affairs,*

*House of Representatives.*

MY DEAR MR. JAMES: With further reference to the concluding paragraph of H. R. 10275 which removes certain limitations, the following information is submitted:

The War Department having determined what construction is necessary to accommodate certain troops or equipment, the Quartermaster General is notified of the location, character, and capacity of the buildings required. The Quartermaster General then presents estimates based on the information furnished him by the War Department, and arrived at by determining the cubical contents of the building, and applying the cost of labor and material per cubic foot. In preparing this preliminary estimate the same method is followed as is used by all civilian contractors, and, of course, is only an approximation. This approximation, however, taking into consideration the varying costs of labor and material in different sections of the country, has been found by actual experience to work out very closely.

These estimates then are submitted to Congress asking for authority to construct the buildings and for an appropriation to defray the expense. Having received authority from Congress to do the necessary construction, detailed plans and estimates are then worked out in the office of the Quartermaster General, who, under the act of June 3, 1916, is charged with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities other than fortifications connected with the Army.

These plans and specifications include all the necessary details to enable bidders to calculate the cost of construction and present their bids. No new construction work is done until such competitive bids have been invited by public advertising through the medium of newspapers, etc. Plans and specifications on file in the office of the Quartermaster General are available for all prospective bidders. On being received, these bids are publicly opened at a specified hour on a specified date, and awarded to the lowest bidder complying with the

requirements. It will be seen from the brief statement above that there is no opportunity for collusion between the Quartermaster General and prospective contractors, as was intimated in the hearings on this bill.

With reference to the clause which provides for waiver of sections 1136 and 3734, Revised Statutes, it is not really essential that this be included in the present legislation, as it is really a matter which pertains to appropriations. It was included in order to clear the situation and prevent any misunderstanding which might tend to prevent the execution of the construction projects.

Section 1136 provides that no permanent barracks in excess of \$20,000 shall be constructed until detailed estimates have been submitted to Congress and approved by special appropriation for the same. If this remains in effect, it is apparent that detailed estimates which have not yet been prepared, would have to be submitted for each and every item of construction included in this bill. It is held by the War Department that the information submitted already to the committee which gives the location, character of construction, accommodations for enlisted men and officers, together with size and estimated cost, is all that can be produced at this time. To draw up detailed plans and specifications prior to the granting of authority to construct these buildings would be merely a waste of time, inasmuch as Congress might eliminate any number of the buildings which it is proposed to construct.

Section 3734 provides that before a new building for the use of the United States is commenced, plans and estimates therefor shall be prepared and approved by the Secretary of the Treasury, Postmaster General, and the Secretary of the Interior. It seems perfectly clear that they are not interested in the construction of Army barracks, and it is thought best to include this waiver in order to eliminate any possible question. As a matter of fact, the act of June 3, 1916, prescribes that this work is a function of the Quartermaster General under authority of the Secretary of War, and makes no reference to the Post Office, Treasury, or Interior Departments. It is believed that this particular section was written up by Congress to cover the erection of public buildings such as post offices, etc. This same clause including these waivers will be found, for example, in the Army appropriation act for 1926, which provides for new construction at Madison Barracks, and the Air Field at Dayton, Ohio. The Quartermaster General states that Mr. Anthony is quite familiar with the necessity for the inclusion of such clause where Army construction is involved.

Trusting that the above information is what is desired—if any further details are considered necessary, please advise me and I will endeavor to obtain them.

Letter covering the same points has been forwarded this date to Mr. MORIN, chairman of the Committee on Military Affairs, and signed by the Acting Secretary of War.

Sincerely yours,

G. C. BRANT,  
*Major, General Staff.*

BUREAU OF THE BUDGET,  
Washington, April 17, 1926.

The honorable the SECRETARY OF WAR.

SIR: Referring to your letter of April 16, 1926, you are advised that the proposed amendments to bill H. R. 10275, authorizing appropriations for construction at military posts, and for other purposes, which you mention in your letter, are not in conflict with the financial program of the President.

Sincerely yours,

H. M. LORD, *Director.*

In view of all the circumstances set forth above I wish to urge the passage of this bill, not only as an economic measure but in justice to the officers and enlisted men of our Regular Army, who for so many years have been compelled to exist under such disheartening living conditions.

Mr. Speaker, I reserve the balance of my time.  
[Cries of "Vote!" "Vote!"]

Mr. LAGUARDIA. If gentlemen want to vote \$7,000,000 away without consideration, I certainly can not do very much to prevent it.

I believe, when we have a bill of this kind under consideration, the least we can do is to make a record and show what we are doing. Let the country at least know what is going on.

Gentlemen will recall that a few weeks ago a bill passed the House under suspension, and it has since become a law, authorizing the War Department to sell surplus property and to put the proceeds of the sales into a separate fund and to use that fund for repairs and construction. I opposed it at the time. I pointed out that the War Department would simply go wild in spending money, and here is your first bill appropriating \$7,200,000. And it is only a starter; it is only the first bill. My objection to the bill authorizing the sale of

surplus property was the creation of a separate fund. It is my firm belief that the proceeds should go in the Treasury, in the general fund.

To-day you appropriated \$200,000 for an artillery field at Fort Ethan Allen, Vt. To-day you authorized the Navy Department to build several hospitals, and a few weeks ago you authorized the Veterans' Bureau to build more hospitals and build extensions. I want to point out that several departments are building hospitals; the House is appropriating huge amounts of money and there is bound to be a great deal of unnecessary building. The War Department is authorized to sell surplus property and place the proceeds in a separate fund. Having this authority they will spend more money than they would otherwise. In addition to what we have already authorized them to sell, they are already planning to come here with a new list of surplus property and get authority to sell more, and then turn right around and ask for authority to sell more.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Washington. How can the gentleman possibly reason that either Congress or the War Department could run wild when it is proposed to provide suitable quarters for regiments and it costs \$1,000,000 per regiment to house them?

Mr. LAGUARDIA. Of course there is no objection to that, as the gentleman would know if he would follow what I have said. Here is \$7,000,000. Now, let us concede that every cent is necessary.

Mr. JOHNSON of Washington. Absolutely.

Mr. LAGUARDIA. All right. But does the gentleman know what they are selling and what they are building?

Mr. JOHNSON of Washington. I know of one tract of land in my district, owned by the War Department, covered with valuable fir timber worth a great deal of money, which should have been sold many years ago. It will soon be dead-and-down timber and not of real commercial value.

Mr. LAGUARDIA. And I know of one tract in my city that the War Department is going to sell, and they do not know the value of it.

Mr. WOODRUFF. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WOODRUFF. The gentleman from New York has been holding up to the House as one of the horrible examples of legislation the bill that passed the House this afternoon by unanimous consent authorizing the Navy Department to build certain hospital facilities?

Mr. LAGUARDIA. No; I am simply pointing out that you have three departments of the Government now building hospitals. You have the Veterans' Bureau spending millions; you have the Navy Department; and now we are asked to authorize the Army to do the same thing. It seems to me that where you have hospitals in close proximity to each other you should use those hospitals for the various departments. The Veterans' Bureau hospitals to-day have thousands of vacant beds, with an enormous overhead, and yet the various departments come here and ask for more money to build more hospitals. There seems to be no coordination of hospital facilities.

Only last Saturday, in a New York paper, there was an inspired statement by the War Department and I want the gentleman to know of it. The War Department says it has more surplus property to sell and it has suggested that Governor's Island in New York harbor would bring \$18,000,000. They say it is worth only that, but they really do not know anything about values there. Then there is a proposal to sell the Presidio in California.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The gentleman says we have already given them \$20,000,000 and it may be \$30,000,000, and this bill appropriates \$7,000,000 more, but how are we going to stop this bill?

Mr. LAGUARDIA. That is it exactly.

Mr. BLANTON. How are we going to stop it. Whenever the powers that be ordain that a certain bill shall pass, they are going to pass it.

Mr. LAGUARDIA. The least we can do is to bring these matters to the attention of the House and to the attention of the country. The War Department, I repeat, only a few weeks ago having been empowered to sell surplus property is now looking around for more property to sell, and will come in with another bill very soon.

Mr. WOODRUFF. Will the gentleman yield?

Mr. LAGUARDIA. No; the gentleman can get time from the proponents of the bill.

Mr. GREEN of Florida. Will the gentleman yield to me?

Mr. LAGUARDIA. I yield.

Mr. GREEN of Florida. I think about all this money is derived from Florida lands or at least several million dollars of it, might we not just as well put it back into circulation.

Mr. LAGUARDIA. It does not go back into circulation in the gentleman's State.

Mr. GREEN of Florida. No; not in my State.

Mr. HUDSPETH. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HUDSPETH. Is the gentleman a member of the Committee on Military Affairs?

Mr. LAGUARDIA. No; I am not.

Mr. HUDSPETH. I have just been wondering since I read in this report that at certain Army posts men and officers are living in tents. One of the major posts is in my district and men and officers to-day are living in tents without any roofs on the tents, and not only that, but many of the warehouses there that have the provisions are in the same condition.

Mr. LAGUARDIA. The gentleman does not get my point.

Mr. HUDSPETH. I have been wondering how they distributed this fund.

Mr. LAGUARDIA. Is not the gentleman's post included?

Mr. HUDSPETH. No; not one dollar, and I just wanted to know how they distribute this.

Mr. LAGUARDIA. Well, that is typical. Probably the gentleman can tell us about the clubrooms we are appropriating for.

Mr. HUDSPETH. Oh, if we could take care of these non-commissioned officers out there and the men who are living in tents, we would do away with the clubrooms, I will say to the gentleman.

Mr. LAGUARDIA. Let me say to the gentleman from Texas that this is what they will do. They will first get this \$7,000,000—

Mr. HUDSPETH. I want to get on to the system. If the gentleman can put me next to the system, I will appreciate it, because I represent one of the major posts out there.

Mr. LAGUARDIA. This is the system. We have given the War Department authority to sell \$20,000,000 of surplus property, and the proceeds go in a separate fund. They will come in with the same old story that this does not require any new appropriations because they have got the money.

They will take this first list contained in this bill and they will spend all of the money, and then they will come in later on and will put in the gentleman's post, and they will take some other districts—scatter them around and pass another bill and there will be no end.

Mr. HUDSPETH. When will they do it? If the gentleman will give me that information, I will thank him.

Mr. LAGUARDIA. When they are good and ready; when all the officers are quartered and when all the club rooms are built.

Mr. HUDSPETH. I am going to support the bill, but I want to get on to the system, and I thought the gentleman, being a military man, could put me next to the system.

Mr. LAGUARDIA. When you get on to the system of the War Department, then you are on to some system, believe me.

Mr. HUDSPETH. Then I am going to endeavor to get on to the system.

Mr. O'CONNELL of New York. And they have it patented too, have they not?

Mr. LAGUARDIA. Seemingly.

Let me call your attention to this language in the bill:

That any unexpended balances or combined unexpended balances of any of the above amounts shall be available interchangeably for expenditure on any of the hospitals or barracks herein authorized.

Mr. JAMES. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JAMES. That is not the correct language. The correct language is "for appropriations" and not "for expenditure," which means that in order to do what the gentleman has suggested they would have to go to the Committee on Appropriations and get the necessary consent.

Mr. LAGUARDIA. What do these four lines mean then?

Mr. JAMES. Where you have "expenditure" it should be "appropriation," which means they would have to go to the Committee on Appropriations.

Mr. LAGUARDIA. I got the bill from the only source I can get bills.

Mr. HUDSPETH. Here is a copy of the bill which I will give the gentleman. I have almost worn it out studying it.

Mr. LAGUARDIA. That is the same bill I have.

Mr. HUDSPETH. There is no chance to amend the bill.

Mr. LAGUARDIA. That is the same bill I have.

Mr. JAMES. If the gentleman will examine the bill at the Clerk's desk, he will find the word "appropriation" instead of the word "expenditure."

Mr. LAGUARDIA. Is that the "old army game," one bill at the Clerk's desk and one before us?

Mr. JAMES. I read the gentleman the language as amended.

Mr. LAGUARDIA. All I know is the bill I have and the bill that all the Members have. If there is something else at the Clerk's desk, I think we ought to know it. [Cries of "Vote!" "Vote!"] That is not going to take me off my feet. I have been too long in the business for that.

Mr. HUDSPETH. I will state to my friend, if he will put me on to the system, I will appreciate it and will be under lasting obligations to him.

Mr. LAGUARDIA. I will tell the gentleman how he can get on to the system. Let us vote down this bill.

Mr. HUDSPETH. No; we would not get anywhere by doing that.

Mr. LAGUARDIA. The gentleman would get the repairs at the post he is interested in.

Mr. HUDSPETH. Oh, no.

Mr. LAGUARDIA. Then I will tell the gentleman what is going to happen. If the gentleman is going to pass this bill and wait until his post comes along, then they are going to keep it until the last so the gentleman will vote for every bill that comes along.

Mr. HUDSPETH. The gentleman is painting a gloomy picture for me.

Mr. LAGUARDIA. The situation is gloomy.

Mr. LOZIER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LOZIER. Does not the report show that this is simply the beginning of a series of demands that the War Department is to make for similar appropriations?

Mr. LAGUARDIA. Certainly; now this is interesting, and I want any gentleman on the Military Affairs Committee to deny this: You have posts in New York where you have a major general in command of about 200 men. This Army is too heavy with major generals, and we have to create posts for them. That is why you have to have headquarters and suitable buildings for all attachés, and that is why the soldiers in the gentleman's [Mr. HUDSPETH] State is not properly housed. There are three or four commands around New York where there is a major general with only 300 men in the whole command. A lieutenant could take command of those posts. Now if that is not so I would like to have some gentleman deny it. This corps of high ranking officers is selling land and selling property and making these repairs. There are a great many barracks throughout the United States that need repairs, but they will be the last on the list.

Mr. SCHAFER. What would the gentleman have the major generals do?

Mr. LAGUARDIA. I would have a proper table of organization and have the high command in proportion to the number of enlisted personnel. You do not have to be a military expert to know that.

Mr. HUDSPETH. But the gentleman from New York assures me that I will be on the list?

Mr. LAGUARDIA. I can not assure the gentleman of that if he votes for every bill that comes from the Military Committee.

Mr. WAINWRIGHT. This bill provides for the quarters for enlisted men. Is not the gentleman satisfied, in view of the fact that it provides for the urgent need of the enlisted men of the Army to-day?

Mr. LAGUARDIA. I believe if the War Department knows what they need they could come in with a complete list at this time. Will the gentleman say that this is all that they will ask for?

Mr. WAINWRIGHT. This is only a start, of course.

Mr. JAMES. I will assure the gentleman that this will be the last bill; that the Military Affairs Committee will not appropriate money unless it is in the Treasury. After this bill passes the House and the Senate, the War Department will, if they want to spend any money, have to come to the Appropriations Committee, and that will have to go before the House and the Senate.

Mr. LAGUARDIA. I am aware of that, but the gentleman knows that we made an appropriation for an artillery range, and he knows that they are selling land all over the country, and they are coming in with a bill for the sale of more surplus property.

Mr. JAMES. The gentleman stated a little while ago that they were going to sell Governors Island. Has the gentleman seen the statement in the paper that the Secretary of War denies that statement?

Mr. LAGUARDIA. Will the gentleman say that no more bills of that kind will come in for the sale of surplus property?

Mr. JAMES. I do not know.

Mr. LAGUARDIA. The gentleman can only guess; he does not know what they are going to do, but when the War Department brings in a bill it generally goes through the gentleman's committee.

Mr. SNELL. Does not the gentleman think this property should be sold if the Government does not need it?

Mr. LAGUARDIA. Yes. They are selling a piece of property in the gentleman's own town—Watertown. Does the gentleman know if Army officers will sell it for its real market value?

Mr. SNELL. I do not know anything about it; but what would a piece of property in Watertown be used for for governmental purposes?

Mr. LAGUARDIA. If it is of no use, sell it, but sell it intelligently and put the proceeds in the general fund of the United States Treasury.

Mr. SNELL. That is what we are trying to do.

Mr. LAGUARDIA. But you are keeping the funds separate and encouraging lavish expenditures on posts where it is not needed.

Mr. WAINWRIGHT. Will the gentleman tell us one object that is not necessary for the convenience and comfort of the personnel of the Army?

Mr. LAGUARDIA. I can tell the gentleman of other posts where it is more urgent.

Mr. WAINWRIGHT. There are posts on the list that are very urgent.

Mr. LAGUARDIA. But there are others more urgent. Mr. Speaker, I reserve the remainder of my time.

Mr. WRIGHT. The gentleman will concede that every item in the bill is meritorious, will he not?

Mr. LAGUARDIA. No.

Mr. WRIGHT. And that these improvements are needed at every point designated in the bill?

Mr. LAGUARDIA. No.

Mr. WRIGHT. Which is not needed?

Mr. LAGUARDIA. I say that there are other posts. The gentleman from Texas mentioned one of these posts a moment ago.

Mr. WRIGHT. But I am talking about the items included in this bill. Do they not need construction at every point mentioned in the bill? If not, will the gentleman please point out at which they do not need construction?

Mr. LAGUARDIA. The War Department knows the condition of every post in this country, and they should come in with a complete bill, so that we would know just what posts were more urgent than others.

Mr. WRIGHT. Does not the gentleman know that the War Department has offered a comprehensive program of construction going through a series of years, and that that whole matter was threshed out before a joint committee of the Senate and the House last year, that it is a matter of record, and that this is the beginning of the program?

Mr. LAGUARDIA. Exactly; and I want to know how great this program is and how much more property the department is going to sell.

Mr. WRIGHT. If the gentleman will read the testimony taken he will see that it is comprehensive.

Mr. LAGUARDIA. This is only a start.

Mr. WRIGHT. It is just the beginning of it.

Mr. LAGUARDIA. Exactly; and that is the point that I am trying to make. I reserve the remainder of my time.

Mr. JAMES. Mr. Speaker, I yield two minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, as I understand this bill, it is simply carrying out the policy that we entered upon a short time ago when we authorized the War Department to sell certain property that was found to be surplus. Through the development of the military art and changing conditions certain property owned by the Government has come to be surplus. A short time ago this House authorized the sale of this surplus property, but it was known at the time we authorized the sale that it was the intention to ask to invest the proceeds of the sale, or substantially the same money, in new buildings, which are very much needed to house the Army; and that is all this bill does. We are not entering upon a new policy of wild expenditure. We are in effect using the old property that has become surplus to construct new property that is absolutely necessary. What is wrong about it? It seems to me to be such a sensible, businesslike thing to do that I can not see where there can be anything wrong about it.

Mr. LAGUARDIA. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. LOZIER].

**THE SPEAKER.** The gentleman from Missouri is recognized for one minute, all the time the gentleman has left.

**MR. LOZIER.** Mr. Speaker, in the one minute allotted me, I can not discuss this matter in detail, but I can say that I intend to vote against this bill for two reasons: First, because it is proposed to railroad it through this House under a suspension of rules, without debate, and with no opportunity being given to consider its details and merits. From appearances, this bill carrying an appropriation of over \$7,000,000, will be rushed through the House in 20 or 25 minutes, without 1 Member in 50 knowing anything whatsoever about its provisions. Thus it is that Congress functions with lightning rapidity when the leaders decide they want to expend vast sums for military purposes. I am not a pacifist, but I do protest against the recklessness with which Congress grants the requests of the War and Navy Departments for funds.

Secondly, I am opposed to the subtle and cunningly devised plans by which the public funds are appropriated for military purposes, a very considerable part of which is wasted. When the War and Navy Departments ask for funds, the administration never says a word about economy. It always manages to find sufficient funds to maintain large military and naval establishments. And these demands, as in the present instance, are camouflaged under the guise that the funds are badly needed.

The report which accompanied this bill tells us that this is but the beginning of a series of similar appropriations which will be demanded of Congress in the near future, and no one can tell what the ultimate cost will be of this comprehensive program. It will not be denied that this expenditure of \$7,000,000 will be followed by others which will drain many million dollars out of the United States Treasury.

But they say the Government sold surplus property and now has this money in the Treasury. That does not change the situation. It is Government money that is being expended by this bill. But "what's the use" to object? A large majority of the Members of this House are eager and impatient to vote for this bill. I realize that I am in a hopeless minority, but my vote will be cast against this bill.

**THE SPEAKER.** The time of the gentleman from Missouri has expired.

**MR. JAMES.** Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. HILL].

**MR. HILL** of Alabama. Mr. Speaker, the gentleman from Missouri [Mr. Lozier] tells us that this is the beginning of a great military program. If the gentleman means by that that we are embarking upon a policy of enlarging our Army or anything leading toward militarism, he is entirely wrong. [Applause.] The Congress of the United States by law has fixed the size of the Regular Army of the United States. All in the world that this bill does is to take money which has been derived from the sale of surplus military real estate and exchange that money for the construction of buildings to properly house the Army which we have authorized and provided for. [Applause.]

This bill authorizes the appropriation of \$5,770,000 for the construction of barracks, quarters, and hospitals for the Army. Under the bill new buildings will be constructed at 20 different military posts of the United States. The War Department is indeed to be commended on its willingness and its efforts to dispose of surplus military property to secure as much as possible of the money necessary for the needed construction rather than seeking to hold fast to this surplus property and endeavoring to get this new construction paid for by money taken from the General Treasury of the Government.

The pending bill comes to this House in answer to an amendment placed by the House on the 1925 War Department appropriation act, which amendment was as follows:

The Secretary of War is hereby authorized and directed to submit to the Congress at its next session a comprehensive plan for necessary permanent construction of military posts, including Camp Lewis in the State of Washington, based on using funds received from the sale of surplus War Department real estate and from the sale of such property now owned by the War Department as in the opinion of the Secretary of War is no longer needed for military purposes.

The bill is the result of many days of hearings that have taken place since December, 1924. In that month the Committees on Military Affairs of the Senate and House of Representatives held joint hearings on the subject of the sale of surplus military real estate and the necessary permanent construction at military posts. In February, 1925, subcommittees of the Committees on Military Affairs of the Senate and House of Representatives held hearings on this subject and in January of this year the Military Affairs Committee of the House held further

hearings on this same subject. Just about three weeks ago the Military Affairs Committee of the House held hearings on the pending bill. The President of the United States in his annual message to this Congress on December 8 last recommended and urged the adoption of the policy that is being carried out in the pending bill. The Secretary of War in his annual report for the year 1925 plead with the Congress to adopt the policy of the bill and eloquently and elaborately set out the reasons for his plea. The policy was approved by this House on just March 1 last when it passed the bill S. 1129 providing for the sale of surplus military real estate.

The need for the construction of new buildings at many of our military posts is indeed compelling. There are to-day some 40,000 officers and men in the United States Army who are quartered in temporary shacks or in tents. As Maj. Gen. W. H. Hart, Quartermaster General of the Army stated at the joint hearings of the subcommittees in February, 1925, to which I have referred, the temporary shacks are of war-time construction, erected during the years 1917 and 1918 and they were never intended at the time of their erection to last longer than for the emergency then existing. They were constructed of unseasoned lumber and light material hastily thrown together, the time element being the essential factor. As General Hart further stated, many of the temporary shacks now being used as barracks are in extremely poor condition. The lumber has shrunk, the foundations are rotting and in many instances bunks have to be moved or covered during rainstorms. One of the worst features of the situation is the fact that large amounts of money appropriated each year by this House for the maintenance of the Army have to be spent for the upkeep and repair of these shacks. This expenditure is a pure waste so far as any permanent benefit is concerned, but it has to be made, for the officers and men of the Army must be housed. In some instances, General Hart tells us, it has been necessary to expend in one year practically one-third of the original cost on a barrack building in order to provide shelter from the elements. The money spent on such buildings merely tides over temporarily the present needs and gives no permanent relief. As the Hon. Dwight F. Davis, the Secretary of War, well states in his annual report for last year:

It is not too much to say that should such barracks be used many more years, the amount of money expended on their upkeep will soon have equaled the original cost of the structures at their war-time price. Such expenditures constitute an extravagance, not an economy.

This is like pouring water in a rat hole. I submit to the House the following significant statement by General Hart:

To cite a few instances indicating the wastage of repair funds: During the last fiscal year this office has received requests from—

Camp Lewis for an allotment of \$230,000 for purely repair work, of which \$60,000 is necessary for roofing, \$90,000 for floorings and replacing rotten underpinnings, and \$68,000 for other miscellaneous carpentry work;

Fort Bliss for \$194,000 for repairs, of which \$80,000 is for floorings and roofs;

Fort Benning for \$71,000 for ordinary temporary repairs. This is in addition to the money that is being spent for tentage at this post; and

Fort Bragg for \$120,000 for repairs to the roofs and underpinnings. A considerable part of these requests must be met immediately. The roofs and underpinnings must be attended to if the buildings are going to be occupied, and after a lapse of two or three years there will be no evidence of the expenditure of this large amount, and the work will have to be done over.

On the other hand, if this amount were available for expenditure on permanent structures, a far greater number of buildings could be taken care of; moreover, the repairs would be permanent instead of being quickly lost through the deterioration of the temporary building.

It is conservatively estimated that when soldiers are housed in tents, the cost of tentage per man per year is \$20. For the approximately 3,000 men at Fort Benning this would amount to \$60,000 per year. This is in addition to the money necessary for repairs to the temporary buildings.

The only solution of the problem is to replace the temporary buildings as rapidly as financial conditions will permit, thereby alleviating this most unsatisfactory condition and, in addition, conserving the annual repair funds allotted for yearly maintenance and upkeep.

The pending bill authorizes appropriations to relieve the conditions at Camp Lewis, Fort Benning, and Fort Bragg, besides relieving the conditions at 17 other Army posts. Do you gentlemen not believe that we should pass this bill and put an end to this awful waste of the people's money? Mark you, the appropriations authorized by this bill will not come out of the

General Treasury but out of the funds derived from the sale of surplus property and which funds are now in the hands of the Government.

The temporary shacks in which so many of our officers and men are housed are veritable fire traps. As the commandant of the Cavalry School at Fort Riley, Kans., where conditions are typical, stated in his annual report to the Secretary of War:

The war-time buildings are veritable fire traps, and in case of fire there would probably result a terrible loss of life, as many children live in these quarters. They would not be permitted in any well-regulated municipality.

As the Secretary of War states in his last annual report, the officers commanding units in the field are in constant dread of the outbreak of a conflagration in groups of temporary wooden buildings which are being used for housing purposes. We must remember, gentlemen, that many of these temporary wooden structures, which are mere tinder boxes, are being used for hospitals. The danger of fire in these buildings used for hospitals is naturally greatest during the long, dry summer months, and this is the time when these buildings are used not only for the care of the sick of the Regular Army but for the care of the sick of the National Guard, Reserve Officers' Training Corps, and other civilian units who are in attendance at the training camps. Can you imagine, gentlemen, the feeling of horror that would come over the Members of this House if they were to read in their morning paper that the lives of hundreds of sick soldiers had been snuffed out in some terrible conflagration or that Army women and children had been cremated in some awful fire? There has been heavy loss from fire in these temporary buildings, although fortunately no human lives have been taken. In the last fiscal year the loss reported by destruction by fires, the total number of which was 250, amounted to \$914,894.23 for the buildings, based on their original cost, and \$669,146.71 for the contents. These losses were to public property and do not include the losses suffered by individual officers and enlisted men of the Army. It is significant to note that in his annual report for 1924 the former Secretary of War, Mr. Weeks, stated:

At the Field Artillery School at Fort Sill the present temporary buildings are rapidly becoming unfit for occupying and in their present condition present a serious fire hazard.

Within a few months after the rendition of the 1924 annual report 116 sets of officers' quarters, all of temporary construction, were burned to the ground at Fort Sill.

Another danger to human lives in the use of these temporary shacks is the danger from the terribly dilapidated condition of many of them. In many instances steps and porches have had to be roped off on account of their unsafe condition.

Col. H. O. Williams, Inspector General's Department, testifying before the joint hearing of the subcommittees to which I have referred, made the following significant statement:

As to the very flimsy nature of those buildings, you have seen the pictures of them, but I would like to give you a little incident that occurred in Panama. We had a truck that got a little unmanageable; the driver put it in reverse and could not get it out, and it ran over a hill and hit one of our buildings that was housing about 60 enlisted men. It crumpled up that building as though it was a paper box or a toy house. Fortunately there were only two men sleeping in there, and the Lord protected them, and they were not hurt very much.

Gentlemen, we can not underestimate the effect that this poor and dangerous housing has upon the morale of the Army. The Secretary of War, in testifying before the Military Committee at our recent hearing, said:

In fact, it is a great surprise to me, when I go around, to see that there is any morale at all. I think it is wonderful that they are able to keep any morale at all.

Much of the time of the men of the Army, instead of being used for drill and military purposes, is taken in an effort to fix up and make livable the old wooden shacks. The men are kept busy fighting dust in dry seasons and mud in wet seasons. Their standards of living keep getting lower and lower, and correspondingly their morale gets lower. As Colonel Williams, to whose testimony I have referred, well said:

Another feature that affects the morale, and this is particularly true of the women, is the lack of privacy; the women have to stay in the house 24 hours; men get out and get a little relief. Outside of the physical discomforts, it being hot in the summer and cold in the winter, is this lack of privacy; the partitions in these buildings are very thin; any noise in one building goes right into the next building; every time a child cries it is heard by the next family; every time some one turns on a wheezy phonograph it is heard in the ad-

joining rooms; even the flushing of a toilet in one apartment is heard in the next. That gets on the nerves of the women, and they become almost nervous wrecks. I suppose they nag their husbands a bit, and the result is a lowering of tone and of morale.

Can we not imagine, gentlemen, the effect that these poor housing conditions must have upon the morale of the officers and men?

Gentlemen, let us pass this bill as a matter of sound economy, let us pass it and put an end to the danger that now hovers over the lives of 40,000 of the officers and men of the Army, and the lives of their families, let us pass it for the morale and the *esprit de corps* of the Army. Let us pass it for the Army, an Army that has never known defeat, and that has never failed the Nation in the hour of its need. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired. The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill as amended.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 223, noes 11.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Maryland. Mr. Speaker, this bill (H. R. 10275) is the first authorization of expenditure for Army posts, barracks, hospitals, and quarters made under the Wadsworth-Hill Act creating the permanent Army-post fund of about \$28,000,000, which was passed a few weeks ago.

This bill, as shown in the hearings, for the first time starts development of Army posts along the lines of the nine corps area system of the national defense act. At the hearings on March 20 I put in the following analysis of this bill:

Mr. HILL of Maryland. Here is my pencil memorandum as to the makeup of the 20 items in the authorization and, if that is correct, would you mind putting it in with your remarks? It gives the amount at each corps area and the purposes of the distribution, in a very brief form.

Twenty items of authorization		
Overseas, Hawaii and Panama		\$661,000
First Corps Area: Camp Devens, barracks		500,000
Second Corps Area:		
Fort Monmouth, N. J., barracks	\$555,000	
Fort Monmouth, N. J., hospital	100,000	
Mitchel Field, N. Y., barracks	287,000	
Fort Wadsworth, N. Y., barracks	285,000	
		1,227,000
Third Corps Area:		
Fort Humphreys, Va., barracks	\$500,000	
Camp Meade, Md., barracks	410,000	
Edgewood Arsenal, Md., officers' quarters	9,000	
		1,000,000
Fourth Corps Area:		
Fort Bragg, N. C.	\$360,000	
Fort Benning, Ga.	725,000	
		\$1,085,000
Fifth Corps Area: Erie Proving Grounds, barracks		47,000
Sixth Corps Area:		
Selfridge Field, Mich., barracks	\$570,000	
Selfridge Field, Mich., noncommissioned officers' quarters	180,000	
		750,000
Seventh Corps Area: Fort Leavenworth, Kans., hospital		125,000
Eighth Corps Area: Fort Sam Houston, Tex., barracks		500,000
Ninth Corps Area:		
Camp Lewis, hospital	\$125,000	
Camp Lewis, barracks	800,000	
		925,000
Total		6,820,000

This bill makes possible the development of Camp Meade, for which I have been working for five years, but that is only one quid of satisfaction.

This bill takes care of very necessary housings in all the corps area. I call the attention of the House to the following extracts from the hearings on the Wadsworth-Hill bill which I reported in the hearings on this bill—showing what this bill starts doing:

Mr. HILL of Maryland: Mr. Chairman, I have marked a few extracts from the joint hearings before the subcommittees of the Committees on Military Affairs, held February 18, 19, and 20, 1925, which I ask permission to have inserted in the record.

Mr. JAMES. Without objection, they may be incorporated. The Chair hears none.

The extracts referred to are as follows:

"Colonel KNOX. It is not as far as the combat arms are concerned, for this reason: The reservations are quite small and they are largely covered with buildings and fortifications. There is very little extra space for troops of the line to drill. There are no facilities for target practice with the rifle and with the machine gun. Also in some cases,

particularly in the First Corps Area, the animals for the trains of Infantry organizations and the animals for machine-gun carts have to be cared for at Camp Devens. These posts are largely on islands, which makes it necessary to use water transportation for both personnel and supplies, so they are generally unsatisfactory for mobile troops of the Regular Army. As a means of shelter, which is all they are getting at the present time, they will shelter the troops, but invariably in summer troops go for training purposes to Camp Devens.

"That is just one corps area, and the other corps areas along the Atlantic seaboard are in a similar situation.

"Mr. HILL of Maryland. In that corps area you would concentrate everything at Camp Devens if you could?

"Colonel KNOX. Yes, sir.

"Mr. HILL of Maryland. And that is your theory of national defense?

"Colonel KNOX. Yes, sir. They have to go there, anyhow. That is what we want. Of course, the Coast Artillery posts that we would thus vacate have valuable equipment, the care of which is necessary, and the Coast Artillery would care for this and would retain these posts, or a large majority of them.

"Mr. HILL of Maryland. And the same in the third area; you have your Artillery brigade at Fort Howard, have you not?

"Colonel KNOX. We have an Artillery brigade there less one regiment.

"Mr. HILL of Maryland. Is not that Infantry headquarters?

"Colonel KNOX. Yes, sir; the Twelfth Infantry, less one battalion.

"Mr. HILL of Maryland. It ought to be at Camp Meade, ought it not?

"Colonel KNOX. Yes, sir.

"The Third Corps Area is in a similar situation. It formerly had no strictly Infantry stations or mobile army stations other than at Fort Myer, which has Field Artillery and Cavalry.

"Chairman WADSWORTH. Are there any questions the members of the committee desire to ask the major?

"I see these photographs display typical quarters.

"Major PRENTISS. Yes, sir.

"Chairman WADSWORTH. I have seen a good many of them myself.

"Mr. HILL of Maryland. Yes; for instance, at Camp Meade there is a large number of barracks which are the type of one of these at Fort Bragg.

"Major PRENTISS. Yes, sir.

"Mr. HILL of Maryland. A number of them have been condemned; you can not put troops in them.

"Major PRENTISS. That is the fact.

"Mr. HILL of Maryland. And, as a matter of fact, a majority of them are in that condition.

"Major PRENTISS. An increasing number each year have to be abandoned. Last year one of those buildings collapsed with some Reserve Officers' Training Corps students in them, and it was a miracle that they were not injured.

"Mr. HILL of Maryland. There is an enormous danger from fire?

"Major PRENTISS. Yes; there is.

"Mr. HILL of Maryland. At those places?

"Major PRENTISS. At Camp Meade one of the buildings half burned down, and they put up a tar-paper partition so as to fix up the other end, and they are still living in that end of the building.

"Mr. HILL of Maryland. That night the whole camp nearly burned down.

"Mr. HILL of Maryland. Mr. Chairman, has it appeared in the record what camps in the nine corps areas are considered as ultimate corps area training camps? Has that been put in the record? For instance, I take it that Camp Devens is intended to be the central mobilization and concentration point in the First Corps Area; is that right?

"Major PRENTISS. Yes; I think Colonel Knox can give you that.

"Colonel KNOX. I think the corps area headquarters will remain in Boston.

"Mr. HILL of Maryland. I mean the mobilization and instruction headquarters.

"Colonel KNOX. Yes.

"Mr. HILL of Maryland. That is Camp Devens?

"Colonel KNOX. Yes.

"Mr. HILL of Maryland. And the second?

"Colonel KNOX. Camp Dix.

"Mr. HILL of Maryland. And the third?

"Colonel KNOX. Camp Meade.

"Mr. HILL of Maryland. And the fourth?

"Colonel KNOX. Camp McClellan.

"Mr. HILL of Maryland. And the fifth?

"Colonel KNOX. Camp Knox.

"Mr. HILL of Maryland. And the sixth?

"Colonel KNOX. Camp Custer.

"Mr. HILL of Maryland. And the seventh?

"Colonel KNOX. We have several in the seventh; I don't recall just now.

"Mr. HILL of Maryland. Well, that can be put in.

"Colonel KNOX. I think it is Fort Riley.

"Mr. HILL of Maryland. And the eighth, I suppose, is San Antonio?

"Colonel KNOX. Yes.

"Mr. HILL of Maryland. And the ninth?

"Colonel KNOX. Camp Lewis.

"Chairman WADSWORTH. You own the land necessary, do you not?

"Colonel KNOX. Yes; with the exception of a small portion at Camp Devens.

"Senator FLETCHER. Of what are the permanent establishments composed in the fourth area? Of course, at Camp McClellan, Ala., you need a number of permanent buildings.

"Major PRENTISS. Yes; that is the training center for that corps area.

"Senator FLETCHER. And where else?

"Major PRENTISS. The permanent buildings will be covered by Captain Hobson.

"Chairman WADSWORTH. Do you want to ask any more questions concerning the condition of buildings occupied for the distribution of troops? We have heard Colonel Knox and Major Prentiss on those phases.

"Mr. HILL of Maryland. Is it not a fact that practically all of these central mobilization and instruction points, and the points you have mentioned, are temporary construction for the war, and are in practically the same condition as the buildings you have shown at Camp Bragg?

"Major PRENTISS. Yes.

"Mr. HILL of Maryland. In other words, these nine points in the nine corps areas are made necessary by the new policy of defense in the nine corps areas?

"Major PRENTISS. Yes, sir.

"Mr. HILL of Maryland. And practically new construction should be made in all of them?

"Major PRENTISS. Yes, sir.

"Mr. HILL of Maryland. You have, however, drainage and sewerage and plenty of land?

"Major PRENTISS. Yes. The underground utilities in general are in good shape with the exception of certain water mains, where they used wood-stave pipes. The sewers, and so on, are in good shape, so it would be much more costly to build on new sites than the old sites.

"Mr. HILL of Maryland. Could you give us an estimate of the cost in the way of roads and land at these nine points now?

"Major PRENTISS. It runs up into a great many million dollars. Yes; I could give you that for the record.

"Mr. HILL of Maryland. I think that would be interesting to show what the Army proposes to build on at these permanent stations.

"Major PRENTISS. That will be inserted in the record."

*Value of utilities now existing at corps area training camps*

Corps area	Camp	Roads	Railroads	Water systems	Sewer systems	Incinerators
First	Devens	\$125,000	\$220,000	\$460,000	\$250,000	\$5,000
Second	Dix	190,000	325,000	235,000	265,000	10,000
Third	Meade	570,000	165,000	270,000	325,000	10,000
Fourth	McClellan	120,000	150,000	255,000	275,000	-----
Fifth	Knox	325,000	380,000	240,000	235,000	-----
Sixth	Custer	221,000	280,000	192,000	163,000	15,000
Seventh	Riley	545,000	-----	255,000	180,000	-----
Eighth	Travis	670,000	580,000	205,000	210,000	10,000
Ninth	Lewis	325,000	315,000	178,000	190,000	15,000
Total		3,091,000	2,415,000	2,290,000	2,093,000	65,000

Corps area	Camp	Electric systems	Heating systems	Refrigerating systems	Totals
First	Devens	\$227,000	\$187,000	\$11,000	\$1,485,000
Second	Dix	154,000	187,000	11,000	1,377,000
Third	Meade	156,000	41,000	11,000	1,548,000
Fourth	McClellan	51,000	-----	26,000	877,000
Fifth	Knox	139,000	30,000	8,000	1,357,000
Sixth	Custer	108,000	210,000	11,000	1,200,000
Seventh	Riley	72,000	66,000	-----	1,118,000
Eighth	Travis	67,000	40,000	5,000	1,737,000
Ninth	Lewis	116,000	20,000	15,000	1,174,000
Total		1,090,000	781,000	98,000	11,923,000

This bill means a start on an orderly development of the national defense, for which every Secretary of War has endeavored for many years.

It also includes \$90,000 for needed officers' quarters at the Edgewood Arsenal, Md., making a total expenditure of \$500,000 in Maryland.

*SALE OF MARINE HOSPITAL AT DETROIT, MICH.*

Mr. LAGUARDIA. Mr. Speaker, on Calendar 341, to which objection was offered, I desire to withdraw my objection, and

I understand the gentleman from Wisconsin [Mr. SCHAFER] desires to withdraw his objection.

Mr. BLANTON. Mr. Speaker, I make the point of order that it can not be done after—

Mr. LAGUARDIA. I am asking unanimous consent.

Mr. BLANTON. I object.

The SPEAKER. Objection is heard.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8132. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes;

S. 124. An act for the relief of the Davis Construction Co.; and S. 3031. An act for the relief of George Barrett.

REGULATING FOREIGN COMMERCE

Mr. MAPES. Mr. Speaker, I desire to file a conference report on the Ketcham seed bill for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2465) to amend an act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes.

The SPEAKER. Ordered printed.

PERMISSION TO ADDRESS THE HOUSE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that after the special order of business for to-morrow I may be permitted to address the House for 15 minutes on veterans' legislation.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that upon the completion of business in order to-morrow he may address the House for 15 minutes on the subject of veterans' legislation. Is there objection? [After a pause.] The Chair hears none.

NATIONAL PARKS EAST OF THE MISSISSIPPI

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on national parks in the East, with the privilege of inserting a report of the Southern Appalachian Commission.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks by incorporating a report of the Appalachian Commission. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, how much is this report?

Mr. THATCHER. About five letter pages double; not much.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. THATCHER. Mr. Speaker and Members of the House, one of the most important functions of government is that of providing adequate parks and recreational grounds for the people. A city is largely measured by its system of parks. If that system be ample and well planned; if the units involved are wisely located and rendered accessible and attractive, the very highest purposes are secured. The same is true as to State parks, and eminently true as to national parks.

Of course, there are certain standards involved as to the establishment of national parks which it is well to observe. These standards are most aptly indicated in the "Statement of national-park policy," outlined in the letter of instructions issued on May 13, 1918, by the Secretary of the Interior, Franklin K. Lane, to the Director of the National Park Service, Stephen T. Mather. See Report of the Director of the National Park Service for the fiscal year ending June 30, 1920, pages 419 to 421. Here are some of these standards as then defined by Secretary Lane, and which have been generally accepted by those having charge of our National Park Service:

In studying new park projects you [the Director of the National Park Service] should seek to find scenery of supreme and distinctive quality, or some natural feature so extraordinary or unique as to be of national interest and importance. You should seek distinguished examples of typical forms of world architecture, such, for instance, as the Grand Canyon, as exemplifying the highest accomplishment of stream erosion, and the high, rugged portion of Desert Island, as exemplifying the oldest rock forms in America, and the luxuriance of deciduous forests (p. 421).

It is not necessary that a national park should have a large area. The element of size is of no importance so long as the park is susceptible of effective administration and control (p. 421).

Secretary Lane, by experience, observation, and general ability was most excellently qualified to enunciate the rules whereby national-park projects should be tested. Those rules were formulated after years of close study of the national-park problem. He knew our national parks through sympathetic contacts. He was, and is, regarded as being a most eminent authority on the subject.

With a single exception, all of our national parks lie west of the Mississippi River. That exception is Lafayette National Park, a small recreation ground of a few thousand acres on the coast of Maine. Also all of our national parks, with the exception of Lafayette National Park, have been carved out of the national domain. Yet it must be remembered the national domain is as much a national asset as money in the Federal Treasury. The lands of the Lafayette National Park were donated by public-spirited citizens.

Not only are all of our national parks, with the single exception just noted, west of the Mississippi, but practically all of them are west of the eastern rim of the Rocky Mountains. One is in the far-away tropical isles of Hawaii and another in the remote and frigid mountains of Alaska. All of our western and territorial national parks, however striking or wonderful they may be, are for all practical purpose inaccessible to the great masses of our American population. These great masses lie east of the "Father of Waters," and but few of them ever have the opportunity of seeing a national park. Yet these masses, by reason of superiority in numbers and wealth, pay by far the greater part of our Federal taxes.

The national parks of the West are the proud possessions of all our people, and Federal funds to the extent of millions of dollars have been used in their maintenance and operation; and these expenditures must continue so long as these parks are maintained. All Americans approve of these expenditures; but it is high time, not only as a matter of need, but of justice as well, that an adequate system of national parks be created and maintained east of the Mississippi. The Mammoth Cave region of Kentucky, the Great Smoky Mountains of North Carolina and Tennessee, and the Blue Ridge-Shenandoah section of Virginia are eminently qualified to become national parks, and to form, with the Lafayette National Park, an adequate system of national parks east of the Mississippi. These three projects measure up to the high standards prescribed by Secretary Lane. Under the act of Congress approved February 21, 1925, and in accordance with its direction, these three areas were visited and examined during the past year by the Southern Appalachian National Park Commission, touching their worth as national-park projects; and recently all three of them have received the unequivocal approval of that commission, which is composed of the following members:

Hon. H. W. TEMPLE, Member of Congress from Pennsylvania, chairman; Maj. W. A. Welch, chief engineer and general manager of the Palisades Interstate Park of New York and New Jersey; Mr. Harlan P. Kelsey, former president of the Appalachian Mountain Club, of Boston, and well-known landscape architect; Mr. William C. Gregg, of the National Arts Club of New York, and a student of recreational agencies; and Col. Glenn S. Smith, acting chief topographic engineer of the United States Geological Survey, and representative of the Interior Department on the commission.

The commission on the 8th of the present month made its unanimous report to the Secretary of the Interior, declaring all three projects eminently worthy of inclusion in our national-park system and recommending that such inclusion be made upon the condition that the necessary lands be conveyed to the United States free of cost. The commission also, in its report, set forth the boundaries and areas which should be so acquired for national-park purposes as to the three projects. This report was transmitted to the Congress by the Secretary of the Interior on April 14, 1926, and he made recommendations as to the boundaries of the proposed Shenandoah and Great Smoky Mountains National Parks but made no present recommendation as to the Mammoth Cave project.

While it is true that the same progress in the matter of raising funds and securing offers of donations of lands has not been made as to the Mammoth Cave project as have been made as to the other two projects, it is also true that the other two projects have had the great advantage of having received in 1924 the approval of a like commission, in the form of a special committee, appointed by the Secretary of the Interior and made up of the same personnel as that constituting the present commission. The older body was not appointed agreeably to

any act of Congress, but was named by the Secretary to aid him in investigating Southern Appalachian park projects, including those of the Shenandoah and Great Smoky Mountains. The approval of these two projects in 1924 enabled their friends to launch intensive campaigns for the raising of funds with which to purchase the respective lands needed therefor. The Mammoth Cave project was not included in the survey of 1924 because there seems not to have been made any request therefor, though the idea of converting the Mammoth Cave region into a national park has been under discussion for years, and during the past 10 or 15 years various bills have been introduced in Congress providing for appropriations for such purpose. Also, in the year 1920, as will be presently shown, the acquisition of the Mammoth Cave section and its conversion into a national park was strongly advocated by Mr. Stephen T. Mather, then and now Director of the National Park Service. See his annual report of that year, pages 84 and 85. In his recommendations then made he went so far as to indicate his approval of the making of congressional appropriations for the purchase of the Mammoth Cave lands for national-park purposes. See, also, his annual report of 1918 (page 33) and his annual report of 1919 (page 40), earnestly urging that the Mammoth Cave area be converted into a national park.

Under leave granted, I now include, as a part of these remarks, the report of the Southern Appalachian National Park Commission made April 8, 1926, and transmitted to Congress in the manner already shown, omitting, however, the detailed boundaries of the three projects set forth in the report, because of their length.

REPORT OF SOUTHERN APPALACHIAN NATIONAL PARK COMMISSION  
APRIL 8, 1926.

Hon. HUBERT WORK,

*Secretary of the Interior.*

MY DEAR MR. SECRETARY: The members of the Southern Appalachian National Park Commission, appointed in accordance with the act of February 21, 1925 (Public, No. 437, 68th Cong.), have complied with the requirements of the act and with your instructions and desire to report as follows:

We suggest that reference be made to the report of your special committee submitted December 12, 1924, which gave the reasons for definitely recommending the Shenandoah National Park area and the Smoky Mountains National Park area as worthy of being acquired as national parks. In conformity with the requirements of the above cited act of Congress, members of the commission have during the past year made a more careful study and investigation of these and other areas and have found much additional evidence of the eminent worthiness of these two areas for acquisition as national parks. Your commission has also made a careful examination of the Mammoth Cave region of Kentucky and believes sufficient reasons exist to warrant its acceptance as a national park if requirements are met as outlined in this report. Below are briefly outlined some of these reasons.

Mammoth Cave is the best known and probably the largest of a remarkable group of limestone caverns, 20 or more of which have been opened up and explored to a greater or less extent. Included in this group are Colossal Cavern, Great Onyx Cave, New Entrance to Mammoth Cave, Salts Cave, Proctor Cave, Long Avenue Cave, Great Crystal Cave, Cave of the Hundred Domes, Diamond Cave, Mammoth Onyx Cave, Dixon Cave, and others, all of which contain beautiful and wonderful formations. There is good evidence that many more caverns yet to be discovered exist in this immediate territory, and it seems likely that most, if not all, of this entire group of caverns eventually will be found to be connected by passageways forming a great underground labyrinth of remarkable geological and recreational interest perhaps unparalleled elsewhere. The territory which embraces this network of caverns consists of about 15,000 acres, or an area approximately 4 miles wide and 6 miles long. Another geological feature of much interest is found in the thousands of curious sink holes of varying sizes through which much of the drainage is carried to underground streams, there being few surface brooks or creeks.

The Mammoth Cave area is situated in one of the most rugged portions of the great Mississippi Valley and contains areas of apparently original forests which, though comparatively small in extent, are of prime value from an ecological and scientific standpoint and should be preserved for all time in its virgin state for study and enjoyment. Much of the proposed area is now clothed in forest through which flows the beautiful and navigable Green River and its branch, the Nolin River.

All this offers exceptional opportunity for developing a great national recreation park of outstanding service in the very heart of our Nation's densest population and at a time when the need is increasingly urgent and most inadequately provided for.

Your commission has carefully investigated the above-recommended areas with a view of selecting on the ground the most suitable boundaries or limits of purchase area for the proposed parks. Your commission, through the cooperation of the Army Air Service, obtained air-

plane photographs of the Shenandoah and Smoky Mountains park areas, and these photographs proved to be a great help in determining suitable boundaries.

In accordance with your instructions the associations and organizations in the States in which these national-park areas are located were informed that the lands within the areas must be presented to the United States Government in fee simple before such areas could become national parks. On May 27, 1925, identical letters were addressed by the commission to the leading groups in these States, suggesting that they definitely organize to carry out the requirements of the commission and stating further that "to facilitate this work the commission considers it necessary that an organization state-wide in scope be incorporated to act for the citizens and organizations of such State for the purpose of centralizing their efforts; \* \* \* and in order that it may be custodian of moneys, lands, and options for the purchase of lands within the proposed park areas to be held in trust for park purposes." In compliance with these suggestions of the commission the following organizations were incorporated: In Virginia, the Shenandoah National Park Association (Inc.); in Tennessee, the Great Smoky Mountains Conservation Association; in North Carolina, the Great Smoky Mountains (Inc.); and in Kentucky, the Mammoth Cave National Park Association. These organizations have been engaged in obtaining donations, both of money and of land, and options, with the following results:

The Shenandoah National Park Association (Inc.) reported April 3, 1926, that the total amount raised in donations is \$1,249,154, and a minimum net sum of \$1,200,000 for the purchase of the proposed Shenandoah National Park. The Great Smoky Mountains Conservation Association and the Great Smoky Mountains (Inc.) reported April 1, 1926, that Tennessee and North Carolina have raised jointly the total sum of \$1,066,693.91. The Mammoth Cave National Park Association reported April 1, 1926, two donations of property aggregating 8,829.13 acres, of which 1,324.10 acres are to be covered by fee simple title and 2,305.03 acres by cave rights. Included in this area are the caves exhibited by the Colossal Cavern and by the New Entrance Co., but not including Mammoth Cave.

In addition, these organizations reported that they have obtained many signed options covering considerable acreage. The Great Smoky Mountains Conservation Association, the Great Smoky Mountains (Inc.), and the Shenandoah National Park Association (Inc.) have entered into an agreement to carry on a national campaign to procure additional and sufficient funds to purchase substantially all the lands within the purchase areas of the designated Shenandoah National Park and the Smoky Mountains National Park.

As the Great Smoky Mountains Conservation Association (Tennessee) and the Great Smoky Mountains (Inc.) (North Carolina) jointly, and the Shenandoah National Park Association (Inc.) have complied with the requirements submitted to them by your commission, we therefore recommend that the two areas designated as above indicated be made national parks and administered as such when 250,000 acres in each of them have been transferred in fee simple to the United States. We also recommend that the Mammoth Cave National Park be established when the Mammoth Cave National Park Association can transfer to the United States in fee simple one-third of the proposed area (approximately 20,000 acres), including all the caves, and can assure you that steps will be taken to obtain additional and sufficient funds to purchase substantially all the lands within the designated boundaries.

**Boundaries:** The boundaries recommended in this report, being largely natural and easily determined, are such as to include all the area that the commission hopes will ultimately be acquired as national parks, it being well understood that there may be holdings within the recommended areas near these boundaries which may on further inspection be found impracticable or not economical to include.

(a) [Here follows a detailed description of the general boundaries of the Shenandoah National Park area (all in Virginia), comprising approximately 521,000 acres.]

(b) [Here follows a detailed description of the general boundaries of the Smoky Mountains National Park area (all in North Carolina and Tennessee), comprising approximately 704,000 acres.]

(c) [Here follows a detailed description of the general boundaries of the Mammoth Cave National Park area (all in Kentucky), comprising approximately 70,018 acres.]

I earnestly favor all three of these projects. All three are eminently eligible for national parkhood. The time is ripe for their consummation. Because of the greater masses of our population to be served east of the Mississippi, there is the greater need for national parks in this great section of our country than in the West. But national parks are needed in both the East and the West. I am glad to vote for adequate appropriations for the maintenance of the national parks of the West, and I believe that it would be just that Federal funds be expended for the acquisition of lands in the East for national-park purposes, though there is not being made at this

time any demand for such action. The present movement contemplates that the lands needed for the three projects under discussion shall be acquired through private and local enterprise and turned over, free of cost, to the Federal Government for national-park purposes. If, and when this is done the parks thus created will have to be improved, of course, under Federal expenditure, just as is the case as regards our existing national parks.

In the case of the Mammoth Cave National Park, however, the guide fees and other charges of an incidental character and the usual revenues from concessions will insure from the outset a substantial income; and the fact that the cave region is accessible by motor, rail, and river every day of the year, and is already "sold" to the world at large because known throughout the civilized earth as one of the "seven wonders of the world," will cause it to be, in our deliberate judgment, the most frequented, the most popular, and the best revenue producer of all our national parks.

In the House and Senate bills have recently been introduced having for their object the creation of the Shenandoah and Great Smoky Mountains National Parks, in accordance with the terms and recommendations embodied in the recent report of the Southern Appalachian National Park Commission. I have also introduced in the House H. R. 11320, and Senator ERNST has introduced in the Senate S. 3988, a bill having for its object the creation of all three of these proposed national parks—Shenandoah, Great Smoky Mountains, and Mammoth Cave—in accordance with the terms and recommendations of that report.

Under this bill the total areas required for the three projects, as indicated in the report of the commission, must be conveyed to the United States Government free of cost; and unless such conveyance is made as to any one of the three projects, that project fails and the Government is involved in no outlay. Also under this bill, which provides for equality of treatment as to the three proposed parks, each project may qualify and become a national park regardless of the other two projects. Thus each must stand or fall upon its own merits, though it is deemed wise to set up the legislation and administrative machinery necessary for the conversion of the three projects into national parks in a single bill or act for the reason that in the act of February 21, 1925, already mentioned, the commission was directed to survey the three projects; the survey of the three projects was thereupon made, and the findings and recommendations of the three projects have been embraced in a single report. Moreover, it will be easier to secure the enactment of one bill in Congress than it will be to secure the enactment of two or three separate bills.

There is no conflict of interest between these enterprises. They are separated by sufficient distances to preclude rivalry, yet are close enough to each other to permit their convenient negotiation, by tourists, as a single delightful, recreational adventure. Each of these parks—if established—will serve its particular purpose, and the three will constitute a vast triangle of national parks admirably located to serve the great masses of our people.

In addition to the strong seal of approval placed on the Mammoth Cave national park project by the Southern Appalachian National Park Commission, other eminent official recognition of the merits of that project are to be noted. Thus, in his letter of June 5, 1924, to the Chairman of the Public Lands Committee of the House, Hon. Hubert Work, then and now Secretary of the Interior, declared that—

the Mammoth Cave is one of the most widely known natural features of America—

And that—

unquestionably the Mammoth Cave is worthy of national-park status.

As already suggested, Mr. Stephen T. Mather, then and now Director of the National Park Service, in his annual reports of 1918, 1919, and 1920 indicated, in the strongest manner possible, his approval of the Mammoth Cave National Park project and declared that it fully met the requirements of the standard or test prescribed by Secretary Lane, already quoted, in that the Mammoth Cave region constituted one of the most remarkable of—

distinguished examples of typical forms of world architecture.

Let us quote the following from the statement of Director Mather touching the Mammoth Cave national-park project, as set forth in his 1920 report:

Many efforts have been made in the past to secure the Mammoth Cave, of Kentucky, with sufficient adjoining area, including the recently discovered Onyx Cave, to permit of its full development for a national park, but thus far these efforts have been fruitless. Nature's most

magnificent, and certainly the largest, limestone cavern, with approximately 40 miles [now 150 miles] of wonderfully formed underground passages and chambers, is not only known to every school child in the land, but is already the mecca of travelers the world over.

The land itself, covering the cave and contiguous areas, contains thousands of acres of the splendid virgin growth of the deciduous forest growth of the East. Its location at the head of navigation of the Green River contributes another particularly fascinating detail of the richness of that region. Its accessibility not only to our large centers of population but through ease of approach by motor, rail, and boat would insure it a popularity in the East that is so common to the major parks of the West. That part of the United States lying east of the Mississippi River contains only one national park, Lafayette National Park, in Maine, which, by the way, is constituted solely of lands contributed by public-spirited citizens. More national parks are needed in the East, and the inclusion of the Mammoth Cave region would add one of the most remarkable of "distinguished examples of typical forms of world architecture" to the proud national-park family. More than that, by virtue of its favorable location, it would at once perform its important function as a breathing spot available to every man, woman, and child of our large industrial centers at a minimum expenditure of money. (P. 84 of report.)

Thereupon, in the same report, Director Mather discussed the question of congressional appropriations for the purchase of the Mammoth lands for national-park purposes. He said:

Once proponents of the project secured hearings on a bill (H. R. 1666, establishing the Mammoth Cave National Park; hearing held May 3, 1912, before the Committee on Military Affairs, House of Representatives, 62d Cong.) for its purchase. More recently the project has secured fresh impetus, and many of its friends, including local organizations, are rallying to the support of a similar measure. On May 26, 1919, Representative R. Y. Thomas, of Kentucky, an ardent advocate of the project, who has introduced a number of bills in Congress of similar purport, introduced H. R. 3110, but no action has been taken. The property is in private hands, administered under the terms of a famous will which directs that upon the death of the last-named heir under the will the property is to be sold at public auction. It is understood that the advanced age of the two surviving devisees under the will makes it practically certain that before long the property will be put up at auction and sold to the highest bidder.

The famous Mammoth Cave may then go into speculative private hands and be forever lost for development as a national park for the benefit of the people of the country. It may be doubted whether Congress will see fit to appropriate the money needed to acquire the necessary lands. All national parks, with the exception of the Lafayette National Park, have thus far been carved out of the public domain. But certainly the fame of this great natural exhibit should constitute the greatest appeal for an exception to the rule. It is to be hoped that if Congress can not see its way clear to appropriate the funds necessary to acquire the areas needed, public-spirited parties will acquire it at the auction and donate it to the Government for the benefit of posterity. It ought to become the Nation's property. (Pp. 84 and 85 of report.)

Certainly no stronger official sanction of the Mammoth Cave National Park project can be found than that contained in this report of Director Mather. Since 1920 additional caverns in the Mammoth Cave region have been discovered and opened up to the world, and the end of such discoveries is not yet in sight. This whole region is honeycombed with marvelous caves and their ramifications, and in the aggregate they undoubtedly constitute the most wonderful system of caves in the world. At present the various caves are under diverse ownership and management. Should the Mammoth Cave National Park be created, all of these cave units would come under a single management—that of the Federal Government—and the limited accommodations now provided for tourists and visitors would be replaced by adequate and pleasing hotels and camps of the character now provided in the national parks of the West.

The holder of the life estate in the old Mammoth Cave is a woman more than 90 years of age. At her death this particular property must be sold at public auction. This is an added reason why legislation permitting the creation of the Mammoth Cave National Park should be enacted at the present session.

Director Mather's strong approval of this project is reinforced and strengthened by the sweeping and emphatic approval given by the Southern Appalachian National Park Commission in its report already quoted. Secretary Work, as has already been pointed out, has likewise declared the national park status of the Mammoth Cave project. The commission, as indicated in its report, recommended a smaller boundary for the proposed Mammoth Cave National Park than for the other two proposed parks. This is for the obvious reason that the stupendous caverns and underground passages making up the Mammoth Cave system constitute such a striking example of world architecture as to form, of themselves alone, a feature worthy of

national park recognition. Moreover, these cave properties are highly valuable. They are included in something between fifteen and twenty thousand acres of area. The cost of these cave lands, in fee, when added to the cost of the 51,000 acres contiguous and picturesque hill and knob country embraced in the total Mammoth Cave National Park boundary recommended by the commission, will be, perhaps, as much as the cost of the total area in either of the other two projects. The total cost of acquiring the necessary lands for the three projects will be several millions of dollars; and if they are acquired without cost to the Federal Government those responsible therefor will be entitled to the highest praise.

In the course of these observations, I must not fail to commend, as earnestly as may be possible, the splendid work performed by our colleague, Doctor Temple, and his associates on this commission. Untiringly, zealously, wisely, and without any compensation or reward except that which comes through the consciousness of having performed with marked success a highly important undertaking, they have made their surveys and studies in keeping with the spirit and purposes of the act of Congress authorizing the commission's appointment; and their report should result in the prompt creation of the national parks they recommend. Too much praise can not be given these distinguished and public-spirited men for the service they have rendered. The creation of these national parks will constitute a splendid recognition of an arduous task splendidly performed.

The present session of Congress is drawing to a close. The friends of these three great enterprises should join together and work as a unit in securing the enactment, at this session, of the necessary legislation to permit the establishment of these three national parks agreeably to the terms and conditions set forth in the report of the commission. I believe that the enactment of such legislation will constitute a great forward step in national-park and conservation work. I am sure that such action will be heartily approved by our entire population, East, West, North, South, and in our territorial and insular possessions. One of the greatest needs of the Nation is a system of national parks east of the Mississippi. The hour is ripe for their creation. It has now come to pass that "the waters of the pool are troubled," and we must enter them. Congress has the power to act, just as it has the responsibility. Let us, the Members of Congress, take advantage of the opportunity offered, and unite in this great movement, and write a new and splendid chapter in our national-park history. By doing so we shall earn not only the approval of the present generation, but, as well, the approval of the generations to come through all the future.

#### OUR SOLDIER DEAD IN FOREIGN LANDS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. HARDY] have leave to extend his remarks in the Record by inserting a report of his visit to the American cemeteries in Europe.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from Colorado [Mr. HARDY] may extend his remarks in the Record on the subject of his visit to the American cemeteries in Europe. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY. Mr. Speaker, I was recently in Europe and while there visited the battle fields where American troops were engaged in the great World War and the principal American cemeteries in France where more than 30,000 brave American boys rest in peace.

I want to tell the House and the country that the American cemeteries in Europe are permanently located, charmingly situated, well developed, and beautifully kept. It should be a pride and comfort to the mothers and comrades of those who fell and were left in France to know that no graves anywhere and no cemeteries in all the world are better cared for than these. I have visited or passed by hundreds of cemeteries in Europe where literally millions of the soldiers of the World War are buried. The English cemeteries are fairly well kept up. The French, German, and Italian cemeteries have a sadly neglected appearance. The American cemeteries are in tiptop condition and are the best cared for of all.

The American cemeteries are beauty spots in Europe and will be hallowed ground to Americans who visit them for centuries to come.

It has taken some years to develop this system of cemeteries for the American dead. During the war it was necessary that burials be made at convenient points. At the end of the war November 11, 1918, there were 2,007 places where six or more burials had been made. By preliminary concentration by the American Expeditionary Forces this number was reduced to 789. Final concentration work began January 1, 1920, and

the eight permanent cemeteries were located and developed. About this time many bodies were removed to the United States for burial at the request of relatives. For a time relatives had that option. In all 46,234 bodies have been brought to the United States, 604 were shipped to homes in foreign lands, 139 at the request of relatives were left where originally buried and at this time 30,502 rest in the eight permanent national cemeteries of Europe. A total of 77,552 graves are known and registered at home and abroad. The option of removal on the part of relatives expired April 1, 1922.

These removals left the cemeteries badly torn up—many vacant graves scattered around. This has all been corrected now. The cemeteries have all been laid out in perfect order—the rows even and straight, the arrangement artistic and impressive. Our men who fought in France have found their final resting places where they will sleep through the ages.

We have in Europe now eight American cemeteries—six in France, one in Belgium, and one in England. The lands have been acquired by the United States Government and the Government has assumed the responsibility for their care. Funds have been provided liberally by Congress and the War Department has given its best men for the development of the cemetery system.

The permanent cemeteries in France are located in picturesque spots near the great battle fields in which most of the men buried lost their lives. No two of the cemeteries are alike, but all are uniformly beautiful, well arranged, and are being given excellent care. They are all covered with blue grass and are as green as any Washington lawn. Trees and shrubbery have been planted, beauty spots laid out and are being developed. At the entrance gate of each is a caretaker's home and hostess house, where relatives may find quarters when required. In the center is a tall flagpole, from which an American flag flies always in the daytime.

The graves are marked by white crosses. At present the crosses are of wood, painted white. The names and organization numbers are painted in black. Once a year or oftener the crosses are washed, repainted white, and the names restenciled. Always the rows and rows of crosses stand out in the green field clean and conspicuous. From miles away over the rolling fields of France you can pick out an American cemetery with its American flag flying and its field of even systematical rows of snow-white crosses.

On the back of each cross is an aluminum strip, giving the name and organization number of the soldier. This is to avoid the possibility of any mistake. Over a few graves straight slabs bearing a six-pointed star—the star of David—in place of the cross appear. These are the graves of the orthodox Jews. There are 425 such stars in the eight cemeteries. In the near future white-marble crosses will take the place of the wooden crosses. Congress has appropriated nearly \$500,000 for the start, and the change is well under way.

In these eight cemeteries are now buried 30,502 American heroes. One thing that impressed me as I walked around reading the names on the crosses was the fact that there is no distinction given to rank or prominence. I found a brigadier general laid in an inconspicuous spot with a private on each of the four sides. An American ace whose name was much in both the American and foreign press for his bravery in attacking and bringing down German airplanes lies between privates whose names you have never heard. Officers and men, Young Men's Christian Association workers, and Red Cross nurses all rest together without special marks or distinction. Included in the heroic dead in these eight cemeteries are 1,397 officers, 42 Young Men's Christian Association workers, 5 Knights of Columbus workers, 41 Red Cross workers, 44 nurses, and 1,656 graves are marked "Unknown."

The most important, so far as number of graves goes, is the Meuse-Argonne Cemetery. In it are 14,091 graves. The name indicates the battles in which they lost their lives. It covers 130 acres. The graves are on a sloping hillside and the arrangement is in the shape of a great shield. Down at the bottom of the slope is a fountain and lily pond. The caretaker's home and hostess house are upon another elevation overlooking the whole. You can hardly imagine a more picturesque situation than this cemetery presents from the caretaker's home, and its beauty will grow as the shrubbery and trees so artistically arranged around the edges develop with age. This cemetery is near the little village of Romagne-sous-Montfaucon, Meuse, France, and is 156 miles from Paris.

The St. Mihiel Cemetery covers a section of the battle field of that name and has 4,141 graves. Many of the boys buried here lost their lives in the St. Mihiel drive, and some of them almost at the spot where they are buried. This cemetery covers 37½ acres. It is more or less level, but on an elevated tract, and can be seen from miles around. It is being beautifully deco-

rated with trees and shrubs and has good buildings at the entrance gate. St. Mihiel Cemetery is near the little village of Thiaucourt, Meurthe-et-Moselle, France, and is 180 miles out from Paris.

In the Aisne-Marne, named for the two rivers along which so many battles were fought, are 2,212 graves. It is in the uniform style more or less, and is being given the usual good care and development, covering 34 acres. It lays near the battle field of Belleau Wood and is near the well-known French town of Chateau-Thierry and only 52 miles distant from Paris, so is easily reached.

The Oise-Aisne Cemetery is the second largest of them all, having 5,934 graves. It is in the neighborhood of Fere-en-Tardenois and only 67 miles from Paris. It covers 32 acres of ground and is being beautifully developed.

From here I drove out a little way in the country to see the grave of Quentin Roosevelt, who is buried in the field where he lost his life. It was the desire of his distinguished father that he lie where he fell. Over the grave is a cross and near by on the public highway is a beautiful memorial fountain erected to his memory. The inscription on the fountain reads:

Lieut. Quentin Roosevelt, age 20, Air Service, U. S. A., fell in battle Chamery, July 14, 1918.

And below are the lines:

Only those are fit to live who are not afraid to die. (Theodore Roosevelt.)

This cemetery is not far from Rheims.

The Somme Cemetery covers only 14½ acres of ground but is the resting place for 1,816 of our Nation's heroes. It is near Bony and 83 miles distant from Paris. It is the only American cemetery in France I did not visit.

In the outskirts of Paris, in fact only 7 miles distant, is Suresnes Cemetery, which will naturally because of its convenient location, be the most frequently visited of them all. Already thousands of Americans who visit Paris have come here to pay their homage to America's dead. It has a beautiful location on a little hillside under the protecting shade of the historic old Fort Valeron. From the grounds one looks out over the River Seine and the Bois de Boulogne into the city of Paris, a magnificent view indeed. This cemetery lends itself especially well to decoration and, being one of the first located on a permanent basis, it is the best developed. It contains the graves of 1,506, many of whom died in the hospitals of Paris.

In Belgium, near Waereghem, is Flanders Field Cemetery, 35 miles from Brussels and 183 miles from Paris. It contains only 6 acres and has 365 graves.

In England we have the Brookwood Cemetery at Surrey, which is 28 miles from London. It embraces only about 5 acres of ground and contains the graves of 437 persons, some of whom died of diseases or accident while in England on their way to France, and some bodies, known and unknown, washed ashore from transports torpedoed off the western coast of Great Britain.

These permanent cemeteries in Europe are under the administration of the American Graves Registration Service, Quartermaster Corps. The chief officer in Washington is an assistant to the Quartermaster General, in charge of cemeterial division, War Department. Headquarters are maintained in Paris, where the officer in charge has general supervision of all the American cemeteries in Europe. Any person having business in connection with graves in American cemeteries can address the Quartermaster General, Washington, D. C., or the American Graves Registration Service, 20 Rue Molitor, Paris, France.

Each cemetery has its caretaker, who is superintendent in charge. The caretakers are a fine bunch of men, all members of the American Expeditionary Forces, and all have their hearts in their work.

Every possible courtesy is shown relatives of American soldiers buried in these cemeteries. Many mothers have visited the graves of their sons, and other relatives have shown keen interest. Both in the Washington and Paris offices a complete record is kept of each grave. By inquiry it is easy to ascertain in what cemetery and its exact location—row and number—is any grave. Where accommodations can not be found easily near the cemetery, the service is taking care of relatives who wish to visit the grave at comfortable hostess houses at a moderate cost. Any mother can have a photograph taken of her son's grave without cost by asking for it. And relatives can arrange with the service to have any grave decorated at special times or stated dates by providing the funds for the expenditure desired. We found many graves with flowers and special decorations on them, either provided for by relatives through

the service or through some individual who resides nearby. Elaborate and impressive services are held in all the American cemeteries on Memorial Day, and at that time all of the graves are beautifully decorated. Many of the Gold Star Mothers of America are present at the grave sides of their sons for Memorial Day service.

Scattered over the countries are a number of graves of American soldiers under private care, like that of Quentin Roosevelt. Parents or relatives have arranged for the care of these graves through private channels. Following the example set by President Roosevelt, a number of parents arranged to have their sons buried at or near where they fell in battle or died. The United States Graves Service has no control over these graves and does not participate in their care, but a perfect record of them is kept in the department. They are noted on the records as "Do not disturb" cases. Of these private graves there are 80 in France, 57 in England and Ireland, and 2 in Belgium.

There are still in the battle area something like 1,488 unlocated graves. In the excitement of battle hasty burials were necessarily sometimes made and records made were incomplete or distinguishing landmarks wiped out by shellfire. The most careful search is being made for those unlocated graves. Two searching parties are working continuously on the job. Since July 1, 1925, 93 bodies have been recovered, and of these quite a number have been identified. When a body is found, if identification is not plain the greatest pains are taken to work out clues that will lead to the identification of the remains. This is sometimes done by things the boy carried in his pockets and in a number of instances by the dental work on his teeth.

When a new body is found and identified, the nearest relative is notified and given the option as to place of burial. The body may be sent to the parents' home if desired. But after burial is made in the permanent cemeteries no more removals are now permitted.

I want to say again that mothers, relatives, and comrades of heroes who are buried in our American cemeteries in Europe can rest assured that their graves are well cared for—far better, in fact, than graves are in many of our own cemeteries here at home.

#### THE UNKNOWN HEROES

I have mentioned the fact that the crosses at the heads of 1,656 graves in American cemeteries bear the inscription "unknown" and that 1,488 American heroes lie in unlocated graves.

In Arlington Cemetery at Washington is a monument to the "unknown" soldier. I was at the impressive burial service of this unknown soldier on November 11, 1921. Greater honor has never been paid to any king or president or any of the world's great personalities than was paid to the unknown soldier on that day. So far as I know no individual ever had a more imposing funeral. The monument stands, among other monuments to America's greatest soldiers, in memory of the 3,144 unknown soldiers buried in Europe.

At Chalons-sur-Marne we went around to the hotel de ville, which is French for city hall, to see the place where this body of the unknown was selected. From four unknown soldiers in sealed caskets brought in from different fields this one was selected by Sergeant Younger. From here the body started on one of the greatest funeral tours in the world's history—across France, across the sea, arriving in New York, signal honors and impressive services everywhere. It passed through a line of bowed heads and flags at half-mast from Chalons to the sea, from New York to Washington. The body lay in state in the Capitol and was buried with military honors at Arlington.

Every American mother who mourns a son in a grave marked "unknown" can feel an intimate thrill of pride in this service and in this monument to the "unknown soldier," for it is in spirit, and may have been in fact, her own son who was so signally honored, her own son who is buried here.

Other countries have followed our example in honoring the unknown soldier. I have visited the graves of the unknown soldier in France, Italy, Belgium, and England.

#### THE UNKNOWN DEAD

(By John F. Brandon, in the Providence Journal)

The Unknown Dead? Not so; we know him well  
Who died for us on that red soil of France,  
Who faced the fearful shock of gas and shell,  
And laughed at death in some blood-strewn advance.

Nameless in truth, but crowned with such a name  
As glory gives to those who greatly die,  
Who marched, a simple soldier, with the flame  
Of duty bidding him to Calvary.

He is all brothers dead, all lovers lost,  
All sons and comrades resting over there;  
The symbol of the knightly, fallen host,  
The sacred pledge of burdens yet to bear.  
  
Mangled and torn, for whom we pray to-day,  
Whose soul rose grandly to God's peaceful throne,  
Leaving to us this quiet, shattered clay,  
Silent and still—unnamed—but not unknown.

PROHIBITION, THE CONSTITUTION, THE ENFORCEMENT OF PROHIBITION, AND ITS EFFECT

Mr. GREEN of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of law enforcement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Florida. Mr. Speaker and fellow Members of the House, a great deal has recently been said relative to prohibition, its enforcement, and the lack of same, and I assure you that it gives me pleasure to at this time have the opportunity to express to you my views on this timely and all-important subject. It is always a pleasure to me to defend our prohibition laws and to advocate their rigid and full enforcement. The fact is, as an officer of our Government and as a private citizen I am for the rigid enforcement of each and every law, both Federal and State, because without law and its strict enforcement our Government surely could not long exist.

Inasmuch as our Federal prohibition laws are based upon the eighteenth amendment to the Constitution, I think it well to briefly discuss the Constitution, which is a written instrument declaring the powers granted by the people of the United States for the establishment of the Federal Government; dividing the machinery of government into legislative, judicial, and executive branches; defining the power and duty of each and asserting certain principles by which they are to be governed. It was drafted by representatives selected by the original thirteen States, with the exception of Rhode Island, in a convention held at Philadelphia in the year 1787, written, of course, by Thomas Jefferson.

The Constitution was submitted to and ratified by the conventions of the thirteen States and became effective March 4, 1789, at which time Washington was made President; and, may I say in passing, that the original Constitution had opposers of its ratification; notably among them were such men as the eloquent Patrick Henry, Benjamin Harrison, John Tyler, Richard Henry Lee, Elbridge Gerry, Thomas Sumter, the then Governor of South Carolina, George Clinton, Governor of New York, and many others. Incidentally, their main force of attack was that it was destructive of the rights of the States just as the wet forces are to-day arguing that the eighteenth amendment is destructive of State rights; and, my friends, when I see the distinguished gentlemen of this House from such States as Maryland, New Jersey, New York, Massachusetts, and Rhode Island to-day defending so strongly the rights of the States I wonder how they and their predecessors stood during the years from 1840 to 1870, when the real rights of States were in jeopardy and when the States of my fair Southland suffered their almost every right to be confiscated. We from the South know and thoroughly appreciate what is meant by State rights and have no sympathy with those from the great wet centers when they cry State rights because it interferes with their pocketbook or their vicious appetites.

The Constitution may be amended by a vote of two-thirds of a quorum in the House of Representatives and in the Senate voting for said amendment; this vote offers it to the conventions or legislatures of the various States and must in turn be ratified by three-fourths of these legislatures. The eighteenth amendment, which prohibits the manufacture, sale, and transportation of intoxicating liquor within, the importation thereof into, or the exportation thereof from, the United States and all territories subject to the jurisdiction thereof for beverage purposes was passed by the United States Senate August 1, 1917, and by the House of Representatives December 17, 1917. It was then submitted to the legislatures of the several States, and by January 16, 1919, the legislatures of the necessary three-fourths of the States had ratified the amendment; it was then proclaimed by the Secretary of State and became an integral part of the Constitution, to take effect one year thereafter, going into effect January 16, 1920.

It is singular, Mr. Speaker, that 46 of the 48 States, all States except Rhode Island and Connecticut, ratified the eighteenth amendment. It is also interesting to note that the amendment was submitted by a vote of 282 to 128 in the House of Representatives, and by a vote of 65 to 20 in the United

States Senate, in each branch more than the necessary two-thirds. Since the adoption of the eighteenth amendment, measures bearing upon prohibition and its enforcement have repeatedly come before Congress, and it is interesting to note that every time, the dry vote has increased and the wet vote decreased.

Seven years' time was allowed for the various States to ratify the eighteenth amendment, but, Mr. Speaker, only 12 months were required. The total vote in the lower house of the legislatures of the States ratifying the eighteenth amendment was 3,782 votes for, to 1,035 votes against, or 78.5 per cent affirmative. The total vote in the senates of the respective legislatures was 1,310 for, to 237 against ratification, or 84.6 per cent affirmative; and it is also interesting to note that 98.2 per cent of the population of the United States resided in the 46 States which ratified the eighteenth amendment.

The enemies of prohibition should forget the erroneous idea that prohibition came in overnight, so to speak, by the adoption of the eighteenth amendment; the fact is, prohibition has been a live issue in all of the States for years and years, and only through ardent efforts of the drys and the religious and moral workers was it possible to adopt this amendment. Thirty-three States had adopted State prohibition prior to the date upon which national prohibition became effective.

These States and the date of adoption are as follows: Alabama in 1915; Arizona in 1914; Arkansas in 1915; Colorado in 1914; Florida in 1918; Georgia in 1907; Idaho in 1915; Indiana in 1917; Iowa in 1915; Kansas in 1880; Kentucky in 1919; Maine in 1851; Michigan in 1916; Mississippi in 1908; Montana in 1916; Nebraska in 1918; Nevada in 1918; New Hampshire in 1917; New Mexico in 1917; North Carolina in 1908; North Dakota in 1889; Ohio in 1918; Oklahoma in 1907; Oregon in 1914; South Carolina in 1915; South Dakota in 1916; Tennessee in 1909; Texas in 1918; Utah in 1917; Virginia in 1914; Washington in 1914; West Virginia in 1912; Wyoming in 1918.

By adding the area of these, you will find that 95.4 per cent of the total area of the United States and that 68.3 per cent of the total population of the United States lived in no-license territory at the time that the eighteenth amendment became effective, and yet we still have those wet advocates who cry State rights and who would force alcoholic liquors and all of its iniquities over this vast dry territory and this large majority of American citizens. I am sure that since this date, dry area and dry population census percentage has increased. In fact, I do not believe that more than 15 per cent of the peoples of the United States are wet, and this meager minority in their selfish and vicious beliefs would undertake to force intoxicating liquors upon the other 85 per cent.

This meager wet minority, which advocates the modification of the Volstead law, contend that crime and drunkenness have increased and that prohibition has failed. Permit me to say, Mr. Speaker, that the latest official refutation of the charge that prohibition has failed, that drunkenness has increased, and that crimes related to drinking have gone upward is given by the preliminary report of the United States Census Bureau's count of prisoners for the year 1923. Comparing that year with 1910, a year uncomplicated with war, unusual economic conditions, or saloon restriction, the figures in this census report show a remarkable decrease.

There were 121.2 prisoners in penal institutions January 1, 1910, for each 100,000 persons in the country. On January 1, 1923, this had dropped to 99.7, a decrease of 17.7 per cent. The number of commitments per 100,000 population showed an even greater relative decrease, falling from 521.7 per 100,000 in 1910 to 325.1 per 100,000 in 1923, a reduction of 37.7 per cent.

The decrease in drunkenness commitments is especially significant. There were 170,941 such commitments in 1910, but only 91,367 in 1923, the ratio in 1910 being 185.9 per 100,000, and in 1923, 83.1, a decrease of 55.2 per cent. Disorderly-conduct cases dropped 51.5 per cent, assault commitments 53.1 per cent, prostitution cases 28.8 per cent, and other offenses generally related to intemperance and drunkenness in equal degree.

The decrease in the number of commitments to jails and workhouses is more significant in relation to the liquor question than the decrease in the total number of commitments.

The total commitments would have been much lower if "violations of city ordinances," had not risen 67.3 per cent in the ratio per 100,000.

That drink-caused crime has greatly decreased since the eighteenth amendment closed the saloon, the most prolific source of crime and misery, is proven beyond refutation by these Government figures.

I have tables bearing out these statements, but they are rather lengthy and I shall not ask permission to place them in

the RECORD, but will be glad to show them to anyone who may doubt the veracity of the above statements.

The wets claim, I believe, among other things, that the health of the country is worse now than it was before prohibition, but statistics reveal the opposite, as will be seen by the crude death rates issued by the Bureau of the Census for the following years:

1913	14.1	1918	18.1
1914	13.6	1919	12.9
1915	13.6	1920	13.1
1916	14.0	1921	11.6
1917	14.3	1922	11.8

I do not have the 1923 statistics officially. Reports from 35 cities, received each week during 1922 and 1923, show a death rate of 13 for 52 weeks of 1923, as compared with 12.5 for the same period in 1922. On the basis of the ratio between the death rate of these cities and the Nation in 1922, the death rate for 1923 may be estimated at 12.2 per 1,000 population. The average annual death rate from 1913 to 1917 was 13.92 per 1,000. Since the influenza epidemic made the 1915 rate abnormal, it may be ignored, although the greater mortality among users of alcohol definitely increased the toll of death. Had the average rate of the five wet years prevailed in the years of prohibition, 873,975 more deaths would have been recorded. Prohibition did not save all of these lives, but no other single factor affecting the entire people did so much to reduce mortality.

The decrease in the death rate from tuberculosis of all forms is significant. This was between 140 and 150 per 100,000 in the years before prohibition, the lowest figure recorded in the wet years being 14.2 in 1916. The following figures, as issued by the Bureau of the Census, show the continuous decrease since alcohol was outlawed as a beverage:

1919	125.9	1921	99.4
1920	114.2	1922	97.0

One might quote like decrease in the death rate in other diseases in which the use of alcohol depresses vitality and breaks protective barriers.

The decrease in deaths from alcoholism under prohibition appears in the following figures:

Alcoholism death rates per 100,000 policyholders in the Metropolitan Life Insurance Co., industrial department:

1912	5.3	1918	1.8
1913	5.2	1919	1.4
1914	4.7	1920	.6
1915	4.1	1921	.9
1916	5.1	1922	2.1
1917	4.9		

Alcoholism death rate, United States Census Bureau:

1912	5.3	1918	2.7
1913	5.9	1919	1.6
1914	4.9	1920	1.0
1915	4.4	1921	1.8
1916	5.8	1922	2.6
1917	5.2		

The increase for 1922 is marked, due probably to the propaganda of opponents of prohibition, but is still far below the lowest recorded for the license era. This is the more significant, since the intoxicants obtainable are usually poisonous. If any considerable fraction of the former quantities of liquor was now being used, the dangerous beverages of the bootlegger would send the alcoholism death rates soaring. That these rates continue to fall is good evidence of the effectiveness of prohibition in greatly decreasing liquor consumption.

It has also been contended by the wets that the morality and spiritual life of the Nation is lower since the adoption of the eighteenth amendment, but to the contrary, statistics reveal that the opposite is altogether the case. I shall not place in the RECORD tables showing the great improvement on the morals of our country, as I believe it is too evident to be stressed.

Mr. Speaker, to my great surprise there are those who will contend that prohibition is unsound economically. After all, these great issues resolve themselves in to an economic status, and statistics show that since the advent of national prohibition, America has grown financially by leaps and bounds. America, in reality, was a dry Nation long before the adoption of the eighteenth amendment, because, I say it was dry from the time a majority of its area and a majority of its citizens lived in license free territory; and it is interesting to note this vast and enormous business, economic, and financial growth in the past 20 years has been phenomenal. America's manufactured products have increased from \$15,000,000,000 to over \$60,000,000,000, her food products have increased from less than \$3,000,000,000 to over \$10,000,000,000, her mineral products have increased from about one and one-third billion dollars to \$6,000,000,000, her imports and exports amounted to \$2,450,-

000,000 and reports for 1924 showed increase to \$8,200,000,000; the bank clearings were, \$438,000,000 for 1924, or four times that of 20 years ago, and bank deposits have increased in like proportion and \$43,000,000,000 were deposited in the banks of the United States in 1924.

Now, my friends, is there anything which speaks better for prohibition than this great financial steadiness and growth; why, America to-day is the world's banker. Financial experts like Herbert Hoover, Judge Gary, Henry Ford, Roger Babson, R. H. Scott, and others, attribute our prosperity in part to prohibition; you probably know how long drunken employees would be permitted to work for Henry Ford, America's greatest financial wizard. The foreign nations which are jealous of us and envy our prosperity under prohibition criticize us extremely for having adopted prohibition, but when they want money, they come to America after it. And we can not forget that during the great World War America was the only dry nation which had soldiers on the firing line, and their record is known too well by each of you for me to stress it here, and I would have you bear in mind also, that when the time for peace came, the peace terms were dictated by a dry nation's president, Woodrow Wilson, President of the United States of America. It seems to me that this alone should be argument enough for prohibition and for its strict enforcement.

No nation is so prominent to-day in world affairs as is the United States. It leads in invention, education, diplomacy, jurisprudence, and finance, and this great lead and prosperity among the nations of the world is strengthened by its being the only dry nation.

Those who are trying so hard to modify the Volstead Act would have us to believe that more alcohol is consumed now than was consumed before the adoption of the eighteenth amendment, but for your information, I desire to read here a short statement by Hon. Wayne B. Wheeler, superintendent of the Anti-Saloon League of America:

The consumption of intoxicants has dropped to a small fraction of its former total. The records show that prior to prohibition we consumed 84,825,000 gallons of pure alcohol annually in 1,880,000,000 gallons of beer; 83,000,000 gallons of pure alcohol in 167,000,000 gallons of whisky and distilled spirits; over 6,000,000 gallons of pure alcohol in 42,000,000 gallons of wine, a total of over 174,000,000 gallons of pure alcohol. This is more than twice the total production of denatured alcohol to-day.

Under prohibition 6,000,000 gallons of specially denatured alcohol was diverted to beverage use, and the best estimate is that less than 10,000,000 gallons of alcohol is made or consumed in smuggled liquor, moonshine, and home brew, exclusive of permitted beverages. This is less than 10 per cent of the former beverage consumption.

The newly issued census figures show a 55 per cent decrease in drunkenness commitments in 1923 compared with 1910. Later figures show this decrease continued through 1925.

America's sobriety is far ahead of European nations cited by the wets as evidence of the superiority of license. The ratio of drunkenness convictions in England and Wales was 200 per 100,000 population in 1923. The ratio of such convictions in the United States was 83.1 in the same year, 1923, according to the Census Bureau. London arrests three and a half times as many for intoxication per year as New York, and Paris twice as many, in spite of the greater severity of our police. One hundred and ninety-three thousand registered home distilleries in France contribute to the intoxication of that nation. With bread lines, unemployment doles, debt dodging, and hands outstretched for American loans, the wet nations of Europe may profit by America's example of new freedom from alcohol's rule.

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Pauperism and the slums that clustered around their creator, the saloon, have gone with it. Our pauperism ratio to-day, according to the latest census estimate, is the lowest in our history.

A great deal has been said relative to the cost of enforcing prohibition, but, Mr. Speaker, I am always willing to vote to expend money when the investment is so good. Money spent to enforce prohibition is a wise investment. I voted for the appropriation to enforce prohibition, and would have voted for it had it carried twice the amount. The cost of prohibition enforcement through the Prohibition Bureau amounts to about \$9,000,000 annually. The total appropriation of \$9,250,000 covers the enforcement of the law against narcotics as well as intoxicating liquor. The returns to the Government through penalties, seized property, and so forth, is shown by the following report for the fiscal year ending June 30, 1922:

Court fines, exclusive of Alaska	\$2,824,685.01
Taxes and penalties for illegal manufacture and sale of	239,964.14
Amounts paid in compromise	1,739,662.80
Total	4,804,271.95

Action has been taken on the forfeiture of bonds of \$3,000,000. Over \$130,000,000 of special assessed taxes have been placed on the tax list, a considerable portion of which will be collected.

As a matter of fact, it is costing the Government practically nothing to enforce prohibition. Bootleggers, rum runners, and illicit dealers are paying for their lawlessness through these fines and penalties. Even if \$5,000,000 more were added, if the internal-revenue collectors and other Federal officers would use the power they have to impose penalties upon these illicit dealers, it would bring back in dollars to the Government twice as much as it costs. If the income-tax division and the revenue collectors would do their whole duty, the Government would collect \$5 for every \$1 it costs to enforce the law, even though the alleged added amount spent by the Justice Department were all counted in.

In Ohio the State prohibition commissioner, under the State law, made his report for 22 months, showing that with 1 commissioner and 22 assistants it cost the State \$216,000 to enforce prohibition. There was returned to the State, county, and local treasuries \$2,000,000 which bootleggers and rum runners paid for their experiment in lawlessness.

But even if there were no compensation and the Government did not get \$1 back, it would furnish no good reason why the law should not be enforced. To spend \$9,000,000 to enforce prohibition for 110,000,000 people means about 8 cents per head.

For an average family of five this is 40 cents.

Mr. Speaker, I hold in my hand remarks by the Attorney General of the United States, recently made before the Women's National Committee for Law Enforcement, Hotel Washington, Washington, D. C. I shall not read it, as I have been given unanimous consent to include it in the RECORD in my remarks. It will follow my remarks in the RECORD.

Those who are asking for a modification of the Volstead Act, cry liberty and freedom, but when personal liberty and personal freedom is corruption, vice, financial greed, immorality at the distress, injustice, and expense to others, then it ceases to be liberty and freedom; particularly is this true when it would be so called liberty and freedom for the meager minority at the peril of the great majority. Why, they have brought witnesses from foreign countries to testify that we should modify our prohibition laws, and I for one do not need foreigners from Canada or from any other country to come to Washington to tell me what laws are needed for the American people.

My experience, Mr. Speaker, is that we have too many foreigners interfering with the administration of American laws, and all foreigners, whether they be rich or poor, humble or high, pauper, foreign minister, or diplomat, should be compelled to abide by our laws when they are within our bounds, and surely no foreign nation should expect their subjects, even though they be foreign ministers or diplomats, to openly and notoriously violate our laws when they are within our bounds.

Mr. Speaker, we need dry men to enforce dry laws; so long as the powers that be, which are given authority to enforce our prohibition laws are not in full sympathy with their enforcement, you may expect graft, greed, corruption, and unlawful acts in prohibition enforcement to continue. Only recently, I read in a paper where at Tampa, Fla., on April 17, \$15,000 worth of imported liquor and alcohol had been stolen from the Government warehouse. Now, were the officers in charge performing their full duty? I say they were not. So long as wet men are placed in charge of enforcing a dry law, you may expect warehouses to leak. And I hope the time will soon come when prohibition officers will be instantly fired when they go before committees and say that the sale of beer or wine would strengthen prohibition. Men who believe the sale of light wine or beer would strengthen prohibition are wet to the core, and should never be permitted to occupy a dry berth.

I am proud to say, Mr. Speaker, that I came from a dry State. Florida is a dry State and is enforcing her prohibition laws. While I was on the bench before I came to Congress, I sentenced law violators to months in the jail for having in their possession less than one pint of intoxicating liquor. But, Mr. Speaker, we need the cooperation and full service of dry Federal prohibition enforcement agents.

I hold in my hand a clipping from a newspaper of my State; it is an article written by a small school boy, Elmer McMillan, a boy in his early teens, who resides in my home city. I shall not take the time to read it, but it concludes as follows:

Why should we degrade our country to satisfy the thirst of some degraded men who do not think of the American homes but of the money they will make in the liquor traffic. If this is all the respect

we have for our country, I do not think we should have the right to be protected by the American flag and to call ourselves American citizens. For the main thought of every American citizen under Old Glory should be to raise the flag to higher places and not lower it.

Now, Mr. Speaker, this is a typical American boy, raised by a mother who is a total invalid, but a sweet Christian character, and in spite of her affliction has regularly gone with her family to church, and raised by an honest, plain father, who works daily for the support of his several children, and so long as steady American fathers raise patriotic sons like Elmer McMillan, America shall be a dry Nation.

REMARKS BY THE ATTORNEY GENERAL OF THE UNITED STATES AT LUNCHEON OF WOMEN'S NATIONAL COMMITTEE FOR LAW ENFORCEMENT, HOTEL WASHINGTON, WASHINGTON, D. C., APRIL 13, 1926

Madame the President and members of the Women's Committee on Law Enforcement, in approaching the subject before you at this social gathering of the representatives of your great body, I am somewhat at a loss how to begin.

To me, the matter of having the law observed, in a country under a Government like ours, seems a very simple thing. All that is necessary is that each member of each family in each community in each State shall go about his and her business each day with the purpose in mind to obey the rules made by society for its own guidance. But it happens that there are here and there among us persons who do not have such purpose; persons who, instead of trying to earn an honest living, by honest toil, undertake to get the means of living in what they think and hope will be an easier way.

We must remember that a living for all must be earned by all, and each member of society who does not by some useful action earn his keep, increases the burden of the rest who have to earn it for them.

With those who are a burden from being mere drones, shirks, we need not further concern ourselves here; with those who by active preying on their fellow members of the social body undertake to get a living, or more than a living—the means of luxury—we are here very much concerned.

With those who undertake to set aside the rules of life which we ourselves have made, and satisfy their cravings of lust, of appetite, of revenge, of malice by reprisals on individuals, on the community, we are very much concerned.

We make law governing the relations of individuals to each other and their property, and we provide courts in which individuals may seek redress for violations of their legal rights by other individuals.

We make law governing the relations of individuals to the community, and provide by law penalties for infraction of such law. The community as a body can not well impose such penalties, and so we provide courts to pass on the question of whether there has been an infraction of the law, and provide representatives of the community to prevent in such courts charges against persons accused of infractions of the law—prosecuting officers.

What is the duty of such a representative of the community toward its laws?

It seems to me that a prosecuting officer, while and so long as he holds his place as the representative of the law, ought not to take the position that the law as it is ought not to be the law.

The law is the will of the body politic, and we are in our places by the will of the body politic, put there to execute that will; and if we go about declaring in speech and in print that the law ought to be changed, so that acts which are offenses against the law will not be offenses, we thereby weaken our causes in the minds of the tribunals before whom we must try them.

I notice on the letterheads of this committee that the purpose of the organizations it represents is to encourage the enforcement of all the law, with especial emphasis on the eighteenth amendment and the Volstead Act, and I have been informed by some of your officers that you are particularly anxious for an expression of my views on that subject.

Let me say that what my views are is not, as I see it, of much greater importance than what your views are. I can keep the machinery of prosecution of violators of the law in motion, but you can make the results of such work effective, or to a considerable extent impair its effectiveness.

At the risk of being accused of having a single-track mind, I wish to repeat here in substance a few observations I have before publicly made on this subject.

In this country, under our system of government, the will of the people expressed by their vote becomes and is the rule of conduct which all citizens are bound to observe and which all citizens or aliens must be compelled to observe. That rule of conduct creates the duty of every inhabitant of the jurisdiction doing the voting.

The eighteenth amendment is the law of the land.

The Volstead Act is the law of the land. Both by constitutional command of the whole people and by legislative enactment of their representatives in Congress it has been decreed that traffic in intoxicating liquor shall cease.

There is no room for discussion as to what the voters of the country have said.

There is no halfway place in the command they have laid upon their servants chosen and appointed to administer the law.

But notwithstanding that the law is as it is, notwithstanding the will of the people is that this traffic, and, of course, the drinking of alcohol, shall cease, a considerable number of persons insist they will not obey the law and persist in the traffic to supply drink for themselves and others who are willing to reward them for the chances they take.

Those who engage in the business, those who furnish the business by buying its wares, and some who do not wish to either sell or buy liquor, undertake to excuse the violators by saying over and over that this law is an infringement of personal liberty.

They declare that since the prohibition law went into effect it has never been practically in effect.

That it has been a disastrous, tragic failure.

That the Federal Government is powerless to enforce it, because, they say, "The instinct of personal liberty is very strong." "Man can not be made over by law," and "thousands of the best citizens of the country have been brought into contact with the bootlegger, and have no compunction whatever about violating the law."

Let us examine these propositions briefly.

Though some of those who make these claims and arguments may not, do not, have in mind a purpose to make the thing prohibited easier to procure and less dangerous to make and sell by those who would provide it, nevertheless such is the effect upon the execution of the law.

Personal liberty to do what? Anything except to facilitate the making, sale, and use of intoxicants? Why? Any reason, except that the use of them may not be interfered with?

What other result can follow the constant declaration that the law is not binding on the consciences of those who do not favor its provisions, because they say it interferes with personal liberty and the instinct of personal liberty is very strong. What other result can follow than that juries will hesitate to convict on charges of violation of the law?

What other result can follow than that those contemplating engaging in the traffic will be encouraged by the thought that probably, even if detected and arrested, conviction will not follow?

No compunction about violating the law? Violating it how? What for? Anything except to provide intoxicants for somebody to drink?

No.

Such contentions, when made by those who do not want liquor for themselves, who would not intentionally put obstacles in the way of enforcement of the law, must be made without realization of the effect of their position.

That effect can be and is only to weaken public sentiment in favor of any law enforcement and to encourage violation of all law.

It is only a step—and an easy one—for the man of loose moral fiber who hears and reads that men of education, of standing and influence, aver and urge that he is not in conscience bound to give allegiance to one provision of the Constitution, is not in conscience bound to observe one statute because it interferes with his liberty to do as he pleases in that matter, to come to the conclusion that he is not in conscience bound to observe another law, and then another, which interferes with the liberty he would have to do some other act but for the law; and when he is told that many of the best citizens violate a part of the law without compunction, what conclusion can he reach but that he may violate any part of it without compunction?

The difference between civilization and barbarism is in the presence or absence of law.

The very idea of law in a community carries with it the surrender of individual freedom of action for the good of the whole body.

In a state of barbarism one may walk or drive where he please, unless the "personal liberty" of another stronger than he interferes.

In Washington one must drive on the right-hand side of the street. Why? Because the community has decided that the welfare of the whole, of which he is a part, demands that he be deprived of liberty to drive where he please and compelled to go on the right-hand side.

Does anyone contend that "man can not be made over by law" in this matter?

Does anyone contend that because "the instinct of personal liberty is very strong" he has a right to endanger the safety of everyone in the street, including himself, by asserting his personal liberty and driving on the left-hand side?

What is the difference between insuring the safety of travel by depriving men of their personal liberty through compelling them to drive on the right side and compelling them to be sober when driving through depriving them of the means of getting drunk?

The real source of the embarrassment to the enforcement of the law is, not that the law interferes with personal liberty—any law which has any effect upon the conduct of the individuals composing society does that—must do that—but that so many well-intentioned persons, thoughtlessly, or following some process of unsound reason-

ing, join hands with those who intentionally violate the law and give them aid and comfort in attempting to justify their unlawful conduct.

There is no right of personal liberty to perpetuate an institution which the law condemns.

In this country that the liquor traffic shall be exterminated is established by solemn resolution of the electorate.

That it ought not to exist is admitted by those making the arguments and claims I have been discussing when they say either by way of preface or conclusion to every discussion, "We do not desire to bring back intoxicating liquor"; "There is no intention ever to bring back the saloon." Those who say this honestly surely can not have thought out the result to which their arguments tend.

The rest "do protest too much."

Again, if it be true that "the prohibitory law has never been practically in effect," that "it has been a disastrous, tragic failure," that "the Government is powerless to enforce it," in what way does it interfere with the personal liberty of those who would drink intoxicants?

The answer is, as everybody knows, that by reason of the existence of national prohibition, by reason of its practical effect, by reason of the exertion of the power of the Federal Government, the traffic in liquor is becoming day by day more and more difficult and dangerous to carry on.

As the application of the Federal power grows more strict, and the manufacture within the country and importation from without become more restricted, as the business becomes more difficult and dangerous, the price of the goods dealt in rises, and right there is where the shoe pinches; right there is the evidence which can not be controverted, that the Federal Government is not "powerless to enforce" the law.

I maintain that to show the law, any law, is violated is not to show that it is not being enforced, or that it can not be enforced.

If that argument were sound, then, because crimes of murder, rape, robbery, smuggling, stealing, embezzlement, continue to be committed, we must say the penalties against them can not be imposed.

No one likes that.

As the amount of liquor available for consumption decreases and the price of liquor rises and the profit per quart or per gallon increases, new and keener wits and ingenuity are attracted to the business; new and complicated and skillful schemes are devised for evading the law and constantly increasing watchfulness, activity, and study required for their detection; many of them go on for a time without detection. But ways of meeting and overcoming them are found and can be found for all of them.

Recently some one made an argument that the great increase of cases in court for violation of the prohibitory law is an indication that the law is not being and can not be enforced.

I submit that that increase in cases in court is an index of the activities which have resulted in whisky being unobtainable except at an expense many times as great as before those activities were exerted by the Federal Government.

And as the work of detection, seizure, and arrest resulting in such cases in court goes on the extinction of the traffic draws so much nearer.

That this traffic may be declared an evil thing, and may be abated under the provisions of the now existing law, is firmly settled by judicial decision of the highest court.

What remains in the way of its complete abatement?

The temptation to make money in the traffic, created by those who either willfully or thoughtlessly disregard their highest obligations to their country and themselves and offer and pay for violation of the law a bribe large enough to offset the danger of prosecution, fine, and imprisonment.

To those "thousands of the best citizens of the country who have no compunctions whatever about violating the law" I address the question: Upon reflection, having called to your attention what your action really means and is in paying an outlaw for violating the law of your country in order to furnish you the means of gratifying your desire for drink, don't you think it better to refrain from such bribery in the future?

Don't you feel that, unless you so refrain, there may be some doubt about your being longer entitled to the designation "best citizens of the country?"

Can you afford to endanger your property, your safety, your lives, and the property, safety, and lives of your wives and children by teaching and practicing the doctrine of purchasing the commission of crime?

Laying aside for the moment any consideration of your duty as citizens, does not your interest lie the other way?

To those who, after considering the character and consequences of their acts, persist in promoting and fostering the violation of the law, I say that the hand of punishment shall fall as often and as heavily as those now charged with the duty of administering the law can cause it to fall.

To you, the women of this country, I say, you can by your influence and your votes secure the election and appointment of honest, faith-

ful administrative officers, and the discharge and retirement of those who prove to be dishonest, unfaithful, inefficient.

More than this—

Remember that the business of making, transporting, and selling liquor is not entered upon from the motives which incite the commission of most other crimes—jealousy, revenge, sudden anger, ill will toward society generally, but only for profit.

The market for the goods is the whole foundation of the great cost in money, time, and effort of suppression of the traffic.

You can see to it that at no social event in your charge shall your tables be disgraced by the presence of unlawful liquor.

You can, if you will, make the serving of unlawful liquor at social functions of your acquaintances so unpopular that it will cease.

Will you do your part?

I notice further on your letterheads, "Allegiance to the Constitution" on the one side, "Observance of law" on the other side.

With two such supporters staying up its hands, enforcement of the law must win.

"Then came Amalek and fought with Israel in Rephidim.

"And Moses said unto Joshua, Choose us out men and go out and fight with Amalek; to-morrow I will stand on top of the hill.

"So Joshua did as Moses had said to him and fought with Amalek, and Moses, Aaron, and Hur went up to the top of the hill.

"And it came to pass, when Moses held up his hand that Israel prevailed; and when he let down his hand Amalek prevailed.

"But Moses's hands were heavy; and they took a stone and put it under him and he sat thereon; and Aaron and Hur stayed up his hands, the one on the one side, and the other on the other side; and his hands were steady until the going down of the sun.

"And Joshua discomfited Amalek and his people with the edge of the sword."

#### SALE OF MARINE HOSPITAL AT DETROIT, MICH.

Mr. McLEOD. Mr. Speaker, I ask unanimous consent that the bill H. R. 9875 retain its place on the Consent Calendar.

The SPEAKER. The gentleman from Michigan asks unanimous consent that H. R. 9875 retain its place on the Consent Calendar. Is there objection?

Mr. BLANTON. Mr. Speaker, I regret to object, but I do.

#### ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 20, 1926, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 20, 1926, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act as amended to provide for the stabilization of the price level for commodities in general (H. R. 7895).

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

##### COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To amend an act entitled "An act to create a juvenile court in and for the District of Columbia (H. R. 6715 and H. R. 7612).

(7.30 p. m.)

For the creation of a junior college as part of the public-school system of Washington, D. C. (H. J. Res. 113).

To authorize attendance of nonresident pupils in public schools of the District of Columbia upon payment of tuition (H. R. 10596).

To incorporate Strayer College (H. R. 10730).

##### COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States providing for National Representative for the people of the District of Columbia (H. J. Res. 208).

##### COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

455. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, for resurfacing and paving the approach road to Vicksburg National Cemetery, Vicksburg, Miss., \$40,000 (H. Doc. No. 325); to the Committee on Appropriations and ordered to be printed.

456. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the District of Columbia for the fiscal year ended June 30, 1925, and prior years, and supplemental estimates of appropriations for the fiscal year ending June 30, 1926, together with certain audited claims and final judgments against the District of Columbia amounting in all to \$183,660.54; also a draft of proposed legislation making \$2,351 of the unexpended balance of the appropriation for salaries of public-school teachers, District of Columbia, fiscal year 1925 (H. Doc. No. 326); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MONTAGUE: Committee on the Judiciary. H. R. 5365. A bill to amend the Judicial Code by adding a new section to be No. 274D; without amendment (Rept. No. 928). Referred to the House Calendar.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 3137) for the relief of F. G. Alderete, and the same was referred to the Committee on War Claims.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 11419) authorizing the appropriation of \$25,000 for the erection of a monument or other form of memorial at or near Waynesboro, in Burke County, Ga., to mark the battle field where the battle of Brier Creek was fought in the Revolutionary War; to the Committee on the Library.

By Mr. BERGER: A bill (H. R. 11420) to provide for the enforcement of first amendment to the Constitution of the United States, to punish violations of its provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLGOOD: A bill (H. R. 11421) to provide for conveyance of certain lands in the State of Alabama for State park and game preserve purposes; to the Committee on the Public Lands.

By Mr. VINSON of Georgia: A bill (H. R. 11422) to amend the act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton-crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce"; to the Committee on Agriculture.

By Mr. HAUGEN: A bill (H. R. 11423) to facilitate and simplify the work of the Department of Agriculture in certain cases; to the Committee on Agriculture.

By Mr. LEAVITT: Joint resolution (H. J. Res. 226) authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association at Crow Agency, Mont., at the semi-centennial of the battle of the Little Big Horn, June 24, 25, and 26, 1926; to the Committee on Military Affairs.

By Mr. BECK: Joint resolution (H. J. Res. 227) concerning the settlement of war debts at home as well as abroad; to the Committee on Ways and Means.

By Mr. BACON: Concurrent resolution (H. Con. Res. 23) authorizing the printing of the Madison Debates of the Federal Convention and relevant documents in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence; to the Committee on Printing.

By Mr. BLANTON: Resolution (H. Res. 228) concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia; to the Committee on the Judiciary.

By Mr. ROBINSON of Iowa: Resolution (H. Res. 229) providing for the consideration of S. 481, entitled "An act to amend section 8 of an act entitled 'An act for the preventing the manufacture, sale, or transportation of adulterated

or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes"; to the Committee on Rules.

By Mr. BUTLER: Resolution (H. Res. 230) for the consideration of H. R. 10503, H. R. 10312, H. R. 7181, H. R. 3994, H. R. 3763, and S. 2058; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANFIELD: A bill (H. R. 11424) granting a pension to Susan M. Day; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 11425) granting an increase of pension to Clarissa A. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11426) granting an increase of pension to Mary L. Miller; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 11427) granting a pension to Emilie Julia McEnery; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 11428) granting an increase of pension to Harriett R. Enochs; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 11429) granting an increase of pension to Josie Ranes; to the Committee on Invalid Pensions.

By Mr. FREDERICKS: A bill (H. R. 11430) granting an increase of pension to Ella M. Colibert; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 11431) granting an increase of pension to Madora N. Kingston; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 11432) for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army; to the Committee on Agriculture.

By Mr. MACGREGOR: A bill (H. R. 11433) for the relief of Theodore Herbert; to the Committee on Military Affairs.

By Mr. MOORE of Kentucky: A bill (H. R. 11434) granting an increase of pension to Mary E. Eades; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11435) granting an increase of pension to Evelina C. Gardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11436) granting an increase of pension to Caroline A. Gleesette; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11437) granting an increase of pension to Sarah F. Garrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11438) granting an increase of pension to Amelia H. Stone; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 11439) granting an increase of pension to Catherine Craigan; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 11440) for the relief of Catherine Simon; to the Committee on Claims.

By Mr. SWARTZ: A bill (H. R. 11441) granting an increase of pension to Mary E. Norris; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11442) granting a pension to James M. Smith; to the Committee on Pensions.

By Mr. THURSTON: A bill (H. R. 11443) granting a pension to Elizabeth McGiniss; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 11444) granting an increase of pension to Jennie I. Aldridge; to the Committee on Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 11445) to grant an honorable discharge to Albrecht Nest, apothecary of the Navy; to the Committee on Naval Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1835. By Mr. GALLIVAN: Petition of Albert G. Wolff, 51 Cornhill, Boston, Mass., recommending early and favorable consideration of the Elliott pension bill (H. R. 4023); to the Committee on Invalid Pensions.

1836. By Mr. GARNER of Texas: Petition of San Antonio Trades Council, in opposition to Senate Resolution 167; to the Committee on Immigration and Naturalization.

1837. Also, petition of citizens of Hidalgo County, Tex., in opposition to compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1838. Also, petition of citizens of Edinburg, Tex., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1839. By Mr. HERSEY: Petition of C. R. Simmons, M. D., and 20 other residents of Oakland, Me., protesting against the passage of the Copeland-Bloom bill, to regulate the practice of mediums and spiritualists in the District of Columbia; to the Committee on the District of Columbia.

1840. By Mr. HUDSON: Petition of citizens of Flint, Mich., and vicinity, protesting against the passage of House bill 7179, known as the Sunday observance bill; to the Committee on the District of Columbia.

1841. Also, petition of citizens of Lansing, Mich., urging that all possible means be used to prevent any modification of the eighteenth amendment to the Constitution or the so-called Volstead Act, and to promote in every way possible the vigorous and effective enforcement of the said amendment and act; to the Committee on the Judiciary.

1842. By Mr. MAPES: Letter of Mrs. Florence Goodwin and 14 other members of the Woman's Relief Corps, No. 258, of Ironwood, Mich., advocating the passage of legislation for the benefit of veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

1843. Also, letter of A. C. Van Raalte Woman's Relief Corps, No. 231, Holland, Mich., signed by Mrs. Elizabeth Van Goerin, president of the corps, and 20 other members thereof, advocating the passage of legislation for the benefit of veterans of the Civil War and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

1844. Also, letter of Mrs. Josie Murray and 26 other residents of Sparta, Mich., advocating the passage of legislation for the benefit of veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

1845. By Mr. MORROW: Petition of citizens of Berino, N. Mex., advocating enforcement of the prohibition act; to the Committee on the Judiciary.

1846. By Mr. O'CONNELL of New York: Petition of the Long Island Federation of Women's Clubs, of Brooklyn, N. Y., opposing the passage of the Wadsworth-Perlman bills; to the Committee on Immigration and Naturalization.

1847. Also, petition of the Fredericksburg Chamber of Commerce, Fredericksburg, Va., favoring prompt action upon the report of the Battlefield Commission concerning the battles fought in Spotsylvania County, Va., from 1862 to 1865; to the Committee on Military Affairs.

#### SENATE

TUESDAY, April 20, 1926

(Legislative day of Monday, April 19, 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. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 2274. An act providing for the promotion of a professor at the United States Military Academy;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.;

S. 2763. An act to amend section 103 of the Judicial Code, as amended;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army;

S. 3287. An act relating to the purchase of quarantine stations from the State of Texas;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii;

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

The message also announced that the House had passed the bill (S. 1486) to authorize the Secretary of War to lease to